

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, August 29, 2022, at 6:00 p.m. at the Fairplay Town Hall Board Room
901 Main Street, Fairplay, Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. CONSENT AGENDA** *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. APPROVAL OF MINUTES OF PRIOR MEETING** – July 18, 2022.
 - B. APPROVAL OF MINUTES OF PRIOR MEETING** – August 1, 2022.
 - C. APPROVAL OF EXPENDITURES** – Approval of bills for various Town funds in the amount of **\$25,830.61.**
- VI. CITIZEN COMMENTS**
 - A.** Jim Dexter, Meadow Lane Homeowners' Association.
- VII. PROCLAMATIONS, PRESENTATIONS AND UPDATES**
 - A.** Presentation from Town Building Official Kyle Parag regarding adoption of 2018 International Building Code by the Town of Fairplay.
- VIII. NEW BUSINESS**
 - A.** Should the Board Approve a Memorandum of Understanding between the Town of Fairplay and the City of Cripple Creek for the transfer of use of one (1) transit vehicle associated with Federal interest.”?
 - B.** Should the Board Approve a Memorandum of Understanding between the Town of Fairplay and the Cripple Creek Care Center for the transfer of use of one (1) transit vehicle associated with Federal interest.”?
- IX. PUBLIC HEARINGS**
 - A.** Should the Board Approve the adoption of Ordinance No. 10, Series of 2022, entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE ADDING ARTICLE VI – TOBACCO PRODUCTS.**”?
- X. UNFINISHED/OTHER BUSINESS**
 - A.** Update on projected costs of Unified Development Code update proposal approved by the Board of Trustees August 15, 2022.
- XI. STAFF AND BOARD OF TRUSTEE REPORTS**
- XII. ADJOURNMENT**
- XIII. WORK SESSION REGARDING TOWN OF FAIRPLAY 2023 BUDGET.**

Upcoming Meetings/Important Dates

LABOR DAY HOLIDAY – Town Offices CLOSED	September 5, 2022
Fairplay Board of Trustees Regular Meeting CANCELLED	September 5, 2022
South Park High School Homecoming Week	September 6-9, 2022
South Park High School Homecoming Games/Dance/Bonfire	September 9, 2022
Fairplay Board of Trustees CIRSA Work Session	September 12, 2022
Fairplay Board of Trustees Regular Meeting	September 19, 2022

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JULY 18, 2022**

CALL TO ORDER – REGULAR MEETING

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, July 18, 2022 at 6:01 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Records law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Mayor Frank Just, Mayor Pro Tem Scott Dodge and Trustees Isaiah Goodreau, Josh Voorhis, and Pete Lynn.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Public Works Director Donovan Graham and Chief of Police Bo Schlunsen.

APPROVAL OF AGENDA

Town Administrator Sciacca advised that Molly Doell had sent an email earlier in the day advising of a death in her family and her inability to attend the meeting. Sciacca stated Doell requested withdrawal of her PIIP request from the agenda for the evening.

Motion #1 by Mayor Pro Tem Dodge, seconded by Trustee Goodreau, that the agenda be adopted as amended with the removal of Public Hearing item B. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

A. APPROVAL OF EXPENDITURES – Approval of bills for various Town funds in the amount of \$293,753.79.

Sciacca addressed an inquiry by Trustee Lynn regarding natural gas and propane bills at the Town's facilities at 501 Main Street and 850 Hathaway. She noted that the delivery schedule, price of fuel, age of facilities and type of heating systems were all contributing to the higher bills. She also noted there was an issue with the Town being locked out of 850 Hathaway by the Summit Stage staff and the thermostat had been turned up, but Public Works Director Graham got into the building and installed a locking thermostat control and changed the lock code. Sciacca also addressed the higher bills for SGM stating much of the costs were bill backs for developments but there was a lot of other business going on that the engineering firm was helping the Town with such as the CNG Floodplain permit, assessment of the integrity of the banner poles on Main and many other Town specific projects. She noted that the work SGM performed for the Town probably saved money in the end.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve the Consent Agenda as written. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Presentation regarding August 2, 2022 National Night Out; Park County Sheriff Tom McGraw.

Sheriff Tom McGraw presented stating National Night Out had been going on across the Country in different communities since 1984 and its purpose was to bring law enforcement together with the community. He felt it was a really good program and event to have so Deputy Nathan Darian was the one driving it. Events and activities depend on money raised and this year they hoped to put on a 15-20 minute Laser Light Show and provide free food and activities. He asked that the Town support the program financially. He stated that County Manager Eisenman committed to match up to \$2,500 and there are had also been many private donations. McGraw finished by stating he felt this would be a really good event, good for the kids to come down, good for the parents not have to cook anything that night, have some food, watch a cool laser show and then go home by 9 PM. Sciacca advised the Board they did still have funds available in their benevolence line for this event. The Board provided to direction to Staff to contribute \$2,500 for the Park County National Night Out to be held August 2. McGraw thanked the Board for their generous support.

B. Introductions and presentation by Xcel Energy; Operations Manager Meredith Guinan, High Country Area Manager Nathan Steele, Wildfire Operations Director Dianne Watkins.

High County Area Manager Nathan Steele introduced the Xcel Staff in attendance. He provided an overview of several PowerPoint slides and the introduced Meredith Guinan review the Wildfire Mitigation Program goals and components including overhead safety inspections, pole replacement, line rebuilds, vegetation management, drone inspections, and enhanced power safety settings (EPSS). She explained in detail how the EPSS system worked and that it was a pilot program being tested in about 6 different areas. Following discussion about power outages and related notifications the Board thanked them for the presentation and information.

C. Introduction of new Building Department Services Staff; Master Code Professional Michael Theissen, Charles Abbott and Associates, LLC.

Mike Theissen, Colorado Regional Director introduced himself and Kyle Parag, Building Official introduced himself. Parag reported he was updating forms to modernize what the Town had. He was also looking at codes, stating the Town was still on the 2012 version. Sciacca reported the she and Building Inspector Alex Wagner had been taking Parag out to look at active projects and asking questions and that Parag has condenses multiple forms into one application and he was already working on guides for the Town website. She noted that an Open House with both Theissen and Parag was announced and held prior to the evening's meeting and only the County and one citizen showed up.

OTHER BUSINESS

A. Discussion regarding Kelsey Hanley request of June 20, 2022 to change the definition of a secondary / accessory dwelling unit (ADU) on property located at 615 Bogue Street, Fairplay.

Town Administrator Sciacca presented the Staff Report reviewing the history of the matter. She announced that the Staff's finding was that the structure was a Accessory Dwelling Unit and was not eligible for a Short Term Rental use and the recommendation was that the Board of Trustees take no action on the original request to change the definition of the structure. Hanley spoke stating he previous owners were living in the cabin when they were renovating the house so it was assumed it was approved by the Town. She stated she and her husband were not asking the questions they needed to but did not

know too and just assumed it was okay since Town officials had been on site for inspections. Hanley added that over \$100,000 had been spend on improvements. Following a brief discussion regarding the Board's past discussions about whether or not ADUs should be rented as Short Term Rentals and decision to not allow the use in the particular units and instead protect the Town's housing stock, the Board generally agreed this was an unfortunate situation and there was no action to be taken.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to take no action on the request. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

PUBLIC HEARINGS

- A. Should the Board Approve the adoption of Ordinance No. 9, Series of 2022, entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 18 – BUILDING REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE, AND THE INTERNATIONAL RESIDENTIAL CODE, CONCERNING THE FROST LINE DEPTH.”?**

Mayor Just announced the topic of the Public Hearing at 7:04 PM. Town Building Official Kyle Parag presented the Staff Report and recommended the Board approve Ordinance No. 9 as presented increasing the Frost Line Depth. He noted the current depth of 24 inches was unusually shallow and would result in heaving so he recommended at least 44 inches. Town Administrator Sciacca added that Staff felt it was important to bring this particular code change forward due to all the expected new development. She noted that the overall cost related to the increased depth was nominal compared to what it could be for a homeowner that would need to repair a foundation in the future. Mayor Just advised that from a construction perspective 44 inches was not a number that was used and he recommended either 48 or 42 as a standard. There was no public comment in favor of nor against the adoption of the ordinance and the Public Hearing was closed.

Motion #4 by Trustee Voorhis, seconded by Trustee Goodreau, to approve ordinance No. 9, Series of 202, as amended to 48 inches. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

- B. Should the Board Approve the adoption of Resolution No. 32, Series of 2022, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A PROPERTY IMPROVEMENT INCENTIVE AGREEMENT WITH MOLLY DOELL FOR 240 FOURTH STREET DRIVEWAY PROJECT.”? Withdrawn from consideration at request of applicant.**

NEW BUSINESS

- A. Should the Board Approve the adoption of Resolution No. 33, Series of 2022, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HARDESTY ENGINEERING & MAPPING, LLC FOR ON-CALL CONTRACT ENGINEERING AND CONSULTING SERVICES RELATED TO TOWN WATER AND SEWER PROJECTS.”?**

Town Administrator Sciacca presented the Staff Report advising the contract was being presented for specific water related engineering services. Staff would try not to utilize the services any more than needed, but there were many things to covered related to the development projects and capital improvement projects. She recommended approval as presented. Mayor Just added this would help protect the Town from getting backed into a corner, items that could be billed back to developers would, and costs would be based on actual work performed.

Motion #5 by Mayor Pro Tem Dodge, seconded by Trustee Lynn, to approve Resolution No.33, Series of 202, as written and presented. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Schlunsen reported he was going to be offering a Reserve Officer position to a former Alma Chief Zack Robertson. He also reported Officer Schlaff had given notice he would be moving to part time and pretty much just Code Enforcement.

Public Works Director Graham presented an overview of his report highlighting the paving overlay project completion, Cohen Park cleanup and preparations to complete the playground border as well as obtaining a quote for the basketball court. Graham also noted that new picnic tables had been ordered for the park. Additionally, Staff was completing water production figures for the Board and Staff was moving forward to partner with VERT sites for waste diversion and event materials management/cardboard recycling for Burro Days.

Town Administrator Sciacca reported that sales tax revenues were up 14% and the number did not reflect the Town's busiest months. She also noted that only 9 Short Term Rental permits has been issued, the Town's new website was up and running and Staff was looking forward to getting as much information on it as possible, and Staff was still working with Northwest Fire Protection District regarding how to move forward related to inspections. Sciacca also noted that she had been asked to sit on a panel for the Colorado City & County Managers Association upcoming Emerging Manager's Conference in Woodland Park and she was honored to be representing Fairplay in that capacity. Lastly, she requested the Board give consideration to a mid-year cost of living increase to offset inflation and rising gas prices. Mayor Just suggested a one-time payout and stated he would like to see those figures brought back to the Board for review and consideration.

Mayor Just also noted discussions with Sciacca regarding a vehicle for the Town Staff to drive for errands and conferences instead of the big trucks. Sciacca stated she spoke to the County about any older vehicles they might have available but Just felt the Town should look at something new during the budget process after seeing the where the Internal Service Fund stood with all the current vehicles payments.

Mayor Pro Tem Dodge reported that he and Administrator Sciacca attend the Central Front Range Transportation Planning Region meeting in Divide earlier in the day and toured the new Teller County Sheriff's Office building. He reported that some projects are being pushed back to 2023 and that everyone should be prepared for US 285 to Antero Junction to be shut down through October. The high speeds on Hwys 9 and 24 was brought up. The 10 year plan is being looked at and nothing has fallen off for Park County and the US 285 widening will go back out to bid in October. He also noted there was a lot of clapping and cheering as 18 applications received MMOF funding. Park County received money for Hwy 9 the bike path and Fairplay received funding for Phase 2 of the River Park. Dodge mentioned that he and Sciacca also attend another transit related meeting at Rocky Mtn Rural Health later in the afternoon and closed stating the Independence Day Celebration was awesome.

Mayor Just stated the Burro Days parade was coming up and everyone needed to get aboard and throw candy.

Trustee Lynn reported that he and Administrator Sciacca attended a meeting at the South Park Community Church with a group called Bike and Build which was a national group trying to raise both

money and awareness for affordable housing. it was great to hear the perspective of young Americans and their concerns for their own potential growth for housing and it's a great little event.

Mayor Just requested the Board contribute \$500 to Medicare Against Scholarship Fund for their golf tournament. There was also discussion regarding adding of daytime events for the 4th of July celebration and specifically kid-related activities at the old Park County Courthouse. Just stated he knew someone who had bumper balls. He then noted there were rumblings of a development that will lie between Alma and Fairplay with talk about Alma and the developer maybe partnering up together and approaching the Town of Fairplay about piggybacking on the Town's sewer system. Sciacca advised she had not been contacted nor heard anything about it. Just introduced Ms. Jo of the Boys & Girls Club who stated she moved to the area 2 years ago and just wanted to make sure the club was on the Town's radar. She added the club was getting licensed which would allow for upwards of \$100,000 of funding which is really needed. Just encouraged her to figure out what was needed and come back to the Town. The Board then discussed the tragedy that ensued in Chicago at the 4th of July Parade and generally agreed that had they know about it they would have asked the gunfighters that were at the Fairplay event to not fire their weapons. Additional discussion ensued about requesting the groups that would be attending Burro Days to refrain from firing their weapons and that at future events the Town consider a scheduled and announced show so citizens would be aware of what was going to take place and could decide whether or not to attend.

ADJOURNMENT There being no further business before the Board, Mayor Just declared the Regular Meeting adjourned at 7:48 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
AUGUST 1, 2022**

CALL TO ORDER – REGULAR MEETING

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, August 1, 2022 at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Records law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Mayor Frank Just, Mayor Pro Tem Scott Dodge and Trustees Isaiah Goodreau and Josh Voorhis. Town Administrator Sciacca reported that Trustee Lynn had advised her he would be out of Town on vacation for this meeting.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Town Treasurer Kim Wittbrodt, Public Works Director Donovan Graham and Chief of Police Bo Schlunsen.

APPROVAL OF AGENDA

Motion #1 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, that the agenda be adopted as written. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

CONSENT AGENDA

- A. A. APPROVAL OF MINUTES OF PRIOR MEETING** – June 6, 2022.
- B. B. APPROVAL OF MINUTES OF PRIOR MEETING** – June 20, 2022.
- C. C. APPROVAL OF EXPENDITURES** – Approval of bills for various Town funds in the amount of **\$25,308.90.**

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve the Consent Agenda as written. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

CITIZEN COMMENTS

Ashley Girodo, 1691 River Drive, Alma, introduce and stated she was running for County Commissioner for District #3. She encouraged anyone with questions or who wanted to hear about her priorities or why she was running to speak with her after the meeting or another time. Girodo stated she was looking forward to moving the County forward. The Board thanked Girodo for appearing.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

- A.** Proclamation recognizing Tuesday, August 2, 2022 as National Night Out in the Town of Fairplay Mayor Just read the proclamation into the record and announced August 2, 2022 as National Night Out in Fairplay, CO. Chief Schlunsen announced the Fairplay PD would be participating in the event tomorrow night and there would be food, fun and a nice laser show. Just stated after 39 years it was probably time to jump on board and hoped the event would continue and get bigger and better every year.

PUBLIC HEARINGS

- A. Should the Board Approve the adoption of Ordinance No. 10, Series of 2022, entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE ADDING ARTICLE VI – TOBACCO PRODUCTS, AMENDING CHAPTER 10 GENERAL OFFENSES ADDING SECTION 10-11-70 TO ARTICLE XI – MISCELLANEOUS OFFENSES PROHIBITING SMOKING IN PUBLIC PARKS AND RECREATION AREAS AND ADDITIONALLY AMENDING SECTION 10-7-50 REGARDING THE LEGAL MINIMUM AGE FOR PERSONS THAT MAY PURCHASE CIGARETTES OR TOBACCO PRODUCTS.”?**

Mayor Just announced the topic of the Public Hearing. Town Administrator Sciacca advised this was a legislative matter and presented the Staff Report. She recommended approval of the document in order to make bring the Town code into compliance with state and federal laws and to be consistent with the liquor licensing regulations. Mayor Pro Tem Dodge commented that he recalled being approached by the school a few years ago about changing the restrictions and including the parks and public facilities, so he was under the impression the rules were already in place. Mayor Just recalled the School and students making a presentation and requesting to make the campus tobacco free. Sciacca stated that could be included in this document but she would definitely conduct further research. Just felt the real question was whether or not to include the Beach and River Park. He also questioned whether or not it would be enforced? Staff was asked if they had seen littering and discarded butts. Chief Schlunsen replied he had not received complaints on butts but had seen littering like bottles and trash. Staff was asked what the alcohol policy at the Beach was and Sciacca reported that the current Rules & Regulations document on the website said it was now allowed while the Town Code restricted alcohol on property owned, operated, leased or maintained by the Town. The Board questioned if restrictions of either alcohol or tobacco were needed at the Beach but agreed the restrictions should definitely apply to Cohen Park. Signage was discussed and Staff agreed to provide samples of potential signage. Mayor Just requested that the wording in the ordinance include “tobacco related products” and Chief Schlunsen advised the Town code also did not include Possession of Tobacco by a Minor as an offense. Mayor Pro Tem Dodge asked if it would be possible to look up the day that the school came and presented to the Board to obtain a little background on that because it was pretty impressive. There was also a request to make sure marijuana was added to the restrictions and the matter was tabled for Staff to bring back at a future date.

