

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### Chapters:

**15.04 Building Code**

**15.05 Residential Code**

**15.08 Energy Efficiency Standards**

**15.10 Excavations and Sewer and Water Line Construction Requirements**

**15.16 Flood Damage Protection**

**15.20 Mobile Homes**

**15.24 Plumbing Code**

**15.28 Mobile Home Park Regulations**

**15.32 Travel Homes and Travel Home Park Regulations**

**15.36 Street and Circulation Impact Fees**

**15.40 Marijuana Dispensaries**

#### **Chapter 15.04**

#### **BUILDING CODE**

##### Sections:

**15.04.010 Adoption.**

**15.04.020 Additions, modifications, deletions.**

**15.04.030 Application.**

**15.04.040 Interpretation.**

**15.04.050 Validity.**

**15.04.060 Violation--Penalties.**

**15.04.070 Impact fees required to be paid prior to issuance of building permits, conditional use permits, or zoning map/district amendment.**

**15.04.080 Issuance of building permits, conditional use permit or zoning map/district amendment or other construction permits.**

#### **15.04.010 Adoption.**

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S. that a certain document, three copies of which are on file in the office of the town clerk of town of Cedaredge, being marked and designated as the International Building Code, 2018 Edition, including Appendix Chapters E, F, G, and I, as published by the International Code Council, be and is hereby adopted by reference as the Building Code of the town of Cedaredge, in the state of Colorado for regulating and governing

the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the town of Cedaredge are hereby referred to, adopted by reference, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in Section 15.04.020 of this chapter.

**15.04.020 Additions, modifications, deletions.**

Said adopted code is subject to the following additions, modifications, and deletions:

- (1) References to jurisdiction in Sections 101.1 and 1612.3 shall mean the Town of Cedaredge.
- (2) The flood insurance study and maps referred to in Section 1612 are as adopted by Chapter 15.16 of the Municipal Code.
- (3) Section 101.4.1 is amended to read: The provisions of the International Fuel gas Code are as specified in Sections 15.24.010 and 15.24.020 of the Municipal Code.
- (4) Section 101.4.3 is amended to read: The provisions of the International Plumbing Code are as specified in Sections 15.24.010 and 15.24.020 of the Municipal Code.
- (5) Section 105.2 is amended to read:
  1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot.
  2. Fences not over 6' high.
  3. Window and door replacement provided no structural changes are needed or proposed.
- (6) Section 109.2 is amended to read: Fees shall be assessed as established in Table 1-A adopted by Resolution.
- (7) Section 109.6 is amended to read: Refunds shall be determined as established in Table 1-A adopted by Resolution.
- (8) Section 109.4 is amended to read: 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit

fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

(9) Section 113 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code section 15.36.120.

(10) Section 114 is amended to read: Violations shall be processed as outlined in Municipal Code Section 15.04.060.

#### **15.04.030 Application.**

This chapter shall apply to all real property within the municipal limits of the town.

#### **15.04.040 Interpretation.**

The ordinance codified in this chapter shall be interpreted and construed as to effectuate its general purpose to conform with the International Building Regulations. Said article and section headings of the ordinance codified in this chapter and the adopted International Building Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

#### **15.04.050 Validity.**

If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The board of trustees expressly declares that it would have passed the ordinance codified in this chapter and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid.

#### **15.04.060 Violation--Penalties.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

#### **15.04.070 Impact fees required to be paid prior to issuance of building permits, conditional use permits, or zoning map/district amendment.**

All "impact-generating new construction" is required to pay the street and circulation system impact fee, including, but not limited to new single family, multi-family, commercial and industrial construction. Commencement of "impact generating new construction" occurs upon the issuance of a building permit, conditional use permit or zoning map/district amendment. The definition of "new construction" includes any change in or expansion of use of an existing building, which creates additional demands on the town's street and circulation infrastructure. The obligation to pay the transportation impact fee runs with the land.

**15.04.080 Issuance of building permits, conditional use permit or zoning map/district amendment or other construction permits.**

Chapter 15.36 of this code calls for the payment of a street circulation system impact fee for new construction. Said fee shall be due at the time the building permit, conditional use permit or zoning map/district amendment application is approved.

**Chapter 15.05**

**RESIDENTIAL CODE**

Sections:

**15.05.010 Adoption.**

**15.05.020 Additions, modifications, deletions.**

**15.05.030 Climatic and geographic design criteria Table R301.2(1) Jurisdiction completion.**

**15.05.040 Manual J design criteria Table R301.2(1) Jurisdiction completion**

**15.05.010 Adoption.**

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S. that a certain document, three copies of which are on file in the office of the town clerk of town of Cedaredge, being marked and designated as the International Residential Code, 2018 Edition, including Appendix Chapters B, C, E, F, H, I, J, M, R and S as published by the International Code Council, be and is hereby adopted by reference as the Residential Code of the Town of Cedaredge, in the state of Colorado for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the town of Cedaredge are hereby referred to, adopted by reference, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.05.020 of this chapter.

**15.05.020 Additions, modifications, deletions.**

Said adopted code is subject to the following additions, modifications, and deletions:

**A. Additions.**

- (1) References to jurisdiction in Section R101.1 and elsewhere mean the Town of Cedaredge.
- (2) Chapters 25 through 43 are hereby deleted.
- (3) R104.10.1 and R322 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 15.16 of the Cedaredge Municipal Code.

(4) Section R105.2 is amended to read in part as exempt from permit requirements:

(5) Fences not more than 6 feet high.

(6) Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point; a site-plan is required and subject to approval with regards to setback requirements.

(7) Window and door replacement provided no structural changes are needed or proposed.

(8) Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product\*. (\*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

B. Electrical:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

C. Plumbing:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

D. Amend Section R105.5 to read:

R105.5 Expiration:

- a. Work must commence within 180 days of issuing the permit.
- b. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:
  - i. Reinforcement in footings or structural (monolithic) slab.
  - ii. Reinforcement in stem-wall or basement-wall.
  - iii. Wall and roof sheathing (as required by AHJ)
  - iv. Framing (which implies that plumbing, electrical and mechanical have already passed inspection or will be inspected at the time of the framing inspection).
  - v. Insulation.
  - vi. Drywall or other interior wall coverings.
  - vii. All final inspections.

E. Section R108.2 is amended to read: Fees shall be assessed as established in Table 1-A adopted by Resolution.

F. Section 108.5 is amended to read: Refunds shall be determined as established in Table 1-A adopted by Resolution.

G. Section R108.6 is amended to read: R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee

established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

H. Section R112 is amended to read: Means of Appeal shall be initiated and addressed as per Municipal Code section 15.36.120.

I. Section R113 is amended to read: Violations shall be processed as per Municipal Code section 15.05.060.

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J. Modifications.

(1) Section R302.1 is amended to delete Exceptions 2, 3, 4 and 5.

(2) Section R302.6 Separation Required. Five-eighth-inch (15.9 mm) type X fire rated gypsum board will be used in lieu of one-half inch (12.7 mm) gypsum board for garage applications.

(3) Section R302.7 Under Stair Protection. Five-eighth-inch (15.9 mm) type X fire rated gypsum board in lieu of one-half inch (thirteen (13) mm) gypsum board.

(4) Sections R309.5, R313 and P2904 are hereby deleted.

(5) Add a new subsection R908.7 to read as follows:

R908.7 When possible, attic ventilation shall be in compliance with Section 1202.2 or 1202.3 of the 2018 International Building Code.

(6) Section G2445 is amended to read: Unvented Room heaters are prohibited.

(7) Section G2406.2 is amended to delete Exceptions #3 and #4.

(8) Section G2425.8 is amended to delete item #7.

(9) Sections N1102.4.1.2, N1103.3.3 and N1103.3.4 are hereby deleted

(10) Section N1103.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section N1103.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section N1103.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

(11) Section N1103.5.2 is amended as follows: When installed, demand recirculation water systems shall have controls that comply with both of the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
  2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).
- (12) Section N1103.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

**15.05.030 Climatic and geographic design criteria Table R301.2(1) jurisdiction completion.**

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Spwvd M.P.H.	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Barrier Under Layment Required	Flood Hazard	GIR Freeze Index	Means Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
40# Roof Snow Load	0-80 Exposure C	0 to Slight	Severe	24" chg. From orig. 18"	Minor to Slight	Slight	10"	Tributary Area Valleys Start Shingles	Surface Creek Not Est.	1,000	47°

**15.05.040 Manual J design criteria Table R301.2(1) jurisdiction completion.**

Elevation: 6,230

Latitude: 38

Winter Heating: 7

Summer Cooling: 94

Altitude Correction Factor:

Indoor Design Temperature: 70

Design Temperature Cooling: 75

Heating Temperature Difference: 63

Cooling Temperature Difference: 19

Wind Velocity Heating: N/A

Wind Velocity Cooling: N/A

Coincident Wet Bulb: 60

Daily Range H

Winter Humidity: 30%

Summer Humidity: 50%

Ground Snow Load: 40 psf

Wind Speed: 115 mph Ultimate / Exposure C

Topographic Effects: N.A.

Special Wind Region: N.A.

Windborne Debris Zone: N.A.

