

May 20, 1996
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Proclamation re National Trails Day
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**

None
9. **Appointments and Resignations**
 - A. Resolution No. 22 re Special Permit & License Board Appt
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 27 re 104th Ave SID Refunding Bonds
 - B. Public Hearing re 1995 Model Traffic Code
 - C. Councillor's Bill No. 28 re Model Traffic Code
 - D. Public Hearing re 1994 Building & Fire Codes
 - E. Councillor's Bill No. 29 re 1994 Building & Fire Codes
 - F. IGA re JeffCo Hazardous Substance Response Authority
 - G. Councillor's Bill No. 30 re Price/Costco Easement Vacation
 - H. Resolution No. 23 re Little Dry Creek Trail ROW
 - I. Councillor's Bill No. 31 re Appropriations
 - J. Councillor's Bill No. 32 re Returned Check Fees
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for April, 1996
 - B. City Council
 - C. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY MAY 20, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Harris, Merkel, Scott and Smith. Also present were John Carpenter Acting City Manager; Martin McCullough, City Attorney; and Michele Gallegos, City Clerk. Absent was Councillor Allen.

CONSIDERATION OF MINUTES:

A motion was made by Harris and seconded by Merkel to accept the minutes of the meeting of May 13, 1996 with no additions or corrections. Mayor Heil requested that the minutes be corrected under City Council comments to reflect that Councillor Scott had attended the Hmong dinner. The motion to accept the minutes as corrected passed unanimously.

A motion was made by Dixon and seconded by Smith to accept the minutes of the special City Council meeting of Saturday, May 18, 1996 with no additions or corrections. Councillors Harris and Scott requested to abstain since they were absent. The motion carried unanimously with Councillors Harris and Scott abstaining.

PRESENTATIONS:

Mayor Heil presented a proclamation to Diane Dynis, Open Space Volunteer Coordinator proclaiming June 1, 1996, as National Trails Day in the City of Westminster. Diane Dynis presented the Council with National Trails Day T-Shirts.

CITIZEN COMMUNICATION:

Don Schaffer, 7496 Skyline Drive addressed Council regarding the proposed Skyline Vista Park, and requested that Little League ballfields not be placed within this park area, and that the City listen to the requests of the residents of the area pertaining to amenities to be placed within this park.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon stated that during the past week she had been in 6 1/2 hours of meetings regarding Rocky Flats and 1 1/2 hours of conference calls. She also attended the Adams County Economic Development meeting.

Mayor Heil stated that all the DARE graduations are now completed along with all of the 3rd grade school tours for the current school year.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Merkel and seconded by Smith to adopt Resolution No. 22 which accepts the resignation of Jo Grosso from the Special Permit & License Board, and appointing John Velasquez to the Special Permit and License Board as a regular member with his term of office to expire December 31, 1996. The motion carried unanimously.

ORDINANCE NO. 2418 RE 104TH AVE SID REFUNDING BONDS:

A motion was made by Harris and seconded by Dixon to adopt Councillor's Bill No. 27 as an emergency ordinance authorizing the issuance of \$8.77 million in Sales and Use Tax Revenue Refunding Bonds, for the purpose of refunding the 104th Avenue Special Improvement District Bonds, and authorizing the Mayor to execute the proposed Escrow Agreement, Paying Agent and Registrar Agreement, Continuing Disclosure Certificate, and all other documents necessary to accomplish this refunding, all in substantially the same form as filed with the City Clerk and approved by the City Attorney.

A motion was made by Scott and seconded by Smith to distribute amongst the parties of the Special Improvement District the \$1.2 million present value be apportioned based only upon the reduction in interest rates in the market since 1988 when these bonds were originally issued and that portion of the reduced interest rate, as determined by the financial advisor Hanifen, Imhoff, that is attributable to the extension of a sales tax credit enhancement by the City be retained by the City. The amendment carried with dissenting votes from Dixon and Heil.

A motion was made by Harris and seconded by Scott to earmark the savings from this refunding which would begin in 1998 and each year thereafter, which would be approximately \$230,000 be used for our trail system as the construction of trails, the purchase of right-of-way of trails, and all costs relating thereto, until these savings are exhausted. Councillor Harris and Councillor Scott withdrew the motion. Councillor Harris requested that this motion be changed to an advisory recommendation commensurating with the overall budget and the trail plan with the overall intent to be to reinvest the savings within this part of town.

The City Attorney requested an executive session to discuss this item with Bond Counsel. The Mayor recessed the meeting at 8:24 P.M. to enter into executive session and Council reconvened at 8:42 P.M.

A motion was made by Smith and seconded by Dixon to call for the question. The motion carried unanimously. The main motion failed with dissenting votes from Dixon, Heil and Smith.

A motion was made by Scott and seconded by Smith to adopt Councillor's Bill No. 27 as an emergency ordinance authorizing the issuance of \$8.77 million in Sales and Use Tax Revenue Refunding Bonds, for the purpose of refunding the 104th Avenue Special Improvement District Bonds, and authorizing the Mayor to execute the proposed Escrow Agreement, Paying Agent and Registrar Agreement, Continuing Disclosure Certificate, and all other documents necessary to accomplish this refunding, all in substantially the same form as filed with the City Clerk and approved by the City Attorney. Councillor Smith stated for the record "that this ordinance is being passed in a clean manner, bonds will be issued prior to the assessment being arrived at, and this issue will come back to this Council. Councillor Scott raised a good point, and it will be a good point to consider when this issue comes back before this Council." Upon roll call vote on the main motion, the motion carried unanimously.

PUBLIC HEARING RE 1995 MODEL TRAFFIC CODE:

At 8:59 P.M. the meeting was opened to a public hearing for consideration of adoption of the 1995 edition of the Model Traffic Code. Marty McCullough, City Attorney and Lt. Alan Wilson of the Westminster Police Department, addressed Council. At 9:13 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 28 - 1995 MODEL TRAFFIC CODE:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 28 on first reading repealing and reenacting Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 1995 edition of the Model Traffic Code for Colorado Municipalities. Councillor Smith requested Staff research State compulsory insurance laws to determine if the City can implement a more stringent ordinance that would allow police officers to take the license plates off of uninsured vehicles at the time of a traffic stop. Upon roll call vote on the motion, the motion carried unanimously.

PUBLIC HEARING RE 1994 BUILDING AND FIRE CODES:

At 9:14 P.M. the meeting was opened to a public hearing for consideration of adoption of the 1994 editions of the Building and Fire Codes. Dave Horras, Chief Building Official; Bill Work, Fire Marshal and Jim Cloud, Fire Chief, addressed Council. At 9:28 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 29 - 1994 BUILDING AND FIRE CODES:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 29 on first reading adopting the 1994 editions of the Building and Fire Code by reference. Councillor Harris requested Staff to research upgraded smoke and heat alarm systems and report back to Council on which type of unit would be most effective in residential properties. Upon roll call vote on the motion, the motion carried unanimously.

IGA RE JEFFCO HAZARDOUS SUBSTANCE AUTHORITY:

A motion was made by Smith and seconded by Merkel to authorize the Mayor to sign the Second Amendment to the Intergovernmental Agreement for the Jefferson County Hazardous Substance Authority which provides for future IGA amendments based on two-thirds approval from responding agencies with at least forty percent of the participating jurisdictions responding with a position on the amendment. The motion carried unanimously.

COUNCILLOR'S BILL NO. 30 - PRICE/COSTCO EASEMENT VACATION:

A motion was made by Harris and seconded by Smith to pass Councillor's Bill No. 30 on first reading vacating a 30-foot-wide ingress/egress and utility easement within Westminster Price Club Center Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 23 RE LITTLE DRY CREEK TRAIL ROW:

A motion was made by Harris and seconded by Dixon to adopt Resolution No. 23 authorizing the City Manager to proceed with acquisition of sufficient right of way and easements for the Little Dry Creek Trail project through eminent domain, if necessary. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 31 - WESTMINSTER FAIRE/PD APPROPRIATIONS:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 31 appropriating \$20,000 from donations and fees to the Westminster Faire account in the 1996 Parks, Recreation, & Libraries budget and \$10,000 from training registration revenue to the 1996 Police Department training budget.

Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 32 - WESTMINSTER RETURNED CHECK FEE:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 32 on first reading amending the Westminster Municipal Code to allow the City Manager to administratively set the fee for returned checks as the market place may dictate.

A motion was made by Harris and seconded by Smith to amend the fee to be \$25. The amendment failed with dissenting votes from Dixon, Merkel and Scott.

Upon roll call vote, the main motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for April, 1996.

Mayor Heil stated there will be no meeting next Monday since it is the Memorial Day holiday.

ADJOURNMENT:

The meeting was adjourned at 9:35 P.M.

ATTEST:

Mayor

City Clerk

Date: May 20, 1996
Subject: Proclamation re National Trails Day
Prepared By: Kirk Haines, Park Development Manager

Introduction

City Council is requested to adopt the attached resolution declaring June 1, 1996 as National Trails Day in the City of Westminster.

Summary

Nationally, June 1, 1996, is declared by many governmental organizations as "National Trails Day." The City of Westminster is acknowledging National Trails Day by constructing 1/2 mile of "soft" pedestrian trail and miscellaneous site improvements around Margarets Pond Open Space, located at 104th Avenue and Legacy Ridge Parkway. Volunteers are being recruited to assist with construction of the trail in conjunction with City Staff. The theme for the 1996 National Trails Day event is: **SEEN IT, CLEAN IT, LIKE IT, HIKE IT, VIEW IT, RENEW IT, BE A PART OF NATIONAL TRAILS DAY - VOLUNTEER!!**

Diane Dynis, Open Space Volunteer Coordinator, will be in attendance to receive the Proclamation on behalf of the Department of Parks, Recreation and Libraries.

Staff Recommendation

City Council proclaim June 1, 1996, as National Trails Day in the City of Westminster.

Background Information

Governor Romer has declared June 1, 1996, National Trails Day in Colorado. Spearheaded by the American Hiking Society and Backpacker Magazine, and sponsored by numerous recreation and conservation organizations, government agencies, and industries, the national trails event will commemorate the 28th Anniversary of the National Trails System Act.

To support the celebration, Westminster has organized and coordinated a special activity to promote National Trails Day in Westminster, Colorado. Open Space Volunteer Coordinator Diane Dynis, Recreation Specialist Dee Ryland, Parks Foremen Jerry Magnetti and Rod Larsen, and Eastern Mountain Sports Store Manager Kathy Sahey have been coordinating the event to help promote trail development and build a 1/2 mile formal walking path around Margarets Pond Open Space. This open space site was preserved as a result of action by City Council at the time of negotiating the development of Legacy Ridge Golf Course. This open space site is unique because it attracts many wildlife and bird species. It is important to provide this trail to formalize pedestrian traffic on the walking path and reduce degradation of the site due to informal walking paths throughout the open space.

Volunteers are being sought to assist with the trail construction project. The event is scheduled to begin at 8:00 A.M. and conclude around 1:00 P.M. Since there is no parking available near the project site, volunteers are asked to meet near the City Park lake, 10455 Sheridan Boulevard. All volunteers will be shuttled to Margarets Pond by 8:30 A.M. Volunteers will be required to build the wood-chip trail, install site signage, restore all disturbed areas with native grass seeding, and assist with thoroughly cleaning up the open space property. All work will end at 11:30 A.M. and the volunteers will be shuttled back to City Park to enjoy a wonderful bar-b-que lunch at the lake and shelter area. All activities will conclude by 1:00 P.M. The National Trails Day event is being co-sponsored and partially funded by Eastern Mountain Sports, located at 8971 Harlan Street, directly west of the Westminster Mall.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, June 1, 1996 has been designated National Trails Day; and

WHEREAS, 1996 commemorates the 28th anniversary of the National Trails Systems Act; and

WHEREAS, trail development continues to be a high priority with Westminster residents and Westminster City Council; and

WHEREAS, trail activities are enjoyed by people of all ages and abilities and are an important part of Colorado's outdoor recreation resource; and

WHEREAS, trails are a major contributor to the quality of life in Westminster;

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, does hereby proclaim Saturday, June 1, 1996 as

NATIONAL TRAILS DAY IN THE CITY OF WESTMINSTER

and urge citizens of the City of Westminster to participate in the celebration of National Trails Day.

Signed this 20th day of May, 1996.

Date: May 20, 1996
Subject: Resolution No. re Special Permit & License Board Appointment
Prepared by: Michele Gallegos, City Clerk

Introduction

City Council action is requested to adopt the attached Resolution which accepts the resignation of Jo Grosso from the Special Permit and License Board and to fill this vacancy from the current "pool" of applicants.

Summary

Jo Grosso has submitted a letter of resignation from the Special Permit & License Board effective immediately. A copy of her letter of resignation is attached.

The City Council interview team of Mayor Heil, and Councillors Ann Merkel and Gary Smith recently completed interviews with the Board and Commission "pool" applicants that expressed interest in serving on the Special Permit & License Board.

Staff Recommendation:

Adopt Resolution No. which accepts the resignation of Jo Grosso from the Special Permit & License Board, and filling this vacancy on the Board.

Background Information:

Jo Grosso was originally appointed to the Special Permit and License Board on February 1, 1993.

A resolution has been prepared per City Council's recommendation to formally accept the resignation of Jo Grosso and to make the appointment to the Special Permit & License Board at this time.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

CITY OF WESTMINSTER SPECIAL PERMIT & LICENSE BOARD APPOINTMENT

WHEREAS, City Council has been notified of the resignation of Jo Grosso from the Special Permit and License Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved by the City Council of the City of Westminster that:

1. City Council does hereby accept the resignation of Jo Grosso from the Special Permit and License Board; and
2. City Council does hereby appoint the following individual to the City of Westminster Special Permit and License Board as a regular member with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
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John Velasquez	Special Permit & License Board	12-31-96
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Passed and adopted this 20th day of May, 1996.

ATTEST

Mayor

City Clerk

Date: May 20, 1996

Subject: Councillor's Bill No. re Sales and Use Tax Revenue Bonds Refunding 104th Avenue SID Bonds

Prepared by: Marty McCullough, City Attorney

Introduction

City Council is requested to adopt the attached Councillor's Bill as an emergency ordinance authorizing the issuance of \$8.77 million in sales and use tax revenue bonds for the purpose of refunding the 104th Avenue Special Improvement District bonds.

Summary

The municipal bond market now has rates low enough to offer a potential net present value savings of \$1,251,352.66 over the next seven years by refunding the outstanding 104th Avenue Special Assessment District ("SID") bonds as sales and use tax bonds. This equates to an annual savings of about \$230,000 annually starting in 1998, as indicated by the attached analysis prepared by Hanifen, Imhoff Inc. ("Hanifen").

Using sales and use tax to secure the refunding bonds would be more practical than the original security of up to 2 mills of property tax that would be imposed Citywide, and would eliminate TABOR related compliance concerns.

The new structure would allow the City greater flexibility with the property owners. Interest savings could be shared with property owners and, if necessary, the City could take enforcement action against a delinquent property owner without the concern or interference of bond holders.

Since the original bonds were issued, the City has acquired more land within the 104th Avenue Special Improvement District ("District"), making it now responsible for 55% of the outstanding assessments. Any savings would directly benefit Westminster.

Assessment holders would not be relieved of their legal obligation; the existing assessment ordinance would not be required to be changed.

Time is of the essence because bond market conditions change daily. The proposed bonds are slated to be dated June 1, 1996, or earlier.

Staff Recommendation

Adopt Councillor's Bill No. as an emergency ordinance authorizing the issuance of \$8.77 million in Sales and Use Tax Revenue Refunding Bonds, for the purpose of refunding the 104th Avenue Special Improvement District Bonds, and authorizing the Mayor to execute the proposed Escrow Agreement, Paying Agent and Registrar Agreement, Continuing Disclosure Certificate, and all other documents necessary to accomplish this refunding, all in substantially the same form as filed with the City Clerk and approved by the City Attorney.

Background Information

Late last year Hanifen Imhoff, Inc., the City's Financial Advisor, apprised the City that rates in the municipal bond market were low enough to offer significant savings on the existing 104th Avenue SID bond issue. Hanifen has subsequently analyzed all other outstanding City debt, but to date, the 104th Avenue SID bonds are the only issue that offers sufficient savings to refund.

The 104th Avenue SID bonds were issued in 1988 to finance the construction of the 104th Avenue improvements from Sheridan Boulevard to Wadsworth Boulevard (Old Wadsworth) including the US 36 interchange. They are secured by assessments against benefited property owners within a Special Improvement District, formed for this purpose. The City is one of the involved property owners, as City Park abuts a portion of the project. Subsequent to the issuance of the bonds, the City has acquired additional land within the District which makes the City's portion of the total annual assessments to be 55%.

The Colorado Constitution allows refunding of bonds without voter approval if the result is a lower interest rate. The interest rate for the outstanding bonds ranges from 8.25% to 9.25%; the interest rate used in the projections for the proposed refunding issue is 4.1% to 4.8%. The refunding bonds would be paid off in 2003, the same maturity date as the original issue. This would result in a net present value savings of \$1,251,352.66. The actual dollars saved annually would be \$123,000 in 1997 and approximately \$230,000 thereafter. City Council previously concurred with Staff's recommendation that these savings would be shared with the other property owners in proportion to their share of the debt service.

Such savings are possible because the original bonds were not rated by a credit agency which resulted in having to pay higher interest rates than rated or insured bond issues; the original bonds were issued at a time when interest rates were higher; and the refunding bonds are proposed to be structured as sales tax bonds which would result in a lower interest rate, even in a comparable market.

Changing the security for the debt of the project was carefully evaluated by Nate Eckloff of Hanifen Imhoff, Inc., Dee Wisor of Sherman and Howard, and City Staff. Some of the identified benefits of changing the security from special assessments to sales tax are listed below:

- > The lowest possible cost for the remaining debt can be achieved.
- > The original bonds carry a pledge of a Citywide property tax of up to 2 mills if needed to make the debt service payments. Under TABOR, it is questionable whether such a pledge could be made for the replacement bonds without voter approval.
- > The City already bears the risk of the original bonds by its pledge of 2 mills; no additional risk would be assumed.
- > The City in fact is more likely to use sales tax revenues, rather than increasing the property tax mill levy, if there was a need to meet any debt service deficiencies; the proposed structure would not change present procedure.

> The City owes 55% of the current outstanding debt; interest savings would directly benefit the City.

When issuing bonds, market timing is critical. The refunding issue is proposed to be dated June 1, 1996, or before. There may be additional savings available if the bonds can be issued before the June 1 interest due date.

This proposed transaction has been reviewed with and is being recommended by the City's financial advisor, Hanifen, Imhoff Inc. Dee Wisor, of Sherman & Howard, has acted as bond counsel and Tom Peltz, of Kutak, Rock, has acted as disclosure counsel for this transaction.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: May 20, 1996
Subject: Councillor's Bill No. re 1995 Model Traffic Code
Prepared by: Tami Berry, Legal Assistant

Introduction

City Council action is requested on the attached Councillor's Bill repealing and reenacting Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 1995 edition of the Model Traffic Code for Colorado Municipalities.