NEW BUSINESS – None.

UNFINISHED/OTHER BUSINESS

- A. Discussion on mid-year pay increases for Town Staff.**

Town Administrator Sciacca directed the Board to a handout detailing what a 6 month, 5% increase would look like budget wise. She recalled Mayor Just’s comment at the previous meeting to look at one- time payout and stated the Public Works Staff had indicated they would be appreciative of that instead of a per month increase. She noted that Sales Tax was very positive, and the Town budget did have sufficient funds to cover either. Following additional discussion, the Board generally felt the one-time payout was better than a % increase paid out over 6 months and further discuss salary increases for 2023 during budget discussions. Town Treasurer Wittbrodt advised she could process the payment with the next payroll and will prepare different scenarios for different increase levels for 2023.

Motion #3 by Trustee Voorhis, seconded by Mayor Pro Tem Dodge, to approve a one-time, 5% increase payout on half the salary for year 2022 at our next pay period. A roll call vote was taken: Goodreau – aye, Dodge – aye, Just – aye, Voorhis – aye. Motion carried unanimously.

B. Discussion regarding August and September, 2022 Regular Board Meeting schedule.

Town Administrator Sciacca directed the Board to a schedule distributed detailing meetings for the remainder of the year. She noted that since Monday, September 5 was the Labor Day Holiday, she added a meeting on Monday, August 29. She also noted a Work Session on Monday, September 12, with CIRSA General Counsel Sam Light. The Board generally agreed with the schedule and would make adjustments if necessary.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Schlunsen reported the only issue he saw was the parade. He felt it was mess because he got the forms way too late. He has talked to Julie about it and how to handle them in the future. Schlunsen also report Officer Schlaff was going to be off for the next couple of weeks and then start working Sundays only but would help cover vacations, illnesses, etc. He also report that Schlaff started the process for cleaning up a property between second and the north end of Hathaway. Sciacca reported an updated spreadsheet will be provided to the Board at an upcoming meeting.

Public Works Director Graham advised that the Staff was working and being kept busy. Mayor Just reminded Graham that the Board had in the past asked for statistics on permits, goings on, and construction so they were kept up to date and could answer inquiries received. Sciacca stated that Building Official Kyle Parag was working on the report regarding permits and contractor Ken Hardesty was helping to review the water reconciliation. Staff planned to provide both of those to the Board soon. Mayor Just also asked if Staff could post a list of permits online and Sciacca felt that could be done.

Town Administrator Sciacca reported that the Town did not receive either of the \$3 million grants applied for through the Congressionally Directed Spending (CDS) process with Bennet or Hickenlooper so Staff was moving forward through the CDPHE SRF loan/grant process and had a ZOOM meeting scheduled August 2 to discuss permitting of and improvements for the Infiltration Gallery and Well #4. She also noted she was working on the Park County Land & Water Trust Fund application for matching money for the CDOT MMOF grant the Town received for the River Park.

Mayor Just stated he had welcomed new Police Reserve Officer Zach Robertson to the Town during the swearing-in last Friday. He thought things for Burro Days went phenomenally with tons and tons of people which is what he liked to see. The only thing he observed was residents posting no parking signs in the Town's right of way and he felt that needed to be addressed and politely. He also noted several alcohol-related incidents but felt overall the event went well. He stated he received many compliments about the event, the Staff, and everything that is going on in the town. Lastly, Just asked the Board consider increasing the 4th of July fireworks budget for 2023 noting the huge success of that event and many other communities moving to laser or drone shows.

ADJOURNMENT There being no further business before the Board, Mayor Just declared the Regular Meeting adjourned at 7:06 p.m.

WORK SESSION TO DISCUSS CODE UPDATES, 2023 BUDGET SCHEDULE AND OTHER GENERAL TOWN-RELATED MATTERS. The Board of Trustees and Staff discussed needed updates to the Town Code, most specifically the Unified Development Code. Town Administrator Sciacca reviewed a possible schedule for

public hearings, work sessions and adoption of the 2023 Budget. The Work Session adjourned at 7:48 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

UNOFFICIAL



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Kim Wittbrodt, Treasurer

RE: Paid Bills

DATE: August 26, 2022

Agenda Item: Bills

Attached is the list of the invoices paid between August 12, 2022, and August 25, 2022.

Total Expenditures: \$25,830.61

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
08/15/2022	18419	Prather's Market	pallet of bottle water	1	05/15/2022	419.16	105070
Total 1714:						419.16	
08/15/2022	18425	USABlueBook	analyzer	1	08/09/2022	4,849.89	517475
Total 2176:						4,849.89	
08/15/2022	18422	South Park Ace & Lumber	Supplies	1	07/25/2022	87.60	105830
08/15/2022	18422		Supplies	2	07/25/2022	170.73	105630
08/15/2022	18422		Supplies	3	07/25/2022	11.99	517490
08/15/2022	18422		Supplies	4	07/25/2022	74.95	105170
08/15/2022	18422		Supplies	5	07/25/2022	3.59	105171
08/15/2022	18422		Supplies	6	07/25/2022	35.98	105027
08/15/2022	18422		Supplies	7	07/25/2022	68.07	105025
08/15/2022	18422		Supplies	8	07/25/2022	81.94	517465
08/15/2022	18422		Supplies	9	07/25/2022	68.91	105162
Total 2405:						603.76	
08/15/2022	18421	Salt Licking Goat Clothing	magnets	1	08/09/2022	600.00	105070
Total 2500:						600.00	
08/22/2022	18428	CARD SERVICES	Supplies	1	08/01/2022	135.34	105171
08/22/2022	18428		Supplies	2	08/01/2022	2,216.83	105162
08/22/2022	18428		Supplies	3	08/01/2022	54.44	105150
08/22/2022	18428		Conference	4	08/01/2022	448.00	105424
08/22/2022	18428		Postage	5	08/01/2022	73.89	517218
08/22/2022	18428		Postage	6	08/01/2022	23.52	105035
08/22/2022	18428		Supplies	7	08/01/2022	15.00	105171
08/22/2022	18428		Postage	8	08/01/2022	62.16	105035
08/22/2022	18428		Supplies	9	08/01/2022	38.74	105030
08/22/2022	18428		Supplies	10	08/01/2022	14.80	105445
08/22/2022	18428		Supplies	11	08/01/2022	58.23	105030
08/22/2022	18428		Postage	12	08/01/2022	37.55	105171
08/22/2022	18428		Web hosting	13	08/01/2022	299.86	105130
08/22/2022	18428		Supplies	14	08/01/2022	108.00	105171
08/22/2022	18428		Supplies	15	08/01/2022	125.35	105150
08/22/2022	18428		Supplies	16	08/01/2022	5.43	105420
08/22/2022	18428		car wash	17	08/01/2022	11.50	105420
08/22/2022	18428		car wash	18	08/01/2022	4.00	105420
08/22/2022	18428		Supplies	19	08/01/2022	114.16	105162
08/22/2022	18428		Supplies	20	08/01/2022	11.78	105625
08/22/2022	18428		Supplies	21	08/01/2022	75.73	105171
08/22/2022	18428		Supplies	22	08/01/2022	126.37	105162
08/22/2022	18428		Supplies	23	08/01/2022	499.37	105025
08/22/2022	18428		car wash	24	08/01/2022	10.50	105420
Total 2503:						4,570.55	
08/22/2022	18439	Wittbrodt, Kim	cell phone reimb	1	08/22/2022	50.00	105065

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2655:						50.00	
08/22/2022	18427	Bullock, Julie	cell phone reimburse	1	08/22/2022	25.00	517226
08/22/2022	18427		cell phone reimburse	2	08/22/2022	25.00	105645
Total 2812:						50.00	
08/22/2022	18435	Psychological Dimensions,	psych evaluations	1	08/11/2022	275.00	105480
Total 2816:						275.00	
08/15/2022	18417	Mountain Peak Controls, In	troubleshooting	1	08/11/2022	312.50	517655
Total 2861:						312.50	
08/22/2022	18429	Colorado Analytical Lab	water testing	1	08/18/2022	24.00	517475
Total 2864:						24.00	
08/22/2022	18437	South Park Brewing	silipints	1	08/16/2022	1,280.46	105162
Total 2873:						1,280.46	
08/22/2022	18432	HACH Company	probe	1	03/29/2022	450.75	517655
Total 2875:						450.75	
08/22/2022	18434	Promark Industries, LLC	ford repair	1	07/13/2022	1,506.40	105420
08/15/2022	18420		tahoe repair	1	08/12/2022	289.35	105420
08/22/2022	18434		tahoe repair	1	08/19/2022	1,773.01	105420
Total 2887:						3,568.76	
08/22/2022	18430	Ernst, Sarah	cell phone reimburse	1	08/22/2022	50.00	105065
Total 3313:						50.00	
08/15/2022	18416	Mountain Essentials	estip	1	08/15/2022	845.39	105076
Total 3370:						845.39	
08/22/2022	18426	Bannister, Chris	cell phone reimburse	1	08/22/2022	25.00	105645
08/22/2022	18426		cell phone reimburse	2	08/22/2022	25.00	517226
Total 3464:						50.00	
08/22/2022	18438	Wagner, Alex	cell phone reimburse	1	08/22/2022	25.00	105645
08/22/2022	18438		cell phone reimburse	2	08/22/2022	25.00	517226
Total 3506:						50.00	
08/22/2022	18431	Graham, Donovan	cell phone reimburse	1	08/22/2022	25.00	517226
08/22/2022	18431		cell phone reimburse	2	08/22/2022	25.00	105645
Total 3519:						50.00	

this replaces a
check that is lost in
the mail. stopped
payment on the
original check.

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
08/22/2022	18436	Sciacca, Janell	cell phone reimburse	1	08/22/2022	50.00	105065
Total 3583:						50.00	
08/22/2022	18433	Kleinschmidt, Sean	cell phone reimburse	1	08/22/2022	25.00	105645
08/22/2022	18433		cell phone reimburse	2	08/22/2022	25.00	517226
Total 3590:						50.00	
08/15/2022	18423	SSP Waste Toilets	fairplay beach port a pot	1	08/05/2022	153.06	105842
Total 3607:						153.06	
08/15/2022	18418	Otto's	estip	1	08/15/2022	1,662.73	105076
Total 3651:						1,662.73	
08/15/2022	18424	Tree Top Products	picnic tables	1	07/15/2022	5,764.60	105883
Total 3652:						5,764.60	
08/15/2022	18415	CCOM	preemployment physical	1	08/01/2022	50.00	105480
Total 3654:						50.00	
Grand Totals:						25,830.61	

Report Criteria:

Detail report type printed

REQUEST TO SPEAK TO THE BOARD OF TRUSTEES

This form is to be completed for citizens who wish to address the Board on an item that is not on the agenda. Please submit this form to the Town Clerk before the meeting is called to order.

Typically, requests will be addressed for a maximum of 15 minutes near the start of the meeting, on a first-come, first-served basis. At the option of the Mayor, additional requests in excess of the 15-minute limit may be addressed at the end of the agenda, after the regular business of the Board meeting is concluded, depending on time.

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

SUBJECT: _____

Rules of Procedure for Citizen's Request to Speak

1. Comments are STRICTLY limited to five minutes each.
2. Neither the Board nor Staff will necessarily take any position, action or commitment regarding any topic that is not on the agenda. Items will be referred to the appropriate Trustee or Town staff member.
3. Comments should be limited to those pertinent to the subject listed above.
4. Emotional outbursts and/or abusive language or manner is prohibited. Comments are to be addressed to the Board ONLY, and personal attacks will not be tolerated.

JIM DEXTER

Signature

Special accommodation or assistance requires 7 days advance notice.

Exhibit A

Submitted By: Jim Dexter 970-389-5388

To: Town of Fairplay

Owner: 1140 Meadow Drive Fairplay Colorado

Board of Trustees

Purchased Lot 13 on July 24 2002

On November 06 2000 there was Declaration of Protective Covenants for the Planned Community known as Beaver Meadows Subdivision in Fairplay Colorado recorded by Barbara J Pasco of Park County.

This Covenant is still in effect and every lot purchased is entering into this Covenant. Every home bought is buying into this Covenant. Until such time as the invested owners dissolve it by a 2/3s majority it is still binding on each piece of property and the Town of Fairplay.

I have attached a copy of the Covenants to this letter. These documents are public record and are part of every lot purchase and Land Title transfer.

I have also outline just a few of the blatant conflicting items in the Covenants that the proposed home will be violating if allowed to continue. I'm sure there is going to be litigation and the owners of Beaver Meadows is here to support the Town Trustees in any way we can. If these owners did not get a copy of these documents that is the fault of the selling agent, or the land title company.

The Covenants;

Section 3.4 General Criteria: "make certain no improvements will impair aesthetic and monetary values of Beaver Meadows".

section 3.6 Architectural Standards: Would imply that a set of plans needs to be submitted for review. Before a construction permit is issued

Section 9.19 Size: All single family homes shall be at least 1000 sq ft

Article XI

Burdens and Benefits of declaration

Section 11.1 Term : The Covenants and Restriction of this Declaration shall run with and bind the land for a term of (20) years from the date of their Declaration is recorded , after which time they shall be automatically extended for successive periods of (10) years.

It would be my understanding that when Eric Franzen made the agreement with the Town of Fairplay for this subdivision it was expected that he would comply with the Plan of the Community as set forth in the Covenants.

And that as the Community continued to grow the Town of Fairplay would be expected to protect the owner's investments it the Planned Community by controlling the building permits.



Town of Fairplay

400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees
Janell Sciacca, Town Administrator

FROM: Kyle Parag, Building Official

RE: Chapter 18 Restructure and Code update

DATE: August 29, 2022

BACKGROUND/ANALYSIS:

The Town adopts Building Codes that provide specific details and requirements related to the construction of buildings and structures within the Town to assure a safe built environment. These Building Codes are based on a National Council that continuously implements code changes based on industry standards, requirements, events, and material innovations. The Council produces new versions with updates every 3 years and jurisdictions are suggested to adopt the newer versions on a regular basis. I am recommending the Town of Fairplay adopt the 2018 series of the International Code Council (ICC) published documents and this memo is an introduction and opportunity for the Board of Trustees and community to see the proposed Town Code prior to official action.

The Town is currently using as the basis of the Town Building Code, the 2012 series. There have been significant innovations and material improvements in the construction processes as well as an increase in life safety knowledge and awareness for certain dangerous conditions. The 2018 series has significantly improved not only the safety of buildings and structures but also provides paths for contractors to use new and innovative materials to build better structures.

Below are some highlights of relevant changes recommended to Chapter 18 with this proposal.

- Restructuring of Chapter 18
 - Creation of administrative and violations sections that pertain to all adopted building codes
 - Consolidation of adoption into a single article for building codes

“Where History Meets the High Country”

- Separate article for Fire Codes
- Corrections of incomplete violations applicability
- Copies for public inspection of referenced materials will be online for viewing
- Updating of all adopted codes to the 2018 published version
- Updating the Contactor License requirements
- Additional adoption of the International Existing Building Code
- Additional Adoption of the International Wildland Urban Interface Code
- Adoption of a Fire Code with amendments suggested by the Fire District, with language that directs the Fire District to enforce the codes adopted by the Town
- Removal of the Dangerous Building Code adoption
- Designating the Town Administrator or appointee as the Floodplain Administrator
- Correcting Occupancy designations in Article IV (Marijuana in residential structures)
- Addition of language that allows the Electrical Code, Plumbing Code and Fuel Gas Code to update as per Colorado Revised Statutes without additional revisions.