Seismic Design Category: C

Weathering: Severe

Frost Line Depth: 24"

Termite: Moderate

Winter Design Temp.: 5 degrees F

Ice Barrier Underlayment: Yes

Flood Hazards: See footnote g and have GIS fill in

Air Freezing Index: 1500

Mean Annual Temp.: 49.05°

## **Chapter 15.08**

### **ENERGY EFFICIENCY STANDARDS**



Sections:

**15.08.010 Adoption.**

**15.08.020 Application.**

**15.08.030 Interpretation.**

**15.08.040 Validity.**

**15.08.050 Violation--Penalties.**

**15.08.060 Commercial Provisions Additions, modifications, deletions.**

**15.08.070 Residential Provisions Additions, modifications, deletions.**

### **15.08.010 Adoption.**

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S. that a certain document, three copies of which are on file in the office of the town clerk of town of Cedaredge, being marked and designated as the International Energy Conservation Code, 2018 Edition, including Appendix Chapters B, C, E, F, G, H, I, and J, as published by the International Code Council, be and is hereby adopted by reference as the Energy Code of the town of Cedaredge, in the state of Colorado for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment location, removal and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Code on file in the office of the town of Cedaredge are hereby referred to, adopted by reference, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.05.020 of this chapter.

### **15.08.020 Application.**

The standards adopted in this chapter shall apply to all new construction of nonresidential structures and residential structures respectively, and the renovation of all such structures.

### **15.08.030 Interpretation.**

The ordinance codified in this chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the requirements of Chapter 395 of the 1977 Colorado Session Laws. Article and section headings of the standards adopted in this chapter shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or extent of the provisions of any article or section thereof.

### **15.08.040 Validity.**

If any part or parts of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The board of trustees declares that it would have passed the ordinance in each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

### **15.08.050 Violation--Penalties.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set

forth in section 1.16.020 of the Municipal Code.

**15.08.060 Commercial Provisions Additions, modifications, deletions.**

- (1) Section C101.1 Title is amended to read: This code shall be known as the Energy Conservation Code of the Town of Cedaredge and shall be cited as such. It is referred to herein as “this code.”

**15.08.70 Residential Provisions Additions, modifications, deletions.**

- (1) Section R101.1 Title is amended to read: This code shall be known as the Energy Conservation Code of the Town of Cedaredge and shall be cited as such. It is referred to herein as “this code.”
- (2) Section R403.5.1 Heated Water Circulation and Temperature Maintenance Systems. When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.
- (3) Section R403.5.2 Demand Recirculation Water Systems. When installed, demand recirculation water systems shall have controls that comply with both of the following:
  - i. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
  - ii. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).
- (4) Section R403.5.4 Drain Water Heat Recovery Unit. When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.
- (5) Sections R402.4.1.2 (Blower-Door) Testing, R403.3.3 Duct Testing and R403.3.4 Duct Leakage are hereby deleted.
- (6) Table R402.1.2 is modified to require minimum R-values in ceiling of 38, and floor of 19.

(Ord. 2020-03; 2004-8 § 2, 2004: Ord. 1-1999, 1999)

## **Chapter 15.10**

### **EXCAVATIONS AND SEWER AND WATER LINE CONSTRUCTION REQUIREMENTS**

Sections:

**15.10.010 Permit required.**

**15.10.020 Financial responsibility.**

**15.10.030 Construction requirements.**

**15.10.040 Violation-Penalty.**

#### **15.10.010 Permit required.**

It is unlawful to excavate, construct, repair or make taps within any easement, right-of-way or property owned by the town without first obtaining an approved excavation permit for such work from the town.

- A. The excavation permit application shall require the following information:
1. Name and address of contractor;
  2. Name and address of the owner of the premises where work will be done;
  3. Descriptions of the type and size of the connections and materials to be used;
  4. Proposed begin and end date of excavation(s);
  5. Purpose of excavation(s);
  6. In the event of a sanitary sewer tap:
    - a. The nature and volume of the materials that will be discharged.
- B. The permit application shall be furnished by the town. The submitted application becomes an excavation permit when signed by the director of public works or the town clerk and returned to the applicant.

(Ord. 2-2000 (part), 2000)

#### **15.10.020 Financial responsibility.**

- A. No excavation permit shall be issued to any person, firm or company who has not filed proof of financial responsibility in the form of one of the following with the town clerk:
1. A certificate of general liability insurance showing policy limits of not less than six hundred thousand dollars (\$600,000.00) commercial general aggregate, or a policy showing not less than three hundred thousand dollars (\$300,000.00) for bodily

injury and not less than five hundred thousand dollars (\$500,000.00) for property damage. The certificate shall also provide for ten days written notice to the town of Cedaredge prior to the cancellation of such insurance.

2. A surety bond for an amount set forth by the director of public works or the town clerk commensurate with the scope of the project, but not less than two thousand five hundred dollars (\$2,500.00). The bond shall be issued by a surety company authorized to do business in this state, and shall remain on file with the town clerk for all similar projects within town rights-of-way until such bond expires.
3. An irrevocable letter of credit issued by a financial institution or other party approved by the town for an amount set forth by the director of public works commensurate with the scope of the project, but not less than one thousand dollars (\$1,000.00).

B. The financial responsibility provided shall be conditioned upon the faithful compliance with all of the ordinances of the town and shall indemnify the town all damages, judgments, costs or expenses incurred by the town by reason of the applicant's work activities under the excavation permit. The applicant also agrees to defend the town in any action that may be brought as a result of the work contemplated in the permit.

(Ord. 2-2000 (part), 2000)

#### **15.10.030 Construction requirements.**

All construction, repair, or other work involving underground public utilities, private water and sewer service lines, streets, and public sidewalks shall comply with town standards and specifications. No water or sewer work shall be covered or backfilled until the work has been inspected and approved by the town as complying with town standards and specifications. All excavations shall be backfilled, and all street cuts made and repaired in accordance with town standards and specifications. Excavations shall be identified, barricaded and illuminated in accordance with Part VI of the Manual on Uniform Traffic Control Devices.

(Ord. 2-2000 (part), 2000)

#### **15.10.040 Violation-Penalty.**

In addition to recovering damages as otherwise set forth within this article, the town of Cedaredge may maintain an action for injunctive relief or damages, or both, as well as recovery of all costs incurred, including reasonable attorney's fees, arising from any failure to comply with this chapter. Any persons working without the required permit or who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-28, 6/17/2010) (Ord. 2-2000 (part), 2000)

## Chapter 15.16

### FLOOD DAMAGE PROTECTION

#### Sections:

- 15.16.010 Findings of fact.
- 15.16.020 Statement of purpose.
- 15.16.030 Methods of Reducing Flood Losses.
- 15.16.040 Definitions.
- 15.16.050 Jurisdiction of Ordinance.
- 15.16.060 Basis for Establishing the Areas of Special Flood Hazard..
- 15.16.070 Establish of Development Permit..
- 15.16.080 Compliance.
- 15.16.090 Abrogation and Greater Restrictions.
- 15.16.100 Interpretation.
- 15.16.110 Warning and Disclaimer or Liability
- 15.16.120 Designation of the Floodplain Administrator.
- 15.16.130 Duties and Responsibilities of the Floodplain Administrator.
- 15.16.140 Permit Procedures.
- 15.16.150 Variance Procedures.
- 15.16.160 General Standards.
- 15.16.170 Specific Standards.
- 15.16.180 Manufactured Homes.
- 15.16.190 Recreational Vehicles.
- 15.16.200 Standards for Subdivision Proposals.
- 15.16.210 Standards for Areas of Shallow Flooding ( AO/AH ZONES).
- 15.16.220 Penalties for Non Compliance.

#### **15.16.010 Findings of fact.**

- A. The flood hazard areas of the Town of Cedaredge are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. 2010-7, 5-2-2010) (Ord. 3-1993 § 1.1, 1993)

#### **15.16.020 Statement of purpose.**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;

- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.

(Ord. 2010-7, 5-2-2010) (Ord. 3-1993 § 1.2, 1993)

**15.16.030 Methods of Reducing Flood Losses.**

- A. In order to accomplish its purposes, this ordinance uses the following methods:
- B. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- C. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- D. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- E. Control filling, grading, dredging and other development which may increase flood damage;
- F. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. 2010-7, 5-2-2010) (Ord. 3-1993 § 1.3, 1993)

**15.16.040 Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ALLUVIAL FAN FLOODING** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**AREA OF SHALLOW FLOODING** means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT** means any area of the building having its floor sub-grade (below ground level) on all sides.

**CRITICAL FEATURE** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated

building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**EXISTING CONSTRUCTION** means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from, the overflow of inland water or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**FLOODPLAIN OR FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.



**FLOOD PROTECTION SYSTEM** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY (REGULATORY FLOODWAY)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior or;
  2. Directly by the Secretary of the Interior in states without approved programs.

**LEVEE** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

**MANUFACTURED HOME** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;

- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

**START OF CONSTRUCTION** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations

**WATER SURFACE ELEVATION** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 2010-7, 5-20-2010) (Ord. 3-1993 § 2.0, 1993)

**15.16.050 Jurisdiction of the Ordinance.**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Cedaredge.

(Ord. 2010-7, 5-2-2010) (Ord. 3-1993 § 3.1, 1993)

**15.16.060 Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Delta County, Colorado 080041 and incorporated areas Cedaredge, Town of 080304," dated August 19, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(Ord. 2010-7, 5-20-2010)

**15.16.070 Establish of Development Permit.**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

(Ord. 2010-7, 5-2--2010)

**15.16.080 Compliance.**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

(Ord. 2010-7, 5-20-2010) (Ord. 3-1993 § 3.2, 1993)

**15.16.090 Abrogation and greater restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions

shall prevail. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2010-7, 5-20-2010) (Ord. 3-1993 § 3.3, 1993)

#### **15.16.10 Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 2010-7, 5-2-2010) (Ord. 3-1993 § 3.4, 1993)

#### **15.16.110 Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

(Ord. 2010-7, 5-20-2010) (Ord. 3-1993 § 3.5, 1993)

#### **15.16.120 Designation of the Floodplain Administrator.**

The Public Works Director is hereby appointed to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to the flood plain management. In the absence of a Public Works Director the Board of Trustees or Town Administrator shall appoint either a Public Works Director Designee or Building Inspector as the Floodplain Administrator to administer and implement the same provisions.