Summary

The City of Westminster, along with numerous other cities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation. The Model Traffic Code provides comprehensive traffic control regulations for Colorado municipalities. The City, pursuant to its home-rule status, can add, delete or modify sections of the Model Traffic Code. The attached Councillor's Bill repeals and reenacts Chapter 1 of Title X of the Westminster Municipal Code, which adopts, in part, the Model Traffic Code and provides for further traffic regulations consistent with state law.

Staff Recommendation

1. Conduct a public hearing on the attached Councillor's Bill.
2. Pass Councillor's Bill No. on first reading repealing and reenacting Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 1995 edition of the Model Traffic Code for Colorado Municipalities.

Background Information

The 1977 Model Traffic Code was substantially revised in 1995. Staff members from the Police Department, Municipal Court, and the City Attorney's Office, in conjunction with the City Prosecutors, have been reviewing the 1995 edition of the Model Traffic Code for the past several months with the intent of bringing this new edition to City Council with pertinent recommendations. Following is a summary of those recommendations:

New Model Traffic Code Sections proposed to be adopted by City:

1. Section 1012 High Occupancy Vehicle Lanes. This will provide a specific section to enforce the H.O.V. lane usage on eastbound U.S. 36. The previous Model Traffic Code had no reference to H.O.V. lanes.
2. Section 1409 Compulsory Insurance. This replaces the City's current municipal code section for required insurance coverage.

3. Section 236 Child Restraint Systems Required. This replaces the City's current municipal code section for child restraint, and includes the new provision requiring seat belts for children under the age of sixteen.
4. Section 237 Safety Belt Systems. This replaces the City's current municipal code section.
5. Section 1208 Parking Privileges for Persons with Disabilities. This section will replace the City's current municipal code section. While not a direct replacement, the revised Model Traffic Code section is more specific than the current municipal code section.
6. Section 201-233 Equipment. While not a new section, the revised Model Traffic Code now provides a separate section for each type of defective vehicle violation, rather than one generic section number for all violations.

Current Municipal Code Sections Retained, but Renumbered:

- 10-1-11 Regulation of Commercial Motor Vehicles
- 10-1-14 Operation of Motorcycles and Other Vehicular Devices
- 10-1-15 Driving Through Private Property or Driveways
- 10-1-16 Parking Permits
- 10-1-17 Impoundment of Vehicles; Authority; Procedure

New Municipal Code Sections:

1. 10-1-12(B)(7) Parking Where Traffic Obstructed. This section will replace a similar section that was in the previous Model Traffic Code, but is not in the Revised Model Traffic Code.
2. 10-1-12(B)(8) Parked With Less Than Two Feet Between Vehicles. This section will replace a similar section that was in the previous Model Traffic Code, but is not in the Revised Model Traffic Code.
3. 10-1-12(G) Parked in Fire Lane. This section will close a "loop hole" in the City's current ordinance.

Revised Model Traffic Code sections proposed not to be adopted by City:

1. Section 235 Minimum Commercial Vehicle Standards. The current municipal code section is preferred.
2. Section 508 Gross Weight of Vehicles and Loads. The current municipal code section is preferred.
3. Section 1202 Abandonment of Vehicles. This section will be replaced with new municipal code section 10-1-12(B)(7) referenced above.
4. Section 1408 Vehicles on Park Property. The current municipal code section is preferred, which does not require signs to be posted as does the revised Model Traffic Code section.

It should be clarified, however, that those sections of the 1995 Model Traffic Code not adopted by reference are addressed elsewhere within revised Chapter 1 of Title X of the Westminster Municipal Code.

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are also state highways, including Sheridan and Federal Boulevards. Such approval will be sought following the public hearing and before publication of the adopting ordinance so that the Department will have sufficient time to certify its approval of the regulations prior to the date the ordinance will become effective. The ordinance will take effect and be in force thirty (30) days following its publication in full.

The adoption of the attached Councillor's Bill and updated Model Traffic Code will help ensure the health and safety of the public.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1995

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 1 of Title X, Westminster Municipal Code, is hereby REPEALED AND REENACTED as follows:

10-1-1: ADOPTION: Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk of the City of Westminster, Colorado, and may be inspected during regular business hours.

10-1-2: DELETIONS: The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are expressly deleted:

Section 235. Minimum standards for commercial vehicles.

Section 508. Gross weight of vehicles and loads.

Section 1202. Parking or abandonment of vehicles.

Section 1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

10-1-3: ADDITIONS OR MODIFICATIONS: The said adopted Code is subject to the additions or modifications as set forth in this Chapter 1 of Title X of the Westminster Municipal Code.

10-1-4: PENALTIES:

(A) It shall be unlawful to violate any provision of this Chapter or any provision of the Model Traffic Code for Colorado Municipalities, as adopted or amended by this Code. Such violations are traffic infractions and are hereby deemed civil matters, except those violations stated in subsection (C) of this section.

(B) Any violation of this Code which is a noncriminal traffic infraction shall be punishable by a fine of not more than five hundred dollars (\$500).

(C) Any defendant charged with a violation of any of the following provisions of the Model Traffic Code for Colorado Municipalities, as adopted and amended by the City, shall be punished by a fine or by imprisonment or by both as specified in section 1-8-1 of this Code.

1. Section 1903, School buses - stops - signs - passing;
2. Section 1101, Speed limits, but only when the speed alleged is greater than 24 miles per hour over the reasonable and prudent speed;
3. Section 1105, Speed contest;
4. Section 1401, Reckless driving;
5. Section 1402, Careless driving; and
6. Section 1413, Eluding or attempting to elude a police officer

(D) In the event that a defendant is charged with more than one traffic offense arising out of the same incident and at least one of the charged offenses is listed in subsection (C) above, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial.

10-1-5: APPLICATION: This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

10-1-6: VALIDITY: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

10-1-7: REPEAL: Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

10-1-8: INTERPRETATION: This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

10-1-9: CERTIFICATION: The City Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

10-1-10: REPRINTING: Because the Model Traffic Code for Colorado Municipalities is published by an agency of the State of Colorado in a separate bound volume, the said Code shall not be reprinted at length and inserted in the existing loose leaf binder of the Municipal Code of the City of Westminster. Reference to the Model Traffic Code as printed and bound by the State of Colorado shall have the same force and effect as if said Model Traffic Code were set forth at length and inserted within the Official Code of the City of Westminster, subject to the amendments set forth herein.

10-1-11: REGULATION OF COMMERCIAL VEHICLES:

(A) No person or motor carrier shall operate a commercial vehicle, as defined in subsection (B) of this section, on any street within the City unless such vehicle is in compliance with the rules and regulations concerning minimum standards for the operation of commercial vehicles promulgated by the Colorado State Patrol, 8 C.C.R. 1507-1, as the same may from time to time be amended, which are hereby adopted by reference pursuant to Section 1-1-4 of this Code, subject to any deletions, amendments and additions contained in this Section. The incorporation by reference of 8 C.C.R. 1507-1, as revised on November 8, 1995, does not include later amendments to or editions of the incorporated materials in this code.

(B) DEFINITIONS:

(1) "COMMERCIAL VEHICLE" means any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating (GVWR) of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of the State or is used to transport sixteen or more passengers including the driver or is used to transport hazardous materials in a quantity requiring placarding under State or Federal law.

(2) "MOTOR CARRIER" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in this Subsection.

(C) This section may be enforced by any City Police Officer or Firefighter who meets the inspector qualifications set forth in the Federal Regulations referenced by the Colorado State Patrol Regulations adopted in subsection (A) of this Section.

(D) It shall be unlawful for any person to operate a motor vehicle in violation of subsection (A) of this section. Violation of this Section is a noncriminal traffic infraction, punishable as provided in Section 1-8-1 of this code.

(E) Copies of the State Regulations adopted by reference in this Section are available for inspection at the office of the City Clerk.

10-1-12: PARKING RESTRICTIONS:

(A) The following definitions shall be used in this section:

1. **BUS:** A motor vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.

2. **CAMPER:** A non-wheeled, detachable piece of vehicular equipment which weighs over 500 pounds, used for temporary or permanent habitation, which has no independent motor power and which is capable of being placed on a vehicle but which is not capable of being towed.

3. **CONSTRUCTION EQUIPMENT:** A vehicle, whether self-propelled or not, designed for the use in the construction, maintenance, or repair of roadways, structures, and ditches, or modified for use in the construction, maintenance, or repair of roadways, structures, and ditches, the use of which on public roadways is incidental to its primary use.

4. **FRONT YARD OR SIDE YARD ON STREET:** That part of a lot which exists between any lot line which runs parallel to a street and the extension of the nearest exterior wall of the building located upon that lot.

5. **MOBILE HOME:** Any vehicle used, or constructed so as to permit its use as a conveyance upon streets and highways, constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons.

6. **MOTOR HOME:** A motorized vehicle designed or used as a conveyance upon streets and highways and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons, but excluding pick-up trucks with attached campers.

7. **RESIDENTIAL DISTRICT:** Any area zoned RE, R1, RA, R2, R3, R4 or R5 under Title XII of this Code, or designated as a residential area in the Official Development Plan for any Planned Unit Development, along with all land within three hundred feet (300') of such area.

8. **SEMI-TRACTOR:** A motor vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of 26,001 pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

9. **TRAILER:** Any wheeled vehicle without motor power which may be drawn over the roadway by a motor vehicle, including camping trailers and boat trailers.

10. **TRUCK:** A motor vehicle with a manufacturer's gross vehicle weight rating (GVWR) over 11,000 pounds, equipped with a body designed to carry cargo or special permanently mounted equipment.

11. **TRUCK TRAILER:** A wheeled vehicle, the empty weight of which is more than two thousand (2,000) pounds or the length of which is greater than twenty-five feet (25'), which has no motor power and is designed to be used in conjunction with a semi-tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such semi-tractor.

12. **VEHICLE ASSOCIATED WITH A BUSINESS:** Any vehicle which has a sign affixed to it referring to a business, or any vehicle displaying special tags or insignia identified with a particular occupation.

13. **LOADING AND UNLOADING:** The uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle during an eight (8) hour maximum period.

14. **RECREATION VEHICLE (RV):** A motor home, mobile home, or camping trailer.

15. **CAMPING TRAILER:** A trailer constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons.

(B) The following restrictions shall apply to the parking of vehicles on public streets within the City of Westminster:

1. It shall be unlawful to park any trailer, boat, mobile home or motor home which is less than thirty-five feet (35') long on any public street or highway within any residential district of the City.

(a) It shall be an affirmative defense to a violation of this subsection that the vehicle is a recreational vehicle (RV) which is being loaded or unloaded; loading and unloading of an RV includes trip preparation or post-trip clean up or minor maintenance, but loading and unloading shall not in any event exceed 72 hours.

(b) It shall be an affirmative defense to a violation of this subsection that the vehicle is a boat or trailer (other than a camping trailer) which is being loaded or unloaded as defined in subsection (A) 13 above, but such loading and unloading shall not in any event exceed 8 hours.

2. It shall be unlawful to park any vehicle, including but not limited to those listed in (1) above, which is thirty-five feet (35') or more long, on any public street or highway within any residential district of the City, except for the purpose of loading and unloading.

3. It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the purpose of loading and unloading materials.

4. It shall be unlawful to park any vehicle upon any public street, highway, public right-of-way, or public property in the City for the principal purpose of: (a) displaying such vehicle for sale or lease; (b) washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency; or (c) displaying advertising.

5. It shall be unlawful for any camper not mounted upon a vehicle to be left upon any street or highway within the City.

6. It shall be unlawful to park any vehicle which is required to be licensed by Colorado Statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.

7. It shall be unlawful to park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

8. It shall be unlawful to park any vehicle in such a manner as to leave available less than two feet (2') clearance between vehicles when parked.

9. No person shall stop, stand or park a vehicle upon a street or highway in a manner as to block the driveway entrance to any property abutting the street or highway.

(C) The following restrictions shall apply to the parking of vehicles on private property within the City of Westminster:

1. It shall be unlawful to park any vehicle which is thirty-five feet (35') or more in length on any private street within any residential district of the City, or upon any residential lot within the City, except for the purpose of loading and unloading.

2. It shall be unlawful to park trailers, boats, automobiles, mounted or unmounted campers, or any motor vehicle in any front yard or side yard on street, unless such vehicles are parked on a driveway paved with concrete, asphalt, rock or gravel or in a side yard behind a lawfully constructed 6 foot privacy fence.

3. It shall be unlawful to park any vehicle or combination of vehicles on private property so that the public sidewalk is obstructed.

4. It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any private street in a residential district, on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard on street; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the purpose of loading and unloading materials.

5. It shall be unlawful to park a vehicle on any private street or private property within the City displaying that vehicle for sale or lease, except that a property owner may display one vehicle per residential dwelling unit with a "For Sale" sign or a "For Lease" sign listing the owner's address in the driveway of his residence, provided that the vehicle does not violate the requirements contained in this section. This subsection shall not apply to car sales lots approved for such use pursuant to this Code.

6. Churches located in a residential district may park one multi-passenger bus on the church parking lot. Said bus is to be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.

(D) It shall be unlawful to park more than one vehicle associated with a business in any residential district of the City where such vehicle is visible from public or private property.

(E) Any person who fails to comply with any provision of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine as specified in Section 1-8-1 of this Code.

(F) The parking of any vehicle in violation of this section is declared to be a public nuisance which may be abated pursuant to the provisions of Chapter 4 of Title IX of this Code.

(G) It shall be unlawful to park any vehicle within a designated fire lane as approved by the Westminster Fire Department.

10-1-13: GROSS WEIGHT OF VEHICLES AND LOADS:

(A) No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

1.(a) The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in section 507 of the Model Traffic Code.

(b) Subject to the limitations prescribed in section 507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(c) Subject to the limitations prescribed in section 507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

2. Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W \text{ equals } 1,000 (L \text{ plus } 40)$, $W =$ gross weight in pounds, $L =$ the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed eighty-five thousand pounds.

For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

3. Notwithstanding any other provisions of this section, except as may be authorized under section 510, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge which is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the following specified limits:

(a) Subject to the limitations prescribed in section 507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(b) Subject to the limitations prescribed in section 507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(c) 1. Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 500 [(LN/N-1) + 12N + 36]$.

2. In using the formula in sub-subparagraph 1. of this subparagraph (c), W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration; but in computation of this formula no gross vehicle weight shall exceed eighty thousand pounds, except as may be authorized under section 510.

(d) For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation shall not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(B) Tandem axle solid waste collection vehicles shall be prohibited on residential streets. (2017)

(C) Vehicles equipped with lift axles are required to meet weight restrictions as defined within the Model Traffic Code applicable to two-axle vehicles.

(D) "Residential street" means any area zoned residential under Title XII of this Code, or designated as a residential area in the Official Development Plan for any Planned Unit Development or a residential district as defined in section 10-1-12(A)(7) of this Code.

10-1-14: OPERATION OF MOTORCYCLES AND OTHER VEHICULAR DEVICES:

(A) It shall be unlawful for any person to operate a motorcycle, motor powered bike or scooter, all terrain vehicle, snowmobile or other vehicle device powered by an internal combustion engine in any of the following places without first obtaining the permission or authorization hereinafter required:

1. On any property owned by the City, other than public streets and parks as specified in subsection 2., below, except where such operation is specially permitted by written order of the City Manager or his designated representative.

2. Upon or within any City park property or other publicly held or controlled park or recreational property within the City of Westminster, except in areas specifically posted for such use or designated parking lots when used for that purpose or where such operation is specifically permitted by written order of the respective Director of Parks, Recreation and Libraries or his designated representative.

3. On any property owned by a school district, or any public school grounds or campus, except a designated parking lot when used for that purpose, unless such operation is specifically permitted by written order of the district superintendent of schools or his designated representative, or, in the case of a college or university, by the president thereof or his designated representative.

4. On any private property within the City of Westminster, except parking lots open to the public, unless specific written permission has been given by the owner or designated representative of the owner of such property to the individual operating said vehicle.

(B) It shall be unlawful for any person to operate an unlicensed vehicle on any public street or public or private parking lot within the City.

10-1-15: DRIVING THROUGH PRIVATE PROPERTY OR DRIVEWAYS:

(A) It is unlawful for any person to drive from a public street or public way of this City over, across or through any private property or driveway to avoid traffic-control signals, stop signs, or other traffic-control devices or as a route or shortcut from one public street or public way to another.

(B) As used in Subsection (A) of this Section, "Private Property" includes but is not limited to any property not dedicated as a public street or public way, alley, right-of-way or easement.

(C) The following shall be affirmative defenses to a charge of violation of Subsection (A) of this Section:

1. That the person charged is the owner of the property or driveway through or across which the motor vehicle is driven or of leasehold or easement rights therein, or of the right to the possession or use thereof.

2. That at the time of the violation, the action was in response to an emergency which the driver reasonably perceived was necessary to avoid a risk of substantial harm to himself or others.

3. The vehicle came to a complete stop and the ignition was turned off prior to the reentry of the vehicle onto public right-of-way.

4. The action was in response to a mechanical failure or malfunction of the vehicle.

10-1-16: PARKING PERMITS:

(A) Parking Permits Authorized. The City Clerk is hereby authorized to issue parking permits in accordance with the provisions of this section to allow the on-street parking of motor vehicles by residents of blocks designated by the Traffic Engineer as restricted parking areas.

(B) Description of Restriction.

1. In a block which has been designated as a restricted parking area and in which have been erected signs that conform to the requirements of law, on-street parking of motor vehicles shall be prohibited unless there is properly displayed in the vehicle the permit provided for in subsection (E). For purposes of this section, such a permit is properly displayed only when it is located on the dashboard of the vehicle in front of the driver's seat and the date of expiration of the permit is clearly visible through the windshield of the vehicle.

2. The owner, driver, or both, of any vehicle that is parked in violation of this section shall be subject to the penalty provided for in subsection (H).

3. Motorcycles, mopeds, and other two-wheeled vehicles shall be exempt from this section.

4. The Traffic Engineer shall determine the dates and times of day that the restrictions are in effect based upon the dates and hours of operation of the senior high school in the neighborhood.

(C) Restricted Parking Area Defined. In order to qualify as a "restricted parking area," the block shall meet the following criteria:

1. The block or some part thereof shall fall within 1/2 mile of the closest property line of a senior high school; and

2. A written petition signed by the owners or residents of approximately two-thirds of the lots with frontage on the block shall be submitted to the City Clerk requesting that the block be designated as a restricted parking area; and

3. The block cannot be part of the state highway system as that term is defined in C.R.S. section 43-2-101, as amended.

If all of the above criteria are met, the Traffic Engineer may designate the block as a restricted parking area.

(D) Signs. Signs indicating the parking restrictions shall be erected in a block designated by the Traffic Engineer as a restricted parking area. The signs shall give notice that parking is prohibited unless there is properly displayed in the motor vehicle a permit that is issued pursuant to subsection (E) and shall indicate the dates and times of day that the restrictions apply.

(E) Permit Application and Fees.