Updating the code reference published version affects a significant amount of previously adopted code amendments. Some of the previous amendments are changes that have occurred in the newer versions, allowing the amendment to be removed without impacting the application or intent of the section. Some previous amendments had technical flaws and were removed.

Currently, suggested amendments of significant importance are:

- Reduction of the allowable height of a fence to be constructed exempt from permit from 7' or under to 4' and under.
- Retainment of a previous reinspection section.
- Changing verbiage in the requirement for a Board of Appeals to be created to when necessary and creating a timeline of 60 days.
- Retainment of previous additional demolition requirements.
- Updating of Geographic information.
- Addition of the local roof extension requirement for vent pipes to be 12" or more above the roof surface
 - This extension is designed to remain above the snow line to allow free venting of the system.

My recommendation also includes two new codes for adoption, the International Existing Building Code and the Wildland Urban Interface Code.

The International Existing Building Code is designed to be adopted simultaneously with the Building Code since the removal of the Existing Building Section from the Building Code in the 2009 Published versions. The Existing Building Code provides direction and choices for the applicant to meet code requirements during a renovation or addition. Without the adoption of

“Where History Meets the High Country”

the Existing Building Code, applicants must meet strict requirements from the Building Code that are difficult or sometimes impossible. This reference does not affect residential structures governed by the International Residential Code.

The International Wildland Urban Interface Code provides requirements for homes constructed in the Wildland Urban Interface (WUI) to improve the fire resistance from both a wildfire attacking the home and from a home fire starting a wildfire. The Fire District is recommending adopting a new appendix (P) that provides some information from the International WUI Code or references similar to the International WUI Code. Indication of regions that are determined to be a wildland urban interface areas will be required. I am recommending the adoption of Appendix C which provides additional information on determining the severity of the area and provides direction on how the requirements are applied.

Article 2 of Chapter 18 is the adoption of a Fire Code. Currently, Chapter 18 references invalid documents and does not specify the appropriate enforcement actions required. The recommended changes include the designation of the Fire Chief as the enforcement authority per the district bylaws. The currently adopted code amendments do not align with the requirements the Fire District is currently enforcing in the Town. The recommended changes include the adoption of amendments that are currently recommended by the Fire District, and the Fire District will be required to enforce the code as adopted by this Article. Future changes by the Fire District will require updates to the Town Code.

STAFF RECOMMENDATION/ACTION:

Again, it is Staff's recommendation that the Board review the attached document and provide direction for proceeding with this update as requested and advised.

CHAPTER 18 Building Regulations

ARTICLE I Building Codes

Sec. 18-1-10. Administrative.

- (a) No building or work on any building shall be commenced within the Town without first obtaining a building permit as required by this Article and the codes adopted herein and paying the appropriate building permit fee.
- (b) For any work requiring a contractor licensed or registered pursuant to Section 18-1-80 of this Code, permits under this Article shall only be issued to the contractor or registrant or their authorized representative. It shall be unlawful for any person to fraudulently use a license or registration issued to a contractor or registrant to obtain a permit for another person.
- (c) The Board of Trustees may retain an independent contractor to serve as the Building Department for the Town of Fairplay pursuant to a written contract approved by the Board of Trustees, which contract shall appoint a person to serve as Building Official, and set forth the general duties, responsibilities and requirements of the Building Official. No member of the Building Department shall be an officer of the Town or hold any other elected or appointed office or position within the Town. Members of the independent contractor shall not be considered employees of the Town of Fairplay.

Sec. 18-1-20. Adoption of codes.

- (a) Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration and repair of all new and existing structures, along with all plumbing, mechanical, electrical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of the Fairplay Municipal Code, the specific provision of the Fairplay Municipal Code shall prevail. Copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org and NFPA.org.
- (b) The International Building Code, 2018 Edition, Sixth Printing, November 2021, as amended, and appendix G for flood resistant construction, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Building Code as if fully set out in this Article with the additions deletions insertions and changes as follows:
 - (1) IBC Section 101.1. IBC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
 - (2) IBC Section 105.2 (Work Exempt from Permit) Number 2 is amended to read in its entirety:
 - 2. Fences not over 4 feet (1829 mm) high
 - (3) Add Section 110.7 Reinspections with the following language:
 - 110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the fee established by the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- (4) Delete from Section 113.1 the following language:

"there shall be and is hereby created a board of appeals."

And substitute the following in its place:

"there shall be a board of appeals created when necessary. The creation shall occur within 60 days from a request for appeal."

- (5) Add Sections 3303.8 and 3303.9 (Demolition) with the following language:

3303.8 Asbestos. Prior to the commencement of demolition the owner of the property shall either submit to the Town a certification, in a form reasonably acceptable to the Town, that the structure is asbestos-free or submit a plan for removal of asbestos for approval by the building official.

3303.9 Additional requirements. The building official may include as conditions of the demolition permit additional requirements reasonably related to the health, safety and welfare of the Town's residents and the protection of properties in the vicinity.

- (c) The International Residential Code, 2018 Edition, Fourth Printing, September 2020, and appendix J for existing buildings and structures, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, as amended or as is from time to time modified, by the State of Colorado; Department of Regulatory Agencies, as part of the Colorado Plumbing Code and Colorado Fuel Gas Code listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Fairplay Residential Code as if fully set out in this ordinance with the additions deletions insertions and changes as follows:

- (1) IRC Section R101.1. IRC Section R101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (2) IRC Section R105.1. IRC Section R105.1 (Required) is amended by replacing the words "building official" with "Town," and by adding the following requirement: "Demolition permits. Proof of compliance with the Colorado Department of Public Health and Environment's asbestos program must be submitted to the Town prior to issuance of a demolition permit."

- (3) IBC Section 105.2 (Work Exempt from Permit) Number 2 is amended to read in its entirety:

2. Fences not over 4 feet (1829 mm) high

- (4) IRC Section 108.6. IRC Section 108.6 (Work commencing before permit issuance) is amended to add the following sentence at the end of the paragraph: "The fee shall be equal to 100% of the original building fee in addition to the required permit fees."

- (5) Delete from Section R112.1 the following language:

"there shall be and is hereby created a board of appeals."

And substitute the following in its place:

"there shall be a board of appeals created when necessary. The creation shall occur within 60 days from a request for appeal."

- (6) IRC Table R301.2(1). IRC Table R301.2(1) is filled to provide the following:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load ^o	Wind Design				Seismic Design Category ^j	Subject to Damage			Winter Design Temp ^g	Ice Barrier Under-layment Required ^h	Flood Hazards ^g	Air Freezing Index ^k	Mean Annual Temp ^j
	Speed (mph) ^d	Topographic effects ^k	Special wind region ⁱ	Wind-borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
65 PSF	Ultimate 110, Nominal 90 Exp. C	Yes	No	No	B	Severe	48 inches	Slight to moderate	2 F	Yes	See Town adopted regulations and Article III	2500	32 F
Manual J Design Criteria ⁿ													
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference						
9953 Ft.	39.22135 N	-14	81	.69	70 F	75 F	84						
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity							
6	15 mph	7.5 mph	51	High (H)	50%	50%							

- (7) Add to the end of R313.2 after the word "dwellings" the following: greater than 6,000 square feet.

- (d) The International Mechanical Code, 2018 Edition, Fourth Printing July 2021, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Mechanical Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) IMC Section 101.1. IMC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.

- (e) The current Colorado Fuel Gas Code, as currently adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Fairplay Fuel Gas Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

-
- (1) IFGC Section 101.1. IFGC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (f) The current Colorado Plumbing Code, as currently adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Fairplay Plumbing Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IPC Section 101.1. IPC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (2) IPC Section 903.1. IPC Section 903.1 (Roof extension) is amended by inserting "12 inches (203.2 mm)" where indicated.
- (g) The International Property Maintenance Code, 2018 Edition, Second Printing April 2018, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Property Maintenance Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) Section 101.1: Insert "Town of Fairplay."
- (2) Section 102, Applicability, is amended by the addition of a new Subsection 102.11 to read as follows:
- 102.11 Conflicts with other provisions. In the event of a conflict between the provision of this code and any other provision of the Fairplay Municipal Code or other codes adopted by the Town, the stricter provision shall govern, it being the intent of the Board of Trustees to strictly enforce requirements pertaining to the health, safety and welfare of the Town's residents and businesses."
- (3) Section 103, Department of Property Maintenance Inspection, is amended to read as follows:
- 103.1 Code Official. The Code Official, as that term is used in this code, shall be the Fairplay Building Official."
- (4) Section 111.2, Membership of Board, is amended to read as follows:
- "111.2 Board of Appeals. The Board of Appeals, as that term is used in this code, shall be the Fairplay Board of Adjustment created and governed by Chapter 16, Article XXII of the Fairplay Municipal Code."
- (5) Section 302.4: Insert "twelve (12) inches."
- (6) Section 602.3: Insert "October 1 to May 1."
- (7) Section 602.4: Insert "October 1 to May 1."
- (h) The International Existing Building Code, 2018 Edition, Fifth Printing March 2021, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Existing Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.
- (1) International Existing Building Code is amended by replacing all references to "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."
- (2) IEBC Section 101.1. IEBC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (i) The International Energy Conservation Code, 2018 Edition, Fourth Printing March 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby

adopted by reference as the Town of Fairplay Energy Conservation Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) IECC Section 101.1. IECC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (j) The International Swimming Pool and Spa Code, 2018 Edition, Fourth Printing November 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Swimming Pool and Spa Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
 - (1) ISPSC Section 101.1. ISPSC Section 101.1 (Title) is amended by the addition of the term "Town of Fairplay" where indicated.
- (k) The current National Electrical Code, as currently adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 710-1 is hereby adopted by reference as the Town of Fairplay Electrical Code as if fully set out in this ordinance.
- (l) The International Wildland-Urban Interface Code, 2018 edition, Second Printing August 2020, and appendix C, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Fairplay Wildland-Urban Interface Code as if fully set out in this ordinance.

Sec. 18-1-30. Reserved.

Sec. 18-1-40. Purpose.

The purpose of adopting the foregoing code is to protect the public health, safety and general welfare of the inhabitants of the Town by providing for sound and safe structures and prohibiting certain practices.

Sec. 18-1-50. Scope.

The subject matter of the adopted primary code and secondary codes includes the construction, erection and demolition of buildings, providing for the issuance of permits for certain construction and regulating construction practices and establishing standards for construction in the Town.

Sec. 18-1-60. Certificate of occupancy required.

- (a) No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion of a building shall be made until the Building Official has issued a certificate of occupancy as provided in the International Building Code. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this Code or other ordinance of the Town.
- (b) A temporary certificate of occupancy shall not be issued unless the administrative authority believes that a final certificate of occupancy will be issued within thirty (30) days, the structure is safe and the structure is complete except for minor matters which do not affect the health, safety and welfare of the inhabitants. If the structure is not complete within thirty (30) days of the issuance of a temporary certificate of occupancy and no final certificate of occupancy has been issued within such thirty-day period, a penalty in the amount of one hundred dollars (\$100.00) per day shall accrue for each day the building is occupied in violation of the Section.

Sec. 18-1-70. Violations and penalty.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. A person or entity who violates this Code may be fined in an amount not to exceed two thousand six hundred and fifty dollars (\$2650.00), or imprisoned for not more than one (1) year or suffer both fine and imprisonment. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Article occurs or continues unabated after the time limit set for abatement of the violation.

Sec. 18-1-80. Contractor's License.

- (a) License required. All persons, general contracting firms, subcontracting firms and other entities engaged in construction work of any kind or nature, including but not limited to general contracting, electrical, plumbing, excavating and concrete finishing within the Town limits shall be licensed under the applicable terms and provisions adopted by the Board of County Commissioners of either or all of Park, Chaffee or Teller counties prior to: (1) applying for any type of building permit for the performance of any construction work within the Town limits; or (2) entering into a contract to perform or performing any construction work within the Town limits.
- (b) Any person or entity that is required hereunder to be licensed to perform construction work may only enter into a contract to perform that type of construction work for which they are licensed by the County.
- (c) Any natural person may construct a single-family dwelling on real property owned by such person without having first obtained a contractor's license from the listed Counties if: (1) the person has been issued a building permit; (2) the construction complies with all applicable building codes and land use regulations; (3) such person does not construct any more than one (1) single-family dwelling unit within any two (2) consecutive calendar year periods; and (4) such single-family dwelling is constructed as such natural person's principal residence.

ARTICLE II Fire Code

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference the International Fire Code, 2018 Edition, Sixth Printing October 2021, including Appendix Chapters B, C, D, E, F, G, H, I, J, K, M, and N, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, for the purpose of establishing fire code standards for fire code enforcement relating to the provision of fire protection to the Town, as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.

Sec. 18-2-20. Enforcement.

The code and standards adopted herein shall be enforced by the Northwest Fire Protection District, which shall serve as the Bureau of Fire Prevention for the Town. Organizational structure and duties, if any, shall be as provided by the District's bylaws.

Sec. 18-2-30. Amendments.

The International Fire Code as adopted in this Article shall be amended as follows:

1. 102.4 Amend this section to read **Application of Building Code.** The design and construction of new structures shall comply with the *International Building Code* or *International Residential Code* and the *International Fire Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code* or *International Residential Code*, shall be made in accordance therewith.
2. 102.7 Amend this section to read **Referenced codes and standards.** The codes and standards referenced in this code shall be the most currently published edition of those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.
3. 105.1.2 Amend item #2 to read. **Types of permits.** 2. Construction permits. A construction permit allows the applicant to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, the likes of which are regulated by this code. A construction permit also allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.
4. 105.4.1 Amend this section to read **Submittals.** Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the jurisdiction in which the project is to be constructed.
5. 105.6.30 Amend this section to read **Mobile food preparation vehicles.** A permit is required for mobile food preparation vehicles equipped with appliances.
6. 105.6.33 Amend this section by removing the Exception. **Open Burning.**
7. 105.7 Amend this section to read **Required Construction Permits.** The fire code official is authorized to issue construction permits for work, or the likes of which are regulated by this code, and as set forth in Section 105.7.1 through 105.7.26.
8. 105.7.25 Amend this section to read **Temporary membrane structures and tents.** A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 200 square feet (18.58 m²).
9. 105.7.26 Add the following section **Wildfire Mitigation.** The holder of a construction permit is required to perform defensible space requirements of Appendix P that do not fall under a voluntary wildfire mitigation program.
10. 108.1.1 Add the following section **Procedures.** To request a hearing before the board of appeals, the applicant shall file a request in writing to the fire chief. The fire chief shall arrange for the board of appeals to meet within 10 working days from the receipt of the request. All applicable fees as stated in the fire district or fire authority fee schedule shall be paid at the time the written request is made.

11. 108.3 Amend this section to read **Qualifications**. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems.

12. 109.4 Amend this section to read **Violation penalties**. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine or by imprisonment, or both such fine and imprisonment as determined by the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

13. 111.4 Amend this section to read **Failure to comply**. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as determined by the court and shall be subject to a fee as adopted by the fire district or fire authority.

14. Amend or add the following definitions:

CONTROLLED BURNING. Any fire intentionally ignited to meet specific land management objectives, such as to reduce flammable fuels, restore forest or ecosystem health, recycle nutrients, or prepare an area for new trees or vegetation. Controlled burning may also be known by the terms "Prescribed Burning" or "Pile Burning."

DEFENSIBLE SPACE. The selection, location, grouping, and maintenance of vegetation on the property in such a manner that the opportunity for fire to burn directly to a structure is minimized.

FIRE AREA. The aggregate floor area enclosed and bounded by fire walls meeting the requirements of Section 706 of the International Building Code and exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor above. For buildings constructed under the International Residential Code, the fire area is the aggregate floor area enclosed and bounded by exterior walls of a building.

FIREWISE® LANDSCAPING is defined as trees, shrubs, and other materials which meet the criteria for fire resistant landscaping.

GROUND FUELS. All combustible materials on, in or near the ground such as grass, duff, loose surface litter, tree or shrub roots, rotting wood, leaves, peat, or sawdust that typically support combustion.

MITIGATION. Action that moderates the severity of a fire hazard or risk.

MOBILE FOOD PREPARATION VEHICLES. Vehicles that contain cooking equipment for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

MOBILE FUELING. The operation of dispensing liquid fuels from tank vehicles into

the fuel tanks of vehicles. Mobile fueling may also be known by the terms “Mobile fleet fueling,” “Wet fueling,” “Wet hosing,” or “Hot fueling.”