(Ord. 2010-7, 5-20- 2010)

#### **15.16.130 Duties and Responsibilities of the Floodplain Administrator**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for development permits required by adoption of this ordinance.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- F. Notify, adjacent communities and the Federal Agency which is US Corp of Engineers prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
- I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

(Ord. 2010-7, 5-20-2010)

### **15.16.140 Permit Procedures.**

- A. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);
  4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).
- B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The danger that materials may be swept onto other lands to the injury of others;
  4. The compatibility of the proposed use with existing and anticipated development;
  5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  7. The expected heights, velocity, duration, rate of rise and sediment transport of the

flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

(Ord. 2010-7, 5-2-2010)

#### **15.16.150 Variance Procedures.**

- A. The Board of Trustees as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- B. The Board of Trustees shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- C. Any person or persons aggrieved by the decision of the Board of Trustees may appeal such decision in the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's



continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon:
  - a. showing a good and sufficient cause;
  - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Article 4, Section D(1)-(9) are met, and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 2010-7, 5-2-2010)

**15.16.160 General Standards.**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and

practices that minimize flood damage;

- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 2010-7, 5-2-2010)

#### **15.16.170 Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

- A. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.
- B. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

- C. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot above grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 2010-7, 5-2-2010)

#### **15.16.180 Manufactured Homes.**

- A. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- B. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- C. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
1. The lowest floor of the manufactured home is at or above the base flood elevation,  
or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(Ord. 2010-7, 5-2-2010)

#### **15.16.190 Recreational Vehicles.**

Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- A. Be on the site for fewer than 180 consecutive days,
- B. Be fully licensed and ready for highway use, or
- C. Meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. 2010-7, 5-2-2010)

#### **15.16.200 Standards for Subdivision Proposals.**

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. 2010-7, 5-2-2010)

### **15.16.210 Standards for Areas of Shallow Flooding (AO/AH ZONES).**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- B. All new construction and substantial improvements of non-residential structures;
  - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
  - 2. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section 180 (A) are satisfied.
- D. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. 2010-7, 5-2-2010)

### **15.16.220 Penalties for Non Compliance.**

- A. In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program(NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."
- B. In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

- C. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person convicted of a violation of this Chapter shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed one (1) year. Each day during which the violation occurs may constitute a separate offense. Nothing herein contained shall prevent the Town of Cedaredge from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2010-7, 5-2-2010)

## **Chapter 15.20**

### **MOBILE HOMES**

#### Sections:

- 15.20.010 Definitions.
- 15.20.020 Approved mobile homes.
- 15.20.030 Safety standards for mobile homes.
- 15.20.040 Mobile home installation permit required.
- 15.20.050 Mobile home installation standards.
- 15.20.060 Inspection of mobile homes required.
- 15.20.070 Accessory buildings, additions and alterations to mobile homes.
- 15.20.080 Abatement of nonconforming structures.
- 15.20.090 Violation-Penalty.

#### **15.20.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless the context indicates otherwise without ambiguity:

**Install** or **installation** refers to the placement of any mobile home upon any lot or tract of land within the town, either temporary or permanent, excepting only mobile homes units in transit.

**Mobile home** refers to a preconstructed building without motive power designed and commonly used for residential occupancy by persons, which units are manufactured in a factory or at a location other than the residential site of the completed home and which are not located upon a permanent foundation constructed in accordance with the town building code.

**NEC** National Electric Code

**Town** refers to the town of Cedaredge, Colorado.

**Town building code** refers to the International Residential Code or adopted building code as adopted by the Board of Trustees from time to time. (Ord. 2010-15, 6-16-2010) (Ord. 2-1995 § 1, 1995)

#### **15.20.020 Approved mobile homes.**

- A. No mobile home shall be installed upon any lot or tract of land within the town unless the mobile home bears a label or has equivalent documentation certifying that the mobile home was constructed in accordance with NFPA 501, ANSI 119.1.
- B. No mobile home shall be installed with a manufacture date more than ten years from the date of proposed installation or relocation.

(Ord. 2010-15, 6-17-2010) (Ord. 8-1998, 1998; Ord. 2-1995 § 2, 1995)

**15.20.030 Safety standards for mobile homes.**

No mobile home installed upon a lot or tract within the limits of the town after the effective date of the ordinance codified in this chapter shall be occupied for habitation unless the following conditions are met:

- A. The mobile home has a smoke detector(s) installed as prescribed by the town building code or current NEC Standards; and
- B. The mobile home is equipped with two operational exit doors; and
- C. All fuel-burning heating equipment, including furnaces and water heaters within the mobile home are inspected by a qualified service technician as determined by the building official and found to be in safe operating condition; and
- D. All electrical wiring and distribution equipment within the mobile home is inspected by the state electrical inspector and determined to be in safe working condition; and
- E. All plumbing fixtures, drainage piping, water piping, and gas piping within the mobile home are inspected by the state plumbing inspector and determined to be in safe working condition; and
- F. The mobile home is determined by the town building inspector to be generally in sound structural condition and in overall good repair; and
- G. The mobile home contains no aluminum electrical wiring, unless allowed by current NEC Standards or the State Electrical Inspector.

(Ord. 2010-15, 6-17-2010) (Ord. 6-1999, 1999; Ord. 2-1995 § 3, 1995)

**15.20.040 Mobile home installation permit required.**

No mobile home shall be installed or relocated in the town hereafter without first obtaining a mobile home installation permit for each such installation. A fee as adopted by resolution by the Board of Trustees from time to time. shall be paid to the town prior to issuance of each such permit. The application for such permit shall contain the following:

- A. Name(s) of the mobile home owner(s);

- B. Make, model, manufactured date, and place of origin of the mobile home;
- C. The proposed location of the mobile home;
- D. Value of materials and labor required for the installation.

The mobile home installation shall be completed in accordance with the provisions of this chapter not more than ten days after the date of issuance of the permit, except that skirting shall be completed not later than thirty (30) days after the date of issuance.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 4, 1995)

#### **15.20.050 Mobile home installation standards.**

Every mobile home installed or relocated in the town hereafter shall comply with the installation standards as follows:

- A. Must meet all applicable set-back requirements under the town building code.
- B. Site Preparation and Foundations. All foundation pad sites shall be cleared of vegetation, on undisturbed soil or approved fill and be graded such that supporting piers are plumb. Pier standards shall meet the Town building code and inspected by the town building inspector/and public works director where compliance is applicable.
- C. Anchoring. Every mobile home shall have an anchoring system installed in compliance with the Town building code and inspected by the town building inspector.
- D. Landings and Porches. Every mobile home shall be provided with a landing or porch for all entry doorway thresholds, which landing or porch shall comply with the provisions of Section 3306, Chapter 3300 of the town building code, or equivalent provisions. Such landing or porch shall be served by stairs or ramp, guardrails, and handrails constructed in accordance with the town building code.
- E. Utility Service Connections. All utility service connections shall be installed and maintained in accordance with applicable town codes and shall be securely attached and supported as necessary. Water lines and connections shall be protected from freezing in an approved manner. Sewer connections shall be sealed in an approved manner at the point of connection to the town services and shall be entirely under the mobile home. Gas valves shall be of an approved type. A pressure test shall be performed on all mobile home gas piping systems, by a licensed gas plumber, and the State Plumbing Inspector;
- F. Fire Warning. Every such mobile home installed in the town shall be provided with an approved smoke alarm installed as specified in the town building code.
- G. Skirting. Every mobile home in the town shall be provided with perimeter skirting between the ground and bottom of the mobile home floor. Such skirting shall be of a durable, rigid, weather resistant material approved for such use, such as exterior plywood, fiberglass, or



equivalent material. Skirting shall be securely attached to the mobile home to prevent unsupervised access to mobile home utility connections.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 5, 1995)

**15.20.060 Inspection of mobile homes required.**

No mobile home installed hereafter in the town shall be occupied without first having been inspected as provided hereinabove and found to be in conformance to the applicable standards specified herein and a certificate of occupancy issued therefore by the town building inspector. The building inspector may issue a conditional certificate of occupancy if all standards have been satisfied with the sole exception of the timely installation of required skirting. Upon completion of the skirting within the time required hereunder, an unconditional certificate of occupancy may be issued. If the skirting is not completed within the required time, the conditional certificate of occupancy may be revoked by the building inspector in order to compel compliance with skirting requirements.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 6, 1995)

**15.20.070 Accessory buildings, additions and alterations to mobile homes.**

- A. Accessory Buildings. Permanent accessory buildings, including carports, garages, decks, porches, patio covers and storage buildings may be constructed provided the following conditions are met:
1. All such structures are not dependent on the mobile home for structural support unless sufficient evidence otherwise is provided which demonstrates such a mobile home meets structural requirements for the additional loads;
  2. A town building permit is obtained when required;
  3. All such structures meet construction requirements specified in the town building code.
- B. Additions and alterations to mobile homes shall be permitted subject to the restrictions of subsection (A) of this section. Replacement of heating equipment in a mobile home shall require a permit under Section 15.20.060, and a state plumbing inspection.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 7, 1995)

**15.20.080 Abatement of nonconforming structures.**

Any mobile home installed, placed or located upon any property in the town, excepting only a mobile home in transit, without a permit as required by this chapter, or which fails to comply with the provisions hereof is declared to be a nuisance subject to abatement as provided in Chapter 8.24 of this code.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 9, 1995)

### **15.20.090 Violation-Penalty.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-15, 6-17-2010) (Ord. 2-1995 § 8, 1995)

## **Chapter 15.24**

### **PLUMBING CODE**

Sections:

**15.24.010 Adoption.**

**15.24.020 Duties of State Plumbing Inspector.**

#### **15.24.010 Adoption.**

The Colorado Plumbing Code as promulgated and amended by the Examining Board of Plumbers is adopted by reference.