1. Upon application to the City Clerk on forms provided by the City, the City Clerk shall issue no more than five (5) permits per residence when the address of the applicant is within a restricted parking area. The applicant shall on request provide a currently valid Colorado drivers license to establish that his or her residence is within the restricted parking area.

2. The first two (2) permits are free and a fee of \$5 shall be charged for each permit thereafter up to five (5) permits.

(F) Removal of Designation as Restricted Parking Area. The Traffic Engineer shall have the discretion to remove the designation of a block as a restricted parking area if any one of the following conditions occurs:

1. By virtue of closure of the school or change in use of the property, the block or some part thereof is no longer located within 1/2 mile of the closest property line of a senior high school; or

2. A written petition signed by the owners or residents of approximately two-thirds of the lots with frontage on the block is submitted to the City Clerk requesting that designation of the block as a restricted parking area be removed; or

3. The block becomes part of the state highway system as that term is defined in C.R.S. section 43-2-101, as amended.

(G) Violation. Vehicles parked in violation of this section shall be towed and impounded pursuant to section 10-1-17 of this Code. In any prosecution of the provisions of this section, proof that the vehicle described in the complaint was parking or stopped in violation of this section, together with proof that the defendant named in the complaint was at the time of such stopping or parking, the registered owner of the vehicle, shall constitute prima facie evidence that the defendant was the person who parked or stopped, or knowingly permitted to be parked or stopped, such unattended vehicle at the place where and for the time in which such violation occurred.

(H) Penalty. A violation of this section shall be punishable by a fine not to exceed the limits established in section 1-8-1.

(I) Permit Cancellation. The City Clerk shall cancel permits held by residents who repeatedly allow a permit to be used by nonresidents. Occasional use of a permit by a resident's invited guests shall be allowed.

10-1-17: IMPOUNDMENT OF VEHICLES; AUTHORITY; PROCEDURE:

(A) No person shall abandon any vehicle upon private property other than his own without the written consent of the owner or lessee thereof. The City may request that the property owner furnish a copy of the written consent. The following sign shall be posted prominently on commercial locations: Vehicles abandoned for 24 hours on this property, without the consent of the owner or lessee, will be towed away at the discretion of this property owner or lessee.

(B) Subject to the procedures specified in this section, a police officer shall require a vehicle to be removed or cause it to be removed and placed in storage in a garage or other place of safety designated or maintained by this municipality when:

1. The vehicle is found, attended or unattended, standing or parked upon any portion of a street, highway, or public thoroughfare within this municipality in such manner as to constitute a violation of this Code or

2. The vehicle has been left unattended on any portion of a street, highway or public thoroughfare and is presumed to be abandoned; or

3. The vehicle has been left unattended on private property or City property, the vehicle is presumed to be abandoned, and the owner or lessee of such property has notified the Police Department about the vehicle.

(4) For purposes of this subsection (B), a vehicle left unattended on any portion of a street, highway or public thoroughfare for a period of twenty-four hours or more shall be presumed abandoned unless the owner or operator thereof has conspicuously affixed thereto information indicating his intention to return to the vehicle or has otherwise notified the Police Department of his intention to remove the vehicle. Notwithstanding such notification of intent to return and to remove the vehicle, if the vehicle has been left unattended for longer than forty-eight hours it shall be presumed to be abandoned.

A vehicle left unattended on property other than a street or public thoroughfare for a period longer than twenty-four (24) hours shall be presumed to be abandoned unless prior arrangements with the owner or lessee of the property have been made regarding the vehicle. A bona fide effort shall be made by the police officer to contact the owner or operator of the vehicle prior to towing or impoundment.

(C) Notice: Whenever a police officer orders the impoundment of a vehicle, and the police officer knows or is able to ascertain the name and address of the owner thereof, the police officer shall give or cause to be given notice in writing to the owner of the fact of the removal, the reasons therefor, and of the place to which the vehicle has been removed. In the event the vehicle is stored in a designated garage, a copy of the notice shall be given to the proprietor of the garage. The written notice shall also contain the following statement:

"A police officer has ordered the towing of your vehicle. If you believe that the impoundment was improper, you have seven (7) days from the date of this notice to file a written request with the Westminster Municipal Court located at 3030 Turnpike Drive, Westminster, Colorado 80030, for a hearing regarding the propriety of this impoundment. Such hearing shall be scheduled within three (3) days (excluding Saturday, Sunday and City holidays) of the date your written request is received by the Westminster Municipal Court. The court may waive the towing and storage fees if it is found that the impoundment was improper. If you retrieve your vehicle from impoundment you still have the right to a subsequent hearing and reimbursement if you make a timely request. You are also encouraged to also contact the Watch Commander of the Westminster Police Department for purposes of resolving the dispute concerning the impoundment of your vehicle without the necessity of having a formal hearing".

The written notice shall either be deposited in the United States Mail within twenty-four (24) hours from the time of the impoundment of the vehicle, excluding Saturday, Sunday and holidays or personally handed to the owner.

(D) Hearing. A hearing shall be conducted before the Westminster Municipal Court within three (3) days of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing in writing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the three-day period. The sole issue before the court shall be whether there was probable cause to impound the vehicle in question. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of law to grant legal authority for the removal of the vehicle. The court shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The City of Westminster shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. The decision shall be a final decision of the Westminster Municipal Court. Failure of the registered or legal owner, or their agent, to request or attend a scheduled post seizure hearing shall be deemed a waiver of the right to such hearing.

(E) Reimbursement for improper impoundment. Upon a determination by the court that the subject vehicle was improperly impounded, the City of Westminster shall either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner, or directly pay the towing and storage company for accrued fees.

(F) The hearing and reimbursement provisions contained in this section shall only be applicable to vehicles which have been impounded by order of a police officer.

(G) No impounded vehicle shall be released to its owner until all towing charges, storage charges and administrative fees have been paid to the City, or in the case of towing and storage charges, to such private person or firm as may have performed such services at the request of the City. The owner of the vehicle may also be issued a citation for a parking violation or abandoned vehicle violation.

(H) The requirements contained within this section relating to compliance with time periods are directory in nature. Failure of the City to strictly comply with said time periods shall not cause an automatic forfeiture of the City's rights under the Code.

Section 2. The title and purpose of this ordinance shall be published prior to its consideration on first reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 3. This ordinance shall take effect thirty (30) days following its publication in full.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.

ATTEST:

Mayor

City Clerk

Date: May 20, 1996

Subject: Public Hearing and Councillor's Bill No. re Adoption of 1994 Building and Fire Code Regulations

Prepared by: Dave Horras, Chief Building Official
Bill Work, Fire Marshal

Introduction

City Council action is requested on the attached Councillor's Bill adopting the 1994 Building and Fire Codes and Regulations and making conforming amendments to references contained in the various sections of the City Code.

Summary

The City of Westminster currently administers the provisions of the 1991 Editions of the Uniform Building Code, the Uniform Fire Code, and other companion Codes and Standards. These model codes are published by the International Conference of Building Officials, the Western Fire Chiefs Association and other national organizations. These model codes are continuously being revised and updated through an extensive code development process to address changes in construction technology and practices and advances in building materials. The changes to these codes are generally published every three years.

The 1994 Editions of the model codes represent a significant change in that most have been completely reformatted. This change has been made to align the chapters and sections of the model code organizations into a common code format to provide better usability for those working on a national level and is the first step in the development of a single national building code.

It is proposed to adopt by reference the following editions of the model codes:

- > The Uniform Building Code, Volumes I, II and III, 1994 Edition
- > The Uniform Fire Code, Volumes I and II, 1994 Edition
- > The National Electrical Code, 1996 Edition
- > The Uniform Plumbing Code, 1994 Edition
- > The Uniform Mechanical Code, 1994 Edition
- > The Uniform Code for the Abatement of the Dangerous Buildings, 1994 Edition
- > The Uniform Swimming Pool, Spa and Hot Tub Code, 1994 Edition
- > The Uniform Building Security Code, 1994 Edition

One key change to the model codes that is not being proposed at this time is the modification of the building permit fees.

Because of concerns expressed by the Home Builders Association of Metropolitan Denver over a recommended 20% increase in permit fees, Staff has agreed to study any proposed fee increases with a task force of builders and developers prior to bringing any recommendation to City Council. It is anticipated that a fee increase proposal will be proposed to City Council within the next two to three months.

Staff Recommendation

1. Hold a public hearing on Councillor's Bill No. regarding adoption of the 1994 editions of the Building and Fire Codes.
2. Pass Councillor's Bill No. on first reading adopting the 1994 editions of the Building and Fire Codes.

Background

Other local jurisdictions either have, or will be, considering the adoption of the 1994 editions of the Model Codes. It is in the best interest of the construction industry for jurisdictions to adopt the latest edition of the codes that provide for advances in the construction trades and achieve a greater level of consistency throughout the Denver Metro area. The following is a summary of key changes to the model building codes and Title XI, Chapter 10 of the City code proposed in this ordinance:

- > The occupancy classifications have been further defined establishing more distinct requirements for uses such as retail stores, office buildings, and factories.
- > Specific size requirements have been added for window wells provided for emergency escape or rescue from basements in residential occupancies.
- > The requirements under which a fire sprinkler system is to be installed in a multi-family residential building has been expanded. A sprinkler system will be required when there is an occupancy load of 20 people instead of the current limitation of 50 people.
- > The criteria used in determining when an architect or engineer design and stamp is required on a project have been revised to match the State requirements.
- > Staff is proposing that Council adopt the Uniform Building Security Code. This model code establishes minimum standards to prevent unlawful entry and includes requirements for dead bolt locks and security viewers.

Like the other model codes, the Uniform Fire Code (UFC) has been reformatted. These changes are designed to better organize the UFC and provide more consistency with the Uniform Building Code and other nationally recognized fire codes. The UFC is now two volumes with the second volume being the "standards".

The nine proposed amendments to the UFC are updated versions of the 13 currently adopted amendments. The new numbering system requires that all existing amendments be updated.

A brief overview of significant changes in the 1994 UFC and associated amendments is provided below:

- > There are nine additional appendices being proposed for adoption. Eight of these are new and provide better detail and direction for interpreting and enforcing the provisions of the UFC.
- > Article 1 is reformatted by combining previous articles into a broader administration, organization and authority section. An updated amendment for this article proposes the specific operations or functions the Fire Department feels necessary to permit and deletes the rest. Permittable operations that have been omitted are those that were felt to already be regulated through the regular business inspection program.
- > Article 10 now combines requirements for all fire-protection systems and equipment. Additional language has been added to the existing amendment to further clarify the intent for design standards and installation for fire alarm systems. Any fire alarm system that is installed, required or not, will now need to meet recognized standards of installation.

As always, there are many more changes to the model codes than those listed above. These are the changes that are perceived to have the greatest impact on the development community in the City of Westminster. Most architects and commercial contractors have already adjusted to working with the updated codes and are designing and building their buildings accordingly. Based on past experiences, the changes to the code provisions dealing with residential construction typically are the most sensitive, and impact the greater number of contractors. In an effort to identify and explain the proposed changes, a handout identifying the proposed changes has been prepared for homeowners and the residential builders.

The changes in the model codes and the proposed changes to the City Code have been reviewed with the Board of Building Code Appeals as well as the Metropolitan Home Builders Association and the Westminster HBA Coordinating Committee. The Board of Building Code Appeals supports the proposed ordinance, and because a permit fee increase is not part of this proposed ordinance, the Home Builders Association and the Westminster Coordinating Committee are supportive of the changes.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLOR

A BILL

FOR AN ORDINANCE , RELATING TO THE ADOPTION BY REFERENCE OF THE UNIFORM BUILDING CODE; NATIONAL ELECTRICAL CODE; UNIFORM PLUMBING CODE; UNIFORM MECHANICAL CODE; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE; MODEL ENERGY CODE; AND UNIFORM FIRE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title XI, Chapter 10 of the Westminster Municipal Code, is hereby repealed and reenactment as follows:

11-10-1: ADOPTION OF BUILDING CODES.

(A) INTENT AND FINDINGS. The intent of this chapter is to adopt by reference and with modifications the Uniform Building Code, 1994 Edition; the National Electrical Code, 1996 Edition; the Uniform Plumbing Code, 1994 Edition; the Uniform Mechanical Code, 1994 Edition; the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition; the Uniform Swimming Pool, Spa, and Hot tub Code, 1994 Edition; the Model Energy Code, 1986 Edition. Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster. City Council finds that it is necessary to protect the health, safety and welfare of the citizens of the City to exempt the procedural requirements specified in Colorado Revised Statutes, Section 31-16-203, as the procedures contained therein are duplicative of existing procedures established in the City Charter and Ordinances.

(B) ADOPTION OF BUILDING CODES. The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. Uniform Building Code. The "Uniform Building Code, 1994 Edition, Volumes 1, 2 and 3", published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 1 through 35 inclusive and Appendix Chapters 3 (Divisions I and IV), 10, 11 (Divisions I and II), 12, (Division II), 15, 29, 30, and 31 (Divisions II and III) of Volume 1; Chapters 16 through 23 inclusive and Appendix Chapters 16 (Division 1), 18, 21, and 23 of Volume 2; and Volume 3 inclusive are hereby adopted as the Building Code of and for the City of Westminster.

2. National Electrical Code. The "National Electrical Code, 1996 Edition", published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and in particular Article 90 through Chapter 9 inclusive and the Appendix, is hereby adopted as the Electrical Code of and for the City of Westminster.

3. Uniform Plumbing Code. The "Uniform Plumbing Code, 1994 Edition", published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, in particular Chapters 2 through 14 inclusive and Appendix Chapters A, B, D, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

4. Uniform Mechanical Code. The "Uniform Mechanical Code, 1994 Edition", published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 2 through 16 inclusive and the Appendix, is hereby adopted as the Mechanical Code of and for the City of Westminster.

5. Uniform Code for the Abatement of Dangerous Buildings. The "Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition", published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 1 through 9 inclusive is hereby adopted as the Code for the abatement of Dangerous Buildings of and for the City of Westminster.

6. Uniform Swimming Pool, Spa, and Hot Tub Code. The "Uniform Swimming Pool, Spa, and Hot Tub Code, 1994 Edition", published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, and in particular Chapter 1 through 5 inclusive is hereby adopted as the Swimming Pool, Spa, and Hot Tub Code of and for the City of Westminster.

7. Model Energy Code. The "Model Energy Code, 1986 Edition", published by the Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041, and in particular Chapters 1 through 7 inclusive and the Appendix, is hereby adopted as the Energy Code of and for the City of Westminster.

11-10-2: ADMINISTRATIVE PROVISIONS.

(A) PURPOSE AND SCOPE.

1. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, abatement, demolition, repair, use, or maintenance of any building or structure; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

2. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

(B) ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION.

1. **General.** The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be made in writing by the Building Official and shall include the reasons therefor.

2. **Tests.** Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

(a) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.

(b) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

(C) MODIFICATIONS. Whenever there are substantial practical difficulties involved in complying with the provisions of the Building Codes, the Building Official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, and fire safety requirements. Any decision approving or denying a modification shall be made in writing by the Building Official and shall include the reasons therefor.

(D) ENFORCEMENT OF BUILDING CODES.

1. **General.** The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt and enforce supplemental regulations as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, rules, and regulations shall be consistent with the intent and purpose of this Code. The Building Official may delegate certain duties for the administration and enforcement of the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. **Right of Entry.** Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry.

If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge of the City.

(a) After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

(b) For purposes of Subsection (D) of this section, "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.

(c) It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to Subsection (D) of this section.

3. **Stop Orders.** Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue work after receipt of a notice to stop work. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. **Authority to Disconnect Utilities in Emergencies.** In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

(a) When such fuel-gas utility service or energy supply are disconnected, written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours to the serving utility, the owner, and the occupant of the building, structure, or premises. The City shall not be responsible for the cost to reconnect the fuel-gas utility service or energy supply.

(b) It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

5. **Unsafe Buildings, Structures, and Equipment.** For the purpose of this subsection, any building, structure, or equipment regulated by the Building Codes which are structurally unsafe or not provided with adequate egress, or which constitutes a fire or health hazard or is otherwise dangerous to human safety or welfare is unsafe. Any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Codes are unsafe building appendages.

(E) COMPLIANCE WITH BUILDING CODES.

1. **Violation.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. **Nuisance.** It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. **Penalties.** Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. **Notice of Violation.** Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person in found in violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(F) BOARD OF BUILDING CODE APPEALS. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building Codes shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code.

11-10-3: PERMITS AND FEES.

(A) PERMITS REQUIRED.

1. **General.** No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause the same to be done without first obtaining a separate building permit for all such work from the Building Official, except as follows:

(a) A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

(b) Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation of service piping for the conveyance of natural gas.

2. **Exempt work.** A building permit shall not be required for the following:

(a) One-story, detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;

(b) Oil derricks;

(c) Movable cases, counters, and partitions not over 5 feet 9 inches in height;

(d) Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;

(e) Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

(f) Platforms, patios, or decks not more than 30 inches above grade at any point and not over any basement or story below;

(g) Non-structural concrete slabs on grade;

(h) Painting, papering, and similar finish work;

(i) Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;

(j) Window awnings supported by an exterior wall of any Group R, Division 3 or U Occupancy, when projecting not more than 54 inches beyond the plane of the wall;

(k) Agricultural buildings as defined in Chapter 2 of the Uniform Building Code;

(l) Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;

(m) Portable wading pools constructed of flexible plastic, rubber, or similar materials and less than 12 inches in depth;

(n) The repair of broken or defective electrical sockets, switches, or base receptacles;

(o) The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(p) Fences not over 30" high

3. **Separate Permits.** Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City.

(B) CONTRACTOR REGISTRATION/LICENSE REQUIRED.

1. **Contractor Registration Required.** Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

(a) Any person who intends to build and occupy a Group R, Division 3, or U building or structure, or a building or structure accessory thereto, may apply for a building permit without a City contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.

(b) Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any Group R, Division 3 or U building or structure which they own.

2. **License Required.** The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) APPLICATION FOR PERMIT.

1. **Application.** To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

(a) Identify and describe the work to be covered by the permit for which application is made.

(b) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.

(c) Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

- (d) Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.
- (e) State the valuation of any new building or structure or any addition, remodeling, or alteration to an existing building.
- (f) Be signed by the permittee or his authorized agent.
- (g) Give such other data and information as may be required by the Building Official.

2. **Plans and Specifications.** Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each applications for a permit. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in section 11-10-3(C)3. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

An architect's or engineer's design and stamp will be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

- (a) Fire Alarm Systems
- (b) Fire Sprinkler Systems
- (c) Smoke Control Systems
- (d) Elevators, escalators and moving walks
- (e) Foundation designs for all buildings or structures excluding U Occupancies.
- (f) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

3. **Exemptions.** Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

- (a) One, two, three, and four family dwellings, including accessory buildings commonly associated with such dwellings;
- (b) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.
- (c) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.
- (d) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

4. **Construction Inspection.** When special inspection is required by Section 1701 of the Uniform Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. **Information on Plans and Specifications.** Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations.

(D) PERMIT ISSUANCE.