PERMANENT FIRE RING. A permanently constructed feature without air gaps in its surrounding sides and a solid bottom, or earthen bottom free of roots and other organic material, used to contain campfires and prevent them from spreading and turning into a wildfire.

PORTABLE OUTDOOR FIREPLACE. A commercially designed and manufactured device with a screen that prevents ember emissions.

RECREATIONAL FIRE. An outdoor fire on private land contained to a commercially designed and manufactured fireplace, a permanent outdoor fireplace, or a portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer’s or designer’s instructions. The fire shall not exceed a total fuel area of 3 feet (914 mm) in diameter and 2 feet (610mm) or less in height. A non-toxic fuel source such as wood or gas (i.e. propane or natural gas) must be used and the fire is intended for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fire shall not be used for the purpose of waste removal or trash incineration.

STRUCTURE IGNITION ZONE. The area around a specific structure and associated accessory structures, including all vegetation that contains potential ignition sources and fuels.

TREE CROWN. The needle or leaf bearing part of a tree. The crown edge is the tree’s drip edge.

WILDLAND-URBAN INTERFACE. An area where wildland fuels abut structures, with a clear line of demarcation between residential, business, and public structures and wildland fuels.

OCCUPANCY CLASSIFICATION.

Institutional Group 1-1 - Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

Institutional Group 1-2 - Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

Residential Group R-3 - Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

15. 304.1.2 Amend this section to read **Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland

interface areas shall be in accordance with Appendix P, local codes, policies, and ordinances.

16. 304.3.3 Amend to add Exception #3. Capacity exceeding 1.5 cubic yards. 3. Storage in a structure shall not be prohibited where the structure is in compliance with local codes, policies, and ordinances as mandated by the authority having jurisdiction.

17. 304.3.4 Amend to add Exception #3. Capacity of 1 cubic yard or more. 3. Storage in a structure shall not be prohibited where the structure is in compliance with local codes, policies, and ordinances as mandated by the authority having jurisdiction.

18. 308.1.4 Amend this section and exception #3 and add exception #4 to read. Open-flame cooking devices. Charcoal burners, wood pellet burners, and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction. 3. LP-gas cooking devices having LP-gas container with a water capacity not greater than ~~2-1/2~~ 48 pounds [nominal 20 pounds (9.1 kg) LP-gas capacity]. 4. Where a more restrictive code, policy, ordinance, or covenant exists.

19. 311.2.2 Amend exception #3 to read. Fire protection. 3. 3. Where approved by the fire code official, fire alarm and sprinkler systems are permitted to be placed out of service in seasonally occupied buildings: that will not be heated, where fire protection systems will be exposed to freezing temperatures, where fire areas do not exceed 6,000 square feet (557.42 m²), and/or that do not store motor vehicles or hazardous materials.

20. 315.3 Amend this section to read Storage in buildings. Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur. Storage room doors shall be provided with approved signs.

21. 315.3.1 Amend exceptions #1 and #2 to read. Ceiling clearance. 1. The 2-foot (610 mm) ceiling clearance is not required for storage along walls in nonsprinklered areas of buildings where the storage does not exceed 30-inches (762 mm) in depth. 2. The 18-inch (457 mm) ceiling clearance is not required for storage along walls in areas of buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 where the storage does not exceed 30-inches (762 mm) in depth.

22. 315.3.3 Amend this section to read Equipment rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms, and other rooms where a potential ignition source exists, as determined by the fire code official.

23. 319.1 Amend this section to read General. Mobile food preparation vehicles that are equipped with appliances shall comply with this section.

24. 319.4.1 Amend this section to read Fire protection for cooking equipment. Cooking equipment that produces smoke or grease-laden vapors shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

25. 319.8 Amend this section to read LP-gas systems. Where LP-gas systems provide fuel, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

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26. 403.12.3 Amend this section to read **Crowd managers**. Where facilities or events involve a gathering of 500 people or more, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3.
27. 403.12.3.1 Amend exceptions #1 and #2 to read **Number of crowd managers**. 1. Outdoor events with fewer than 500 persons in attendance shall not require crowd managers. 2. Assembly occupancies used exclusively for religious worship with an occupant load not exceeding 500 shall not require crowd managers.
28. 505.1 Amend this section to read **Address identification**. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 5 inches (127 mm) high, unless otherwise approved, with a minimum stroke width of .5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or sign or means shall be used to identify the structure. Address numbers shall be maintained.
29. 508.1 Amend this section to read **General**. Where required by other sections of this code, buildings, structures, or facilities that are more than 4 stories (including basements) in height or are greater than 50,000 square feet (4645 m²) within surrounding exterior walls, and in all buildings classified as high-rise buildings by the International Building Code, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.6.
30. 508.1.5 Amend this section to read **Features**. A Fire Command Center shall be required in buildings, structures, or facilities that are more than 4 stories (including basements) in height or are greater than 50,000 square feet (4645 m²) within surrounding exterior walls. The fire command center shall be provided and comply with Sections 508.1.1 through 508.1.6.
31. 603.6.6 Add a section to read **Chimneys and Heating Appliances**. Chimneys and fireboxes for solid, fuel burning appliances shall be inspected annually by a qualified individual or company. They shall be inspected for soundness, corrosion, proper support, and freedom from combustible deposits. A certificate of inspection in a form acceptable to the fire code official shall be forwarded to the fire department upon completion.
32. 603.9 Amend this section to read **Gas and utility meters**. Above-ground gas and utility meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. Gas and utility meters and piping shall be protected from snow & ice shedding from a roof area. Areas around gas and utility meters shall be kept clear of snow and ice build-up at all times.
33. 606.9 Add a section to read **Communication**. All elevators shall be equipped with two-way communication equipment and the equipment shall be operable at all times.
Exception: One- and two-family dwellings
34. 701.2.2 Add section to read **Fire-resistance-rated labeling**. The fire-resistance rating shall be marked in an approved manner on the following fire resistance rated construction

features: 1. Structural members 2. Exterior walls 3. Fire walls, fire barriers, fire partitions 4. Horizontal assemblies 5. Shaft enclosures

35. 701.3.1 Add section to read **Smoke barriers labeling**. The fire-resistance rating and smoke-resistant characteristics of smoke barriers shall be marked in an approved manner on the rated construction feature.

36. 803.13 Amend this section to read **Laminated products factory produced with an attached wood substrate**. Laminated products factory produced with or without an attached wood substrate shall comply with one of the following:

37. 901.4.2 Amend this section to read **Nonrequired fire protection systems**. A fire protection system or portion thereof not required by this code, the *International Building Code*, or the *International Residential Code* shall be installed throughout a building for complete protection provided that such installed system meets the applicable requirements of this code, the *International Building Code*, and the *International Residential Code*.

38. 901.4.3 Amend this section to read **Fire areas**. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire walls constructed in accordance with the *International Building Code* or horizontal assemblies constructed in accordance with the *International Building Code*, or both, having a fire-resistance rating of not less than that determined in accordance with the *International Building Code*.

39. 901.7 Amend this section to read **Systems out of service**. Where a required fire protection system is out of service, the fire department shall be notified immediately and where required by the fire department, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.

40. 901.9 Amend this section to read **Termination of monitoring services**. For fire alarm protection systems required to be monitored by the authority having jurisdiction, notice shall be made to the fire code official whenever system monitoring services are terminated. Notice shall be made in writing, to the fire code official by the provider of the monitoring service being terminated.

41. 903.2.1 Amend this section to read **Group A**. An automatic fire sprinkler system shall be provided throughout buildings as Group A occupancies as provided in this section.

42. 903.2.1.1 Amend this section to read and delete conditions #3 and #4 **Group A-I**. **903.2.1.1 Group A-I**. An automatic sprinkler system shall be provided throughout buildings containing Group A-I occupancies where one of the following conditions exists: 1. The fire area exceeds 6,000 square feet (557 m²). 2. The fire area has an occupant load of 50 or more.

43. 903.2.1.2 Amend this section to read and delete condition #3 **Group A-2**. An automatic sprinkler system shall be provided throughout buildings containing Group A-2 occupancies where one of the following conditions exists: 1. The fire area exceeds 5,000 square feet (464 m²). 2. The fire area has an occupant load of 50 or more.

44. 903.2.1.3 Amend this section to read and delete condition #3 **Group A-3**. An automatic

sprinkler system shall be provided throughout stories buildings containing Group A-3 occupancies where one of the following conditions exists: 1. The fire area exceeds 6,000 square feet (557 m²). 2. The fire area has an occupant load of 50 or more.

45. 903.2.1.4 Amend this section to read and delete condition #3 **Group A-4**. An automatic sprinkler system shall be provided throughout buildings containing Group A-4 occupancies where one of the following conditions exists: 1. The fire area exceeds 6,000 square feet (557 m²). 2. The fire area has an occupant load of 50 or more.

46. 903.2.1.6 Amend this section to read and delete the exception **Assembly occupancies on roofs**. Where an occupied roof has an assembly occupancy with an occupant load exceeding 50 for Group A occupancies, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

47. 903.2.1.7 Amend this section to read **Multiple fire areas**. An automatic sprinkler system shall be provided where multiple fire areas of Group A-I, A-2, A-3 or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 50 or more.

48. 903.2.2 Amend this section to read and delete the exception **Ambulatory care facilities**. An automatic sprinkler system shall be installed throughout the entire building containing an ambulatory care facility where either of the following conditions exist at any time:
1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

49. 903.2.3 Amend conditions #1 and #3 to read and delete the exception **Group E**. An automatic sprinkler system shall be provided for Group E occupancies as follows:
1. Throughout all Group E fire areas greater than 6,000 square feet (557 m²) in area.
3. The Group E fire area has an occupant load of 50 or more.

50. 903.2.4 Amend this section and conditions #1, #2, #3, and #4 to read **All Group F**. An automatic sprinkler system shall be provided throughout all buildings containing a Group occupancy where one of the following conditions exists: 1. A Group F fire area exceeds 6,000 square feet (557 m²). 2. A Group F fire area is located more than two stories above grade plane. 3. The combined area of all Group F fire areas on all floors, including any mezzanines, exceed 6,000 square feet (557 m²). 4. A Group F occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

51. 903.2.6 Amend exception #3 to read **Group I**. 3. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed.

52. 903.2.7 Amend conditions #1, #2, and #3 to read **Group M**. 1. A Group M fire area exceeds 6,000 square feet (557 m²). 2. A Group M fire area is located more than two stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 6,000 square feet (557 m²).

53. 903.2.9 Amend conditions #1, #2, and #3 to read **Group S-I**. 1. A Group S-I fire area

exceeds 6,000 square feet (557 m²). 2. A Group S-I fire area is located more than two stories above grade plane. 3. The combined area of all Group S-I fire areas on all floors, including any mezzanines, exceeds 6,000 square feet (557 m²).

54. 903.2.9.1 Amend conditions #1 and #2 to read **Repair garages**. 1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 6,000 square feet (557 m²). 2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 6,000 square feet (557 m²).

55. 903.2.9.2 Amend this section to read **Bulk storage of tires**. Buildings and structures where the area for the storage of tires exceeds 10,000 cubic feet (283 m³) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

56. 903.2.10 Amend condition #1 to read **Group S-2 enclosed parking garages**. 1. Where the fire area of the enclosed parking garage exceeds 6,000 square feet (557 m²).

57. 903.2.11.1 Amend this section to read **Stories without openings**. An automatic sprinkler system shall be installed throughout all buildings, where the floor area of the story exceeds 1,500 square feet (139 m²) and where the story does not comply with the following criteria for exterior wall openings:

58. 903.2.11.1.2 Amend this section to read **Openings on one side only**. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the building shall be equipped throughout with an approved automatic sprinkler system, or openings shall be provided on not fewer than two sides of the story.

59. 903.2.11.1.3 Amend this section to read **Basements**. Where any portion of a basement is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, or where walls, partitions or other obstructions are installed that restrict the application of water from hose streams, the building shall be equipped throughout with an approved automatic sprinkler system.

60. 903.2.11.3 Delete exceptions #1 and #2 **Buildings 55 feet or more in height**.

61. 903.2.13 Add a new section to read **Group B or Mixed Occupancies**. An automatic sprinkler system shall be provided throughout all buildings containing Group B or mixed occupancies where one of the following conditions exists: 1. The fire area exceeds 6,000 sq. ft. (577 m²). 2. Where the combined fire areas of Group B and mixed occupancies on all floors including mezzanines and basements is greater than 6,000 sq. ft. (577 m²).

62. 903.2.14 Add a new section to read **Buildings Constructed under the International Residential Code**. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all detached one and two-family dwellings and multiple single-family dwellings (townhouses), complying with the requirements of the International Residential Code, whose total aggregate fire area exceeds 6,000 square feet (577 m²). Exception: Unless otherwise required by more restrictive local codes, policies, amendments, ordinances, or plat note.

63. 903.3.1.3 Amend this section to read **NFPA 13D sprinkler systems**. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and

townhouses shall be permitted to be installed throughout in accordance with NFPA 13D and local codes, ordinances, and policies.

64. 903.3.8 Amend this section to read **Limited area sprinkler systems.** Limited area sprinkler systems as required in the International Residential Code shall be in accordance with the standards listed in Section 903.3.1 except as provided in Sections 903.3.8.1 through 903.3.8.5.

65. 903.4 Amend exception #1 to read and delete exceptions #2, #3, and #5 **Sprinkler system supervision and alarms.** 1. Automatic sprinkler systems valves, pumps, and tanks in one- and two-family dwellings.

66. 905.3 delete the exception. **Required installations.**

67. 905.3.1 Amend this section and conditions #2 and #3 to read and delete condition #1 **Height.** Class I standpipe systems shall be installed throughout buildings where any of the following conditions exist: 2. The floor level of the highest story is located more than 20 feet (603.5 m) above the lowest level of the fire department vehicle access. 3. The floor level of the lowest story is located more than 20 feet (603.5 m) below the highest level of fire department vehicle access.

68. 905.3.1.1 Add a new section to read **Building Area.** In buildings exceeding 10,000 sq. ft. (929 m²) within surrounding exterior walls, an approved Class I standpipe system shall be provided where any portion of the building's interior is more than 140 feet (42.67 m) of travel, vertically and/or horizontally, from the nearest point of fire department vehicle access.

69. 905.4 Amend conditions #1 and #6 of this section to read **Location of Class I standpipe hose connections.** 1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the intermediate landing unless otherwise approved by the fire code official. 6. Where the most remote portion of a nonsprinklered floor or story is more than 140 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60960 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations.

70. 907.6.6 Amend this section to read and delete exception #3 **Monitoring.** Fire protection systems required by this chapter, the International Building Code, or the International Residential Code shall be monitored by an approved supervising station in accordance with NFPA 72.

71. 915.1 Amend this section to read **General.** Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6 and in accordance with State Statute. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9 and in accordance with State Statute.

72. 1010.1.9.4 Amend this condition 2.2 to read **Locks and latches.** 2.2. A readily visible, durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.

73. 1103.5 Amend this section to read **Sprinkler systems.** An automatic sprinkler system

shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.5.

74. 1103.5.5 Add a new section to read **Additions and alterations to existing buildings.** Existing buildings constructed prior to adoption of this code, with a fire area exceeding 6,000 square feet (577 m²), undergoing additions, alterations or remodel work shall be evaluated under the International Fire Code, for the need for additional fire protection. Portions of buildings separated by approved fire walls as outlined in Chapter 7, Section 707 of the International Building Code may be considered as separate buildings.

75. 1103.5.5.1 Add a new section to read **Existing buildings with a fire area not exceeding 6,000 sq. ft.** (577 m²). An automatic sprinkler system shall be provided throughout a building undergoing an addition and/or alteration work whose new aggregate fire area of the building exceeds 6,000 square feet (464 m²).

76. 1103.5.5.2 Add a new section to read **Existing buildings with a fire area exceeding 6,000 sq. ft.** (577 m²). An automatic sprinkler system shall be provided throughout a building undergoing addition work that increases the fire area of the existing building.

77. 1103.5.5.3 Add a new section to read **Alterations to existing buildings with a fire area exceeding 6,000 sq. ft.** (577 m²). An automatic sprinkler system shall be provided throughout a building when the area undergoing alterations equals or exceeds 50% of the aggregate fire area of the building. Exception: Alterations limited to the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using the same materials, elements, equipment or fixtures that serve the same purpose.