(Ord. 5-1997 § 1, 1997)

#### **15.24.020 Duties of State Plumbing Inspector.**

The State Plumbing Inspector shall be authorized and requested to initiate plumbing inspections within the town limits of the town of Cedaredge, Colorado, to insure compliance with the Colorado Plumbing Code.

(Ord. 5-1997 § 2, 1997)

## **Chapter 15.28**

### **MOBILE HOME PARK REGULATIONS\***

Sections:

**15.28.010 Title.**

**15.28.020 Definitions.**

**15.28.030 Statement of purpose.**

**15.28.040 Variances.**

**15.28.050 Forms revisions.**

**15.28.060 Enforcement.**

**15.28.070 Use and location of mobile homes.**

**15.28.080 Permits for temporary location or occupancy of mobile homes.**

**15.28.090 Mobile home park development procedure.**

**15.28.100 Street and circulation system impact fee.**

- 15.28.110 Mobile home park design requirements.
- 15.28.120 Non-conforming mobile home parks.
- 15.28.130 Operation and maintenance of mobile home parks.
- 15.28.140 Violation-Penalty.
- 15.28.150 Severability.

\* Prior ordinance history: Ord. 7-1997.

### 15.28.010 Title.

The ordinance codified in this chapter establishes rules, regulations and standards governing mobile home parks within the town, sets forth procedures to be followed by the planning commission and board of trustees in applying the provisions of these regulations, and sets forth penalties for the violation thereof. These regulations shall be known and may be cited as the "Mobile Home Park Regulations of the Town of Cedaredge, Delta County, Colorado."

(Ord. 2006-3 (part), 2006)

### 15.28.020 Definitions.

**Cul-de-sac** means an enlarged turnaround area at the terminus of a dead-end road.

**Final plan** means a map and supporting materials of certain described land prepared in accordance with the mobile home park regulations conforming substantially with the approved preliminary plan.

**Intermediate road** means a public or private road serving more than two but fewer than thirteen (13) spaces, and having only one connection to a public road.

**Main road** means a public road serving as the access to thirteen (13) or more spaces. It must have more than one connection to a public road or roads.

**Manufactured structure** means a factory fabricated structure transportable to its place of use, and which meets the requirements of the town building codes.

**Mobile home** refers to a preconstructed building unit or combination of preconstructed building units without motive power designed and commonly used for residential occupancy by persons, which units are manufactured in a factory or at a location other than the residential site of the completed home and which are not located upon a permanent foundation constructed in accordance with the town building code.

**Mobile home park** means a single site, parcel or lot operated and used for the location of two or more mobile homes intended for use as residences. Provided, however, a residential mobile home park approved for and occupied by mobile homes on separately platted spaces shall not be deemed a mobile home park for purposes of this chapter.

**Person** means an individual, corporation, partnership, or other legal entity.

**Preliminary plan** means the second phase of the mobile home park review process consisting of

a map or maps of a proposed mobile home park and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to the preparation of final plan. The preliminary plan should contain all vital information necessary to evaluate the total mobile home park for approval and recording purposes.

**Private drive** means a non-public road serving no more than four spaces.

**Sketch plan** means the first phase of the mobile home park review process where the developer and planning commission develop an understanding of the proposed park and evaluate feasibility and design characteristics at an early stage in the planning in order to prepare the preliminary plan.

**Space** means the unit into which land is divided in a mobile home park.

(Ord. 2006-3 (part), 2006)

#### **15.28.030 Statement of purpose.**

The purposes of these mobile home regulations are to:

- A. Promote and protect the public health, safety, and welfare;
- B. Insure that new development bears its fair share of the cost of providing improvements and services resulting from the development of mobile home parks;
- C. Set forth uniform procedures and standards for the handling of all mobile home park plans.

(Ord. 2006-3 (part), 2006)

#### **15.28.040 Variances.**

The planning commission may recommend and the board of trustees may approve a deviation from the regulations codified in this title if it is determined that unusual conditions or undue hardship exists, and that a variance to the mobile home park regulations codified in this title will effectively protect the public health, safety, and welfare; and achieve the purposes of this title. All requests for variances should be reasonable and within the general purpose and intent of the rules, regulations, and standards established by this title.

No variance from any requirements of any provision shall be authorized except after public hearing thereon. Hearings for variances may be a part of any public hearing concerning a preliminary or final plan. Any approval of deviations from the mobile home park regulations codified in this title shall be considered a variance whether specifically identified or not.

(Ord. 2006-3 (part), 2006)

#### **15.28.050 Forms revisions.**

From time to time the planning commission, with the approval of the board of trustees may revise the forms developed and adopted for the implementation of this ordinance and on file in the office of the town clerk; provided, that such changes do not materially change the intent of the regulations codified in this title.

(Ord. 2006-3 (part), 2006)

#### **15.28.060 Enforcement.**

- A. It is unlawful for the owner or agent of the owner of any land located within a mobile home park to rent, agree to rent or negotiate to rent any such land unless the plan of said park has been approved by the board of trustees of the town, provided, however, that a contract for rent may be negotiated contingent upon such plan approval. Such contingent contracts shall expressly state that the prospective renter of such land has been advised that the mobile home park of such land has not been approved by the board of trustees, nor recorded with the Delta County clerk and recorder, and shall include a clause stating that this contract is expressly conditioned upon owner obtaining approval of the board of trustees of the subject mobile home park. Any person violating this provision shall be subject to a civil penalty (see administration and enforcement, Section 15.28.130 of this chapter) for each space so rented or negotiated to be rented. Said penalty shall be paid to the town. The description of a space by metes and bounds in the instrument of transfer or other document used in the process of renting shall not exempt the transaction from such penalties or from the remedies provided in this section. The town may enjoin such rental agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction. A separate offense shall be deemed committed each day during which any violation continues.
- B. It is unlawful to violate any provisions of this title or any provision of a mobile home park improvements agreement approved pursuant to this title, and any person convicted of such a violation may be fined or sentenced to both a fine and imprisonment. A separate offense shall be deemed committed each day during which any violation continues. Provided, however, any violation subject to the provisions of subsection A of this section shall not be subject to the provisions of this subsection.
- C. No water tap or sewer tap permit shall be issued for development of property with respect to which a violation of the mobile home park regulations codified in this title or a mobile home park improvements agreement approved pursuant to these regulations has occurred and such violation has not been remedied satisfactorily to the town.
- D. The town may bring an action in a court of competent jurisdiction to enjoin any violation of the mobile home park regulations codified in this title or of a mobile home park improvements agreement entered into pursuant to the mobile home park regulations codified in this title.

(Ord. 2006-3 (part), 2006)

**15.28.070 Use and location of mobile homes.**

Mobile homes may be used, occupied or located only in the following places:

- A. Stored or displayed upon a lawful mobile home sales lot if unoccupied.
- B. Used as a single family dwelling within an authorized space in a mobile home park for which an occupancy permit has been issued.
- C. Used as a single family dwelling on an individual lot or tract which allows such use.
- D. Located upon property for which a permit has been issued by the town for the temporary use of a mobile home.
- E. Used at a location where a mobile home was lawfully located, occupied or used as of the effective date of the initial enactment of this chapter on June 5, 1997, or date of annexation to the town, and continuously located, occupied or used thereafter subject to the non-conforming use regulations of the town.

(Ord. 2006-3 (part), 2006)

**15.28.080 Permits for temporary location or occupancy of mobile homes.**

- A. An application for a permit for the temporary location and use of a mobile home upon private property shall be made upon forms supplied by the town.
- B. A permit for a period of up to six months may be issued, with an option to renew at the town's discretion, only under the following circumstances by the town administrator.
  - 1. For fire protection or security purposes at construction sites.
  - 2. At a construction site during the construction period for construction related purposes.
  - 3. For temporary dwelling purposes at carnivals, circuses, festivals, or other civic events.
  - 4. For a temporary sales office for mobile home park lot or unit sales purposes during the initial mobile home park development and sales period.
- C. The town shall not issue any temporary permit, except for a use or location which complies with the criteria of this section. Such permit may be revoked by the board of trustees after a hearing upon reasonable notice to the applicant for a violation of any of the provisions of this section, or any other applicable ordinances or regulations of the town.

(Ord. 2006-3 (part), 2006)

### **15.28.090 Mobile home park development procedure.**

- A. It shall be unlawful to commence the construction of any mobile home park or the enlargement of an existing mobile home park until approved by the board of trustees as meeting the criteria and requirements of this chapter and other applicable town and state regulations and the issuance of a mobile home park construction permit has been approved by the town.
- B. Application for a mobile home park approval shall be made by submitting an application on forms supplied by the town accompanied by a site plan of the proposed mobile home park and any supporting documents, plans or drawings necessary to show that the design requirements will be complied with.
- C. The sketch plan, preliminary site plan, final site plan and all supporting plans must be submitted to the town no later than ten (10) days before the date at which the planning commission is to review the application. Following review of the application, the planning commission shall recommend approval, conditional approval, or disapproval of the application. Failure of the planning commission to act within thirty (30) days of the time when the final site plan is submitted shall be deemed planning commission approval of such plan, unless the applicant waives this requirement and consents to an extension of such period. The reasons for disapproval shall be included in the planning commission minutes and provided to the applicant upon request. The application shall then be submitted to the board of trustees for review and action. The board may approve the application, conditionally approve it, or disapprove the application if it finds that the requirements of these regulations have not been met.
- D. At such time as the board of trustees approves an application, the applicant may then apply to the town for a mobile home park construction permit which shall be required before any construction takes place on the property. Failure to acquire and follow the terms of such permit shall constitute a violation of this chapter.
- E. Fees. The board of trustees may set, by resolution, a schedule of fees to be charged to applicants desiring to develop a mobile home park.