1. **Issuance.**

(a) The application, plans, specification, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. The required plan review fee shall be paid by the applicant prior to review of the plans and specifications. Such plans may be reviewed by other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, he shall issue a permit to the applicant.

(b) When the Building Official issues a permit for which plans are required, he shall endorse in writing or stamp the plans and specifications "Approved." The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

(c) The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. **Retention of Plans.** One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. **Validity of Permit.** The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes shall be invalid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City.

4. **Expiration of Permit.**

(a) Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

(b) When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

5. **Suspension or Revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or other ordinances of the City whenever the permit is issued in error or on the basis of incorrect information supplied by the applicant.

6. **Expiration of Permit Applications or Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(E) FEES AND TAXES.

1. **General.** Fees shall be assessed in accordance with the provisions of this subsection.

(a) Building use tax shall be paid in accordance with this Code.

\ (b) Park development fees shall be paid in accordance with this Code.

(c) Water and sanitary sewer tap fees shall be paid in accordance with this Code.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, phase III, or devices meeting the most stringent emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

2. **Permit Fees.** A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" set forth in subsection (E)8 of this section; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use.

3. **Valuation.** The determination of value or valuation under any of the provisions of the Building Codes shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. In determining the value or valuation, the Building Official shall be guided by the use and interpretation of current building valuation data and regional modifiers in Building Standards as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California.

4. **Plan Review Fees.** When plans or other data are required to be submitted by the Building Codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in Subsection (E)8 of this section. The plan review fee specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Subsection (E)8 of this section.

5. **Work Commenced Without a Permit.** When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, provided, however, that this provision shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of a double permit fee. Payment of such double permit fee shall not relieve any persons from fully complying with the requirements of the Building Codes in the execution of the work nor from any other penalties prescribed herein.

6. **Reinspection Fees.** Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the Building Codes but as a means of controlling the practice of calling for inspections before the work is ready for 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 an inspection is requested, or for deviating from plans requiring the approval of the Building Official. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as set forth in subsection (E)8 of this section shall be paid by the holder of the permit to the Building Official before any additional inspections or reinspections may be made.

7. **Fee Refunds.** The Building Official may authorize fee refunds as follows:

- (a) The Building Official may authorize the refund of any fee which was erroneously paid or collected.
- (b) The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- (c) The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.
- (d) The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

8. **Fee Schedule.** The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE:

Value	
\$1 to \$500	\$15
\$501 to \$2,000	\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof
\$2,001 to \$25,000	\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof
\$100,001 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof
\$500,001 to \$1,000,000	\$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof
\$1,000,000 and up	\$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof

Miscellaneous Permit Fees: Miscellaneous Residential Permit Fees:

Mobile Home Set-ups	\$15.00	Re-Siding	\$15.00
Mobile Home Elec.	\$15.00	Re-Roofing	\$15.00
Banners	\$12.50	Water Heater Replacement	\$15.00
Election Sign	\$10.00	Evaporative Cooler*	\$15.00
Permanent Sign Per Fee Schedule			
Demolition	\$25.00	Furnace Replacement*	\$15.00
		Air Conditioner*	\$15.00
		Lawn Irrigation Sprinkler	\$15.00
		Fence	\$15.00
		Pool	\$37.00
		Spa/Hot Tub*	\$15.00
		Storage Shed	\$15.00
		Gas Log**	\$15.00

Other Inspections and Fees:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. (minimum charge of two hours) 2. 3. indicated 4. changes additions, or other revisions to plans 5. and/or inspections | <p>Inspection outside of normal business hours</p> <p>\$30 per hour</p> <p>Reinspection fees \$30</p> <p>Inspections for which no fee is specifically \$30</p> <p>Additional plan review required due to \$30</p> <p>For use of outside consultants for plan actual costs</p> |
|--|---|

*May also require an electrical permit fee
 **See Section 11-10-3(E)l for exceptions.
 Actual cost are those above and beyond the plan review fee as established by Section 11-10-3(E)4.

11-10-4: INSPECTIONS

(A) INSPECTION PROCEDURES.

1. General.

- (a) All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.
- (b) Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the Building Code. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.
- (c) A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.

2. **Inspection Record Card.** Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. **Inspection Requests.** It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection. Reinforcing steel or the structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

(B) REQUIRED INSPECTIONS.

1. **General.** The Building Official, upon notification, shall make an inspection required by this subsection and shall either approve that portion of the work or shall notify the permittee or his authorized agent that the work does not comply with the Building Codes. Any portions of the work which does not comply shall be corrected and shall not be covered or concealed until authorized by the Building Official. The following are required inspections:

(a) **Footing Inspection.** Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

(b) **Caisson/Drilled Pier Inspection.** Shall be made after caisson drilling has been completed and prior to any concrete being placed.

(c) **Foundation Inspection.** For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.

(d) **Underslab or Underground Inspection.** Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.

(e) **Rough Inspection.** Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing and all framing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

(f) **Wallboard Inspection.** Gypsum wallboard which is part of a required fire assemble or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

(g) **Final Inspection.** Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. **Other Inspections.** In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

(C) CERTIFICATES OF OCCUPANCY.

1. **Use and Occupancy.** No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Building Codes. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. **Change in Use.** Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. **Certificate Issued.** After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official may issue a certificate of occupancy. However, the certificate of occupancy may be issued prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

(a) The building permit number.

(b) The address and legal description of the building.

(c) The name and address of the owner.

(d) A description of the portion of the building for which the certificate was issued, including the occupancy group classification.

(e) A statement that the described portion of the building has been inspected for compliance with the requirements of the Building Codes for the group and division of occupancy and the use for which the proposed occupancy is classified.

(f) The date of issuance of the certificate.

(g) The signature of the Building Official or his representative.

4. **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

5. **Revocation.** The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes.

11-10-5: UNIFORM BUILDING CODE AMENDMENTS.

(A) **DEFINITIONS.** Section 203 of the Uniform Building Code is amended to read:

Section 203. Basement is any floor level below the first story in a building; except that in Group R, Division 1 Occupancies, floor levels containing dwelling units and located either partially or entirely below grade level shall be classified as the "first story."

(B) **ROOM DIMENSIONS.** Section 310.6 of the Uniform Building Code is amended to read:

Section 310.6.1. Ceiling Heights.

1. Habitable space shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this section. Kitchens, basements, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the member is not less than 7 feet above the floor.

2. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

3. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, and pipes. The finished height under such beams, ducts, and pipes may be 6 foot 6 inches.

(C) **REQUIREMENTS FOR GROUP U OCCUPANCIES.** Section 312 of the Uniform Building Code is amended to read as follows:

Section 312.1 Group U Occupancies Defined. Group U Occupancies shall include buildings or structures, or portions thereof, and shall be:

Division 1: Private garages, carports, and sheds.

Division 2: Fences, tanks, and towers.

(D) FENCES. Section 312.7 is added to the Uniform Building Code as follows:

Section 312.7.1. General. Fences erected in the City shall comply with the provisions of this section. Fences around swimming pools shall comply with the provisions of the Uniform Swimming Pool, Spa, and Hot Tub Code as set forth in section 11-10-9 of this Code.

Section 312.7.2. Fence Classifications. Fences shall be classified as follows:

- Class 1: Masonry Walls
- Class 2: Ornamental Iron
- Class 3: Woven Wire
- Class 4: Fences more than 50 percent open
- Class 5: Fences less than 50 percent open

Section 312.7.3. Height limitations, Residential/Business Districts.

1. Fences erected in front of the front building line or in front of the required front setback may be of any class provided the height of the fence does not exceed 36 inches. Class 2 and 3 fences more than 50 percent open may be erected to a height not to exceed 42 inches. Ornamental post caps shall not be included in any calculation of fence height. See section 312.7.6 for additional requirements.

2. Fences erected in side yards which do not project beyond the front building line or required front setback, including rear yard perimeter fences, may be of any class and shall not exceed the height of 6 feet. See section 312.7.6 for additional requirements.

3. Fences erected on top of retaining walls shall not exceed the height limitations specified in Paragraph 1 and 2 of this subsection. The height of such fence shall be measured from the ground level on the high side of the retaining wall to the top of the fence.

Section 312.7.4. Height Limitations, Industrial Districts. Fences erected in industrial districts may be of any classification.

Fences erected in required front yards shall not exceed a height of 6 feet. In other than required front yards, fences may be of any height. See section 312.7.6 for additional requirements.

Section 312.7.5. Prohibited Fences.

1. Barbed wire or similar sharp pointed fences shall not be erected or maintained unless approved on the Official Development Plan or the Preliminary Development Plan and, when approved, shall be installed at a height not less than 6 feet above the surrounding grade level.

2. No electrically charged fence shall be erected or maintained.

Section 312.7.6. Intersection Sight Distance Criteria. Fences and retaining walls erected within vehicular sight triangles or vehicular safe line of sight shall comply with the City Standard Specifications for Design and Construction. No fence or retaining wall shall be erected or maintained which obstructs the vision of motorists, as determined by the City Traffic Engineer. Any fence or retaining wall which does obstruct the vision of the motorists may be abated as a nuisance as set forth in Title 8, Chapter 4 of this Code.

(E) STAIRWAYS Section 1006.9, paragraph two of the Uniform Building Code is amended by the addition of an exemption to read:

Section 1006.9 Handrails. Exemption: Stairways serving one individual dwelling unit in Group R, Division 1 or 3, or Group R, Division 3 congregate residence may have the starting newels or volute posts located on the first tread of each flight of stairs. The handrail height shall be measured from the nosing of the second lowest tread in each flight to the top of the gripping portion of the handrail.

(F) LIGHT AND VENTILATION IN GROUP R OCCUPANCIES Section 1203.3, paragraph three, of the Uniform Building Code is amended to read:

Section 1203.3 Ventilation. Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet.

EXCEPTION: Laundry rooms within individual dwelling units.

(G) ROOF DESIGN Section 1605.4, second paragraph, of the Uniform Building Code is amended to read:

Section 1605.4 Snow Loads. Potential unbalanced accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. The snow load as determined by the Building Official for use within the City of Westminster shall be 30 pounds per square foot.

(H) WIND DESIGN Section 1616 of Volume 2 of the Uniform Building Code is amended to read:

Section 1616. Basic Wind Speed. The minimum basic wind speed for any site within the limits of the City of Westminster shall be a minimum of 90 miles per hour or as established by Building Division operations and procedures.

(I) FOOTINGS Section 1806.1, first paragraph, of the Uniform Building Code is amended to read:

Section 1806.1. General. Footings and foundations shall be constructed of masonry, concrete or treated wood in accordance with Division II and shall extend to a depth of 36 inches. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Foundations shall have a minimum depth of 36 inches unless another depth is specifically designed by an Engineer or Architect as required by section 11-10-3(C)2.

(J) BUILDING SECURITY The Uniform Building Security Code as adopted in Appendix Chapter 10 of the Uniform Building Code is amended as follows to read:

Section 1027. Tests and Identification. Is deleted.

Section 1029. Swinging Doors.

1. **Section 1029.1. General** All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch in thickness or a metal door constructed with at least 18 gauge metal.

2. **Section 1029.4 Locking Hardware.** Single swinging doors and the active leaf of doors in pairs shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one inch bolt throw which will penetrate the strike at least 3/4 of an inch. See Chapter 10 of the Building Code for requirements on door operation for exiting.

Section 1030. Sliding Doors. Is deleted.

Section 1031. Windows. Is deleted.

(K) PERMITS - CERTIFICATES OF INSPECTION Section 3011 of Appendix Chapter 30 of the Uniform Building Code is amended to read:

Section 3011.5. Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification of Inspection:	
For each elevator:	\$125.00
For each escalator or moving walk*:	\$125.00
For each commercial dumbwaiter:	\$125.00

*Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.

11-10-6: NATIONAL ELECTRICAL CODE AMENDMENTS.

(A) Service Equipment Disconnecting Means. Article 230-70(a) of the National Electrical Code is amended to read:

Article 230-70(a) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Panelboards. Article 384-16(a) of the National Electrical Code is amended to read:

Article 384-16(a). Overcurrent Protection. Each lighting and appliance branch-circuit panelboard shall be individually protected on the supply side by not more than two main circuit breakers or two sets of fuses having a combined rating not greater than that of the panelboard. No circuit breaker shall be added to the upper section of an existing split bus panelboard unless main overcurrent protection is provided for the panelboard.

Exception No. 1: Individual protection for a lighting and appliance panelboard shall not be required if the panelboard feeder has overcurrent protection not greater than the rating of the panelboard.

Exception No. 2: Is deleted.

11-10-7: UNIFORM PLUMBING CODE AMENDMENTS.

(A) MANDATORY WATER CONSERVATION STANDARDS. Section 402.0 is deleted from the Uniform Plumbing Code and replaced as follows:

Section 402.1. Residential User Standards. Water conservation shall be mandatory for all residential dwelling units constructed in the City after January 1, 1978, and shall include the following:

1. Water closets constructed with a maximum flush of 3.5 gallons.
2. Water-saving shower heads with a maximum flow of 3 gallons per minute.
3. Aerators on all sinks and lavatory faucets with a maximum flow of 2.5 gallons per minute.
4. Shower cut-off valve incorporated in either a single-control mixing valve or the shower head.

Section 402.2. Non-Residential User Standards. The following conservation standards shall be mandatory for non-residential users:

1. Bathrooms, shower rooms, lunchrooms, and similar facilities for human use within office, recreational, commercial, and industrial buildings or facilities shall incorporate the use of low-flow plumbing fittings and fixtures as specified in Subsection 402.1 of this section.
2. Commercial and industrial facilities shall incorporate water conservation design features.
3. Water recycling systems shall be mandatory for all full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for self-service commercial car wash facilities.

(B) INSTALLATION. Section 408.0 of the Uniform Plumbing Code is amended to read as follows:

Section 408.5. Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls. Each water closet or bidet shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet or bidet of not less than 24 inches. No water closet or bidet shall be set closer than 15 inches from its center to any side wall or obstruction nor closer than 30 inches center to center to any similar fixture. No urinal shall be set closer than 12 inches from its center to any side wall or obstruction nor closer than 24 inches center to center.

(C) MATERIALS. Section 604.0 of the Uniform Plumbing Code is amended as follows:

Section 604.1. Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Asbestos-cement, CPVC, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC and PB water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the Administrative Authority.

(D) GREASE INTERCEPTORS. Section 1012.0 of the Uniform Plumbing Code is amended to read:

Section 1012.0. Grease Interceptors for Commercial Kitchens. When grease interceptors are required by this Code they shall be sized, installed, and maintained in accordance with adopted City specifications.

(E) GARBAGE DISPOSAL UNITS. Section 1013.0 of the Uniform Plumbing Code is amended to read as follows:

Section 1013.0. Garbage Disposal Units Required. No building containing a kitchen or kitchen facilities shall be constructed or remodeled without the installation of a garbage disposal unit. Garbage disposal units in connection with commercial grease interceptors shall comply with adopted City specifications.

11-10-8: ABATEMENT OF DANGEROUS BUILDINGS CODE AMENDMENTS.

(A) ENFORCEMENT. Chapter 2 of the Abatement of Dangerous Buildings Code is deleted and the following sections are substituted:

Section 201. Administration and Enforcement. The Building Official is authorized to enforce the provisions of this Code. The Fire Marshal, the Building Official, and their authorized representatives may make inspections necessary to enforce this Code pursuant to the provisions of Section 11-10-2(D)2 of the Westminster Municipal Code. All buildings and structures within the scope of this Code and all construction for which a permit is required shall be subject to inspection by the Building Official pursuant to Section 11-10-4 of the Westminster Municipal Code.

Section 202(a). Nuisance. It is a public nuisance to allow, own, operate, or use a building or portion thereof which has been determined by the Building Official to be dangerous as defined in this Code. A dangerous building, or portion thereof, may be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Code pursuant to the provisions of Chapter 4 of Title VIII of the Westminster Municipal Code, or by any other legal means.

Section 202(b). Violations. 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.

Section 202(c). Penalty. Any person in violation of the provisions of this Code shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1-8-1 of the Westminster Municipal Code. Any violation shall be a criminal offense.

(B) APPEAL AND PROCEDURE FOR CONDUCT OF HEARING APPEALS. Section 501.2 and 501.3 and Chapter 6 of the Abatement of Dangerous Buildings Code are deleted. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

(C) PERFORMANCE OF WORK AND RECOVERY OF COST. Chapters 8 and 9 of the Abatement of Dangerous Buildings Code are deleted and the following section is substituted:

Section 801(a). Performance of Work. When any work of repair or demolition is to be done pursuant to Section 701.3.3 of this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

Section 801(b). Costs. The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

11-10-9: UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE AMENDMENTS:

(A) PUBLIC AND PRIVATE POOLS. Section 320 is added to the Uniform Swimming Pool, Spa, and Hot Tub Code as follows:

Section 320. Location. Outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities shall be constructed or installed so that there will be at least 5 feet between the side or rear property line and the rim of the facility and at least 50 feet between the front property line and the rim of the facility; except as follows:

1. In the case of outdoor swimming pools, in conjunction with Group 3, Division 1 or 3 Occupancies, located on developer owned or commonly owned land, the front setback shall be determined on the Preliminary Development Plan or the Official Development Plan.
2. Portable wading pools constructed of flexible plastic, rubber, or similar materials shall not be subject to the spacing requirements specified in this Section.

(B) ENCLOSURES. Section 321 is added to the Uniform Swimming Pool, Spa, and Hot Tub Code as follows:

Section 321(a). General. All outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities shall be completely surrounded by a fence or other solid structure not less than 5 feet nor more than 6 feet in height with no openings therein larger than 4 inches in width provided, however, that a dwelling or accessory structure may form a portion of the required enclosure. Such dwelling or accessory structure shall not be subject to the above-specified maximum height restrictions. The following are exceptions to this provision:

1. Portable spas, or hot tubs equipped with locking security covers may be surrounded by a fence or other solid structure not less than 3 feet in height provided that such fence or structure meets all of the other enclosure requirements set forth in this Section.
2. Portable wading pools constructed of flexible plastic, rubber, or similar materials, not more than 12 inches in depth, shall be exempt from the above enclosure requirements set forth in this Section.

Section 321(b). Openings in Enclosures. All gates or doors opening through required enclosures shall be equipped with a self-closing and self-latching device, with the latching device to be located a minimum of 48 inches above grade, capable of keeping, such gate or door securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming a part of the required enclosure need not be so equipped.

11-10-10: MOBILE HOMES:

(A) PERMITS REQUIRED.

1. **General.** Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.
2. **Initial Installation.** No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. **Accessory Buildings and Structures.** Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. **Additions, Alterations, and Repairs to Mobile Homes.** No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) INSTALLATION REQUIREMENTS.

1. **General.** The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile homes shall comply with the provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994.

2. **Location on Property.** Mobile homes and accessory buildings shall be located on the mobile home space as follows:

(a) No mobile home shall be parked less than 7 feet 6 inches from the front boundary of the mobile home space, measured from the flowline of the curb and gutter of the road providing access to the space. No mobile home shall be parked less than 3 feet from the side or rear boundaries of the mobile home space.