78. 1103.6.1 Amend this section to read **Existing multistory buildings.** Existing buildings with occupied floors located more than 40 feet (12192 mm) above the lowest level of fire department access or more than 40 feet (12192 mm) below the highest level of fire department access shall be equipped with standpipes.

79. 1103.9 Amend this section to read **Carbon monoxide alarms.** Carbon monoxide alarms shall be installed in existing dwelling units and sleeping units where those units include any of the conditions identified in Section 915.1. The carbon monoxide alarms shall be installed in the locations specified in Section 915.2 and the installation shall be in accordance with Section 915.4.

80. 2403.2.7 Amend this section to read **Welding warning signs.** Welding, cutting and similar spark-producing operations shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous signs with the following warning shall be posted in the vicinity of flammable vapor areas, dipping operations and paint storage rooms:

NO WELDING
THE USE OF WELDING OR
SIMILAR SPARK-PRODUCING
EQUIPMENT IN OR NEAR THIS AREA
IS DANGEROUS BECAUSE OF FIRE
AND EXPLOSION HAZARDS. WELDING
AND CUTTING SHALL BE DONE ONLY
UNDER THE SUPERVISION OF THE

PERSON IN CHARGE.

81. 3103.2 Amend this section to read and delete exceptions #2, #2.1. #2.2 and #2.3
Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.
82. 3103.6 Amend this section to read **Construction documents.** A detailed site and floor plan for tents or membrane structures shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment. See fire code official for additional local requirements.
83. 3105.2 Amend this section to read **Approval.** Temporary special event structures in excess of 200 square feet (18.58 m²) shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the fire code official and the building official.
84. 5001.1 Amend exception #10 to read **Scope.** 10. The storage of wines in wooden barrels and casks.
85. 5104.2.2 Amend this section to read **Aerosol cooking spray products.** Storage of aerosol cooking spray products in A, B, E, F, M, and R occupancies shall not be more than 1,000 pounds (454 kg) net weight.
86. 5701.2 Amend condition #10 section to read **Nonapplicability.** 10. The storage of wines in wooden barrels and casks.
87. Chapter 80 Amend this section to add **Referenced Standards NFPA 1— 2015 Fire Code**
Chapter 38.
88. Table B105.1(1) Amend this section to read

TABLE B105.1(I)
REQUIRED FIRE FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4
BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0-3,600	Section 903.3.1.3 of the International Fire Code	500	1/2
3,601 and greater	Section 903.3.1.3 of the International Fire Code	½ value in Table B104.1(2)	1

89. D103.6 Amend this section to read Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING— FIRE LANE signs complying with Figure DI 03.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2 and at intervals as required by the Fire Code Official.

90. J101.1 Amend this section to read New buildings shall have a building information sign(s) that shall comply with Sections J101.1.1 through J101.7. Existing buildings may be brought into conformance with Sections J 101.1 through J101.9 when one of the following occurs:

91. N103.3 Amend this section to read N103.3 Crowd managers. Where events involve a gathering of more than 500 people, trained crowd managers shall be provided in accordance with Section 403.12.3.

92. Add new appendix to read **Appendix O: Fire Regulations** - This appendix helps land management agencies reduce fire risk and prevent wildfires within Summit County where there is above average exposure to the Wildland Urban Interface (WUI).

SECTION 0101 GENERAL

0101.1 **Scope**. This appendix is intended to identify the restrictions to recreational fires, open burning, fire management, smoking, and using internal combustion engines under conditions not covered by any Federal, State, or Local fire restrictions.

SECTION 0201 DEFINITIONS

0201.1 **Definitions**. The following terms are defined in Chapter 2:

Controlled Burning

Open Burning

Permanent Fire Ring

Portable Outdoor Fireplace

Recreational Fire

SECTION 0301 RECREATIONAL FIRE

0301.1 **Recreational Fire**. Outdoor recreational fires on private property shall be allowed under the following conditions:

1. A valid permit has been issued.
2. The fire is contained to:
 - 2.1 Permanent outdoor fireplace or fire ring with a screen to reduce the spread of embers.
 - 2.2 Portable outdoor fireplace that is assembled, located, and operated in accordance with the manufacturer's instructions with a screen to reduce the spread of embers.
 - 2.3 A commercially designed chiminea with a screen to reduce the spread of embers.

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3. The area directly underneath the fireplace or chiminea is barren of flammable material.
 4. The fireplace or chiminea is located at least 15 feet (4.572 m) from any flammable material and/or structure.
 5. The fire is contained within an approved fireplace or fire ring and the fire has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (1.2192 m) or less in height and utilizes a non-toxic fuel source such as wood or charcoal.

Exception:

1. Fires built within designated dispersed camping sites or picnic areas contained within a permanent metal fire ring as long as the fire has a total fuel area of 3 feet (0.9144 m) or less in diameter and 2 feet (1.2192 m) or less in height and utilizes a wood or charcoal.
2. Fires contained within a fireplace, stove, wood burning stove, or pellet stove designed for and located within a fully enclosed permanent structure.

0301.2 Fire Prevention Measures. Individuals operating a fire in compliance with the 0301.1 shall provide the following safety equipment to prevent the spread of the fire:

1. The fire shall be constantly attended by a responsible adult.
2. The fire shall be extinguished and cool to the touch prior to leaving the site unattended.
3. There shall be available for immediate utilization one of the following:
 - 3.1 A portable fire extinguisher with a minimum 2A-10B:C rating.
 - 3.2 A 5 gallon container filled with water.
 - 3.3 A charged garden hose available for immediate utilization.

SECTION 0401 CONTROLLED BURNING

0401.1 Controlled burning. Burning for the purposes of meeting specific land management objectives, such as to reduce flammable fuels, restore ecosystem health, recycle nutrients, or prepare an area for new trees or vegetation shall be allowed under the following conditions:

1. A valid permit has been issued.
2. The fire shall be constantly attended by a responsible adult.
3. The fire shall be extinguished and cool to the touch prior to leaving the site unattended.
4. Within the approved bum site, the fire has a total fuel area of 8 feet (2.4384 m) or less in diameter and 4 feet (1.2192 m) or less in height.
5. There shall be available for immediate utilization one of the following:
 - 5.1 A portable fire extinguisher with a minimum 2A-10B:C rating.
 - 5.2 A 5 gallon container filled with water.
 - 5.3 A charged garden hose available for immediate utilization.
6. The approved bum area is located at least 50 feet (15.24 m) from any flammable material and/or structure.

0401.2 Fire Management. Fires caused or administered by any Federal, State, or Local officer or member of an organized rescue or firefighting force shall be permitted if the following conditions are met:

1. Notice is given to the fire department or Fire Code Official.
2. The fire is performed as part of an official duty.

0401.3 Restrictions. The Fire Code Official has the right to restrict controlled burning to certain times of the year outside the scope of Federal, State, or Local fire restrictions.

SECTION 0501

SMOKING

0501.1 **Outdoor Smoking.** Outdoor smoking shall be permitted under the following conditions:

1. The individual smoking shall be at least 3 feet (0.914 m) away from natural vegetation and/or flammable materials.
2. All burning objects shall be properly extinguished and disposed of in a sealed container.

SECTION 0601 USE OF INTERNAL COMBUSTION ENGINES

0601.1 **General.** The operation of a chainsaw, trimmer, mower, or similar internal combustion engine driven equipment shall be permitted under the following conditions:

1. The operator shall have a 2A-10B:C rated dry chemical fire extinguisher available for immediate use.
2. The engine shall be equipped with an approved spark arresting device.

SECTION 0701 FIREWORKS AND EXPLOSIVES

0701.1 **Fireworks.** The use and sale of recreational fireworks shall be prohibited.

Exception: Fireworks permitted under Town or County codes and/or ordinances.

0701.2 **Explosives.** The use and sale of recreational explosives including explosive targets or tracer ammunition shall be prohibited.

Exception: Explosives permitted under Town or County codes and/or ordinances.

SECTION 0801 OPEN FLAME DEVICES

0801.1 **Open flame torch devices.** The use of any open flame torch device shall be permitted under the following conditions:

1. A valid permit has been issued.
2. The operator shall have a 2A-10B:C rated dry chemical fire extinguisher available for immediate use.

The use of the device shall be at least 15 feet (4.572m) away from natural vegetation and/or flammable materials.

93. Add new appendix to read **Appendix P: Wildfire Mitigation** - This appendix provides requirements for wildfire mitigation where not otherwise regulated by local ordinances.

SECTION P101 GENERAL

P101.1 **Scope.** This appendix provides a methodology for reducing wildland fire ignition hazards around structures that will be located in a wildland-urban interface area and provides minimum requirements to reduce the potential of structure ignition from wildland fires while ensuring continuity between required and voluntary mitigation activities.

SECTION P201 DEFINITIONS

P201.1 **Definitions.** The following terms are defined in Chapter 2:

Defensible Space

Firewise® Landscaping

Ground Fuels

Mitigation

Structure Ignition Zone

Tree Crown

Wildland-Urban Interface

SECTION P301 FUEL MODIFICATION AREA

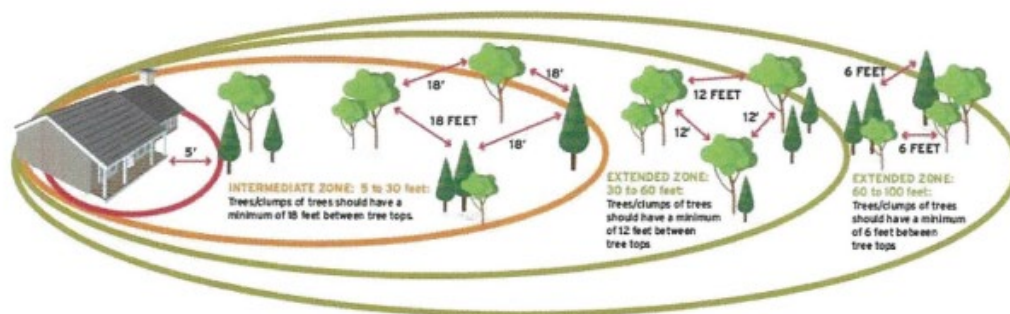
P301.1 **General.** The property shall be divided into three zones. These zones are (Figure P301):

1. The Immediate Zone — 0 to 5 feet from the furthest attached exterior point of the home
2. The Intermediate zone -- 5 to 30 feet from the furthest attached exterior point of the home.
3. The Extended Zone, 30 to 60 feet and 60 to 100 feet from the furthest attached exterior point of the home.

Exception:

1. Nothing in this appendix shall require the removal of healthy trees, shrubs, and other landscaping materials required by a Town or the County as part of an approved landscaping plan.
2. Property past a property line.

FIGURE P301



SECTION P401 THE IMMEDIATE ZONE

P401.1 **General.** This is the most important zone of the defensible space, according to the Firewise® program, to take immediate action on as it is the most vulnerable to embers. The following specific standards apply to the creation of defensible space within the Immediate Zone:

1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
2. All vegetation and combustible and flammable materials shall be moved away from exterior walls, under the eaves, and or decks. This includes:
 - 2.1 Mulch
 - 2.2 Ground fuels
 - 2.3 Flammable plants
 - 2.4 Leaves and needles

**SECTION P501
THE INTERMEDIATE ZONE**

P501.1 General. This is the landscaping/hardscaping zone of the defensible space through the use of careful landscaping or creating breaks that can help influence and decrease fire behavior. The following specific standards apply to the creation of defensible space within the Intermediate Zone:

1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
2. Removal of ladder fuels (vegetation under trees) shall occur so a surface fire cannot reach the crowns of the trees.
 - a. Limb up trees to a height of 10 feet. For shorter trees, trim to a height of 1/3 of the overall tree height.
3. Trees shall be spaced to have a minimum of eighteen feet between the crowns with the distance increasing with the percentage of slope.
4. Firewise® trees and shrubs in this zone should be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape.
5. Irrigated trees, shrubs, and other landscaping material shall be preserved if they are limbed to remove dead branches and well-spaced to reduce the risk of a fire spreading to other vegetation or structures.

**SECTION P601
THE EXTENDED ZONE UP TO 60 FEET**

P601.1 General. This zone focuses on interrupting a fire's path and keeping the flames smaller and on the ground by:

1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
2. The accumulation of ground litter and debris shall be disposed of or dispersed.
3. Small conifers growing between mature trees shall be removed.
4. Vegetation adjacent to storage or other outbuildings shall be removed.
5. Trees shall be spaced to have a minimum of twelve feet between the crowns with the distance increasing with the percentage of slope.

**SECTION P701
THE EXTENDED ZONE OVER 60 FEET**

P701.1 General. This zone focuses on interrupting a fire's path and keeping the flames smaller and on the ground by:

1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
2. The accumulation of ground litter and debris shall be disposed of or dispersed.
3. Small conifers growing between mature trees shall be removed.
4. Vegetation adjacent to storage or other outbuildings shall be removed.
5. Trees shall be spaced to have a minimum of six feet between the crowns with the distance increasing with the percentage of slope.

Sec. 18-2-50. Enforcement.

The Chief shall enforce this Code in accordance with the procedures set forth in this Code and C.R.S. § 32-1-1002(1)(d).

Sec. 18-2-60. Penalty for violation.

- (a) It shall be unlawful for any person, firm, corporation or other entity to violate any of the provisions of this Article.
- (b) Any person, firm corporation or other entity violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity, upon conviction of any violation of this Article, shall be punished by a fine of not more than three hundred dollars (\$1000.00) or be imprisoned for not more than one (1) year or both such fine and imprisonment for each offense.
- (c) When a violation of any section of this Article or any part of the adopted code occurs and continues for more than one (1) day, each day or portion thereof such violation occurs or continues shall constitute a separate offense.

ARTICLE III Flood Damage Prevention

Sec. 18-3-10. Statutory authorization.

The Legislature of the State has, in Title 29, Article 20, C.R.S., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees hereby adopts the following floodplain management regulations.

(Ord. 2013-6 §1)

Sec. 18-3-20. Findings of fact.

- (a) The flood hazard areas of the Town are subject to periodic inundation, which can result 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 health, safety and general welfare of the public.
- (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 hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. 2013-6 §1)

Sec. 18-3-30. Statement of purpose.

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

- (1) Protect human life and health;

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- (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
 - (6) 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
 - (7) Ensure that potential buyers are notified that property is located in a flood hazard area.

(Ord. 2013-6 §1)

Sec. 18-3-40. Methods of reducing flood losses.

In order to accomplish its purposes, this Article uses the following methods:

- (1) 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;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. 2013-6 §1)

Sec. 18-3-50. Definitions.

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

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms one-hundred-year flood and one-percent-chance flood are synonymous with the term 100-year flood. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH 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 (1) to three (3) 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.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

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

Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional letter of map revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 18-11-240.

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.

DFIRM database means a database, usually spreadsheets containing data and analyses, that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital flood insurance rate map (DFIRM) means the FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

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 above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow 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 floodwaters.

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).

Federal Register means the official daily publication for Rules, proposed Rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas, such as earth carried by a current of water and deposited along the path of the current.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

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.

Floodproofing means any combination of structural and/or nonstructural 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 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. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

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 of the Interior 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 the Interior; or
- d. Individually listed on a local inventory of 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.

Letter of map revision (LOMR) means FEMA's official revision of an effective flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding

source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs) or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, 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. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR § 65.10.

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). Any floor used for living purposes, which includes working, storage, sleeping, cooking and eating or recreation, or any combination thereof. This includes any floor that could be converted to such a use, such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking of 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 nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one (1) 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 (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

Material safety data sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

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.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

Physical map revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) 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.

Special flood hazard area means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (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, which 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 fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. 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.

Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article. (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. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 2013-6 §1)

Sec. 18-3-60. Lands to which this Article applies.

This Article shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town.

(Ord. 2013-6 §1)

Sec. 18-3-70. Basis for establishing areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Park County, Colorado and Incorporated Areas," dated December 18, 2009, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(Ord. 2013-6 §1)

Sec. 18-3-80. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this Article.

(Ord. 2013-6 §1)

Sec. 18-3-90. Compliance.

No structure or land shall hereafter be located, altered or have its use changed within the special flood hazard area without full compliance with the terms of this Article and other applicable regulations. Nothing herein shall prevent the Board of Trustees from taking such lawful action as is necessary to prevent or remedy any

violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(Ord. 2013-6 §1)

Sec. 18-3-100. Abrogation and greater restrictions.