(Ord. 2006-3 (part), 2006)

### **15.28.100 Street and circulation system impact fee.**

A street and circulation system impact fee for all new planned mobile home park construction of two or greater pads or spaces shall be assessed in accordance with the requirements of Chapter 15.36 of this code. Said fee shall be due at the time the building permit application or other construction permit application is approved.

(Ord. 2006-3 (part), 2006)

**15.28.110 Mobile home park design requirements.**

- A. Size and Location. Shall be a minimum of five acres in area, unless adjacent to an existing mobile home park, with the aggregate area being a minimum of five acres. Mobile home parks containing twenty-five (25) or more spaces shall abut a major or minor arterial street as designated in the town's subdivision regulations. Mobile home parks containing less than twenty-five (25) spaces shall abut an intermediate or larger road or street.
  
- B. All mobile home parks shall, as a minimum, comply with the regulations for mobile home parks issued by the state of Colorado, if any, and the requirements of this chapter. In the event of any conflict between the state regulations and the requirements of this chapter or other ordinances and regulations of the town, those regulations which are more stringent shall apply.
  
- C. Dimensional Requirements.
  - 1. Each mobile home space shall be shown on the site plan and may have only one mobile home located on it.
  
  - 2. Mobile home park internal setbacks for individual spaces shall be as follows:
    - a. Each space shall have a minimum of three thousand five hundred (3,500) square feet for a single-wide mobile home and a minimum of four thousand five hundred (4,500) square feet for a double-wide mobile home;
  
    - b. Front setback shall be a minimum of twenty-five (25) feet;
  
    - c. Rear setbacks shall be a minimum of fifteen (15) feet;
  
    - d. Side setbacks shall be a minimum of five feet.
  
  - 3. Mobile home park external boundary setbacks shall be as follows:
    - a. Minimum park front setback shall be twenty-five (25) feet, except when the mobile home park fronts on a state highway, then the minimum shall be fifty feet (50) feet;
  
    - b. Minimum park side set back shall be fifteen (15) feet;
  
    - c. Minimum park rear set back shall be fifteen (15) feet.
  
  - 4. A minimum of two off-street parking spaces per mobile home space shall be provided.
  
  - 5. All mobile home spaces shall have access only to park internal streets.



6. A minimum of ten (10) percent of the gross area of the mobile home park shall be developed and maintained as a park, play ground or other open area.
- D. The mobile home park developer shall provide the following improvements:
1. Water systems, including fire hydrants and adequately sized mains;
  2. Town sanitary sewer collection system;
  3. Paved streets with a minimum paved width of twenty-four (24) feet;
  4. Fire hydrants and street signs which must conform to existing signs used by the town of Cedaredge;
  5. All mobile home spaces shall be clearly marked and numbered and shall contain at a minimum a level graveled, paved or concrete area on which to place the mobile home which is designed to drain away from the mobile home, and contains the necessary anchors and tie-downs to secure the stability of the mobile home. Utility risers for each utility service and a yard hydrant are required for all mobile home spaces;
  6. No open, outside storage and no on street parking of boats, off-road vehicles, or miscellaneous personal items will be allowed except in designated parking and storage areas (sheds would be allowed with size and location to be determined by the park owner).
- E. Arrangements to provide public utilities including, if available, gas, electricity, telephone and cable television shall be made with the utility companies.
- F. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with applicable town construction standards and specifications (including Uniform Building Code and other applicable approved codes).
- G. Easements. The town may require reasonable utility easements to be dedicated to the public for the purpose of public and town utilities. The town may require the oversizing of any water and sewer lines, in which event the town shall pay for the cost of oversizing.
- H. Screening. Fencing or vegetative screening may be recommended to the board of trustees if the planning commission determines a visual buffet is needed to provide separation from surrounding uses and help protect the property value of the existing neighborhood, or to improve the quality of the mobile home park.
- I. Landscaping. A landscape plan shall be submitted which, at minimum, provides for the use of appropriate ground cover and vegetation to prevent erosion and reduce the creation of dust and mud, and shall include the use of other landscape materials to enhance the quality of life in the mobile home park. The plan should also show landscaping of the required

open area.

- J. No mobile home without toilet, lavatory and shower or bathing facilities shall be allowed in any mobile home park.

(Ord. 2006-3 (part), 2006)

**15.28.120 Non-conforming mobile home parks.**

- A. All mobile home parks shall be maintained in accordance with the requirements of this chapter, applicable state of Colorado Department of Health regulations and other applicable regulations of the town of Cedaredge, Colorado.
- B. Any mobile home park, which on June 5, 1997, or at the time of annexation, if annexed subsequently thereto, was lawfully existing and maintained in accordance with previously applicable state, county or town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this chapter, may be continued to be maintained or used, but shall not be enlarged except in conformity with this section. Provided further, spaces in an existing mobile home park lawfully used or designated for travel homes on the effective date of this section, may continue to be used. Any mobile home park which was previously unlawful or illegal under previously applicable regulations shall remain unlawful or illegal and subject to abatement or other enforcement action.
- C. If the park is not operated for any ten (10) month period, it may not thereafter be operated until it is brought into conformity with this section.
- D. No mobile home may be placed onto any space which will create or increase any non-conformity with this chapter.
- E. Lawful non-conforming mobile home parks existing as of June 5, 1997, may be expanded one time to add an additional number of spaces equal to thirty (30) percent in accordance with this subsection.

(Ord. 2006-3 (part), 2006)

**15.28.130 Operation and maintenance of mobile home parks.**

- A. The park owner shall provide adequate and competent supervision and management to ensure that the park is maintained and operated in conformance with this chapter, state regulations and other ordinances and regulations of the town of Cedaredge.
- B. The park owner of every mobile home park shall be responsible for maintaining all facilities of the park in good repair and in safe, clean and sanitary condition.

(Ord. 2006-3 (part), 2006)

### **15.28.140 Violation-Penalty.**

- A. The building inspector or public works supervisor or designated representative shall have the right to enter upon any mobile home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this chapter or other applicable ordinances and town and state regulations.
- B. It shall be unlawful for any person to violate any provision of this chapter.
- C. Any person who fails to respond to a written notice of the violation who is subsequently convicted of a violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.
- D. Any violation of the provisions of this chapter is hereby declared to be a nuisance and may be abated in accordance with law.
- E. In addition to any other remedies the town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of or compel compliance with any provision of this chapter.
- F. The town may refuse to issue any permits required by town ordinance or grant water or sewer taps if the applicant is in violation of any of the provisions of this chapter.

(Ord. 2010-28, 6-17-2010) (Ord. 2006-3 (part), 2006)

## **Chapter 15.32**

### **TRAVEL HOMES AND TRAVEL HOME PARK REGULATIONS**

#### Sections:

- 15.32.010 Title.**
- 15.32.020 Definitions.**
- 15.32.030 Statement of purpose.**
- 15.32.040 Jurisdiction.**
- 15.32.050 Variances.**
- 15.32.060 Revision of forms.**
- 15.32.070 Enforcement.**
- 15.32.080 Use and location of travel home.**
- 15.32.090 Permits for temporary location or occupancy of travel homes.**
- 15.32.100 Travel home park development procedures.**
- 15.32.110 Travel home park design requirements.**
- 15.32.120 Nonconforming travel home parks.**
- 15.32.130 Violation-Penalty.**
- 15.32.140 Severability.**

#### **15.32.010 Title.**

The ordinance codified in this chapter establishes rules, regulations and standards governing travel home parks within the town, sets forth procedures to be followed by the planning commission and board of trustees in applying the provisions of these regulations, and sets forth penalties for the violation thereof. These regulations shall be known and may be cited as the "Travel Home Part Regulations of the Town of Cedaredge, Delta County, Colorado."

(Ord. 4-1998 (part), 1998)

### **15.32.020 Definitions.**

**Addenda** means written and approved regulations issued after the original printing of the travel home park regulations which modify or interpret the travel home park regulations by additions, deletions, clarifications or corrections.

**Person** means an individual, corporation, partnership or other legal entity.

**Site Plan** is the plan for the travel home park with the supporting documents, plans, or drawings as necessary to show that the design requirements of these regulations have been complied with. This plan must be submitted to the town no later than thirty (30) days prior to the regular meeting of the planning commission at which it will be reviewed.

**Space** means a rentable space of real property within a travel home park.

**Travel home** means any movable or relocatable dwelling unit, other than a "manufactured home," commonly used for temporary dwelling, travel, recreation or other purposes including, but not limited to campers, motor homes, trailers and trailer coaches.

**Travel home park** means a park or campground for the use of travel homes, including but not limited to campers, motorhomes, trailers and trailer coaches.

**Travel home park construction permit** is a permit necessary to commence construction of any travel home park which has been approved by the town trustees.

(Ord. 4-1998 (part), 1998)

### **15.32.030 Statement of purpose.**

The purposes of these travel home regulations are to:

- A. Promote and protect the public health, safety and welfare;
- B. Insure the new development bears its fair share of the cost of providing improvements and services resulting from the development of travel home parks;
- C. Set forth uniform procedures and standards for the handling of all travel home park plans.

(Ord. 4-1998 (part), 1998)

#### **15.32.040 Jurisdiction.**

The travel home park regulations codified in this chapter shall apply within the corporate limits of the town.

(Ord. 4-1998 (part), 1998)

#### **15.32.050 Variances.**

The planning commission may recommend and the board of trustees may approve a deviation from the regulations codified in this chapter if it is determined that unusual conditions or undue hardship exists, and that a variance to the travel home park regulations codified in this chapter will effectively protect the public health, safety and welfare and achieve the purposes of this chapter. All requests for variances should be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

No variance from any requirements of any provision shall be authorized except after public hearing thereon. Hearings for variances may be a part of any public hearing concerning a preliminary or final plan. Any approval of deviations from the travel home park regulations codified in this chapter shall be considered a variance whether specifically identified or not.

