AGENDA
BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, DECEMBER 19, 2022
PATTERSON HALL – 1000 MAIN
REGULAR MEETING
5:30 p.m.
Join by Zoom
Meeting ID: 812 7671 0943
Passcode: 984350
By Phone: 253-215-8782

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognition of Visitors
5. **Consent Agenda**
   Note: All items listed under the Consent Agenda are routine and are approved with one motion. There will be no separate discussion of these items unless a Board Member or citizen requests. The item may be removed from the Consent Agenda and considered separately at the discretion of the Board of Trustees.
   a. Approval of minutes
   b. Treasurer's Report
   c. Approval of Bills
6. Old Business
   a. Public Comment consideration of approving Ordinance NO. 7-2022 amending Title 5 Public Health and Safety, adding Chapter 8 "Meat Waste Disposal."
7. New Business
   a. Discussion and consideration of transferring ownership of the Bluff Park from Colorado Open Lands to the Town.
   b. Public Comment and consideration of approving Ordinance NO. 8-2022 Plastic Pollution Reduce Reduction Act and update.
   c. Consideration of a request to amend the Town's Non-DOT Drug and Alcohol policy.
   d. Review the proposed Title 10 revision and consideration of drafting an ordinance.
   e. Consideration of changing the regular monthly meeting date.

Board of Adjustments

a. Public Hearing of an appeal for a building permit at 302 S 2nd Street.
b. Consideration of approving an appeal for a building permit at 302 S 2nd Street.

Executive Session

Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) regarding possible bonuses.

8. Additions to Agenda
9. Staff & Committee Reports
10. Public Comment – The purpose is to request placing items on future agendas and scheduling informational presentations. There is a 3-minute limit for presentations.

Adjourn

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
FRIDAY, DECEMBER 12, 2022
SPECIAL MEETING

CALL TO ORDER

Mayor Wenke called the meeting to order at 10:30 A.M.

ROLL CALL

The following members were present: Mayor Wenke, Ms. Snow, Mr. Frickell, Mr. Wilhelm, and Mr. Mowry.

ABSENT: Miss Cole and Mr. Nordyke.

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance.

OTHERS PRESENT

Kathy Reis

ORDER OF BUSINESS

a. **Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) to interview candidates for the Town Manager position.**

ACTION: **Ms. Snow** moved, and **Mr. Mowry** seconded to go into Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) to interview candidates for the Town Manager position. Motion carried.

EXECUTIVE SESSION

At 10:31 a.m., the Special Meeting was recessed. Executive Session was convened at 11:47 a.m.

At 11:48 a.m., Mayor Wenke reconvened the special meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Ms. Snow, Mr. Frickell, Mr. Wilhelm, Mr. Mowry, and Kathy Reis, candidate #8. For the record, Mayor Wenke asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record.

ACTION: Ms. Snow moved, and Mr. Mowry moved to offer candidate #24 the Town Manager position starting January 3rd, 2023, with a salary of $55,000 per year with pay increases of $2,500 each with the completion of obtaining a CDL and ICC certification. Motion carried.

Mr. Wilhelm moved, and **Mr. Mowry** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
FRIDAY DECEMBER 9, 2022
SPECIAL MEETING

CALL TO ORDER

Mayor Wenke called the meeting to order at 9:00 A.M.

ROLL CALL

The following members were present: Mayor Wenke, Ms. Snow, Mr. Frickell, Mr. Nordyke, Mr. Wilhelm, and Mr. Mowry

ABSENT: Miss Cole

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance.

OTHERS PRESENT

Kathy Reis.

ORDER OF BUSINESS

a. **Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) to interview candidates for the Town Manager position.**

ACTION: **Ms. Snow** moved, and **Mr. Mowry** seconded to go into Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) to interview candidates for the Town Manager position. Motion carried.

EXECUTIVE SESSION

At 9:01 a.m. the Special Meeting was recessed. Executive Session was convened at 9:02 a.m.

At 11:00 a.m., Mayor Wenke reconvened the special meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Ms. Snow, Mr. Frickell, Mr. Wilhelm, Mr. Nordyke, Mr. Mowry, Kathy Reis, candidates #24 and 19. For the record, Mayor Wenke asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record.

Mr. Frickell moved and **Mr. Nordyke** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
WEDNESDAY, DECEMBER 7, 2022
SPECIAL MEETING

CALL TO ORDER

Mayor Wenke called the meeting to order at 4:00 P.M.

ROLL CALL

The following members were present: Mayor Wenke, Mr. Frickell, Ms. Snow, Mr. Nordyke, Mr. Wilhelm, and Mr. Mowry.

ABSENT: Ms. Cole

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance.