(b) Accessory buildings to mobile homes shall be located on the mobile home space so that no part of the accessory building is closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the mobile home space. Accessory buildings may be adjacent to mobile homes or other accessory buildings within the same mobile home space.

(c) Temporary carport and patio cover structures shall not be erected closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the space. Patio and carport structures may be adjacent to mobile homes or accessory buildings within the same mobile home space.

3. **Pier Construction.** Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with City specifications. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado, alternate designs may be used when approved by the Building Official.

4. **Anchorage.** Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with City specifications. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

5. **Building Service Equipment.** The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

6. **Stairs and Landings.** Landings and stairways with handrailings and guardrailings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

7. **Skirting.** The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

8. **Smoke Detectors.** Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

(C) ADDITIONS, ALTERATIONS, AND REPAIRS TO MOBILE HOMES.

1. **Permanent Additions.** No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. **Carport and Patio Cover Structures.** Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. **Structural Additions.** Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. **Fences.** Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Title XI, Chapter 11 of the Westminster Municipal Code, is hereby repealed and reenactment as follows:

11-11-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the Uniform Fire Code, 1994 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster.

11-11-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the "Uniform Fire Code, 1994 Edition, Volumes 1 and 2" published by the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California 90601, and, in particular, Articles 1-90 inclusive and Appendices I-C, II-B, II-E, II-F, II-G, II-H, II-I, III-A, III-B, III-C, IV-A, IV-B, V-A, VI-A, VI-B, VI-D, VI-E, and VI-F is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-11-3: ARTICLE 1 AMENDMENTS:

(A) **APPEALS.** Section 103.1.4 of the Uniform Fire Code is amended to read as follows:

Section 103.1.4. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code.

(B) **RIGHT OF ENTRY.** Section 103.3.1.2 of the Fire Code is amended to read:

Section 103.3.1.2. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Fire Chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Marshal, the Fire Chief, and the members of the Fire Prevention Bureau may make such inspections pursuant to the provisions of Section 11-10-2(E)2 of the Westminster Municipal Code.

(C) **TAGS.** Section 103.4.1.2 of the Fire Code is amended to read:

Section 103.4.1.2. Unsafe Heating or Electrical Equipment and Structural Hazards. Whenever the Fire Chief or his duly authorized representative deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this Code, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by the order of the Fire Chief or his duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

When an apparent structural hazard is caused by the faulty installation, operation, or malfunction of any of the hereinabove-mentioned items or devices, the Fire Chief shall immediately notify the Building Official who shall investigate such hazard and shall cause such hazard to be abated as required under the Westminster Municipal Code.

(D) **COMPLIANCE WITH TAG.** Section 103.4.3.2 of the Uniform Fire Code is deleted.

(E) **UNSAFE BUILDINGS.** Section 103.4.5 of the Fire Code is amended to read:

Section 103.4.5. Unsafe Buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this Code or any other effective ordinance are, for the purpose of this section, unsafe buildings. Unsafe buildings are declared to be a public nuisance which may be abated pursuant to the Abatement of Dangerous Buildings Code as adopted in 11-10-1, or by any other legal means.

(F) Section 103 of the Uniform Fire Code is amended by the addition of the following section:

Section 103.4.3.4. Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each 10 days that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

(G) **APPLICATION FOR PERMIT.** Section 105.3 of the Uniform Fire Code is amended to read:

Section 105.3. All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail as it shall prescribe. Such applications for permits shall be accompanied by such plans as required by the Bureau. All applications for a permit required by Subsection 105.8.f.6 of this Code for the installation, alteration, or repair of fire protection or life safety systems shall be made to the Building Official for review and approved by the Fire Prevention Bureau in accordance with the provisions of Section 11-10-3 of the Westminster Municipal Code.

(H) **PERMIT REQUIRED.** Section 105.8 of the Uniform Fire Code is amended to read as follows. All other provisions of Section 105.8 are hereby deleted.

Section 105.8 Permit Required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

a.4 Asbestos removal. To conduct asbestos-removal operations regulated by Article 87.

c.1 Open flames in assembly areas. To use an open flame in an assembly area, including open flame devices used in conjunction with theatrical performances. For definition of ASSEMBLY, see Article 2. See Article 25 for open flame and candles.

c.2 Carnivals and fairs. To conduct a carnival or fair. See Article 25.

e.1 Explosives or blasting agents. For permits for explosives or blasting agents, see Article 77.

f.2 Fireworks. For permits for fireworks, see Article 78.

f.3 Flammable or combustible liquids. See Article 79.

1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

7. To change the type of contents stored in flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

f.6 Fire Protection and Life Safety Systems. No persons, firm, or corporation shall install, alter, modify, or replace any fire protection or life safety system in the City, or cause the same to be done, without first obtaining a separate fire protection permit for all such work from the Building Official. Fire protection and life safety systems requiring such permits shall include, but are not limited to, the following:

1. Fire Alarm Systems;
2. Automatic Fire Extinguishing Systems;
3. Standpipe Systems;
4. Emergency Communication Systems;
5. Smoke Evacuation Systems;
6. Special Life Safety or Emergency Systems.

l.1 Liquefied petroleum gases. See Article 82.

1. To store, use, handle or dispose LP-gas.
2. To install or maintain LP-gas containers.

l.2 Liquid- or gas-fueled vehicles or equipment in assembly buildings. To display, compete or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings. See Article 25.

m.2 Mall, covered. See Article 35. To use a covered mall in the following manner:

1. Placing or constructing temporary kiosks, display booths, concession equipment or the like in the mall.
2. To use a mall as a place of assembly.
3. To use open-flame or flame-producing devices.
4. To display any liquid- or gas-fueled powered equipment.

o.1 Open burning. To conduct open burning. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Section 1102.3

p.3 Pyrotechnical special effects material. For permits for pyrotechnical special effects material, see Article 78.

t.1 Tents, canopies and temporary membrane structures. To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 200 square feet (18.6 m2), or a canopy in excess of 400 square feet (37.2 m2), except for structures used exclusively for camping. See Article 32.

(I) **FEES.** Section 105 of the Uniform Fire Code is amended by the addition of the following section:

Section 105.9. General. The fee for permits required by Section 105.8 of this Code shall be \$35.00 per event and shall be collected by the City of Westminster Bureau of Fire Prevention. Fees and taxes for permits required by Subsection 105.8.f.6 of this Code for the installation, alteration, or repair of fire protection or life safety systems shall be assessed by and paid to the City of Westminster in accordance with the provisions of Section 11-10-3 of the Westminster Municipal Code.

11-11-4: ARTICLE 2 AMENDMENTS: FIREWORKS: Section 207 of the Uniform Fire Code is amended to read:

Section 207. Fireworks. "Fireworks" shall mean any articles, devices, or substances prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: Toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dayglo bombs, sparklers and torches, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or device containing any explosive substances. "Fireworks" shall not include:

1. Toy caps which do not contain more than twenty-five-hundredths (.25) of a grain of explosive compound per cap, or
2. Highway flares, railway fuses, ship distress signals, smoke candles, and other emergency signal devices.

11-11-5: ARTICLE 9 AMENDMENTS:

(A) **MARKINGS.** Section 901.4 of the Uniform Fire Code is amended to read:

Section 901.4.2. Fire Apparatus Access Roads. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Chief in accordance with the Uniform Traffic Control Manual. It shall be the duty of the Fire Chief to inform the Chief of Police of these designated fire lanes of the posting of such fire lanes.

(B) **FIRE APPARATUS ACCESS ROADS.** Section 902.2 of the Uniform Fire Code is amended to read:

Section 902.2.4.1. General. The required width of any fire apparatus access road shall not be obstructed in any manner, including by parked vehicles. Minimum required widths and clearances established under this section shall be maintained at all times. The Fire Chief or any of his subordinates, working with the assistance of the Police Department or commissioned members of the Fire Investigation Team in the line of duty with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section (902.2) may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued.

In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(C) **HYDRANT USE APPROVAL.** Article 9 of the Uniform Fire Code is amended by the addition of the following section:

1. **Section 903.4.5. Hydrant Use Approval.** No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purposes without the permission of the Fire Chief. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water to such hydrants or other valves.

(D) **PRIVATELY OWNED HYDRANT SYSTEMS.** Article 9 of the Uniform Fire Code is amended by the addition of the following sections:

1. **Section 903.4.6. Privately Owned Hydrant Systems.** Hydrants in all developments in which streets and common areas have privately owned fire hydrant systems shall be installed with proper thread size and in locations required by this Code or by the City administration based on other recognized public safety standards. Hydrants shall be installed by the developer or other private person at an elevation of 18 inches from finished grade to the center of the "steamer cap connection." Hydrant connection points shall face in the direction established by the Fire Department.

Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Chief. Such private hydrants shall be flushed and tested periodically according to American Water Works Association standards. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Chief and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Chief and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Chief.

2. **Section 903.4.7. Existing Hydrants.** Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Chief, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

11-11-6: ARTICLE 10 AMENDMENTS:

(A) **REQUIRED INSTALLATIONS.** Section 1007.2 of the Uniform Fire Code is amended as follows:

Section 1007.2.1.1. When required. An approved fire alarm system shall be installed in the following occupancies, regardless of area separation or type of construction:

1007.2.2 All Group A occupancy serving an occupant load of 100 or more persons.

1007.2.3 All Group B occupancy serving an occupant load of 100 or more persons.

1007.2.4 All Group E occupancy.

1007.2.5 All Group F occupancy serving an occupant load of 100 or more persons.

1007.2.6 All Group H occupancy.

1007.2.7 All Group I occupancy.

1007.2.8 All Group M occupancy serving an occupant load of 100 or more persons.

1007.2.9 All Group R-1 occupancy, as defined in the Building Code, with three or more dwelling units. The alarm system shall include provisions for smoke detection and manual operation in interior corridors and automatic detection in storage rooms, laundry rooms, furnace rooms, and similar common areas.

1007.2.9.1 Existing Group R-1 occupancies, apartment dwelling units, and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed according to the currently adopted Uniform Building Code requirements. (94 UBC, Sec. 310.9).

1007.2.10 All Group S occupancy serving an occupancy load of 100 or more persons.

(B) General System Design and Installation Requirements. Section 1007.3 of the Uniform Fire Code is amended as follows:

1007.3.1 Design standards and installation. The installation of all required fire alarm systems shall be approved by the Bureau of Fire Prevention according to applicable National Fire Protection Association and Uniform Fire Code standards. A permit and plans review process is required. (See Permit Required, Section 105.8, subsection f.6.)

1007.3.1.1 Approved Fire Alarm Systems. An approved fire alarm system shall consist of, but not limited to, control panels, annunciation, pull stations, area detection, alarm signals, duct detection, and approved monitoring.

1007.3.1.2 Nonrequired Fire Alarm Systems. Any fire alarm system installed, regardless if required, will meet standards of installation, as in Section 1007.3.1.

Exception 1. When the occupancy is protected with an approved automatic fire extinguishing system, these requirements may be altered as approved by the Fire Chief. The system must still meet the intention of the early detection of fire or smoke and notification of occupants in an emergency.

11-11-7: ARTICLE 77 AMENDMENTS: GENERAL REQUIREMENTS. Article 77 of the Uniform Fire Code is amended with the addition of the following subsection:

Section 7701.7.3.1. The storage of explosives and blasting agents is prohibited within all zones except 01 and PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive material.

For Permits, see Section 105.

11-11-8: ARTICLE 78 AMENDMENTS: PROHIBITION. Section 7802.3 of the Uniform Fire Code is amended to read:

Section 7802.3. Prohibition. The storage, use and handling of fireworks is prohibited. It shall be unlawful for any person within the City of Westminster to offer for sale, sell or have in his possession with intent to offer for sale, or to possess, use or explode any fireworks.

- EXCEPTIONS:**
1. Storage and handling of fireworks is allowed as set forth in Article 77.
 2. The use of fireworks for display is allowed as set forth in Section 78.203 and Section 6-8-3 of the Westminster Municipal Code.

11-11-9: ARTICLE 82 AMENDMENTS: LOCATION OF CONTAINERS. Subsection 8204.2 of the Uniform Fire Code is amended to read:

Section 8204.2. Maximum Capacity within Established Limits. The aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity in RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts. For permits -- see Section 4.101.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of June, 1996.

ATTEST:

Mayor

City Clerk

Date: May 20, 1996

Subject: IGA re JeffCo Hazardous Substance Response Authority

Prepared by: Jim Cloud, Fire Chief

Introduction

City Council action is requested to authorize the Mayor to sign a Second Amendment to the Jefferson County Hazardous Substance Response Authority Intergovernmental Agreement (IGA).

Summary

The attached Second Amendment to the Jefferson County Hazardous Substance Response Authority IGA proposes that at least forty percent of the participating IGA jurisdictions have to respond with a position on suggested amendments in order to amend the original Authority agreement. This proposal has been reviewed and approved by the City Attorney's Office.

The original agreement allowed the Authority to pursue amendments but required the unanimous approval of all participating entities to the IGA. This original agreement was amended in early 1996 from requiring unanimous approval to two-thirds approval of responding agencies for amendments.

Staff Recommendation

Authorize the Mayor to sign the Second Amendment to the Intergovernmental Agreement for the Jefferson County Hazardous Substance Authority which provides for future IGA amendments based on two-thirds approval from responding agencies with at least forty percent of the participating jurisdictions responding with a position on the amendment.

Background Information

The City of Westminster signed an IGA in 1984 along with thirty other governmental entities to form the Jefferson County Hazardous Substance Response Authority. This Authority provides joint hazardous materials training, teams, cleanup, and material storage.

Currently, with the number of entities involved, it is difficult to have all thirty-one agencies respond to proposed amendments. The first amendment to this IGA attempted to simplify the approval procedure by moving from unanimous approval of all participating jurisdictions to two-thirds approval of responding agencies. This first amendment did simplify the process but would allow amendment approval to the original IGA by as few as three jurisdictions. This first amendment was approved in early 1996.

The proposed second amendment would maintain the required two-thirds majority approval from agencies who respond to the amendment request but would add that at least forty percent, or thirteen of the participating thirty-one entities, would have to respond to the amendment request. The Authority would continue to guarantee notification of all thirty-one agencies.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: May 20, 1996
Subject: Councillor's Bill No. re Price Club Easement Vacation
Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate a 30-foot-wide ingress/egress and utility easement located within Westminster Price Club Center Subdivision.

Summary

A proposed building expansion at the Westminster Price Club Center Subdivision, located on the south side of 92nd Avenue between Harlan Street and Pierce Street, will necessitate the vacation of an existing 30-foot-wide ingress/egress and utility easement that was previously dedicated to the public. At the time of the proposed building expansion, the existing water main within this easement will be relocated, and a new easement will be provided.

City Staff is in agreement with the owner's request that the subject easement be vacated. However, this vacation should be conditional upon the City's receipt of a new utility easement along the alignment of the relocated water main. The City Charter mandates that Council must approve vacations via ordinance, and the attached ordinance includes language making the subject easement vacation conditioned on the receipt of a new utility easement.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating a 30-foot-wide ingress/egress and utility easement within Westminster Price Club Center Subdivision.

Background Information

Price Club, now Price-Costco, was originally built in 1989 and included a "possible expansion" area in the front or on the north side of the property. The expansion now contemplated which is requiring the easement vacation will be approximately 17,300 square feet and is intended to allow for a general expansion of the existing sales floor area. No new departments are being added. The Official Development Plan for the expansion includes a significant increase in the landscaping from the original plan. For example, over 30 additional trees, and 100 shrubs are being added with this project. The new addition will match the existing materials, and the entire building including the old area will be repainted to match the new addition.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING AN INGRESS/EGRESS AND UTILITY EASEMENT WITHIN WESTMINSTER PRICE CLUB CENTER SUBDIVISION

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain, 30-foot-wide ingress/egress and utility easement located within Westminster Price Club Center Subdivision was previously dedicated to the public with the plat of Westminster Price Club Center Subdivision, said plat recorded at Reception No. 90050020 of the records of the County of Jefferson, State of Colorado; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. A 30-foot-wide ingress/egress fire and utility easement, being a part of Lot 1, Block 1, Westminster Price Club Center Subdivision, being a part of the southwest quarter of Section 24, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminister, County of Jefferson, State of Colorado, said plat recorded at Reception No. 90050020, of said county, and being more particularly described as:

Commencing at the northwest corner of Lot 1, Block 1, Lake Arbor Industrial Park Filing No. 2, and considering the west line of said lot to bear S00°51'02"W with all bearings contained herein relative thereto; Thence S00°51'02"W with a distance of 110.00 feet; Thence southerly along the east and south right-of-way line of Marshall Place, Lake Arbor Industrial Park Filing No. 2 as recorded in the Jefferson County Clerk and Recorder's Office at Reception No. 79021002, the following three courses: 1. Thence N89°08'58"W a distance of 25.00 feet to a point of curvature; 2. Thence on a curve to the left having a central angle of 90°00'00", a radius of 65.00 feet, and an arc length of 102.10 feet; 3. Thence S00°51'02"W a distance of 105.50 feet to the Point of Beginning; Thence S89°08'58"E a distance of 341.00 feet; Thence N00°51'02"E a distance of 20.00 feet; Thence S89°08'58"E a distance of 20.00 feet; Thence S00°51'26"W a distance of 20.00 feet; Thence S89°08'58"E a distance of 213.50 feet, more or less to a point on the westerly line of a 30-foot-wide ingress/egress, fire and utility easement; Thence S00°51'02"W along said westerly line a distance of 30.00 feet; Thence N89°08'58"W a distance of 574.50 feet, to a point on the easterly right-of-way line of Marshall Place; Thence N00°51'02"E along said easterly line a distance of 30.00 feet, to the Point of Beginning.

Said described parcel contains 17,635 square feet (0.40 Acres), more or less.

Section 3. This ordinance shall take effect upon its passage after second reading and upon the provision of a new easement for the City-owned and maintained water main upon the property.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1996.

ATTEST:

Mayor

City Clerk

Date: May 20, 1996

Subject: Resolution No. re Little Dry Creek Trail ROW Acquisition

Prepared By: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing acquisition of property (through the eminent domain, if necessary) to construct the Little Dry Creek Trail from England Park to the Clear Creek confluence in unincorporated Adams County. Funds for right-of-way (ROW) acquisitions are available in the 1996 Open Space Fund.

Summary

There are 12 different property owners who are directly affected by the final design and alignment of the proposed Little Dry Creek Trail which requires the acquisition of ROW valued at approximately \$300,000. Funding for ROW acquisition is budgeted and available from the Open Space Fund. However, the City must follow the federal procedures to acquire ROW since federal moneys are being used to construct the trail portion of the project.

The aggressive schedule for the Little Dry Creek Trail project and the high priority of this project in the community dictates that flexibility be available in meeting the project deadlines.

The acquisition of key parcels for the trail is on a critical path for timely completion of the project.

The attached Resolution allows the City Manager to pursue all appropriate activities necessary to pursue ROW acquisition in the most timely fashion. This includes filing lawsuits under the City's right to eminent domain, if negotiations with property owners are not productive.