(Ord. 4-1998 (part), 1998)

#### **15.32.060 Revision of forms.**

From time to time the planning commission may revise the forms shown in the appendices attached to the ordinance codified in this chapter and found on file in the office of the town clerk; provided, that such changes do not materially change the intent of the regulations codified in this chapter.

(Ord. 4-1998 (part), 1998)

#### **15.32.070 Enforcement.**

A. It is unlawful for the owner or agent of the owner of any land located within a travel home park to rent, agree to rent or negotiate to rent any such land unless the plan of said park has been approved by the board of trustees of the town, provided, however, that a contract for rent may be negotiated contingent upon such plan approval. Such contingent contracts shall expressly state that the prospective renter of such land has been advised that the travel home park has not been approved by the board of trustees, and shall include a clause stating that "this contract is expressly conditioned upon owner obtaining approval of the board of trustees of the subject travel home park."

1. Any person violating this provision shall be subject to a civil penalty (see Section 15.32.130(C) of this chapter) for each space so rented or negotiated to be rented.

Said penalty shall be paid to the town. The description of a space by metes and bounds in the instrument of transfer or other document used in the process of renting shall not exempt the transaction from such penalties or from the remedies provided in this section. The town may enjoin such rental agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction. A separate offense shall be deemed committed each day during which any violation continues.

- B. It is unlawful to violate any provisions of this chapter or any provision of a travel home park improvements agreement approved pursuant to this chapter, and any person convicted of such a violation may be fined or sentenced to both a fine and imprisonment. A separate offense shall be deemed committed each day during which any violation continues. Provided, however, any violation subject to the provisions of subsection A of this section shall not be subject to the provisions of this subsection.
- C. No water or sewer tap permit shall be issued for development of property with respect to which a violation of the travel home park regulations codified in this chapter or a travel home park improvements agreement approved pursuant to these regulations has occurred and such violation has not been remedied in a manner satisfactory to the town.
- D. The town may bring an action in a court of competent jurisdiction to enjoin any violation of the travel home park regulations codified in this chapter or of a travel home park improvements agreement entered into pursuant to the travel home park regulations codified in this chapter.

(Ord. 4-1998 (part), 1998)

#### **15.32. 080 Use and location of travel home.**

- A. Travel homes may be occupied as temporary dwellings only in the following circumstances.
  - 1. Within a travel home park upon a designated space.
  - 2. Upon private property for occupancy by guests; not to exceed thirty (30) days in any one calendar year, on any tract of land. Any travel home used in this manner must be located so as not to interfere with visibility, traffic, or other safety considerations.
  - 3. Upon property for which a permit has been issued by the town.
- B. Travel homes may be parked, if unoccupied, upon private property, in any part of town in which such use is allowed.

(Ord. 4-1998 (part), 1998)

**15.32.090 Permits for temporary location or occupancy of travel homes.**

- A. An application for a permit for the temporary location and use of a travel home upon private property shall be made upon forms supplied by the town.
- B. A permit for a period of up to six months may be issued, with an option to renew at the town's discretion, only under the following circumstances by the town administrator:
  - 1. For fire protection or security purposes at construction sites;
  - 2. At a construction site during the construction period for construction related purposes.
- C. Mobile homes may be occupied within a travel home park by owners and managers of the travel home park.
- D. The town shall not issue any permit, except for a use or location which complies with the criteria of this section. Such permit may be revoked by the board of trustees after a hearing upon reasonable notice to the applicant for a violation of any of the provisions of this section, or any other applicable ordinances or regulations of the town.

(Ord. 4-1998 (part), 1998)

**15.32.100 Travel home park development procedures.**

- A. It is unlawful to commence the construction of any travel home park or the enlargement of an existing travel home park until approved by the board of trustees as meeting the criteria and requirements of this chapter and other applicable town and state regulations.
- B. Application for a travel home park approval shall be made by submitting an application on forms supplied by the town accompanied by a site plan of the proposed travel home park and any supporting documents, plans or drawings necessary to show that the design requirements will be complied with.
- C. The site plan and all supporting plans must be submitted to the town no later than ten days before the date at which the planning commission is to review the application. Following review of the application, the planning commission shall recommend approval, conditional approval, or disapproval of the application to the board of trustees. Failure of the planning commission to act within thirty (30) days of the time when the final site plan is submitted shall be deemed planning commission approval of such plan, unless the applicant waives this requirement and consents to an extension of such period. The reasons for disapproval shall be included in the planning commission minutes and provided to the applicant upon request. The application shall then be submitted to the board of trustees for review and action. The board of trustees may approve the application, conditionally approve it, or disapprove the application if it finds that the requirements of these regulations have not been met.

- D. Fees. See fee schedule.
- E. Street and Circulation System Impact Fee.

A street and circulation system impact fee for all new planned travel home park construction shall be assessed in accordance with the requirements of Chapter 15.36. Said fee shall be due at the time the building permit application, application for conditional use permit or zoning map/district amendment or other construction permit application is approved.

(Ord. 2006-9 § 2 (part), 2006; Ord. 2006-2 § 2 (part), 2006; Ord. 4-1998 (part), 1998)

**15.32.110 Travel home park design requirements.**

- A. All travel home parks shall, as a minimum, comply with applicable state of Colorado regulations for campgrounds and recreation areas, and the requirements of this chapter. In the event of any conflict between state regulations and the requirements of this chapter or other town ordinances or regulations, those regulations which are more stringent shall apply.
- B. Dimensional Requirements.
  - 1. All travel homes and any accessory structures must be kept at least ten feet from any other travel home and accessory structure.
  - 2. Travel home park external boundary setbacks shall be as follows:
    - a. Minimum park front setback shall be twenty-five (25) feet except when the travel home park fronts on a state highway; then the minimum shall be fifty (50) feet.
    - b. Minimum park side setback shall be five feet.
    - c. Minimum park rear setback shall be five feet.
  - 3. All travel home spaces shall be clearly marked and numbered and shall contain a minimum of one thousand five hundred (1,500) square feet.
- C. Eight percent of the gross area of the travel home park shall be developed and maintained as a park, playground or other open area, exclusive of roadway.
- D. The travel home park developer shall provide the following improvements:
  - 1. A water system, including fire hydrants and adequate mains;



2. A sanitary sewer collection system;
  3. Streets with a minimum width as required by the department of public works and the fire department;
  4. A storm drainage system if required by topography;
  5. A service building meeting the requirements of applicable state and town regulations;
  6. Parking and driving areas shall be paved or covered with gravel.
- E. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with standard town design and construction standards and specifications.
- F. Easements. The town may require reasonable utility easements to be dedicated to the public to the purpose of public and town utilities. The town may require oversizing of water and sewer lines in which event the town shall pay the cost for oversizing.
- G. Screening. Fencing or vegetative screening may be recommended to the board of trustees if the planning commission determines a visual buffer is needed to provide separation from surrounding uses and help protect the property value of the existing neighborhood, or improve the quality of the travel home park.

(Ord. 4-1998 (part), 1998)

**15.32.120 Nonconforming travel home parks.**

- A. All travel home parks shall be maintained in accordance with the requirements of this chapter, applicable state of Colorado Department of Health regulations and other applicable regulations of the town of Cedaredge, Colorado.
- B. Any travel home park, which on the date the ordinance codified in this chapter was passed, or at the time of annexation, if annexed subsequently thereto, was lawfully existing and maintained in accordance with previously applicable state, county or town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this chapter, may be continued to be maintained or used, but shall not be enlarged except in conformity with this section. Any travel home park which was previously unlawful or illegal under previously applicable regulations shall remain unlawful or illegal and subject to abatement or other enforcement action.
- C. If the park is not operated for any ten month period, it may not thereafter be operated until it is brought into conformity with this section.
- D. No travel home may be placed onto any space which will create or increase any nonconformity with this chapter.

- E. Lawful nonconforming travel home parks existing as of the date the ordinance codified in this chapter was passed, may be expanded one time to add an additional number of spaces equal to thirty (30) percent in accordance with this subsection.

(Ord. 4-1998 (part), 1998)

### **15.32.130 Violation-Penalty.**

- A. The town administrator or designated representative shall have the right to enter upon any travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this chapter or other applicable ordinances and town and state regulations.
- B. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.
- C. Any violation of the provisions of this chapter is declared to be a nuisance and may be abated in accordance with law.
- D. In addition to any other remedies the town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of or compel compliance with any provision of this chapter.

(Ord. 2010-28, 6-17-2010) (Ord. 4-1998 (part), 1998)

## **Chapter 15.36**

### **STREET AND CIRCULATION IMPACT FEES**

#### Sections:

- 15.36.010 Short title and applicability.**
- 15.36.020 Purpose.**
- 15.36.030 Findings.**
- 15.36.040 Definitions.**
- 15.36.050 Time of impact fee obligation and payment.**
- 15.36.060 Exemptions.**
- 15.36.070 Impact fee determination.**
- 15.36.080 Independent street and circulation impact fee calculation.**
- 15.36.090 Use of street and circulation system impact fees.**
- 15.36.100 Developer's street improvements.**
- 15.36.110 Miscellaneous provisions.**
- 15.36.120 Appeals.**
- 15.36.130 Violation-Penalty.**
- 15.36.140 Effective date.**

**15.36.010 Short title and applicability.**

A. This chapter is known and cited as “Street and Circulation Impact System Fees,” and is referred to herein as “this chapter.”

B. The provisions of this chapter shall apply to all of the incorporated area of the town of Cedaredge within Zoning Districts R-1, R-2, R-3, MU-R, MU-C-D1, MU-C-D2 and IC.