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

(Ord. 2013-6 §1)

Sec. 18-3-110. Interpretation.

In the interpretation and application of this Article, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2013-6 §1)

Sec. 18-3-120. Warning and disclaimer of liability.

The degree of flood protection required by this Article 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 Article does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

(Ord. 2013-6 §1)

Sec. 18-3-130. Designation of Floodplain Administrator.

The Town Administrator or Authorized Designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. 2013-6 §1)

Sec. 18-3-140. Duties and responsibilities of Floodplain Administrator.

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article.
- (2) Review permit applications to determine whether the proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this Article.

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- (4) 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.
 - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (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.
 - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (8) When base flood elevation data has not been provided in accordance with Paragraph 18-11-150(a)(3) below, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other course in order to administer the provisions of this Article.

(Ord. 2013-6 §1)

Sec. 18-3-150. Permit procedures.

- (a) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him or 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 Paragraph 18-11-180(2) of this Article.
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Maintain a record of all such information in accordance with Paragraph 18-11-140(2) above.
- (b) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Article 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;

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- (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 floodwaters 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; and
 - (10) The relationship of the proposed use to the comprehensive plan for that area.

(Ord. 2013-6 §1)

Sec. 18-3-160. Variance procedures.

- (a) The Board of Adjustment (hereinafter referred to as the "Appeal Board") may consider and grant or deny variances to the requirements of this Article in accordance with the standards and procedures set forth in Article XXII of Chapter 16 of this Code. The Appeal Board 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 Article.
 - (1) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
 - (2) 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.
 - (3) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Section 18-11-150 above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 - (4) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as stated in Section 18-11-30 of this Article.
 - (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (6) 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.
 - (7) Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;

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2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. 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.
- c. Any applicant 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.
- (8) 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:
- a. The criteria outlined in Paragraphs (1)—(7) above are met; and
 - b. 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. 2013-6 §1)

Sec. 18-3-170. General standards.

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

- (1) 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.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- (4) 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.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 2013-6 §1)

Sec. 18-3-180. Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in this Article, the following provisions are required:

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- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 - (2) Nonresidential construction. With the exception of critical facilities, outlined in Section 18-11-240 of this Article, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one (1) foot above the base flood elevation, 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 Colorado 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. Such certification shall be maintained by the Floodplain Administrator.
 - (3) 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 Colorado professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) Manufactured homes.
 - a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites:
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on which manufactured home has incurred substantial damage as a result of a flood;are elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) is elevated to one (1) foot above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

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- b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Subparagraph shall be elevated so that either:
 - 1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one (1) foot 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 thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (5) Recreational vehicles.
 - a. All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either:
 - 1. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Meet the permit requirements of Section 18-11-150 of this Article and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above.
 - b. 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. 2013-6 §1)

Sec. 18-3-190. Standards for areas of shallow flooding (AO/AH Zones).

Located within the special flood hazard area are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) 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; therefore, the following provisions apply:

- (1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) Nonresidential construction.
 - a. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level 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 Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 18-11-150 of this Article are satisfied.

- b. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(Ord. 2013-6 §1)

Sec. 18-3-200. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 18-11-50 of this Article). Located within special flood hazard area established in Section 18-11-70 of this Article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18-11-180 of this Article.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(Ord. 2013-6 §1)

Sec. 18-3-210. Alteration of watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(Supp. No. 11)

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- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.
 - (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions in the floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 18-11-200 above.
 - (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. 2013-6 §1)

Sec. 18-3-220. Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

- (1) Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill.
- (2) Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill, or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill 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.

(Ord. 2013-6 §1)

Sec. 18-3-230. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the floodplain development permit requirements of this Article.
- (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 fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 18-11-70 of this Article or Section 18-11-140 of this Article.
- (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.

Sec. 18-3-240. Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- (1) Classification of critical facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services. It is the responsibility of the Board of Trustees to identify and confirm that specific structures in its community meet the following criteria:
 - a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines.
 1. These facilities consist of:
 - a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctors' offices and non-urgent care medical structures that do not provide these functions);
 - c) Designated emergency shelters;
 - d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
 - e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
 - f) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]).
 2. Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
 3. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will

provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 1. These facilities may include:
 - a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c) Refineries;
 - d) Hazardous waste storage and disposal sites; and
 - e) Aboveground gasoline or propane storage or sales centers.
 2. Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Article, but exclude later amendments to or editions of the regulations.
 3. Specific exemptions to this category include:
 - a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

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- c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of:
 - 1. Elder care (nursing homes).
 - 2. Congregate care serving twelve (12) or more individuals (day care and assisted living).
 - 3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children.
 - d. Facilities vital to restoring normal services, including government operations. These facilities consist of:
 - 1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers).
 - 2. Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

- (2) Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Article, protection shall include one (1) of the following:
 - a. Location outside the special flood hazard area; or
 - b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the base flood elevation.
- (3) Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. 2013-6 §1)

ARTICLE IV Growing and Processing of Marijuana in Residential Structures¹

¹Editor's note(s)—Ord. No. 2014-10, § 1, adopted Aug. 18, 2014, repealed the former Art. XII, §§ 18-12-10, 18-12-20, and enacted a new Art. XII as set out herein. The former Art. XII pertained to similar subject matter and derived from Ord. 1, 2012, § 1.

Sec. 18-4-10. Purpose.

This Article is intended to apply to the growing of marijuana in residential structures whether such growing is done by persons for their own use, or by primary caregivers.

(Ord. No. 2014-10, § 1, 8-18-2014)

Sec. 18-4-20. Growing of marijuana in residential structures.

A person may use, cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana in a residential structure subject to the following:

- (1) Such cultivation, production, or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, section 14 and/or 16 of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. §§ 12-43.3-101 et seq., the Medical Marijuana Program, C.R.S. § 25-1.5-106; and the Colorado Retail Marijuana Code, as applicable.
- (2) Such marijuana plants are cultivated, produced, or possessed within a person's primary residence, as defined by subsection (8) below.
- (3) The cultivation, production, or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:
 - a. Common visual observation, including any form of signage;
 - b. Unusual odors, smells, fragrances, or other olfactory stimulus;
 - c. Light pollution, glare, or brightness that disturbs the repose of another; and
 - d. Undue vehicular or foot traffic, including excess parking within the residential zone.
- (4) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
- (5) Such cultivation, production, or possession of marijuana plants shall be limited to the following space limitations within a primary residence:
 - a. Within a single-family dwelling unit (Group R-3 as defined by the International Residential Code): A secure, defined, contiguous one hundred fifty (150) square foot area within the primary residence of the person.
 - b. Within a multi-family dwelling unit (Group R-2 as defined by the International Residential Code): A secure, defined, contiguous one hundred (100) square foot area within the primary residence of the person.
 - c. Such cultivation, production, or possession of marijuana plants not occur in any accessory structure.
- (6) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted Town of Fairplay building and life/safety codes.
- (7) Such cultivation, production, or possession of marijuana plants shall meet the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer providers within the Town.
- (8) For purposes of this Article, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical

presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

- (9) For purposes of this Article, "a secure" area means an area within the primary residence accessible only to the owners or occupants. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not licensed or authorized to possess marijuana.
- (10) The cultivation, production, or possession of marijuana plants in a residential structure pursuant to this Article is and shall be deemed consent by the owner or occupant,

upon reasonable notice, for the Town to inspect the premises to assure compliance with the provisions of this Article.

(Ord. No. 2014-10, § 1, 8-18-2014)

Sec. 18-4-30. Compressed flammable gas prohibited in residential THC extraction.

It is unlawful for a person to use any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinol (THC) or any other cannabinoids in any residential structure in the Town.

(Ord. No. 2014-10, § 1, 8-18-2014)

ARTICLE V Building Moves and Sets

Sec. 18-5-10. Purpose.

The purpose of move and set permits is to ensure compliance with all Town, state and public utility requirements related to the movement of buildings upon public and quasi-public rights-of-ways and easements, and to ensure the structural stability of any structure to be moved.

(Ord. 6, 2021 §1)

Sec. 18-5-20. Permits required.

No building, structure or improvement shall be moved from or set upon land located in the Town or transported upon any public street in the Town until a permit to move and set has been obtained therefor and said building, structure or improvement complies with the provisions of this Article.

(Ord. 6, 2021 §1)

Sec. 18-5-30. Procedures.

- (a) All buildings, structures and improvements to be moved and set shall comply with the Building Code, as adopted by the Town.
- (b) An application shall be submitted for said permit, along with a footing and foundation plan and construction plans for any new construction, which plans shall comply with the Building Code.
- (c) The applicant shall submit a statement from the County Treasurer showing that all past and current taxes have been paid before any permit shall be issued.

-
- (d) Upon receipt of the above items, the Building Official shall inspect said building, structure or improvements and the proposed location where the same will be set within the Town. Upon determining that the proposed development complies with the Building Code and this Chapter, the Building Official shall issue a permit to move and set.
 - (e) The Building Official shall charge a reasonable fee, in addition to the normal fees set forth in the Building Code, to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or improvements into compliance with the Building Code should the building not comply. This fee is not returnable. If buildings, structures or improvements are found to be capable or complying with the Building Code, a building permit will be issued at the regular fee as determined by the valuation of said building, structure or improvements as published in the Building Code.
 - (f) No permit to move and set shall be issued until the applicant has first obtained any necessary permits from the public utility company, railroad companies, Colorado Department of Transportation and County Road Supervisor, unless it can be shown by the applicant that these agencies are not involved in the move.
 - (g) No person shall transport, move or set any building, structure or improvement in the Town until and unless such person shall post with the Building Official a good and sufficient indemnity bond in favor of the Town. Such bond shall be made by a surety corporation authorized to do business in this State; said bond may be issued on an annual basis but shall not be in excess of such period of time.
 - (h) A certificate of liability insurance in an amount determined by the Building Official shall be given to and kept on file by the Building Official. Appeals may be made to the Board of Trustees for the amount of insurance required only.

(Ord. 6, 2021 §1)

ARTICLE VI Drainage Requirements

Sec. 18-6-10. Drainage devices required.

The owners of all new construction in the Town shall be required to install such appropriate drainage devices under any driveway or other barrier which would interfere with the natural and existing drainage of the Town. It shall be the duty of the Building Official to enforce and implement this Article.

(Ord. 5, 1980 §1; Ord. 5, 2019, §2)

Sec. 18-6-20. Town to establish requirements.

It shall be the duty of the Building Official to determine the proper requirements for each site in regard to the nature and design for each drainage device required hereunder.

(Ord. 5, 1980 §2; Ord. 5, 2019, §2)

Sec. 18-6-30. Drainage device form.

To enable the Building Official to enforce and implement this Article, the Building Official:

-
- (1) Shall cause a form to be issued with the building permit setting forth the requirements for the drainage device to be installed; and
 - (2) Shall condition issuance of the certificate of occupancy upon compliance with the requirements set forth by the Building Official in the form issued under Subsection (1) above.

(Ord. 5, 1980 §3; Ord. 11, 2002 §1; Ord. 5, 2019, §2)

08-29-22 DRAFT



Town of Fairplay

400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Items A & B – MOUs for Transfer of Transit Buses

DATE: August 29, 2022

BACKGROUND/ANALYSIS:

Staff was approached by Cripple Creek Transit Director Ted Schweitzer about an opportunity for the Town to accept possession for and use of several Transit buses that the Coity of Cripple Creek and the Cripple Creek Care Center were disposing of for different reasons. At the last Board meeting I mentioned the amazing opportunity for the Town to obtain these vehicles at no cost in hopes of starting a local transit service for our Fairplay community and its residents and visitors. The Board directed Staff to bring the matter back for review, discussion and possible action.

The attached MOU's detail the proposed transfers and specific vehicle details are also attached for the Board's review and information. I also asked Ted Schweitzer to attend the meeting to answer questions and help everyone better understand how a Transit program works and is funded and what the Town's responsibilities are if the buses are transferred to us. I also noted at the last meeting that while we missed the Super Call for federal funding for 2023, I had been advised that CDOT was looking at funding that could help the Town begin this program and I am still waiting for word on what that funding might look like but in the interim those that are interested can visit <https://www.transit.dot.gov/rural-formula-grants-5311> to view the details of funding for rural areas under the 5311 Admin & Ops Program. However, there is minimal requirement for the Town to utilize the buses immediately, which Ted can also provide details on.

I think this is a great opportunity for the Town to begin providing alternate transportation options to meet the needs of the community and to work with other agencies in the area to provide safe and reliable transportation for students, seniors, disabled community, visitors, etc.

STAFF RECOMMENDATION/ACTION:

Following questions and discussion, Staff recommends approval of the MOUs as presented to transfer two (2) transit buses from the City of Cripple Creek and the Cripple Creek Care Center to the Town of Fairplay.

Attachments: Two Memorandums of Understanding

“Where History Meets the High Country”

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF CRIPPLE CREEK, THE TOWN OF FAIRPLAY, THE COLORADO
DEPARTMENT OF TRANSPORTATION (CDOT), TRANSFER OF ONE (1) TRANSIT
VEHICLE

This Memorandum of Understanding (“MOU”) is made and entered into this 29th day of August 2022, by and between The City of Cripple Creek, The Town of Fairplay, and the Colorado Department of Transportation (“CDOT”).

WHEREAS, by the authority provided in 49 U.S.C. Section 53 and related guidance provided in Federal Transit Administration Circular 5010.1E, Chapter IV subsection 4.o, Title 2, CFR Section 200.313 (Disposition of Equipment and Supplies), transit agencies may transfer property to other transit agencies; and

WHEREAS, The City of Cripple Creek wishes to transfer the use of one (1) transit vehicle with associated Federal interest, and

WHEREAS, The Town of Fairplay desires to accept the one (1) vehicle with Federal interest from the City of Cripple Creek to implement a public transit service in and around the Town of Fairplay.

NOW THEREFORE, in consideration of the mutual benefits to be derived here from, The City of Cripple Creek, The Town of Fairplay, and CDOT agree as follows:

I. Roles and Responsibilities

1. The Town of Fairplay will compensate The City of Cripple Creek \$0 per unit to transfer the vehicles described below:

Asset Description:	2013 Chevrolet E-450
Asset Identification Number:	1FD FE4FS9DDA25226
Entity Holding Asset:	City of Cripple Creek
Source of Funding:	FASTER
Award Federal Share Percentage	80%
Award Total Cost of Asset	\$81,504.00
Award Federal Share Amount	\$65,203.00
Disposition Total Amount Received	\$16,300.00
Disposition Federal Amount	
Multiply:(<i>Award Federal Share Percentage</i>) <i>X</i>	\$8,000.00

<i>(Disposition Total Amount Received)</i>	
<i>Note: Recipients may subtract up to an additional \$500 for disposition expenses.</i>	
Acquisition Date:	6/27/2013
Date Placed in Revenue Service:	6/27/2013
Date removed from service:	5/26/2022
Mileage:	10959
Minimum Useful Life:	5 years or 150,000 miles

1. Within thirty (30) days of execution of this MOU, the following steps will be completed to transfer ownership of the above-listed vehicles to the Town of Fairplay:
 0. The City of Cripple Creek will submit Disposition Concurrence Requests and Disposition Authorizations to CDOT via COTRAMS, which CDOT will promptly review and approve.
 1. CDOT will gather all Division of Motor Vehicles (“DMV”) vehicle titles in its possession, process the Lien Records Release, sign all such titles over to The City of Cripple Creek, and provide the titles to The City of Cripple Creek.
 2. The City of Cripple Creek will assemble and sign all vehicle titles in its possession or control and provide all of the titles to The Town of Fairplay at the time of vehicle transfer.
 3. The City of Cripple Creek will transfer the vehicles to The Town of Fairplay, as mutually agreed to between them; and will provide Town of Fairplay with copies of prior maintenance and repair records for the vehicles, in paper or electronic form. Once completed, The Town of Fairplay will certify in writing to both the City of Cripple Creek and CDOT that the Town of Fairplay has taken possession of the vehicles.
 4. The Town of Fairplay will update the title records with the DMV:
 - 1.2.5.1 Town of Fairplay will take the titles to the DMV, register the vehicles under Town of Fairplay ownership, and pay any and all fees associated with the transfer of titles and registrations.
 - 1.2.5.2 For those vehicles where CDOT is the current lienholder, the Town of Fairplay will also have CDOT listed as the lienholder on the updated title.
- 1.3 As vehicle titles are received from the DMV by CDOT, CDOT will create Capital Inventory records in COTRAMS and enter the title information, as well as other basic vehicle information, and notify the Town of Fairplay that the records have been created.
 - 1.3.1 Town of Fairplay will timely enter other relevant information in the COTRAMS Capital Inventory records, including current mileage information.
 - 1.3.2 CDOT will keep the vehicle titles it receives from the DMV until such time as the vehicles are disposed of by the Town of Fairplay.