Staff Recommendation

Adopt Resolution No. authorizing the City Manager to proceed with acquisition of sufficient right of way and easements for the Little Dry Creek Trail project through eminent domain, if necessary.

Background Information

At the April 22, 1996, City Council meeting, Council adopted a Resolution authorizing the City Manager to sign a contract with the Colorado Department of Transportation (CDOT) and stated the City's financial commitment to match funds with the Inter-modal Surface Transportation Efficiency Act (ISTEA) grant. The contract with CDOT, in brief, reinforced the City's commitment to develop and construct the Little Dry Creek Trail system for transportation benefits.

As a quick overview about the Little Dry Creek Trail project, the original budget developed in 1991 to secure the ISTEA grant was estimated at \$1.2 million for design, ROW acquisitions and construction (\$99,000 for design, \$151,000 for ROW acquisitions, and \$950,000 for construction). However, over a period of five years, costs have increased due to regulatory guidelines established by the federal government and implemented by CDOT within the ISTEA grant. Current design and construction costs, and ROW acquisitions/easements expenses have also increased. The new cost estimate for design, ROW acquisitions and construction is \$1.5 million, which is \$300,000 higher than the 1991 projection.

Cost to design the Little Dry Creek Trail is \$160,000 because of CDOT's extensive requirements for trail design, permits to acquire, and five years of inflation. The extra funding of \$61,000 beyond the 1991 estimate of \$99,000 for design costs is being borrowed from the ROW budget leaving a balance of \$190,000. This balance of \$190,000 is necessary to assist with construction costs which have also increased over the last five years. Open Space funds of approximately \$300,000 are necessary for acquiring the right of way for the trail.

City Council could decide not to use Open Space funds for the ROW acquisitions, however, another funding source would need to be identified or risk losing the \$950,000 ISTEA grant. The Open Space Advisory Committee has been strongly supportive of using Open Space funds for the ROW acquisitions for the Little Dry Creek Trail project. It is also important for City Council to adopt the attached Resolution at this time authorizing eminent domain proceedings due to the timing to complete required ROW acquisitions and remain on schedule according to the guidelines established within the CDOT contract for the Little Dry Creek Trail project.

A timetable to finish design, acquisitions and construction of Little Dry Creek has been established and is as follows:

Finish Design	June 1996
Complete ROW Acquisitions	September 1996
Bid Construction of Project	September 1996
Construction of Trail to Begin	Fall 1996
Construction of Trail Completed	Summer 1997

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Little Dry Creek Trail Project shown on the attached Exhibit "A"; and

WHEREAS, property appraisals will be prepared by a professional appraisal company experienced in performing appraisals to determine the Fair Market Value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of these parcels could result in a delay of the Little Dry Creek Trail Project, thus creating a hardship on the general population of the City of Westminster wishing to utilize the proposed project; and

WHEREAS, Legal Counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this Resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the Little Dry Creek Trail Project on the desired schedule.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Little Dry Creek Trail Project in the area shown in Exhibit A.
2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests in the area shown on Exhibit A on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.
3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.
4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition of condemnation of property. The cost shall be charged to the Open Space Fund.
6. The Park Project Engineer is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 20th day of May, 1996.

ATTEST:

Mayor

City Clerk

Date: May 20, 1996

Subject: Councillor's Bill No. re Westminster Faire and Police Training Appropriation

Prepared by: Nancy Alberts, Accounting Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating funds to the Parks, Recreation, & Libraries Westminster Faire and Police Department training accounts.

Summary

The City receives funds in the form of donations and crafter fees for the Westminster Faire which are, in turn, used to help finance the Faire. In addition, the Police Department collects funds from other jurisdictions and then uses these funds to hold multi-jurisdictional police training.

A housekeeping supplemental is planned once or twice a year to appropriate these revenues, as they are collected by the City.

In 1996 new accounting procedures are being implemented to specifically track revenues and expenditures for these functions to verify if the Westminster Faire and Police Training activities are self-supporting.

Staff Recommendation

Pass Councillor's Bill No. appropriating \$20,000 from donations and fees to the Westminster Faire account in the 1996 Parks, Recreation, & Libraries budget and \$10,000 from training registration revenue to the 1996 Police Department training budget.

Background Information:

The Westminster Faire and Police Department training revenue is being accounted for differently in 1996. Previously, both revenues and expenses for these two programs were recorded in one unbudgeted account. This did not allow managers of the accounts to adequately track revenue received or expenditures related to these two programs. In addition, it was difficult to tell whether the programs were self-supporting. Because the revenue generated for these programs tends to be a large dollar amount and to allow for better accounting control, the revenue and expenses are now being separated. Several housekeeping supplementals are planned to be done throughout this year as certain types of revenue is received. This will then provide adequate history to get the revenue and expenses for these programs into the normal budget process.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Fund, initially appropriated by Ordinance No. 2385 in the amount of \$42,517,000 is hereby increased by \$30,000 which, when added to the fund balance as of the City Council action on May 20, 1996, will equal \$43,927,852 The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of funds expected to be received to fund the Westminster Faire and inter-departmental police training.

Section 2. The \$30,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>Final Budget</u>			
<u>REVENUES</u>			
10-1072-564 Miscellaneous Income			
Westminster Faire	\$-0-	\$20,000	\$20,000
10-1072-612 Miscellaneous Income			
Police Training	\$-0-	<u>10,000</u>	10,000
Total change to revenues		<u>\$30,000</u>	
<u>EXPENSES</u>			
Police career development			
10-20-05-144-612	\$7,668	\$10,000	\$17,668
PR&L other contractual service			
10-50-76-299-564	2,021	<u>20,000</u>	22,021
Total change to Expenses		<u>\$30,000</u>	

Section 3 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.

ATTEST:

Mayor

Date: May 20, 1996
Subject: Councillor's Bill No. re Returned Check Fee
Prepared by: Nancy Alberts, Accounting Manager

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill which amends the Westminster Municipal Code to provide that the City Manager will set the fee charged by the City for returned checks rather than have fee set by ordinance.

Summary

The City accepts checks for the payment of all City services. Sometimes checks are returned to the City because they are uncollectible due to insufficient funds in the account, a closed account, etc. The fee charged for returned checks is intended to compensate for the extra effort to reprocess checks and Staff time spent trying to collect "good" funds. The fee for returned checks was last set at \$10 on September 12, 1983.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the Westminster Municipal Code to allow the City Manager to administratively set the fee for returned checks as the market place may dictate.

Background Information:

During 1995, Staff processed 438 returned checks for a total of \$321,525. Most of these checks were eventually collected. However, it does take approximately 10 hours a month to notify all parties involved of a returned check and additional time to collect. A fee is charged to the customer to help cover the costs of the additional processing involved for a returned check. The returned check fee charged by Westminster has not been changed in over ten years. In addition, in facilities such as Legacy Ridge Golf Course, an outside check verification service has proved helpful to reduce the number of returned checks. Such vendors charge a fee for returned checks which under the present ordinance, cannot be collected from the customer.

Per previous Council authorization, the City Manager can set fees up to \$100 and the returned check fee is well under that amount. Having the City Manager set the fee, rather than establishing it by ordinance, will more easily allow the City to maintain a return check fee which compares to that charged by businesses and other cities. At this time, Staff is recommending that the returned check fee be set at \$20. If an outside collection service is used, their fee will be added to the City's returned check fee.

A survey of the returned check fee for other cities and businesses follows:

Marie Callendars	\$20
Joslins 18	
Mervyns 20	
Price Club	15
City of Arvada	20
City of Boulder	15
City of Lakewood	15
City of Northglenn	15
City of Thornton	18
City of Federal Heights	25
U.S. Post Office	25

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 8 OF TITLE I OF THE WESTMINSTER MUNICIPAL CODE ALLOWING THE CITY MANAGER TO ADMINISTRATIVELY SET THE FEE FOR RETURNED CHECKS BASED ON MARKET RATES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 8 Section 3 (A) of Title I of the Westminster Municipal Code is hereby amended as follows:

-3: DISHONORED CHECK; PENALTIES:

Any check received by the City which is subsequently returned from the bank will be subject to a ~~ten-dollar (10)~~ service fee AND ANY OTHER APPLICABLE CHECK COLLECTION CHARGE OR FEE AS MAY, FROM TIME TO TIME, BE IMPOSED BY THE CITY.

Section 2. Chapter 8 Section 3 (B) of Title I of the Westminster Municipal Code is hereby added as follows:

THE CITY MANAGER IS ALLOWED TO ADMINISTRATIVELY SET THE RETURNED CHECK FEE, TAKING INTO ACCOUNT CURRENT RATES CHARGED BY OTHER ENTITIES.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.

TEST:

Mayor

City Clerk

Date: May 20, 1996
Subject: Financial Report for April 1996
Prepared by: Nancy Alberts, Accounting Manager

Introduction

City Council action is requested to review the attached financial statements which reflect 1996 transactions through April, 1996.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 35% of the total budget estimate while General Fund expenditures and encumbrances represent 38% of the 1996 appropriation.

Utility Fund revenues represent 36% of the total budget estimate while expenditures and encumbrances in that fund represent 40% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 38% of the total budget estimate, while the expenditures and encumbrances in that fund represent 40% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 22% from the same period last year and increased 12% year-to-date.

The Open Space Fund revenues represent 39% of the total budget estimate while the expenditures and encumbrances in that fund represent 29% of the 1996 appropriation.

The Golf Course Fund revenues represent 16% of the total budget estimate while the expenditures and encumbrances in that fund represent 27% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$8,990. There have been no expenditures. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 25% of revenues and expenditures should be realized after two months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Financial Report for April, 1996

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. 2419

COUNCILLOR'S BILL NO. 29

SERIES OF 1996

INTRODUCED BY COUNCILLOR

Smith - Dixon

A BILL

FOR AN ORDINANCE , RELATING TO THE ADOPTION BY REFERENCE OF THE UNIFORM BUILDING CODE; NATIONAL ELECTRICAL CODE; UNIFORM PLUMBING CODE; UNIFORM MECHANICAL CODE; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE; MODEL ENERGY CODE; AND UNIFORM FIRE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title XI, Chapter 10 of the Westminster Municipal Code, is hereby repealed and reenactment as follows:

11-10-1: ADOPTION OF BUILDING CODES.

(A) INTENT AND FINDINGS. The intent of this chapter is to adopt by reference and with modifications the Uniform Building Code, 1994 Edition; the National Electrical Code, 1996 Edition; the Uniform Plumbing Code, 1994 Edition; the Uniform Mechanical Code, 1994 Edition; the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition; the Uniform Swimming Pool, Spa, and Hot tub Code, 1994 Edition; the Model Energy Code, 1986 Edition. Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster. City Council finds that it is necessary to protect the health, safety and welfare of the citizens of the City to exempt the procedural requirements specified in Colorado Revised Statutes, Section 31-16-203, as the procedures contained therein are duplicative of existing procedures established in the City Charter and Ordinances.

(B) ADOPTION OF BUILDING CODES. The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. Uniform Building Code. The "Uniform Building Code, 1994 Edition, Volumes 1, 2 and 3", published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 1 through 35 inclusive and Appendix Chapters 3 (Divisions I and IV), 10, 11 (Divisions I and II), 12, (Division II), 15, 29, 30, and 31 (Divisions II and III) of Volume 1; Chapters 16 through 23 inclusive and Appendix Chapters 16 (Division 1), 18, 21, and 23 of Volume 2; and Volume 3 inclusive are hereby adopted as the Building Code of and for the City of Westminster.

2. National Electrical Code. The "National Electrical Code, 1996 Edition", published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and in particular Article 90 through Chapter 9 inclusive and the Appendix, is hereby adopted as the Electrical Code of and for the City of Westminster.

3. Uniform Plumbing Code. The "Uniform Plumbing Code, 1994 Edition", published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, in particular Chapters 2 through 14 inclusive and Appendix Chapters A, B, D, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

4. Uniform Mechanical Code. The "Uniform Mechanical Code, 1994 Edition", published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 2 through 16 inclusive and the Appendix, is hereby adopted as the Mechanical Code of and for the City of Westminster.

5. Uniform Code for the Abatement of Dangerous Buildings. The "Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition", published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and in particular Chapters 1 through 9 inclusive is hereby adopted as the Code for the abatement of Dangerous Buildings of and for the City of Westminster.

6. Uniform Swimming Pool, Spa, and Hot Tub Code. The "Uniform Swimming Pool, Spa, and Hot Tub Code, 1994 Edition", published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, and in particular Chapter 1 through 5 inclusive is hereby adopted as the Swimming Pool, Spa, and Hot Tub Code of and for the City of Westminster.

7. Model Energy Code. The "Model Energy Code, 1986 Edition", published by the Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041, and in particular Chapters 1 through 7 inclusive and the Appendix, is hereby adopted as the Energy Code of and for the City of Westminster.

11-10-2: ADMINISTRATIVE PROVISIONS.

(A) PURPOSE AND SCOPE.

1. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, abatement, demolition, repair, use, or maintenance of any building or structure; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

2. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

(B) ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION.

1. **General.** The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be made in writing by the Building Official and shall include the reasons therefor.

2. **Tests.** Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

(a) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.

(b) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

(C) **MODIFICATIONS.** Whenever there are substantial practical difficulties involved in complying with the provisions of the Building Codes, the Building Official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, and fire safety requirements. Any decision approving or denying a modification shall be made in writing by the Building Official and shall include the reasons therefor.

(D) ENFORCEMENT OF BUILDING CODES.

1. **General.** The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt and enforce supplemental regulations as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, rules, and regulations shall be consistent with the intent and purpose of this Code. The Building Official may delegate certain duties for the administration and enforcement of the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. **Right of Entry.** Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry.

If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge of the City.

(a) After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

(b) For purposes of Subsection (D) of this section, "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.

(c) It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to Subsection (D) of this section.

3. **Stop Orders.** Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue work after receipt of a notice to stop work. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. **Authority to Disconnect Utilities in Emergencies.** In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

(a) When such fuel-gas utility service or energy supply are disconnected, written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours to the serving utility, the owner, and the occupant of the building, structure, or premises. The City shall not be responsible for the cost to reconnect the fuel-gas utility service or energy supply.

(b) It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

5. **Unsafe Buildings, Structures, and Equipment.** For the purpose of this subsection, any building, structure, or equipment regulated by the Building Codes which are structurally unsafe or not provided with adequate egress, or which constitutes a fire or health hazard or is otherwise dangerous to human safety or welfare is unsafe. Any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Codes are unsafe building appendages.

(E) COMPLIANCE WITH BUILDING CODES.

1. **Violation.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. **Nuisance.** It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. **Penalties.** Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. **Notice of Violation.** Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person in found in violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(F) BOARD OF BUILDING CODE APPEALS. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building Codes shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code.

11-10-3: PERMITS AND FEES.

(A) PERMITS REQUIRED.

1. **General.** No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause the same to be done without first obtaining a separate building permit for all such work from the Building Official, except as follows:

(a) A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

(b) Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation of service piping for the conveyance of natural gas.

2. **Exempt work.** A building permit shall not be required for the following:

(a) One-story, detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;

(b) Oil derricks;

(c) Movable cases, counters, and partitions not over 5 feet 9 inches in height;

(d) Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;

(e) Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

(f) Platforms, patios, or decks not more than 30 inches above grade at any point and not over any basement or story below;

(g) Non-structural concrete slabs on grade;

(h) Painting, papering, and similar finish work;

(i) Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;

(j) Window awnings supported by an exterior wall of any Group R, Division 3 or U Occupancy, when projecting not more than 54 inches beyond the plane of the wall;

(k) Agricultural buildings as defined in Chapter 2 of the Uniform Building Code;

- (l) Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;
- (m) Portable wading pools constructed of flexible plastic, rubber, or similar materials and less than 12 inches in depth;
- (n) The repair of broken or defective electrical sockets, switches, or base receptacles;
- (o) The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
- (p) Fences not over 30" high

3. **Separate Permits.** Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City.

(B) CONTRACTOR REGISTRATION/LICENSE REQUIRED.

1. **Contractor Registration Required.** Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

- (a) Any person who intends to build and occupy a Group R, Division 3, or U building or structure, or a building or structure accessory thereto, may apply for a building permit without a City contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.
- (b) Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any Group R, Division 3 or U building or structure which they own.

2. **License Required.** The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) APPLICATION FOR PERMIT.

1. **Application.** To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

- (d) Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.
- (e) State the valuation of any new building or structure or any addition, remodeling, or alteration to an existing building.
- (f) Be signed by the permittee or his authorized agent.
- (g) Give such other data and information as may be required by the Building Official.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each applications for a permit. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in section 11-10-3(C)3. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

An architect's or engineer's design and stamp will be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

- (a) Fire Alarm Systems
- (b) Fire Sprinkler Systems
- (c) Smoke Control Systems
- (d) Elevators, escalators and moving walks
- (e) Foundation designs for all buildings or structures excluding U Occupancies.
- (f) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

3. Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

- (a) One, two, three, and four family dwellings, including accessory buildings commonly associated with such dwellings;
- (b) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.
- (c) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.
- (d) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

4. **Construction Inspection.** When special inspection is required by Section 1701 of the Uniform Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. **Information on Plans and Specifications.** Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations.

(D) PERMIT ISSUANCE.

1. Issuance.

(a) The application, plans, specification, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. The required plan review fee shall be paid by the applicant prior to review of the plans and specifications. Such plans may be reviewed by other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, he shall issue a permit to the applicant.

(b) When the Building Official issues a permit for which plans are required, he shall endorse in writing or stamp the plans and specifications "Approved." The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

(c) The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. **Retention of Plans.** One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. **Validity of Permit.** The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes shall be invalid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City.

4. **Expiration of Permit.**

(a) Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

(b) When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

5. **Suspension or Revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or other ordinances of the City whenever the permit is issued in error or on the basis of incorrect information supplied by the applicant.

6. **Expiration of Permit Applications or Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(E) FEES AND TAXES.

1. **General.** Fees shall be assessed in accordance with the provisions of this subsection.

(a) Building use tax shall be paid in accordance with this Code.

\ (b) Park development fees shall be paid in accordance with this Code.

(c) Water and sanitary sewer tap fees shall be paid in accordance with this Code.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, phase III, or devices meeting the most stringent emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

2. **Permit Fees.** A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" set forth in subsection (E)8 of this section; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use.

3. **Valuation.** The determination of value or valuation under any of the provisions of the Building Codes shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. In determining the value or valuation, the Building Official shall be guided by the use and interpretation of current building valuation data and regional modifiers in Building Standards as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California.

4. **Plan Review Fees.** When plans or other data are required to be submitted by the Building Codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in Subsection (E)8 of this section. The plan review fee specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Subsection (E)8 of this section.

5. **Work Commenced Without a Permit.** When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, provided, however, that this provision shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of a double permit fee. Payment of such double permit fee shall not relieve any persons from fully complying with the requirements of the Building Codes in the execution of the work nor from any other penalties prescribed herein.