OTHERS PRESENT

Kathy Reis, and James Kenyon-Canon City-Via Zoom

ORDER OF BUSINESS

a. **Review Town Manager candidate summary.**

After reviewing Heather Ottem's report and discussion, the Board of Trustees agreed to have the interview committee of three interview candidates, 19, 24, and 8, with the remainder of the board attending either in person or via Zoom.

b. **Consideration of reviewing additional resumes.**

Four additional resumes were received. After consideration, the Board of Trustees decided to have Heather Ottem screen candidates 26 and 28; two previous candidates interviewed by the board, 22 and 23, will go through the screening process.

ACTION: **Mayor Wenke** moved, and **Mr. Wilhelm** seconded to contract with Heather Ottem to interview the additional candidates. Motion carried.

c. **Set a date for interviews.**

Two dates were scheduled for interviews: Friday, December 9th at 9:00 to interview candidates 24 and 19, and Monday the 12th at 10:30 to interview #8 via Zoom.

Mr. Wilhelm moved, and **Mr. Mowry** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, NOVEMBER 28, 2022
REGULAR MEETING

CALL TO ORDER

Mayor Wenke called the meeting to order at 5:30 P.M.

ROLL CALL

The following members were present: Mayor Wenke, Mr. Frickell, Ms. Snow, Mr. Nordyke, Mr. Wilhelm and Mr. Mowry

ABSENT: Ms. Cole

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance

OTHERS PRESENT

William Taylor, Jordan Benson, Jake Shy, Bob Gatei, Charels Jagow, Wanda Jennings and Kathy Reis. Via Zoom-Clayton Buckner, Nathan Silberhorn, Oscar , Elliot Jackson, Noa Nemmers

TREASURER'S REPORT

REVENUE RECEIVED IN			BALANCE OF ACCOUNTS	
General Fund Checking:	$	105,111.11	$	557,692.66
CSafe-GF Core 11:	$	1,141.62	$	426,457.44
CSafe-3% Tabor Reserve:	$	118.46	$	44,217.60
CSafe-General Fund Reserve-14	$	975.74	$	364,482.28
Municipal Court Checking:	$	0.00	$	2,282.70
Tennis Court Checking:	$	0.00	$	25,178.70
Conservation Trust Fund Checking:	$	7.16	$	42,169.37
Capital Fund Checking:	$	461,781.72	$	532,712.42
CSafe-CF Core 12:	$	595..44	$	222,377.90
Total C.D.'s plus interest:	$	0.00	$	205,323.98

EXPENDITURES FOR NOVEMBER 2022:

GENERAL FUND:	**$**	**65,563.89**
MUNICIPAL COURT:	**$**	**0.00**
TENNIS COURT:	**$**	**0.00**
CONSERVATION TRUST FUND:	**$**	**0.00**
CAPITAL FUND:	**$**	**455,509.60**

APPROVAL OF CONSENT AGENDA

a. Approval of minutes-Regular-Oct. 17, Special-Oct. 12, 14, 20, 24, Nov. 1, 2022
b. Treasurer's Report
c. Approval of Bills

Mr. Frickell moved, and **Mr. Mowry** seconded to approve the consent agenda. Motion carried.

OLD BUSINESS

None

NEW BUSINESS

a. **Consideration of the request to approve the Custer County Town of Westcliffe and Silver Cliff Emergency Operations Plan.**

The Planning Commission reviewed and recommended approving the draft document. From here, it goes to the state and FEMA for review; if there aren't any changes, it can then be adopted by both towns and county.

ACTION: **Ms. Snow** moved, and **Mr. Wilhelm** seconded to approve the draft Custer County Town of Westcliffe and Silver Cliff Emergency Operations Plan. Motion carried.

b. Consideration of a request to approve Ordinance NO. 3-2022 Creating a Minor Subdivision and replat Lot 3 of Adams Addition Filing 2 and amending the Town Zoning Map.

This is just a formality; the replat has already been approved. We are amending the Zoning Map.

ACTION: **Mr. Mowry** moved, and **Mr. Nordyke** seconded to approve Ordinance NO. 3-2022 amending the zoning map. Motion carried.

c. **PUBLIC HEARING – 2023 BUDGET.**

The Public hearing was opened, hearing non, the Public Hearing was closed.

d. **Consideration of a request to approve the Capital Fund Reserve Policies and the Five-Year Capital Improvement Plan.**

ACTION: **Mr. Wilhelm** moved, and **Mr. Nordyke** seconded to approve the Capital Fund Reserve Policies and the Five-Year Capital Improvement Plan. Motion carried.

e. **Consideration of a request to approve Ordinance NO. 4-2022 Adopting the 2023 Budget.**

ACTION: **Ms. Snow** moved and **Mr. Wilhelm** seconded to approve Ordinance NO. 4-2022 Adopting the 2023 Budget. Motion carried.

NEW BUSINESS CONTINUED

f. Consideration of a request to approve Ordinance NO. 5-2022 Appropriation of Funds from the 2023 Budget.