1.4 Within forty-five (45) days of taking possession of the above-listed vehicle from the City of Cripple Creek, the Town of Fairplay shall ensure that the vehicle are identified as Town of Fairplay operating vehicles, using standard Town of Fairplay vehicle decals, logos, numbering, or other standard agency vehicle identification signage.

1. The Town of Fairplay agrees to continue to comply with federal and/or state requirements and ensure that all the above-listed vehicle that have a federal interest and/or state interest remaining are used for the purpose of the original grants, specifically, for the transportation of the public.

The parties hereto have signed and executed this Memorandum of Understanding effective as of the date and year above.

TOWN OF FAIRPLAY

By: _____
Frank Just, Mayor

CITY OF CRIPPLE CREEK

By: _____
Ted Schweitzer, Transportation Director

COLORADO DEPARTMENT OF TRANSPORTATION

By: _____
Amber Blake, Director-Division of Transit and Rail



Intermountain Coach, Inc.
3204 E. Platte Avenue
Colorado Springs, CO 80909
(719) 570-1122
(719) 570-1124 Fax
www.intermountaincoach.com

BUYER'S ORDER - INVOICE

SALESPERSON Steve Francom CUST. P.O.# _____ STOCK # 6497A MFG. # _____

BUYER City of Cripple Creek

DATE 7/5/13

ADDRESS 337 E. Bennett Ave

YR. & MAKE 2013 Starcraft

CITY & STATE Cripple Creek, CO 80813

MODEL Allstar BODY Bus

PHONE NO. _____

COLOR _____

FAX NO. _____

VIN # 1FDFE4FSXDDA25204

TERMS: ☐ C.O.D. ☐ OTHER NET 30 DAYS

MILEAGE 2,219

BODY & CHASSIS WARRANTY ARE AS STATED BY BODY AND CHASSIS MANUFACTURER. NO OTHER WARRANTY IS IMPLIED OR VALID UNLESS OTHERWISE STATED. ☐ CUSTOMER AGREES THE VEHICLE WAS SOLD "AS IS" CUSTOMER INITIALS _____

TRADE-IN _____

YR. & MAKE _____

VIN NO. _____ MILEAGE _____

VEHICLE PRICE \$81,504.00

DELIVERY N/A

TRADE-IN N/A

TOTAL \$81,504.00

STATE TAX N/A

COUNTY TAX N/A

CITY TAX N/A

TAX N/A

TOTAL \$81,504.00

DEPOSIT W/ORDER _____

CASH ON DELIV. _____

TOTAL DOWN PAYMENT _____

AMT. OF FINANCE _____

\$ 50,798.00 Type 2B Standard Floorplan

\$ 767.00 Opt 1 Audible Rear Monitor

\$ 7,493.00 Opt. 4 Brake Retarder

\$ 5,433.00 Opt.5 Electronic Destination Sign

\$ 597.00 Opt. 13 W/C Securment

\$ 808.00 Opt15 Limited Slip

\$ 695.00 Opt 18 Yeild to Bus Sign

\$ 113.00 Opt 19 W/C Belt

\$ 14,800.00 4x4 Conversion

Buyer guarantees a good and marketable title free of all lines and encumbrances.

Seller is not liable for any delays in delivery caused by body or chassis manufactures due to strikes, shortages, acts of nature beyond the seller's control.

20% deposit is required before any equipment will be ordered, all deposit monies are forfeited on cancellation of order by buyer or from loss of financing after buyer has ordered equipment.

Full payment is due at the time of delivery unless specified in terms section. Buyer agrees to accept late payment charge of 18% per annum on unpaid balance if terms are not met.

By signing this order, no other terms or conditions apply other than what is written on this buyer's order and invoice.

Buyer's Approval Date 7/5/13

Buyer's Printed Name City of Cripple Creek

Buyer's Title Transportation Manager

Buyer's Signature _____

Seller's Signature _____

THIS ORDER MUST BE SIGNED BY AN OFFICIAL OF THE COMPANY TO BE VALID.

EXHIBIT A – SCOPE OF WORK AND BUDGET

City of Cripple Creek Transit Services

Grant Year	2013		
Title of Project	Two Transit Vehicles funded by FASTER 2013		
Project Description	Purchase two wheelchair accessible vehicles for expanded Cripple Creek/victor Transit Service		
Recipient	City of Cripple Creek	DUNS	055978449
Contact	Greg Severance, Public Works Director	VEND	2000108
	128 E. Bennet Ave. PO Box 340 Cripple Creek, CO 80813	Phone	719-689-2125
Email	gseverance@cripple-creek.co.us	Fax	719-689-2774
Project Budget		WBS	18995.10.50
	FASTER Share (at 80% or less)		\$ 134,400
	Local Share (at 20% or more)		\$ 33,600
	Total Project Budget		\$ 168,000

A. Project Description

Purchase two wheelchair accessible vehicles. One vehicle will be used to provide general public transit service to connecting Victor and Cripple Creek for the first time. The second vehicle will be used to provide expanded service hours to the City of Cripple Creek.

Cripple Creek shall use FASTER capital funds provided in FY 2013 to purchase:

Two (2) Type II ADA compliant body-on-chassis gas vehicles to expand current fleet and service. The vehicles may include, but is not limited to the following optional equipment:

- Backup Camera
- Front Lift
- Brake Retarder
- Electronic Destination Signs
- Logo/Lettering

B. Performance Standards

1. Project Milestones

To the extent possible and practicable, provide details and information, data, explanations, descriptions, copies, and sample documents of milestone activities.

- Contract Executed and Notice to Proceed issued December 2012
- Place order using CDOT Price Agreement with Intermountain Coach (IMC) January 2013
- Vehicles delivered August 2013
- Submit Reimbursement Request to CDOT September 2013

IMPORTANT NOTE: All milestones and tasks in this scope of work must be completed no later than the contract expiration date of December 31, 2014.

DR2407 (09/07/05)

COLORADO DEPARTMENT OF REVENUE
DIVISION OF MOTOR VEHICLES
www.revenue.state.co.us

STATE OF COLORADO

Dealer's Bill of Sale for a Motor Vehicle

ANY ALTERATION OR ERASURE VOIDS THIS DOCUMENT

PREVIOUS BILL OF SALE NUMBER

No. 821619

PRINT NAME OF LICENSED COLORADO DEALER INTERMOUNTAIN COACH LEASING INC		PRINT DEALER NUMBER 7273	
STREET ADDRESS 3204 East Platte Avenue	CITY Colorado Springs	STATE CO	ZIP CODE 80909
VEHICLE IDENTIFICATION NUMBER (VIN) 1FDFE4FSXDDA25204	YEAR 2013	MAKE STARCRAFT	BODY BUS
FUEL TYPE (CHECK ONE) ☒ GAS ☐ DIESEL ☐ ELECTRIC ☐ OTHER		STATUS OF VEHICLE (CHECK ONE) ☒ NEW ☐ USED	
MANUFACTURER'S SUGGESTED RETAIL PRICE (NEW VEHICLES ONLY) \$ 83,767.00			
SELL, ASSIGN, AND CONSIGN TO	BUYER(S) PRINTED NAME(S) CITY OF CRIPPLE CREEK		DATE OF SALE 07/05/13

ODOMETER DISCLOSURE STATEMENT

FEDERAL LAW REQUIRES THAT YOU STATE THE ODOMETER MILEAGE UPON TRANSFER OF OWNERSHIP, FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

THE ABOVE NAMED DEALER STATES THAT THE ODOMETER NOW READS (NO TENTHS OF MILES): 2219 AND:

☒ THE ODOMETER READING IS THE ACTUAL MILEAGE OF THE VEHICLE.

☐ THE MILEAGE STATED IS IN EXCESS OF ITS MECHANICAL LIMITS

☐ THE ODOMETER READING IS NOT THE ACTUAL MILEAGE - **WARNING - ODOMETER DISCREPANCY**

DEALER AFFIRMS, UNDER PENALTY OF PERJURY, THAT THE ABOVE FACTS ARE TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE. BUYER'S SIGNATURE BELOW ACKNOWLEDGES TRANSFER OF OWNERSHIP AND RECEIPT OF ODOMETER STATEMENT.

DATE OF STATEMENT

07/05/13

DEALER'S AGENT HAND PRINTED NAME

April Castro

DEALER'S AGENT SIGNATURE

X April Castro

BUYER'S HAND PRINTED NAME (1)

City of Cripple Creek

BUYER'S HAND PRINTED NAME (2)

City of Cripple Creek

BUYER'S SIGNATURE (1)

BUYER'S SIGNATURE (2)

X

STREET ADDRESS

337 E BENNETT AVE

CITY

CRIPPLE CREEK

STATE

CO

ZIP CODE

80813

AUCTION NAME (when applicable)

DATE

07/05/13

LICENSE NUMBER

ORIGINAL: WITH TITLE

COPY: BUYER RECORD

COPY: DEALER RECORD



MEMORANDUM OF UNDERSTANDING BETWEEN
THE CRIPPLE CREEK CARE CENTER, THE TOWN OF FAIRPLAY, THE COLORADO
DEPARTMENT OF TRANSPORTATION (CDOT), TRANSFER OF ONE (1) TRANSIT
VEHICLE

This Memorandum of Understanding (“MOU”) is made and entered into this 29th day of August 2022, by and between Cripple Creek Care Center, The Town of Fairplay, and the Colorado Department of Transportation (“CDOT”).

WHEREAS, by the authority provided in 49 U.S.C. Section 53 and related guidance provided in Federal Transit Administration Circular 5010.1E, Chapter IV subsection 4.o, Title 2, CFR Section 200.313 (Disposition of Equipment and Supplies), transit agencies may transfer property to other transit agencies; and

WHEREAS Cripple Creek Care Center wishes to transfer the use of one (1) transit vehicle with associated Federal interest, and

WHEREAS The Town of Fairplay desires to accept the one (1) vehicle with Federal interest from the Cripple Creek Care Center to implement a public transit service in and around the Town of Fairplay.

NOW THEREFORE, in consideration of the mutual benefits to be derived here from, The Cripple Creek Care Center, The Town of Fairplay, and CDOT agree as follows:

I. Roles and Responsibilities

1. The Town of Fairplay will compensate Cripple Creek Care Center \$0 per unit to transfer the vehicle described below:

001	1FDFE4FS7HDC41663	2017	Ford
Asset Description:	2017 Startrans Senator II		
Asset Identification Number:	1FDFE4FS7HDC41663		
Entity Holding Asset:	Cripple Creek Care Center		
Source of Funding:	WBS CO-16-0051.CCCC		
Award Federal Share Percentage	80%		
Award Total Cost of Asset	\$81,115.00		
Award Federal Share Amount	\$64,892.00		
Disposition Total Amount Received	16,223.00		
Disposition Federal Amount			
Multiply:(Award Federal Share Percentage) X			

<i>(Disposition Total Amount Received)</i>	
<i>Note: Recipients may subtract up to an additional \$500 for disposition expenses.</i>	
Acquisition Date:	4/28/2017
Date Placed in Revenue Service:	4/28/2017
Date removed from service:	5/26/2022
Mileage:	20682
Minimum Useful Life:	5 years or 150,000 miles

1. Within thirty (30) days of execution of this MOU, the following steps will be completed to transfer ownership of the above-listed vehicles to the Town of Fairplay:
 0. Cripple Creek Care Center will submit Disposition Concurrence Requests and Disposition Authorizations to CDOT via COTRAMS or other, which CDOT will promptly review and approve.
 1. CDOT will gather all Division of Motor Vehicles (“DMV”) vehicle titles in its possession, process the Lien Records Release, sign all such titles over to The Cripple Creek Care Center, and provide the titles to Cripple Creek Care Center.
 2. Cripple Creek Care Center will assemble and sign all vehicle titles in its possession or control and provide all the titles to the Town of Fairplay at the time of vehicle transfer.
 3. Cripple Creek Care Center will transfer the vehicles to The Town of Fairplay, as mutually agreed to between them; and will provide The Town of Fairplay with copies of prior maintenance and repair records for the vehicles, in paper or electronic form. Once completed, The Town of Fairplay will certify in writing to both the Cripple Creek Care Center and CDOT that the Town of Fairplay has taken possession of the vehicles.
 4. The Town of Fairplay will update the title records with the DMV:
 - 1.2.5.1 Town of Fairplay will take the titles to the DMV, register the vehicles under Town of Fairplay ownership, and pay any and all fees associated with the transfer of titles and registrations.
 - 1.2.5.2 For those vehicles where CDOT is the current lienholder, the Town of Fairplay will also have CDOT listed as the lienholder on the updated title.
- 1.3 As vehicle titles are received from the DMV by CDOT, CDOT will create Capital Inventory records in COTRAMS and enter the title information, as well as other basic vehicle information, and notify the Town of Fairplay that the records have been created.
 - 1.3.1 Town of Fairplay will timely enter other relevant information in the COTRAMS Capital Inventory records, including current mileage information.
 - 1.3.2 CDOT will keep the vehicle titles it receives from the DMV until such time as the vehicles are disposed of by the Town of Fairplay.

1.4 Within forty-five (45) days of taking possession of the above-listed vehicle from the Cripple Creek Care Center, the Town of Fairplay shall ensure that the vehicle is identified as Town of Fairplay operating vehicle, using standard Town of Fairplay vehicle decals, logos, numbering, or other standard agency vehicle identification signage.

1. The Town of Fairplay agrees to continue to comply with federal and/or state requirements and ensure that all the above-listed vehicles that have a federal interest and/or state interest remaining are used for the purpose of the original grants, specifically, for the transportation of the public.

The parties hereto have signed and executed this Memorandum of Understanding effective as of the date and year above.

TOWN OF FAIRPLAY

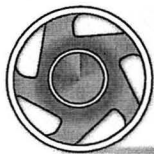
By: _____
Frank Just, Mayor

CRIPPLE CREEK CARE CENTER

By: _____
Jodi Robinson / Transit Director

COLORADO DEPARTMENT OF TRANSPORTATION

By: _____
Amber Blake, Director-Division of Transit and Rail



Creative Bus Sales

PROFORMA INVOICE

Invoice # 1523544

Date: 4/18/2017

Sold To:

CRIPPLE CREEK CARE CENTER
700 N. A ST.
CRIPPLE CREEK CO 80813

Ship To:

CRIPPLE CREEK CARE CENTER
700 N. A ST.
CRIPPLE CREEK CO 80813

Quantity	Ordered	Cust #	PO #	Ship Date	Terms
1	2/7/2017	1358039	491001281		Net Upon Receipt

Unit #	Item Description	Price
56907	2017 STARTRANS SENATOR II SHUTTLE WHITE 1FDFE4FS7HDC41663	\$82,112.00

Taxable Amount \$0.00
Sales Tax Rate N/A
Tax Per Unit \$0.00

Total Price per Unit	\$82,112.00
Doc Prep Fee (taxable)	\$0.00
Sales Tax	\$0.00
Est. DMV Fees per Unit	\$0.00
DMV Electronic Filing	\$0.00
Tire Fee	\$0.00
Delivery Fee	\$0.00
Total Invoice Per	\$82,112.00
Unit Quantity	1
Total Invoice Amount	\$82,112.00
Less Credits:	
Trade In Vehicle	\$0.00
Deposit Received	\$0.00
Rebates	\$1,000.00
AMOUNT DUE:	\$81,112.00

Remit Payment To:
CREATIVE BUS SALES, INC.
14740 RAMONA AVENUE
CHINO CA 91710

WIRE TRANSFER: Wells Fargo Bank - ACCT #: 4124-925546 - ABA #: 121000248 - Swift Code: WFBIUS6S
ACH: Wells Fargo Bank - ACCT #: 4124-925546 - ABA #: 121000248



11/18/2016

Jodi Robinson

Cripple Creek Care Center
700 North A Street
Cripple Creek, CO 80813

Bus Price Quote

CDOT Price Agreement HAA IFB 13-209 BH
Period Covered: July 1, 2013 - June 30, 2017

Jodi,

Listed below is a price quote based on your request for a Type IIB Ford Gas Engine (6.8L V10) Body on Chassis Vehicle, Dual Rear Wheel, Wheelbase 176" – Width 96" – Seating 12 + (2) Wheelchair Securement Positions, Front Lift Location. **Bus will be titled to Cripple Creek Care Center and must have a valid Ford Fleet ID Number which qualifies for Government Price Concessions (GPC).**

Base Vehicle Floorplan: \$63,792.00

Vehicle Options:	#1 Audible Rear Monitoring System	\$350
	#2 Backup Camera and Interior Monitor	\$350
	#4 Brake Retarder	\$5,450
	#8 Vehicle Graphics	\$1,850
	#15 Non Slip Rear Axle	\$270
	SEON 4 Camera System	\$3,800
	Stainless Steel Wheel Inserts	\$400
	Q-Straint Slide and Click Securements	\$250
	Spare Tire Carrier	\$150
	Leathermate Vinyl Seats – Black – Vertical Stitch	N/C
	Full Length Track Over Windows – Shoulder Belt	N/C
	Individual Reading Lights On Overhead Luggage	\$400
	Overhead Luggage Racks Both Sides	\$800
	15" Flip Down Monitor With DVD Player	\$2,100
	Storage Area For Walkers	\$700
	Braun 1,000 lb. Capacity Wheelchair Lift	\$450
Total Options		\$17,320.00
Vehicle Total		\$81,112.00



A

E 12.0mi

20682.7

12 B N D 4 2

LEGISLATIVE HEARINGS (Policy issues such as ordinances changing the Code, Budget Hearings, etc)

1. Introduce the topic and announce that the Public Hearing is open at __ (time).
2. Ask for Staff presentation.
3. Ask for public comment in favor of and in opposition.
4. Close the hearing and ask for Board deliberation.