(Ord. 2011-2, 1-20-2011) (Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

**15.36.020 Purpose.**

A. The purpose of this chapter is to require that impact-generating new construction bears a proportionate share of the cost of improvements to the town's street and circulation system; to require that the proportionate share does not exceed the cost of providing such transportation improvements; and to require that funds collected from impact-generating new construction are actually used to construct street and circulation system infrastructure improvements.

B. It is not the purpose of this chapter to collect any money from any impact-generating new construction in excess of the actual amount necessary to offset demands generated by that new construction for street and circulation system improvements for which the fee is paid.

(Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

**15.36.030 Findings.**

The board of trustees finds that:

A. The protection of the health, safety, and general welfare of the citizens of the town of Cedaredge require that the town's street and circulation system be expanded and improved to meet the demands of new construction.

B. Typically, no single new construction creates enough traffic to warrant construction of off-site street improvements based strictly on a traffic capacity analysis or a required level of service analysis. However, each new construction project incrementally depletes existing capacity and incrementally decreases the level of service. The cumulative impacts from new construction results in unacceptable depletions in capacity and levels of service, thereby requiring the expenditure of capital funds for improvements.

C. An equitable street and circulation impact system fee enables the town of Cedaredge to impose a proportionate share of the costs of required improvements to its streets and circulation system on that new construction that creates the need.

D. The street and circulation impact fee study sets forth reasonable methodologies and analyses for determining the impacts of various types of new construction on the town's

street and circulation system.

- E. The street and circulation system impact fee described in this chapter is based on the street and circulation impact fee study, and does not exceed the capital costs required to serve the new construction that will pay the fees.
- F. The types of improvements to the town's street and circulation system considered in the impact fee study will benefit the traffic impact-generating new construction.
- G. There is both a rational nexus and a rough proportionality between the impacts created by each type of new construction covered by this chapter and the street and circulation system impact fee that such new construction will be required to pay.
- H. This chapter creates a system by which street and circulation system impact fees paid by street and circulation system impact-generating new construction will be used to expand the town's street and circulation system.
- I. The street and circulation system impacts of new construction is not always easily ascertainable or allocated to a particular intersection or street and because the town is not so large that there are distinct areas of the town which are wholly unrelated to others, the board of trustees believes that it is not reasonable to define discrete time and distance requirements for the spending of street and circulation system impact fees in relation to each case of new construction.
- J. Nothing in this chapter shall alleviate the responsibility of any person or entity involved in the subdivision and/or development of real property from constructing all required items of infrastructure including but not limited to, streets, bridges, turn lanes, trails and utilities, in such development as required by the code of the town of Cedaredge and the standards and specification adopted by the town.

(Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.040 Definitions.**

Certain words or phrases unique to this chapter shall be construed as defined below, unless it is apparent from the context that they have a different meaning.

**Applicant** for the purposes of this chapter, means an applicant for a building permit, conditional use permit or zoning map/district amendment or other construction application for which an impact fee is due.

**Governing body** means the board of trustees of the town of Cedaredge.

**Impact fee** means the street and circulation system impact fee.

**Impact fee study** means the Circulation Impact Mitigation Fee Study, April 2005, by Edward

DelDuca & Assoc. (the "Impact Fee Study"); prepared for the town of Cedaredge, or a subsequent similar report.

**New construction** means and includes all "impact-generating" construction including, but not limited to new single family, multi-family, commercial and industrial development. It also includes any change in or expansion of use of any existing building, which creates additional demands on the town's traffic and pedestrian circulation infrastructure.

**Service area** means town of Cedaredge, Colorado.

**Site plan** means site plans required by Chapters 16 and 17 of the Cedaredge Municipal Code.

**Street and circulation system** means existing infrastructure accommodating efficient, safe traffic between neighborhoods, the downtown, the highway and highway businesses.

**Town planner** means the person appointed by the town board to oversee planning within the town. Initially that person shall be the town administrator.

**Traffic impact-generating new construction** means any construction designed or intended to permit a use of the land that will increase the number of vehicle-miles of travel.  
(Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.050 Time of impact fee obligation and payment.**

- A. On and after the effective date of this chapter, no building permit, conditional use permit or zoning map/district amendment or other construction permit shall be approved for any traffic impact-generating new construction until a street and circulation system impact fee has been assessed pursuant to the terms of this chapter.
- B. The impact fee shall be determined and assessed at the time a building permit, conditional use permit or zoning map/district amendment or other construction permit application is approved. The impact fee shall also be paid at the time of building permit, conditional use permit or zoning map/district amendment or other construction permit application approval.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.060 Exemptions.**

- A. The following shall be exempt from the terms of this chapter. An exemption must be claimed by the impact fee payer at the time of application for a building permit.
  - 1. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed and no additional vehicular trips will be produced over and above that produced by the existing use.

2. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.
  3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.
  4. Any new construction for which a completed application for a building permit or other construction permit was submitted prior to the effective date of this town of Cedaredge street and circulation system impact fee ordinance, provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.
- B. The town planner shall determine the validity of any claim for exemption pursuant to the criteria set forth in this chapter.
- C. In order to promote the economic development of the town of Cedaredge, or the public health, safety, and general welfare of its residents, the board of trustees may agree to pay some or all of the street and circulation system impact fees imposed on a proposed new construction, or reconstruction, from other funds of the town of Cedaredge that are not restricted to other uses. Any such decision to pay street and circulation system impact fees on behalf of an applicant shall be at the discretion of the board of trustees and shall be made pursuant to goals and objectives articulated by the board of trustees.
- D. No waivers shall be granted for any required street and circulation impact fees.

(Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.070 Impact fee determination.**

- A. Every person who applies for a building permit, conditional use permit or zoning map/district amendment or other construction permit for traffic impact-generating new construction, except those exempted or preparing an independent street and circulation system impact fee calculation study, shall pay a street and circulation system impact fee in accordance with the following impact fee schedule prior to approval of the building, conditional use permit or zoning map/district amendment or other construction permit.

The purpose of the street and circulation system impact mitigation fee is to facilitate new construction paying its fair share of the improvement cost to safely increase street and circulation system capacity. Each new construction's fair share can be based on the proportion of the increased circulation system capacity that it uses.

#### Residential Development Circulation System Impact Fees

1. Single Family Detached Unit (includes Duplexes and Mobile Homes--either in mobile home parks or on separate lots)	\$1,475
2. Multi-Family--per unit	\$1,025
3. Mobile Travel Homes--RV Park per pad	\$750

Typical Nonresidential Street and Circulation System Impact

Fee Schedule Based on Standardized Traffic Data/Land Use Category	(ADT per 1,000 Sq. Ft. or Other Units if Noted)	Adjustment Factor (%)	Trip Generation (ADT per 1,000 Sq. Ft. or Other Units if Noted)	Mitigation Fee (per 1,000 Sq. Ft. or Other Units if Noted)
Auto sales/service	38	34	12.6	\$ 2,575
Bank	156	22	34.3	7,036
Carwash	per stall	22	7.7	1,579
Church	9	50	4.5	923
Convenience store with gas	737	8	59.0	12,087
Day care center	80	12	9.6	1,968
General office	11	50	5.5	1,128
Golf course	hole	45	14.0	2,870
Hardware/building mat.	45	50	22.5	4,613
Health club	45	25	11.3	2,306
Hotel/lodging (per unit)	6	50	3.0	615
Industrial/heavy	2	50	1.0	205
Industrial/light	7	50	3.5	718
Movie theater	78	40	31.2	6,396
Nursing home	5	50	2.5	513
Office general	13	50	6.5	1,333
Office medical or clinic	37	50	18.5	3,793
Restaurant	90	19	17.1	3,506
Restaurant-fast food	130	16	20.8	4,264
Retail/general merchandise	40	22	8.8	1,804
Supermarket	68	22	15.0	3,067
Video store	54	22	11.9	2,435
Warehousing	5	50	2.5	513
Warehousing mini storage	3	50	1.5	308

Table above is based upon trip generation standards and adjustment factors obtained from the Institute of Transportation Engineers Trip Generation Manual, most recent edition. Traffic generation by nonresidential land uses is typically measured in terms of the average daily trips per thousand square feet of floor area (termed driveway volume)--consequently the fees are also expressed in this manner. The square feet of uses is to be calculated based on actual square feet/1,000 and is not to be rounded to the nearest 1,000 sf. (for a 2,550 sf building 2.55 would be used as the size of the building).

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006; Ord. 2006 § 5 (part), 2006)

**15.36.080 Independent street and circulation impact fee calculation.**

- A. The impact fee may be computed by the use of an independent fee calculation study at the election of the applicant by an experienced and knowledgeable consultant approved by the town, or upon the request of the town planner, for any proposed traffic impact-generating new construction interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed traffic impact-generating new construction for which the town planner concludes the nature, timing or location of the proposed new construction makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the impact fee schedule.
- B. The preparation of the independent impact fee calculation study shall be the sole responsibility and cost of the party electing to utilize the study.
- C. Any person who requests an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study, as determined by the board of trustees.
- D. The independent impact fee calculation study shall be based on the same formulas, levels of service standards and unit costs for facilities used in the street and circulation system impact fee study, and shall document the methodologies and assumptions used.
- E. An independent impact fee calculation study submitted for the purpose of calculating a street and circulation impact fee may be based on data, information or assumptions from independent sources, provided that:
  - 1. The independent source is an accepted standard source of transportation engineering or planning data; or
  - 2. The independent source is a local study on trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved in advance by the town planner.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006; Ord. 2006 § 5 (part), 2006)

**15.36.090 Use of street and circulation system impact fees.**

- A. All street and circulation system impact fees collected by the town of Cedaredge shall be deposited into the appropriate street and circulation system impact fee account within the capital improvements fund.
- B. The street and circulation system impact fee account shall contain only those street and circulation system impact fees collected pursuant to this chapter plus any interest which may accrue from time to time on such amounts.
- C. The monies in the street and circulation system impact fee account shall be used only to construct street and circulation system improvements as defined within the boundaries of



the town of Cedaredge service area. Per the town's master circulation plan, designated and established collector streets are the primary element of the circulation system. In Cedaredge, collector streets include a detached sidewalk/bicycle path to accommodate pedestrian traffic that is displaced from the street pavement due to traffic. As the street system carries more traffic, additional pedestrian system improvements are important to safely accommodate pedestrians of all ages. This system includes, but is not limited to sidewalks, bicycle paths, street crossings, traffic calming devices, traffic controls, etc.