6. **Reinspection Fees.** Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the Building Codes but as a means of controlling the practice of calling for inspections before the work is ready for 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 an inspection is requested, or for deviating from plans requiring the approval of the Building Official. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as set forth in subsection (E)8 of this section shall be paid by the holder of the permit to the Building Official before any additional inspections or reinspections may be made.

7. **Fee Refunds.** The Building Official may authorize fee refunds as follows:

- (a) The Building Official may authorize the refund of any fee which was erroneously paid or collected.
- (b) The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- (c) The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.
- (d) The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

8. **Fee Schedule.** The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE:

Value	
\$1 to \$500	\$15
\$501 to \$2,000	\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof
\$2,001 to \$25,000	\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof
\$100,001 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof
\$500,001 to \$1,000,000	\$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof
\$1,000,000 and up	\$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof

Miscellaneous Permit Fees: Miscellaneous Residential Permit Fees:

Mobile Home Set-ups	\$15.00	Re-Siding	\$15.00
Mobile Home Elec.	\$15.00	Re-Roofing	\$15.00
Banners	\$12.50	Water Heater Replacement	\$15.00
Election Sign	\$10.00	Evaporative Cooler*	\$15.00
Permanent Sign Per Fee Schedule			
Demolition	\$25.00	Furnace Replacement*	\$15.00
		Air Conditioner*	\$15.00
		Lawn Irrigation Sprinkler	\$15.00
		Fence	\$15.00
		Pool	\$37.00
		Spa/Hot Tub*	\$15.00
		Storage Shed	\$15.00
		Gas Log**	\$15.00

Other Inspections and Fees:

1.	Inspection outside of normal business hours (minimum charge of two hours)	\$30 per hour
2.	Reinspection fees	\$30
3.	Inspections for which no fee is specifically indicated	\$30
4.	Additional plan review required due to changes additions, or other revisions to plans	\$30
5.	For use of outside consultants for plan and/or inspections	actual costs

*May also require an electrical permit fee

**See Section 11-10-3(E)l for exceptions.

Actual cost are those above and beyond the plan review fee as established by Section 11-10-3(E)4.

11-10-4: INSPECTIONS

(A) INSPECTION PROCEDURES.

1. General.

(a) All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

(b) Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the Building Code. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.

(c) A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.

2. **Inspection Record Card.** Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. **Inspection Requests.** It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection. Reinforcing steel or the structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

(B) REQUIRED INSPECTIONS.

1. **General.** The Building Official, upon notification, shall make an inspection required by this subsection and shall either approve that portion of the work or shall notify the permittee or his authorized agent that the work does not comply with the Building Codes. Any portions of the work which does not comply shall be corrected and shall not be covered or concealed until authorized by the Building Official. The following are required inspections:

(a) **Footing Inspection.** Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

(b) **Caisson/Drilled Pier Inspection.** Shall be made after caisson drilling has been completed and prior to any concrete being placed.

(c) **Foundation Inspection.** For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.

(d) **Underslab or Underground Inspection.** Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.

(e) **Rough Inspection.** Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing and all framing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

(f) **Wallboard Inspection.** Gypsum wallboard which is part of a required fire assemble or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

(g) **Final Inspection.** Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. **Other Inspections.** In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

(C) CERTIFICATES OF OCCUPANCY.

1. **Use and Occupancy.** No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Building Codes. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. **Change in Use.** Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. **Certificate Issued.** After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official may issue a certificate of occupancy. However, the certificate of occupancy may be issued prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

(a) The building permit number.

(b) The address and legal description of the building.

(c) The name and address of the owner.

(d) A description of the portion of the building for which the certificate was issued, including the occupancy group classification.

(e) A statement that the described portion of the building has been inspected for compliance with the requirements of the Building Codes for the group and division of occupancy and the use for which the proposed occupancy is classified.

(f) The date of issuance of the certificate.

(g) The signature of the Building Official or his representative.

4. **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

5. **Revocation.** The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes.

11-10-5: UNIFORM BUILDING CODE AMENDMENTS.

(A) **DEFINITIONS.** Section 203 of the Uniform Building Code is amended to read:

Section 203. Basement is any floor level below the first story in a building; except that in Group R, Division 1 Occupancies, floor levels containing dwelling units and located either partially or entirely below grade level shall be classified as the "first story."

(B) **ROOM DIMENSIONS.** Section 310.6 of the Uniform Building Code is amended to read:

Section 310.6.1. Ceiling Heights.

1. Habitable space shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this section. Kitchens, basements, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the member is not less than 7 feet above the floor.

2. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

3. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, and pipes. The finished height under such beams, ducts, and pipes may be 6 foot 6 inches.

(C) **REQUIREMENTS FOR GROUP U OCCUPANCIES.** Section 312 of the Uniform Building Code is amended to read as follows:

Section 312.1 Group U Occupancies Defined. Group U Occupancies shall include buildings or structures, or portions thereof, and shall be:

Division 1: Private garages, carports, and sheds.

Division 2: Fences, tanks, and towers.

(D) FENCES. Section 312.7 is added to the Uniform Building Code as follows:

Section 312.7.1. General. Fences erected in the City shall comply with the provisions of this section. Fences around swimming pools shall comply with the provisions of the Uniform Swimming Pool, Spa, and Hot Tub Code as set forth in section 11-10-9 of this Code.

Section 312.7.2. Fence Classifications. Fences shall be classified as follows:

- Class 1: Masonry Walls
- Class 2: Ornamental Iron
- Class 3: Woven Wire
- Class 4: Fences more than 50 percent open
- Class 5: Fences less than 50 percent open

Section 312.7.3. Height limitations, Residential/Business Districts.

1. Fences erected in front of the front building line or in front of the required front setback may be of any class provided the height of the fence does not exceed 36 inches. Class 2 and 3 fences more than 50 percent open may be erected to a height not to exceed 42 inches. Ornamental post caps shall not be included in any calculation of fence height. See section 312.7.6 for additional requirements.

2. Fences erected in side yards which do not project beyond the front building line or required front setback, including rear yard perimeter fences, may be of any class and shall not exceed the height of 6 feet. See section 312.7.6 for additional requirements.

3. Fences erected on top of retaining walls shall not exceed the height limitations specified in Paragraph 1 and 2 of this subsection. The height of such fence shall be measured from the ground level on the high side of the retaining wall to the top of the fence.

Section 312.7.4. Height Limitations, Industrial Districts. Fences erected in industrial districts may be of any classification.

Fences erected in required front yards shall not exceed a height of 6 feet. In other than required front yards, fences may be of any height. See section 312.7.6 for additional requirements.

Section 312.7.5. Prohibited Fences.

1. Barbed wire or similar sharp pointed fences shall not be erected or maintained unless approved on the Official Development Plan or the Preliminary Development Plan and, when approved, shall be installed at a height not less than 6 feet above the surrounding grade level.

2. No electrically charged fence shall be erected or maintained.

Section 312.7.6. Intersection Sight Distance Criteria. Fences and retaining walls erected within vehicular sight triangles or vehicular safe line of sight shall comply with the City Standard Specifications for Design and Construction. No fence or retaining wall shall be erected or maintained which obstructs the vision of motorists, as determined by the City Traffic Engineer. Any fence or retaining wall which does obstruct the vision of the motorists may be abated as a nuisance as set forth in Title 8, Chapter 4 of this Code.

(E) STAIRWAYS Section 1006.9, paragraph two of the Uniform Building Code is amended by the addition of an exemption to read:

Section 1006.9 Handrails. Exemption: Stairways serving one individual dwelling unit in Group R, Division 1 or 3, or Group R, Division 3 congregate residence may have the starting newels or volute posts located on the first tread of each flight of stairs. The handrail height shall be measured from the nosing of the second lowest tread in each flight to the top of the gripping portion of the handrail.

(F) LIGHT AND VENTILATION IN GROUP R OCCUPANCIES Section 1203.3, paragraph three, of the Uniform Building Code is amended to read:

Section 1203.3 Ventilation. Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet.

EXCEPTION: Laundry rooms within individual dwelling units.

(G) ROOF DESIGN Section 1605.4, second paragraph, of the Uniform Building Code is amended to read:

Section 1605.4 Snow Loads. Potential unbalanced accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. The snow load as determined by the Building Official for use within the City of Westminster shall be 30 pounds per square foot.

(H) WIND DESIGN Section 1616 of Volume 2 of the Uniform Building Code is amended to read:

Section 1616. Basic Wind Speed. The minimum basic wind speed for any site within the limits of the City of Westminster shall be a minimum of 90 miles per hour or as established by Building Division operations and procedures.

(I) FOOTINGS Section 1806.1, first paragraph, of the Uniform Building Code is amended to read:

Section 1806.1. General. Footings and foundations shall be constructed of masonry, concrete or treated wood in accordance with Division II and shall extend to a depth of 36 inches. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Foundations shall have a minimum depth of 36 inches unless another depth is specifically designed by an Engineer or Architect as required by section 11-10-3(C)2.

(J) BUILDING SECURITY The Uniform Building Security Code as adopted in Appendix Chapter 10 of the Uniform Building Code is amended as follows to read:

Section 1027. Tests and Identification. Is deleted.

Section 1029. Swinging Doors.

1. **Section 1029.1. General** All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch in thickness or a metal door constructed with at least 18 gauge metal.

2. **Section 1029.4 Locking Hardware.** Single swinging doors and the active leaf of doors in pairs shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one inch bolt throw which will penetrate the strike at least 3/4 of an inch. See Chapter 10 of the Building Code for requirements on door operation for exiting.

Section 1030. Sliding Doors. Is deleted.

Section 1031. Windows. Is deleted.

(K) PERMITS - CERTIFICATES OF INSPECTION Section 3011 of Appendix Chapter 30 of the Uniform Building Code is amended to read:

Section 3011.5. Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification of Inspection:	
For each elevator:	\$125.00
For each escalator or moving walk*:	\$125.00
For each commercial dumbwaiter:	\$125.00

*Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.

11-10-6: NATIONAL ELECTRICAL CODE AMENDMENTS.

(A) Service Equipment Disconnecting Means. Article 230-70(a) of the National Electrical Code is amended to read:

Article 230-70(a) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Panelboards. Article 384-16(a) of the National Electrical Code is amended to read:

Article 384-16(a). Overcurrent Protection. Each lighting and appliance branch-circuit panelboard shall be individually protected on the supply side by not more than two main circuit breakers or two sets of fuses having a combined rating not greater than that of the panelboard. No circuit breaker shall be added to the upper section of an existing split bus panelboard unless main overcurrent protection is provided for the panelboard.

Exception No. 1: Individual protection for a lighting and appliance panelboard shall not be required if the panelboard feeder has overcurrent protection not greater than the rating of the panelboard.

Exception No. 2: Is deleted.

11-10-7: UNIFORM PLUMBING CODE AMENDMENTS.

(A) MANDATORY WATER CONSERVATION STANDARDS. Section 402.0 is deleted from the Uniform Plumbing Code and replaced as follows:

Section 402.1. Residential User Standards. Water conservation shall be mandatory for all residential dwelling units constructed in the City after January 1, 1978, and shall include the following:

1. Water closets constructed with a maximum flush of 3.5 gallons.
2. Water-saving shower heads with a maximum flow of 3 gallons per minute.
3. Aerators on all sinks and lavatory faucets with a maximum flow of 2.5 gallons per minute.
4. Shower cut-off valve incorporated in either a single-control mixing valve or the shower head.

Section 402.2. Non-Residential User Standards. The following conservation standards shall be mandatory for non-residential users:

1. Bathrooms, shower rooms, lunchrooms, and similar facilities for human use within office, recreational, commercial, and industrial buildings or facilities shall incorporate the use of low-flow plumbing fittings and fixtures as specified in Subsection 402.1 of this section.

2. Commercial and industrial facilities shall incorporate water conservation design features.

3. Water recycling systems shall be mandatory for all full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for self-service commercial car wash facilities.

(B) INSTALLATION. Section 408.0 of the Uniform Plumbing Code is amended to read as follows:

Section 408.5. Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls. Each water closet or bidet shall be located in a clear space not less than 30 inches in width and have a clear space in front of the water closet or bidet of not less than 24 inches. No water closet or bidet shall be set closer than 15 inches from its center to any side wall or obstruction nor closer than 30 inches center to center to any similar fixture. No urinal shall be set closer than 12 inches from its center to any side wall or obstruction nor closer than 24 inches center to center.

(C) MATERIALS. Section 604.0 of the Uniform Plumbing Code is amended as follows:

Section 604.1. Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Asbestos-cement, CPVC, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC and PB water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the Administrative Authority.

(D) GREASE INTERCEPTORS. Section 1012.0 of the Uniform Plumbing Code is amended to read:

Section 1012.0. Grease Interceptors for Commercial Kitchens. When grease interceptors are required by this Code they shall be sized, installed, and maintained in accordance with adopted City specifications.

(E) GARBAGE DISPOSAL UNITS. Section 1013.0 of the Uniform Plumbing Code is amended to read as follows:

Section 1013.0. Garbage Disposal Units Required. No building containing a kitchen or kitchen facilities shall be constructed or remodeled without the installation of a garbage disposal unit. Garbage disposal units in connection with commercial grease interceptors shall comply with adopted City specifications.

11-10-8: ABATEMENT OF DANGEROUS BUILDINGS CODE AMENDMENTS.

(A) ENFORCEMENT. Chapter 2 of the Abatement of Dangerous Buildings Code is deleted and the following sections are substituted:

Section 201. Administration and Enforcement. The Building Official is authorized to enforce the provisions of this Code. The Fire Marshal, the Building Official, and their authorized representatives may make inspections necessary to enforce this Code pursuant to the provisions of Section 11-10-2(D)2 of the Westminster Municipal Code. All buildings and structures within the scope of this Code and all construction for which a permit is required shall be subject to inspection by the Building Official pursuant to Section 11-10-4 of the Westminster Municipal Code.

Section 202(a). Nuisance. It is a public nuisance to allow, own, operate, or use a building or portion thereof which has been determined by the Building Official to be dangerous as defined in this Code. A dangerous building, or portion thereof, may be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Code pursuant to the provisions of Chapter 4 of Title VIII of the Westminster Municipal Code, or by any other legal means.

Section 202(b). Violations. 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.

Section 202(c). Penalty. Any person in violation of the provisions of this Code shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1-8-1 of the Westminster Municipal Code. Any violation shall be a criminal offense.

(B) APPEAL AND PROCEDURE FOR CONDUCT OF HEARING APPEALS. Section 501.2 and 501.3 and Chapter 6 of the Abatement of Dangerous Buildings Code are deleted. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

(C) PERFORMANCE OF WORK AND RECOVERY OF COST. Chapters 8 and 9 of the Abatement of Dangerous Buildings Code are deleted and the following section is substituted:

Section 801(a). Performance of Work. When any work of repair or demolition is to be done pursuant to Section 701.3.3 of this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

Section 801(b). Costs. The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

11-10-9: UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE AMENDMENTS:

(A) PUBLIC AND PRIVATE POOLS. Section 320 is added to the Uniform Swimming Pool, Spa, and Hot Tub Code as follows:

Section 320. Location. Outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities shall be constructed or installed so that there will be at least 5 feet between the side or rear property line and the rim of the facility and at least 50 feet between the front property line and the rim of the facility; except as follows:

1. In the case of outdoor swimming pools, in conjunction with Group 3, Division 1 or 3 Occupancies, located on developer owned or commonly owned land, the front setback shall be determined on the Preliminary Development Plan or the Official Development Plan.

2. Portable wading pools constructed of flexible plastic, rubber, or similar materials shall not be subject to the spacing requirements specified in this Section.

(B) ENCLOSURES. Section 321 is added to the Uniform Swimming Pool, Spa, and Hot Tub Code as follows:

Section 321(a). General. All outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities shall be completely surrounded by a fence or other solid structure not less than 5 feet nor more than 6 feet in height with no openings therein larger than 4 inches in width provided, however, that a dwelling or accessory structure may form a portion of the required enclosure. Such dwelling or accessory structure shall not be subject to the above-specified maximum height restrictions. The following are exceptions to this provision:

1. Portable spas, or hot tubs equipped with locking security covers may be surrounded by a fence or other solid structure not less than 3 feet in height provided that such fence or structure meets all of the other enclosure requirements set forth in this Section.

2. Portable wading pools constructed of flexible plastic, rubber, or similar materials, not more than 12 inches in depth, shall be exempt from the above enclosure requirements set forth in this Section.

Section 321(b). Openings in Enclosures. All gates or doors opening through required enclosures shall be equipped with a self-closing and self-latching device, with the latching device to be located a minimum of 48 inches above grade, capable of keeping, such gate or door securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming a part of the required enclosure need not be so equipped.

11-10-10: MOBILE HOMES:

(A) PERMITS REQUIRED.

1. **General.** Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. **Initial Installation.** No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. **Accessory Buildings and Structures.** Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. **Additions, Alterations, and Repairs to Mobile Homes.** No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) INSTALLATION REQUIREMENTS.

1. **General.** The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile homes shall comply with the provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994.

2. **Location on Property.** Mobile homes and accessory buildings shall be located on the mobile home space as follows:

(a) No mobile home shall be parked less than 7 feet 6 inches from the front boundary of the mobile home space, measured from the flowline of the curb and gutter of the road providing access to the space. No mobile home shall be parked less than 3 feet from the side or rear boundaries of the mobile home space.

(b) Accessory buildings to mobile homes shall be located on the mobile home space so that no part of the accessory building is closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the mobile home space. Accessory buildings may be adjacent to mobile homes or other accessory buildings within the same mobile home space.

(c) Temporary carport and patio cover structures shall not be erected closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the space. Patio and carport structures may be adjacent to mobile homes or accessory buildings within the same mobile home space.

3. **Pier Construction.** Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with City specifications. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado, alternate designs may be used when approved by the Building Official.

4. **Anchorage.** Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with City specifications. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

5. **Building Service Equipment.** The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

6. **Stairs and Landings.** Landings and stairways with handrailings and guardrailings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

7. **Skirting.** The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

8. **Smoke Detectors.** Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

(C) ADDITIONS, ALTERATIONS, AND REPAIRS TO MOBILE HOMES.

1. **Permanent Additions.** No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. **Carport and Patio Cover Structures.** Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. **Structural Additions.** Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. **Fences.** Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Title XI, Chapter 11 of the Westminster Municipal Code, is hereby repealed and reenactment as follows:

11-11-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the Uniform Fire Code, 1994 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster.

11-11-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the "Uniform Fire Code, 1994 Edition, Volumes 1 and 2" published by the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California 90601, and, in particular, Articles 1-90 inclusive and Appendices I-C, II-B, II-E, II-F, II-G, II-H, II-I, III-A, III-B, III-C, IV-A, IV-B, V-A, VI-A, VI-B, VI-D, VI-E, and VI-F is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-11-3: ARTICLE 1 AMENDMENTS:

(A) **APPEALS.** Section 103.1.4 of the Uniform Fire Code is amended to read as follows:

Section 103.1.4. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code.

(B) **RIGHT OF ENTRY.** Section 103.3.1.2 of the Fire Code is amended to read:

Section 103.3.1.2. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Fire Chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Marshal, the Fire Chief, and the members of the Fire Prevention Bureau may make such inspections pursuant to the provisions of Section 11-10-2(E)2 of the Westminster Municipal Code.