OR

5. Ask for Board discussion so Trustees can ask questions of Staff and suggest any changes.
6. If there are significant changes you may ask/allow for further public comment.
7. Following deliberation, ask for a motion to continue, approve or deny.



Town of Fairplay

400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: Public Hearing Item A – Ord. 10, Series 2022 Amending the Fairplay Municipal Code
Related to Retail Tobacco Establishment Distance Restrictions From Schools

DATE: August 29, 2022

BACKGROUND/ANALYSIS:

On August 1, 2022, Staff presented an Ordinance to the Board of Trustees for adoption which would have reduced the distance between Retail Tobacco Establishments and schools, prohibit smoking and use of electronic smoke devices in all the Town's public parks and recreation areas, change the legal age of a person who can purchase tobacco-related products to 21 and add/clarify some definitions.

Board discussions on August 1 resulted in the Ordinance being tabled for Staff to conduct some additional research and rewrite or add additional clarifying language as well as penalties for Possession of Tobacco by a Minor. Staff is still researching information on rules, regulations and penalties related to purchasing or possessing tobacco-related products, but felt it was important to move forward to reduce the minimum distance between Retail Tobacco Establishments and schools so that the current establishment on Main Street is legally compliant.

The attached Ordinance contains the Staff's recommendation for the Board to adopt which will reduce the distance restriction between a Retail Tobacco Establishment and any public or parochial school or campus of any college, university or seminary to 100 feet. This change is consistent with the Town's decision in May of 2021 to reduce the same restriction for On-Premise Retail Liquor Establishments to 100- feet and is permitted by statute as is referenced in the wording of the document.

STAFF RECOMMENDATION/ACTION:

Following the Public Hearing, Staff recommends the Board approve Ordinance No. 10, Series 2022 as presented by motion, second and a roll call vote.

Attachments:

- Ord. 10, Series of 2022

“Where History Meets the High Country”

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 10
(SERIES 2022)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS OF THE FAIRPLAY MUNICIPAL CODE ADDING ARTICLE VI – TOBACCO PRODUCTS.

WHEREAS, the Town of Fairplay, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, the Board of Trustees desires to update the Fairplay Municipal Code to amend the distance allowed between a retail tobacco establishment to parallel that for liquor establishments, and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:

Section 1. Chapter 6 – Business Licenses and Regulations is amended with the creation of Article VI – Tobacco Products as follows:

ARTICLE VI – Tobacco Products

Sec. 6-6-10. – Distance between schools and retail tobacco establishments in Business and Restricted Business Zone Districts.

- (a) Pursuant to the authority granted in Section 44-7-104.7(1)(d)(II), C.R.S., there shall be no required minimum distance between a retail tobacco location within the Business Zone District or the Restricted Business Zone District, and any public or parochial school or campus of any college, university or seminary.

Section 2. Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment

shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees this _____ day of _____, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

HUNN

PLANNING & POLICY, LLC.

August 8, 2022

Janell Sciacca, Town Administrator
901 Main Street
Fairplay, CO. 80440

Re: Nina Williams and Scot Hunn - Unified Development Code Update Proposal

Janell,

In cooperation with Ms. Nina Williams, Wilson Williams LLP, we are pleased to provide you and the Town of Fairplay Board of Trustees with this proposal to facilitate a comprehensive audit and update the Unified Development Code.

Need:

The Town of Fairplay Unified Development Code (UDC) was adopted in 2015. At that time, the Town had moved from a more conventional set of land use regulations to the unified code model; in many ways, the UDC provides a user friendly, logical formatting and layout. Yet, during our use of the UDC, and based on conversations with Janell Sciacca and the Town Board recently, Ms. Williams and I have identified several aspects of the UDC that are lacking or that require updating. Importantly, while the Town has proactively adopted ordinances targeting Short Term Rentals and Accessory Dwelling Units in recent months, the Town Board of Trustees has also prioritized a more comprehensive update to the UDC as the Town continues to experience development pressure.

Project Scope:

We will facilitate a comprehensive yet strategically focused review and update of most articles within the UDC, targeting those sections and provisions we know are problematic while also ensuring enough meetings with you and the Board of Trustees to better understand additional critiques and concerns from their perspectives as decision makers. Therefore, our initial scope includes the following articles and/or sections, at a minimum:

Article III	Common Submittal Requirements
Article IV	Public Notice
Article V	Zoning Districts and Map
Article VI	Special Use Permits
Article VII	Supplemental Standards
Article VIII	Town Center Overlay District
Article IX	PUD
Article X	Off-Street Parking and Loading
Article XI	Landscaping
Article XII	Lighting
Article XIII	Subdivisions
Article XIV	Procedures – Major Subdivisions
Article XV	Procedures – Minor Subdivisions

Article XVI	Subdivision Plat Details
Article XVII	Design Standards
Article XVIII	Land Dedication
Article XX	Subdivision Exemption
Article XXIII	Resubdivision, Condominimization, Time Share and PUD Development
Article XXV	Signs

Timeline and Process:

We initially propose a 4-month process, starting in September 2022 and taking us through December 2022 to address the most pressing concerns and sections of the UDC, one article or section of the UDC at a time, before proceeding to the next.

That being said, we believe the total timeline needed to complete a targeted update of multiple sections of the UDC will take upwards of 6-8 months. Therefore, we understand that additional work needed to complete the project in 2023 will require an additional, separate agreement with the Town.

As part of the process, we may address multiple sections (occurring in different articles) at the same time in instances where a term, provision, or land use process overlaps multiple sections of the code. Some targeted articles and/or sections are more problematic and will require more comprehensive changes, while other revisions will be more technical or stylistic in nature.

We propose the following process for review and revisions:

- Each article or section will be reviewed internally among Town staff and consultants (SGM, for example) to understand multiple perspectives and concerns. Staff/Consultant input will inform review comments and recommendations for draft code changes.
- Any proposed revisions to the UDC will be reviewed in context with the Town of Fairplay Comprehensive Plan to ensure alignment and to identify potential areas of conflict.
- On a monthly basis, we will present to the Town Manager our analyses of specific articles and sections for consideration, with a memo explaining staff level critique, comments and recommended changes. Our goal during monthly check-ins will be to gain feedback and consensus on specific issues and recommended revisions to the text of the code.
- At the direction of the Town Board of Trustees, we will present ordinances amending certain articles of the UDC. We propose to present ordinances in this manner – during the update process – to take action as quickly as possible on certain articles that are most in need of updating.

Costs:

We propose to provide this scope of work on an hourly basis, using our current Town of Fairplay hourly rates.

- Scot Hunn \$125/Hr. (60 Hours or \$7,500.00 for 2022)
- Nina Williams \$200/Hr. (37.5 Hours or \$7,500.00 for 2022)

We are pleased to provide the Town Board with our proposal and we look forward to discussing the update project as well as specific concerns the Trustees may have with the UDC prior to initiating the project.

Scot Hunn, Town Planner



Nina Williams, Town Attorney





MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator / Clerk

RE: Monthly Report

DATE: July/August, 2022 Monthly Report

ACTIVITIES, ACCOMPLISHMENTS & PROJECTS

PERSONNEL

- Examining reorganization of some Staff positions as part of 2023 Budget process and reviewing salaries.
- Speaking with Employer's Council regarding potential membership and assessing benefits that might be realized and advantageous to the Town.

ADMINISTRATION / CLERK

- Park County Transit Coordination and Development Plan Study local stakeholders project kickoff meeting held Monday, July 18 at the Rocky Mtn Rural Health; Local Coordinating Council and Study Team members met several times since then and approved the Community Survey to be distributed early August.
- The Mayor and I met with Commissioner Elsner and County Manager Eisenman on July 11 to discuss the County housing project to be proposed for the Old County Shop site at 5th and Clark. The Town Building Official issued the demolition permit August 18.
- Mayor Pro Tem Dodge and I attending the Central Front Range Transportation Planning Region meeting at the Teller County Sheriff's Office in Divide on July 18.
- I attended and was a panelist at the Colorado City & County Managers Association Emerging Managers Summer Camp in Woodland Park July 21-22, 2022. It was a great opportunity to network and learn with other managers at all levels of their careers.
- Building Official Kyle Parag and I met with Northwest Fire Protection District Fire Chief Olme and Fire Marshal McDonald on Friday, July 29 to further discuss the Town/FPD relationship and moving forward on an agreement for the Town to assume a portion of inspection services. We also attended the NWFPD Board Meeting on Wednesday, August 10 to present to the Attorney and Board members and answer questions. The Board was appreciative of us attending and was going to move forward through their attorney, and working with CAA, to draft an agreement.
- Phoenix Technology Group (PTG) installed our new servers on August 16 as well as 3 new PCs for the Police Department, 1 PC for Kim and 1 Laptop for Julie. We will recondition Kim's PC and switch it out with an older machine and then put a plan in place to replace several other Staff machines next year thereby creating a rotating replacement schedule.
- As of August 24, the Staff has issued 14 of the 20 total Short Term Rental permits available for the Town. I have received interest and partial application packets for at least 4 more and all available permits are now being issued on a first-come-first-serve basis with no preference given to those that were previously operating under a business license.

- I have received word from CDOT that they are moving forward on the Hathaway Housing Project and John Lorme pitched the project, along with 5 other ones, to the Transportation Commission and he will formally request funds to start the project in September. The Commission was supportive and CDOT will be hiring a project manager to take the lead on as well as a firm to develop the concepts.
- I have reached out to CDOT Transit & Innovative Mobility Liaison Geoff Guthrie to make sure the Town is included in discussions regarding potential shuttle stop improvements for the Outrider and Bustang to inquire if any Fairplay site could incorporate the Summit Stage.
- I attended a Colorado Stakeholder Outreach and Engagement meeting in Colorado Springs on August 9 where the Colorado Division of Housing, Colorado Housing and Finance Authority, Colorado Department of Local Affairs and Housing Colorado each presented on policies, programs and recent housing-related legislation.
- CIRSA General Counsel Sam Light will be coming down on September 12 to conduct his Elected Officials Training for Land Use Liability and the Basics of Quasi-Judicial Decision-Making Training. We are planning on starting at 5PM.

DEVELOPMENT / LAND USE

- Staff held its monthly Development Review Meetings on July 7 and August 11. The next one is set for September 12. Many of the applications we have received have been Administrative reviews (Exemption Plats for Lot Line Adjustments or Eliminations) while others are several projects that are at a standstill due to issues that are specific to the individual application and others are continuing to complete submission of application materials. Staff does not anticipate bringing forth any application until October or November.

CAPITAL IMPROVEMENT PROJECT UPDATES

1. 501 MAIN
 - No RFPs were received from the July bid notices and as per last Board meeting on August 1, Staff will hold off on rebidding until January, 2023.
2. COHEN PARK
 - Cohen Park construction is complete. Staff is anticipating the receipt of a quote for the installation of the Basketball Court by a local contractor but concrete scheduling is at least 1 month out. We still anticipate completing the project and holding a Grand Opening event this fall. Our insurance carrier CIRSA did conduct a walk-through and felt the playground could be accepted and final payment has been issued to STAR.
3. RIVER PARK PHASE 2
 - \$750,000 CDOT MMOF grant with a local match of \$250,000.
 - Park County Land & Water Trust Fund application is almost complete and ready to submit for consideration
 - Staff met with CDOT Local Agency Coordinators Felipe “Junior” Rodriguez and LaChelle Davis on August 8 and are completing the IGA Forms to submit for preparation of the Grant documents for the Board’s approval.
4. INFILTRATION GALLERY/WELL #4
 - Staff and Town Contractor Ken Hardesty met August 2 with representatives of CDPHE, DOLA and the Colorado Water Resources and Power Development Authority to review the Town’s PreQualification application for the State Revolving Loan Fund application for funding for the Infiltration Gallery and Well #4. We received our Project Review Letter on August 15 which recommended the Town proceed to the next staged of the process and completed the Public Needs Assessment. Ken Hardesty has completed 95% of the assessment and is also working on other documents that are required in the process. We will be bringing items to the Board for approval that are recommended by CDPHE in order to ensure sufficient monies to payback any loan. This includes water fee increases and tap fee increases.
 - I spoke with the Town Water Attorney Matthew Paznanovic and reviewed all the Town’s activities related to this and other water-related projects. We are anticipating holding a joint meeting with the Town’s contractors and potentially a Work Session with the Board also to discuss projects, water rights and current water status.



MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: August 29, 2022

Public Works staff is continuing with the Cohen Park clean up, due to weather it has been a slow process.

Public Works staff has completed hauling a total of 16 loads (111.14 tons) of sand to the High School sports complex for the Volleyball Court.

Staff is currently working on ordering the striping for crosswalks at the intersection of 8th and Hathaway.

This week staff will be working on the Drainage on Main Street between 2nd and 3rd and locates have already been called in.

Public works has rented a water truck and a roller which should be here next week at which time staff will start our recycle overlay project starting with 12th street (it is by far the busiest road).

I would just like to let the Board know that Lumen (CenturyLink) will be applying for ROW permits for the installation of Fiber lines throughout the town, these include trenching and aerial installations.

The dewatering of the sludge pond and the sewer jetting have both been completed.

Chief Bo Schlunsen
FAIRPLAY POLICE DEPARTMENT



To: Fairplay Board of Trustees
From: Police Chief Bo Schlunsen
Date: 29 August, 2022
Re: August report to the Board

As of 8-24-22, we have 166 case reports, of which 30 have been in the last month. We are 46 above last year. There are no cases of importance to report. We've been fairly busy.

Over the last month we responded to 6 animal calls, 19 agency assists, 164 business checks, 15 citizen assists, 2 code violations, 4 domestic disturbances, 5 neighbor disputes, 7 9-1-1 calls, 236 directed patrols, 6 medical calls, 4 drug-related calls, 43 V.I.N. inspections, 7 arrests and 9 traffic citations.

We've completed our required firearms training. There have been various other trainings completed such as Domestic Violence, Community Policing, De-escalation, and Interactions with Mentally Unstable People. I attended the Colorado Association of Chiefs of Police annual conference in June.

I hired Zach Robertson as a reserve officer, which some of you know. He worked Burro Days and was excited to be doing some police work again.

We are still doing 24/7 coverage. We're thinking about being on call from 0300 to 0700 as very little is happening between those hours. Dispatch is down to a critical staffing level and will be shunting cold calls to our department voicemail and not dispatching them. The Sheriff's Department is still a long way from getting back to 24-hour coverage.

We are waiting on the new vehicle as the radio has not been delivered yet due to supply chain issues.

Fairplay PD will be helping the Park County Sheriff's Department and Combined Court for approximately 3 weeks by providing extra security for a Murder Trial that begins on August 29. The County will reimburse the Town for all Officer overtime.



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