- D. The monies in the street and circulation system impact fee account shall not be used for the following:
1. The rehabilitation, reconstruction, replacement or maintenance of existing streets, unless it is an integral part of an improvement that adds capacity to the town's major street system or regional road projects;
  2. Ongoing operational costs; or
  3. Debt service for any past general obligation bond or revenue bond issued prior to the effective date of this chapter, or any portion of any current or future bond issued after the effective date of this chapter and not used to finance major street system or regional road improvements.
- E. Capital spending decisions shall be guided by the principles, among others, that street and circulation system impact fee funds shall be used to make capacity and safety improvements, but not be used to upgrade existing deficiencies except incidentally in the course of making eligible improvements; street and circulation system impact fee account expenditures which provide improvements which are near in time and/or distance to the new construction from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance to new construction.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006; Ord. 2006 § 5 (part), 2006)

#### **15.36.100 Developer's street improvements.**

- A. The design and construction of street improvements required to serve new construction, including developments shall be made in accordance with the Cedaredge Municipal Code as well as any design standards and specifications adopted by the town. Examples of such street and circulation system improvements include, but are not limited to, the following:
1. Absent unique needs or characteristics of the developer, improvements shall include construction of full asphalt radii consistent with the classification of the future street and necessary drainage improvements, in accordance with town standards for each intersection with a perimeter street and/or improvements necessitated if the proposed developer creates lots with direct access to the perimeter street(s), as determined by the town planner. If a traffic study is required and improvements in addition to those set out above are required, the required

improvements shall conform to the traffic study.

2. Curb, gutter and sidewalk improvements shall be constructed as part of minimum access improvements when connecting directly to a street with like improvements.
  3. Determination of required improvements shall consider pedestrian connections, school bus stops and transit in determining what improvements are required.
  4. Drainage Structures Including Bridges. The developer shall construct drainage structures and/or bridges associated with the connection of new construction to the street system.
  5. Traffic Studies. Preparation of traffic studies shall be the responsibility of new developments as currently set forth in the Cedaredge Municipal Code.
  6. Utilities. The extension of utilities, including water, wastewater, storm water improvements, gas, electric, cable, and telephone, etc. shall be the responsibility of new construction.
- B. In addition to the street and circulation system impact fee and required street improvements, a developer must fully construct (or if current needs do not require construction, then the developer must guarantee for future construction) all internal streets, roads, alleys, and future connections in accordance with the development's approved plan.
- C. In some special situations, the town of Cedaredge may require additional exactions in addition to above. As new nonresidential and residential land-uses redeveloped or existing nonresidential and residential land-uses are expanded, on-site improvements and off-site improvements that serve the specific development including dedication of adjacent rights-of-way will continue to be funded through use of exactions required as part of the development approval process including subdivision, special use permit, building permits, conditional use permit or zoning map/district amendment, other construction permits, etc. Examples of these improvements include: all on-site streets, sidewalks and trails, turn lanes into the development, drainage improvements, right-of-way dedications, intersection improvements, stub-streets and connections to adjacent off-site streets, sidewalks, bike paths and trails.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006; Ord. 2006 § 5 (part), 2006)

#### **15.36.110 Miscellaneous provisions.**

- A. The town planner shall maintain accurate records of the street and circulation system impact fees paid, including the name of the person paying such fees, the new construction for which the fees were paid, the date of payment of each fee, the amounts received in payment for the fee, and any other matters that the town deems appropriate or necessary for the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

- B. Upon request by the board of trustees, the town planner shall present to the board of trustees a proposed capital improvements program that shall assign monies from the street and circulation system impact fee account to specific projects and related expenses for eligible improvements. The street and circulation system impact fee funds may be combined with other funds of the town for the purpose of completing specific projects. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program, shall be retained in the same street and circulation system impact fee account until the next fiscal year.
- C. If a street and circulation system impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.
1. Any amounts overpaid by an applicant shall be refunded by the town to the applicant within thirty (30) days after the acceptance of the recalculated amount.
  2. Any amounts underpaid by the applicant shall be paid to the town within thirty (30) days after the acceptance of the recalculated amount. The recalculated amount may include interest from the date of such underpayment at a rate deemed appropriate by the town administrator.
  3. In the case of an underpayment to the town, the town planner shall not issue any additional permits or approvals for the project for which the street and circulation system impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the town of Cedaredge are not paid within such thirty (30) day period, the town of Cedaredge may also rescind any permits or approvals issued in reliance on the previous payment of such street and circulation system impact fee.
- D. The street and circulation system impact fees and the administrative procedures established by this chapter may be reviewed bi-annually by the town staff and a recommendation forwarded to the board of trustees addressing:
1. Any necessary updates to data or methodology for the street and circulation system impact fee requirements;
  2. A report on street and circulation system impact fees assessed and collected, including the amount of new construction exempted from collection of impact fees;
  3. Any other pertinent issues.
- The failure of town staff to conduct such a review every two years shall not result in the invalidation of this chapter, nor shall this provision be construed to create an affirmative enforceable obligation to perform such a review.
- E. Payment of a street and circulation system impact fee for street and circulation

system improvements does not obligate the town of Cedaredge to construct any specific street and circulation system improvement.

- F. Nothing in this chapter shall prohibit the town of Cedaredge from contributing funds, materials or labor for additional improvements to its major street and circulation system when it is deemed in the public interest to do so.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.120 Appeals.**

Any determination made by the town planner charged with the administration of any part of this chapter may be appealed to the board of trustees within thirty (30) days from the date of the decision to be appealed.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.130 Violation-Penalty.**

Furnishing false information on any matter relating to the administration of this chapter, including without limitation the furnishing of false information regarding the expected size, use, or impacts from any proposed new construction, shall constitute a violation of this chapter and shall result in the process beginning over with the correct information. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-28, 6-17-2010) (Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

#### **15.36.140 Effective date.**

The provisions of this chapter shall take effect thirty (30) days following publication of the ordinance codified in this chapter.

(Ord. 2007-5 (part), 2007; Ord. 2006-9 § 5 (part), 2006: Ord. 2006 § 5 (part), 2006)

### **Chapter 15.40**

#### **MARIJUANA DISPENSARIES\***

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\* **Editors Note:** Ord. No. 2009-11, adopted Nov. 12, 2009, set out provisions intended for use as Ch. 15.20, §§ 15.20.010--15.20.040. For purposes of classification and the existence of a current Ch. 15.20, and at the editor's discretion, these provisions have been included as Ch. 15.40, §§ 15.40.010--15.40.040. Ord. No. 2010-30, adopted October 21, 2010, extended and modified the moratorium until May 31, 2011. Ord. No. 2010-31 rescinded Ch. 15.40, §§ 15.40.010--15.40.040 and adopted Ch. 15.40, §§ 15.40.050--15.40.080.

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Sections:

**15.40.050 Medical Marijuana Operations Prohibited.**

**15.40.060 Business License Required.**

**15.40.070 Sales Tax.**

**15.40.080 Definitions.**

### **15.40.050 Medical Marijuana Operations Prohibited.**

It shall be unlawful for any person to operate a Medical Marijuana Center, an Optional Premises Cultivation Operation or a Medical Marijuana Infused Products manufacturing business at any location within the boundaries of the Town of Cedaredge, Colorado.

(Ord. 2010-31, 11-10-2010)

### **15.40.060 Business License Required.**

It shall be unlawful for any person who is properly licensed as a Medical Marijuana Center under State law by another local jurisdiction to deliver medical marijuana within the Town in any form to any person who is lawfully entitled to possess or use medical marijuana under the provisions of Section 14 of Article 18 of the Colorado Constitution without first having obtained a business license from the Town.

(Ord. 2010-31, 11-10-2010)

### **15.40.070 Sales Tax.**

Any deliveries of medical marijuana within the Town by any person who is properly licensed as a Medical Marijuana Center under State law by another local jurisdiction shall be subject to the Town's sales tax.

(Ord. 2010-31, 11-10-2010)

### **15.40.080 Definitions.**

**Medical Marijuana** as used in this Code, Medical Marijuana means marijuana that is grown and sold pursuant to the provisions of Section 14 of Article 18 of the Colorado Constitution.

**Medical Marijuana Center** as used in this Code, a Medical Marijuana Center means a person who cultivates or sells Medical Marijuana to Registered Patients or Caregivers as defined in Section 14 of Article 18 of the Colorado Constitution but shall not mean a Primary care-giver lawfully acting under the provisions of Section 14 of Article 18 of the Colorado Constitution.

**Medical Marijuana Infused Product** as used in this Code, Medical Marijuana Infused Product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures.

**Optional Premises Cultivation Operation** as used in this Code, Optional Premises Cultivation Operation shall mean a business operated to cultivate or grow Medical Marijuana under a state license as described in C.R.S. 12-43.3-403.

**Person** as used in this Code, Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, director, servant, officer or employee thereof.

(Ord. 2010-31, 11-10-2010)