(C) **TAGS.** Section 103.4.1.2 of the Fire Code is amended to read:

Section 103.4.1.2. Unsafe Heating or Electrical Equipment and Structural Hazards. Whenever the Fire Chief or his duly authorized representative deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this Code, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by the order of the Fire Chief or his duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

When an apparent structural hazard is caused by the faulty installation, operation, or malfunction of any of the hereinabove-mentioned items or devices, the Fire Chief shall immediately notify the Building Official who shall investigate such hazard and shall cause such hazard to be abated as required under the Westminster Municipal Code.

(D) **COMPLIANCE WITH TAG.** Section 103.4.3.2 of the Uniform Fire Code is deleted.

(E) **UNSAFE BUILDINGS.** Section 103.4.5 of the Fire Code is amended to read:

Section 103.4.5. Unsafe Buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this Code or any other effective ordinance are, for the purpose of this section, unsafe buildings. Unsafe buildings are declared to be a public nuisance which may be abated pursuant to the Abatement of Dangerous Buildings Code as adopted in 11-10-1, or by any other legal means.

(F) Section 103 of the Uniform Fire Code is amended by the addition of the following section:

Section 103.4.3.4. Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each 10 days that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

(G) **APPLICATION FOR PERMIT.** Section 105.3 of the Uniform Fire Code is amended to read:

Section 105.3. All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail as it shall prescribe. Such applications for permits shall be accompanied by such plans as required by the Bureau. All applications for a permit required by Subsection 105.8.f.6 of this Code for the installation, alteration, or repair of fire protection or life safety systems shall be made to the Building Official for review and approved by the Fire Prevention Bureau in accordance with the provisions of Section 11-10-3 of the Westminster Municipal Code.

(H) **PERMIT REQUIRED.** Section 105.8 of the Uniform Fire Code is amended to read as follows. All other provisions of Section 105.8 are hereby deleted.

Section 105.8 Permit Required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

a.4 Asbestos removal. To conduct asbestos-removal operations regulated by Article 87.

c.1 Open flames in assembly areas. To use an open flame in an assembly area, including open flame devices used in conjunction with theatrical performances. For definition of ASSEMBLY, see Article 2. See Article 25 for open flame and candles.

c.2 Carnivals and fairs. To conduct a carnival or fair. See Article 25.

e.1 Explosives or blasting agents. For permits for explosives or blasting agents, see Article 77.

f.2 Fireworks. For permits for fireworks, see Article 78.

f.3 Flammable or combustible liquids. See Article 79.

1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

7. To change the type of contents stored in flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

f.6 Fire Protection and Life Safety Systems. No persons, firm, or corporation shall install, alter, modify, or replace any fire protection or life safety system in the City, or cause the same to be done, without first obtaining a separate fire protection permit for all such work from the Building Official. Fire protection and life safety systems requiring such permits shall include, but are not limited to, the following:

1. Fire Alarm Systems;
2. Automatic Fire Extinguishing Systems;
3. Standpipe Systems;
4. Emergency Communication Systems;
5. Smoke Evacuation Systems;
6. Special Life Safety or Emergency Systems.

1.1 Liquefied petroleum gases. See Article 82.

1. To store, use, handle or dispose LP-gas.
2. To install or maintain LP-gas containers.

1.2 Liquid- or gas-fueled vehicles or equipment in assembly buildings. To display, compete or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings. See Article 25.

m.2 Mall, covered. See Article 35. To use a covered mall in the following manner:

1. Placing or constructing temporary kiosks, display booths, concession equipment or the like in the mall.
2. To use a mall as a place of assembly.
3. To use open-flame or flame-producing devices.
4. To display any liquid- or gas-fueled powered equipment.

o.1 Open burning. To conduct open burning. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Section 1102.3

p.3 Pyrotechnical special effects material. For permits for pyrotechnical special effects material, see Article 78.

t.1 Tents, canopies and temporary membrane structures. To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 200 square feet (18.6 m²), or a canopy in excess of 400 square feet (37.2 m²), except for structures used exclusively for camping. See Article 32.

(I) **FEES.** Section 105 of the Uniform Fire Code is amended by the addition of the following section:

Section 105.9. General. The fee for permits required by Section 105.8 of this Code shall be \$35.00 per event and shall be collected by the City of Westminster Bureau of Fire Prevention. Fees and taxes for permits required by Subsection 105.8.f.6 of this Code for the installation, alteration, or repair of fire protection or life safety systems shall be assessed by and paid to the City of Westminster in accordance with the provisions of Section 11-10-3 of the Westminster Municipal Code.

11-11-4: ARTICLE 2 AMENDMENTS: FIREWORKS: Section 207 of the Uniform Fire Code is amended to read:

Section 207. Fireworks. "Fireworks" shall mean any articles, devices, or substances prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: Toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dayglo bombs, sparklers and torches, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or device containing any explosive substances. "Fireworks" shall not include:

1. Toy caps which do not contain more than twenty-five-hundredths (.25) of a grain of explosive compound per cap, or
2. Highway flares, railway fuses, ship distress signals, smoke candles, and other emergency signal devices.

11-11-5: ARTICLE 9 AMENDMENTS:

(A) **MARKINGS.** Section 901.4 of the Uniform Fire Code is amended to read:

Section 901.4.2. Fire Apparatus Access Roads. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Chief in accordance with the Uniform Traffic Control Manual. It shall be the duty of the Fire Chief to inform the Chief of Police of these designated fire lanes of the posting of such fire lanes.

(B) **FIRE APPARATUS ACCESS ROADS.** Section 902.2 of the Uniform Fire Code is amended to read:

Section 902.2.4.1. General. The required width of any fire apparatus access road shall not be obstructed in any manner, including by parked vehicles. Minimum required widths and clearances established under this section shall be maintained at all times. The Fire Chief or any of his subordinates, working with the assistance of the Police Department or commissioned members of the Fire Investigation Team in the line of duty with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section (902.2) may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued.

In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(C) **HYDRANT USE APPROVAL.** Article 9 of the Uniform Fire Code is amended by the addition of the following section:

1. **Section 903.4.5. Hydrant Use Approval.** No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purposes without the permission of the Fire Chief. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water to such hydrants or other valves.

(D) **PRIVATELY OWNED HYDRANT SYSTEMS.** Article 9 of the Uniform Fire Code is amended by the addition of the following sections:

1. **Section 903.4.6. Privately Owned Hydrant Systems.** Hydrants in all developments in which streets and common areas have privately owned fire hydrant systems shall be installed with proper thread size and in locations required by this Code or by the City administration based on other recognized public safety standards. Hydrants shall be installed by the developer or other private person at an elevation of 18 inches from finished grade to the center of the "steamer cap connection." Hydrant connection points shall face in the direction established by the Fire Department.

Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Chief. Such private hydrants shall be flushed and tested periodically according to American Water Works Association standards. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Chief and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Chief and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Chief.

2. **Section 903.4.7. Existing Hydrants.** Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Chief, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

11-11-6: ARTICLE 10 AMENDMENTS:

(A) **REQUIRED INSTALLATIONS.** Section 1007.2 of the Uniform Fire Code is amended as follows:

Section 1007.2.1.1. When required. An approved fire alarm system shall be installed in the following occupancies, regardless of area separation or type of construction:

1007.2.2 All Group A occupancy serving an occupant load of 100 or more persons.

1007.2.3 All Group B occupancy serving an occupant load of 100 or more persons.

1007.2.4 All Group E occupancy.

1007.2.5 All Group F occupancy serving an occupant load of 100 or more persons.

1007.2.6 All Group H occupancy.

1007.2.7 All Group I occupancy.

1007.2.8 All Group M occupancy serving an occupant load of 100 or more persons.

1007.2.9 All Group R-1 occupancy, as defined in the Building Code, with three or more dwelling units. The alarm system shall include provisions for smoke detection and manual operation in interior corridors and automatic detection in storage rooms, laundry rooms, furnace rooms, and similar common areas.

1007.2.9.1 Existing Group R-1 occupancies, apartment dwelling units, and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed according to the currently adopted Uniform Building Code requirements. (94 UBC, Sec. 310.9).

1007.2.10 All Group S occupancy serving an occupancy load of 100 or more persons.

(B) General System Design and Installation Requirements. Section 1007.3 of the Uniform Fire Code is amended as follows:

1007.3.1 Design standards and installation. The installation of all required fire alarm systems shall be approved by the Bureau of Fire Prevention according to applicable National Fire Protection Association and Uniform Fire Code standards. A permit and plans review process is required. (See Permit Required, Section 105.8, subsection f.6.)

1007.3.1.1 Approved Fire Alarm Systems. An approved fire alarm system shall consist of, but not limited to, control panels, annunciation, pull stations, area detection, alarm signals, duct detection, and approved monitoring.

1007.3.1.2 Nonrequired Fire Alarm Systems. Any fire alarm system installed, regardless if required, will meet standards of installation, as in Section 1007.3.1.

Exception 1. When the occupancy is protected with an approved automatic fire extinguishing system, these requirements may be altered as approved by the Fire Chief. The system must still meet the intention of the early detection of fire or smoke and notification of occupants in an emergency.

11-11-7: ARTICLE 77 AMENDMENTS: GENERAL REQUIREMENTS. Article 77 of the Uniform Fire Code is amended with the addition of the following subsection:

Section 7701.7.3.1. The storage of explosives and blasting agents is prohibited within all zones except 01 and PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive material.

For Permits, see Section 105.

11-11-8: ARTICLE 78 AMENDMENTS: PROHIBITION. Section 7802.3 of the Uniform Fire Code is amended to read:

Section 7802.3. Prohibition. The storage, use and handling of fireworks is prohibited. It shall be unlawful for any person within the City of Westminster to offer for sale, sell or have in his possession with intent to offer for sale, or to possess, use or explode any fireworks.

EXCEPTIONS: 1. Storage and handling of fireworks is allowed as set forth in Article 77.

2. The use of fireworks for display is allowed as set forth in Section 78.203 and Section 6-8-3 of the Westminster Municipal Code.

11-11-9: ARTICLE 82 AMENDMENTS: LOCATION OF CONTAINERS. Subsection 8204.2 of the Uniform Fire Code is amended to read:

Section 8204.2. Maximum Capacity within Established Limits. The aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity in RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts. For permits -- see Section 4.101.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of June, 1996.

BY AUTHORITY

ORDINANCE NO. 2420

COUNCILLOR'S BILL NO. 30

SERIES OF 1996

INTRODUCED BY COUNCILLORS

Harris - Smith

A BILL

FOR AN ORDINANCE VACATING AN INGRESS/EGRESS AND UTILITY EASEMENT WITHIN WESTMINSTER PRICE CLUB CENTER SUBDIVISION

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain, 30-foot-wide ingress/egress and utility easement located within Westminster Price Club Center Subdivision was previously dedicated to the public with the plat of Westminster Price Club Center Subdivision, said plat recorded at Reception No. 90050020 of the records of the County of Jefferson, State of Colorado; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. A 30-foot-wide ingress/egress fire and utility easement, being a part of Lot 1, Block 1, Westminster Price Club Center Subdivision, being a part of the southwest quarter of Section 24, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, said plat recorded at Reception No. 90050020, of said county, and being more particularly described as:

Commencing at the northwest corner of Lot 1, Block 1, Lake Arbor Industrial Park Filing No. 2, and considering the west line of said lot to bear S00°51'02"W with all bearings contained herein relative thereto; Thence S00°51'02"W with a distance of 110.00 feet; Thence southerly along the east and south right-of-way line of Marshall Place, Lake Arbor Industrial Park Filing No. 2 as recorded in the Jefferson County Clerk and Recorder's Office at Reception No. 79021002, the following three courses: 1. Thence N89°08'58"W a distance of 25.00 feet to a point of curvature; 2. Thence on a curve to the left having a central angle of 90°00'00", a radius of 65.00 feet, and an arc length of 102.10 feet; 3. Thence S00°51'02"W a distance of 105.50 feet to the Point of Beginning; Thence S89°08'58"E a distance of 341.00 feet; Thence N00°51'02"E a distance of 20.00 feet; Thence S89°08'58"E a distance of 20.00 feet; Thence S00°51'26"W a distance of 20.00 feet; Thence S89°08'58"E a distance of 213.50 feet, more or less to a point on the westerly line of a 30-foot-wide ingress/egress, fire and utility easement; Thence S00°51'02"W along said westerly line a distance of 30.00 feet; Thence N89°08'58"W a distance of 574.50 feet, to a point on the easterly right-of-way line of Marshall Place; Thence N00°51'02"E along said easterly line a distance of 30.00 feet, to the Point of Beginning.

Said described parcel contains 17,635 square feet (0.40 Acres), more or less.

Section 3. This ordinance shall take effect upon its passage after second reading and upon the provision of a new easement for the City-owned and maintained water main upon the property.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of June, 1996.

BY AUTHORITY

ORDINANCE NO. 2421

COUNCILLOR'S BILL NO. 31

SERIES OF 1996

INTRODUCED BY COUNCILLORS

Dixon - Merkel

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Fund, initially appropriated by Ordinance No. 2385 in the amount of \$42,517,000 is hereby increased by \$30,000 which, when added to the fund balance as of the City Council action on May 20, 1996, will equal \$43,927,852. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of funds expected to be received to fund the Westminster Faire and inter-departmental police training.

Section 2. The \$30,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
10-1072-564 Miscellaneous Income Westminster Faire	\$-0-	\$20,000	\$20,000
10-1072-612 Miscellaneous Income Police Training	\$-0-	<u>10,000</u>	10,000
Total change to revenues		<u>\$30,000</u>	
<u>EXPENSES</u>			
Police career development 10-20-05-144-612	\$7,668	\$10,000	\$17,668
PR&L other contractual service 10-50-76-299-564	2,021	<u>20,000</u>	22,021
Total change to Expenses		<u>\$30,000</u>	

Section 3 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of June, 1996.

BY AUTHORITY

ORDINANCE NO. 2422

COUNCILLOR'S BILL NO. 32

SERIES OF 1996

INTRODUCED BY COUNCILLORS

Merkel - Dixon

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 8 OF TITLE I OF THE WESTMINSTER MUNICIPAL CODE ALLOWING THE CITY MANAGER TO ADMINISTRATIVELY SET THE FEE FOR RETURNED CHECKS BASED ON MARKET RATES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 8 Section 3 (A) of Title I of the Westminster Municipal Code is hereby amended as follows:

1-8-3: DISHONORED CHECK; PENALTIES:

(A) Any check received by the City which is subsequently returned from the bank will be subject to a ~~ten dollar (10)~~ service fee AND ANY OTHER APPLICABLE CHECK COLLECTION CHARGE OR FEE AS MAY, FROM TIME TO TIME, BE IMPOSED BY THE CITY.

Section 2. Chapter 8 Section 3 (B) of Title I of the Westminster Municipal Code is hereby added as follows:

(E) THE CITY MANAGER IS ALLOWED TO ADMINISTRATIVELY SET THE RETURNED CHECK FEE, TAKING INTO ACCOUNT CURRENT RATES CHARGED BY OTHER ENTITIES.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of June, 1996.

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting of Monday, June 10, 1996.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Scott and Smith. Absent was Councillor Merkel.

The minutes of the May 20, 1996 meeting were approved with no additions or corrections.

Mayor Heil presented the Meritorious Service Award to Officer John Marx; Valorous Service Award to Sergeants Mike Kampf and Mike Spellman, Officers Dave Tallman, Tim Torres, Jim Buckner, and Mark Yamashita; and the Distinguished Service Award to Officers Jeff Sill and Tim Carlson.

At 7:57 P.M. a public meeting was held on the 1997 City Budget.

At 8:10 P.M. a public hearing was held on the Maple Place Rezoning.

At 8:16 P.M. a public hearing was held on the Goetz Property Annexation and Rezoning.

Council approved the Special Use Permit renewal for Colorado Locksmith College; 72nd Avenue Improvements Project Contract Amendment; Goetz property PDP/ODP; Navajo Street Storm Sewer Contract; and City Park Landscape Architect Services.

The following Councillors Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE REZONING LOTS 4, 5, 6, 7, 8 AND 9; BLOCK 3 MAPLE PLACE, COUNTY OF ADAMS, STATE OF COLORADO; TOGETHER WITH A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER, SOUTHWEST ONE-QUARTER, SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO. Purpose: Rezone Maple Place Subdivision from R-E to R-1.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Goetz Property annexation.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Rezone Goetz Property from Jefferson County A-2 to PUD.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CHURCH RANCH CORPORATE CENTER. Purpose: Assistance package for Church Ranch Business Center.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CONFERTECH INTERNATIONAL. Purpose: Assistance package for new expansion.

A BILL FOR AN ORDINANCE VACATING A UTILITY/DRAINAGE EASEMENT WITHIN LOTS 1 AND 5, BLOCK 7 OF PARK CENTRE SUBDIVISION. Purpose: Vacate easement in ConferTech site.

A BILL FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUNDS. Purpose: Appropriate funds for Navajo Street Storm Sewer.

A BILL FOR AN ORDINANCE GRANTING A POWER OF ATTORNEY TO AUTHORIZE THE CITY MANAGER TO ACQUIRE, SELL OR CONVEY CERTAIN REAL PROPERTY INTERESTS RELATED TO THE CITY'S OWNERSHIP OF THE CHURCH DITCH. Purpose: Authorizes City Manager to act as agent for the City.

A BILL FOR AN ORDINANCE AUTHORIZING THE ESTABLISHMENT AND ADJUSTMENT OF FEES FOR THE DEPARTMENT OF PARKS, RECREATION AND LIBRARIES as amended. Purpose: Grant City Manager authority to adjust recreation fees and policies according to CPI.

The following Councillors Bills were passed and adopted on second reading:

A BILL FOR AN ORDINANCE, RELATING TO THE ADOPTION BY REFERENCE OF THE UNIFORM BUILDING CODE; NATIONAL ELECTRICAL CODE; UNIFORM PLUMBING CODE; UNIFORM MECHANICAL CODE; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE; MODEL ENERGY CODE AND UNIFORM FIRE CODE.

A BILL FOR AN ORDINANCE VACATING AN INGRESS/EGRESS AND UTILITY EASEMENT WITHIN WESTMINSTER PRICE CLUB CENTER SUBDIVISION.

A BILL FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF TITLE I OF THE WESTMINSTER MUNICIPAL CODE ALLOWING THE CITY MANAGER TO ADMINISTRATIVELY SET THE FEE FOR RETURNED CHECKS BASED ON MARKET RATES.

The following Resolutions were adopted:

- Resolution No. 24 - Goetz Property Annexation Findings.
- Resolution No. 25 - ConferTech Assistance Package Contingency Transfer.
- Resolution No. 26 - Library Board Guidelines.
- Resolution No. 27 - Joint Water System Study Contingency Transfer.
- Resolution No. 28 - Recreation Facilities Fees.

At 9:14 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Gallegos, CMC, City Clerk
Published in the Westminster Window June 20, 1996.