ACTION: **Mr. Mowry** moved, and **Ms. Snow** seconded to approve Ordinance NO. 5-2022 Appropriation of Funds from the 2023 Budget. Motion carried.

g. Consideration of a request to approve Ordinance NO. 6-2022 Set Mill Levy for 2023 Budget.

ACTION: **Mr. Wilhelm** moved, and **Mr. Frickell** seconded to approve Ordinance NO. 6-2022 setting the Mille Levy for the 2023 Budget. Motion carried.

h. Consideration of a request to approve Ordinance NO. 7-2022 amending Title 5 Public Health and Safety, adding Chapter 8 "Meat Waste Disposal".

Mayor Wenke read the ordinance into the record. There was a complaint of meat waste being in the alley behind Elevations Meat Market in open barrels.

After hearing comments from the public and hearing from the owner Will Taylor from the owner of Elevations Meat Market.

Mr. Taylor explained that he was unable to take the meat waste down to the Fremont facility as they were closed. Custer County Landfill doesn't accept meat waste. He is doing everything he can to address the issue.

A comment was taken from the public attending with concern about the uncovered bags, blood being washed down the alley, and the smell.

ACTION: **Mr. Frickell** moved, and **Mr. Wilhelm** seconded to approve Ordinance NO. 7-2022. Motion died.

The board agreed to give him a month to come up with a solution to have sealed containers for the meat waste. This has been tabled and will be on the December 19th agenda.

i. Review the 2023 Custer County Sheriff Contract.

After reviewing the contracts and with no changes from the current contract, it was approved.

NEW BUSINESS CONTINUED

ACTION: **Mayor. Wenke** moved, and **Mr. Frickell** seconded to approve the 2023 Custer County Sheriff contract. Motion carried.

j. Consideration of a request to approve the Street and Park Supervisor job description.

All job descriptions are approved by the Board of Trustees. There were a few minor changes.

ACTION: **Ms. Snow** moved, and **Mr. Wilhelm** seconded to approve the Street and Park Supervisor job description. Motion carried.

k. Review and consideration of approving an RFP for General Engineering Services and moving forward with a contract.

After reviewing the RFP submittals by Ayers and Associates and Baseline Engineering and after some discussion, the Board of Trustees agreed the decision should be tabled until the Town Manager position has been filled. The board thanked them for submitting and attending the meeting and answering questions.

STAFF & COMMITTEE REPORTS

a. Report from Town Clerk

HB21-1162 Plastic Pollution Reduce Reduction Act. - Clerk Reis reported that she is researching how the Town will need to administrate the collection of the fees and the education component for the businesses and the public could be handled.

Non-DOT Drug Policy-She has not received information from other Towns on how their policies are. After further discussion, the board agreed that the attorney could amend it with modifications so that it could be subject to dismissal. This will be brought forward to the board with changes.

b. Report from Trustee Snow

Ms. Snow moved, and **Mr. Frickell** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

REVENUES RECEIVED IN NOVEMBER 2022

GENERAL FUND

Cash			
Checks			
Elite Home Service	Bldg Permit/816 Main/Install wood stove		100.00
Bootleggers Mercantile, LLC	Renew Liquor License		125.00
Main Street 213 LLC (Chappy's)	Renew Liquor License		125.00
Cliff Lanes	Renew Liquor License		50.00
Cliff Lanes	Renew Liquor License		75.00
Black Hills	Franchise Fee		2,841.03
Paul Parsons	Bldg Permit/307 S. 2nd/Install straps on basement wall		410.00
Rocky View Construction	Bldg Permit/55 Granite Court/Pole Barn		1,640.00
Custer County Treasurer			815.10
	RBC-Road & Bridge	170.35	
	SOA-Specific Ownership Tax-A	104.59	
	SOB-Specific Ownership Tax-B	540.16	
United Business Bank	Interest		105.00
State of Colorado	Cigarette Tax		305.04
State of Colorado	2% Sales Tax		99,847.81
State of Colorado	Highway Users Tax		2,467.19
GENERAL FUND CHECKING REVENUE RECEIVED IN NOVEMBER 2022			**$108,906.17**

CSafe-GF Core-11	Interest	1,319.90
CSafe-3% Tabor Reserve	Interest	137.04
CSafe-GF Reserve-14	Interest	1,128.14

TENNIS COURT PROJECT CHECKING

TENNIS COURT PROJECT CHECKING REVENUE RECEIVED IN NOVEMBER 2022		**$0.00**

Patricia Even	Traffic Viiolation	25.00
Joseph Barnes	Traffic Viiolation	25.00
MUNICIPAL COURT CHECKING REVENUE RECEIVED IN NOVEMBER 2022		**$25.00**

REVENUES RECEIVED IN NOVEMBER 2022

CONSERVATION TRUST FUND

United Business Bank	Interest	6.93
State of Colorado	4th Qtr. State Lottery	
CONSERVATION TRUST FUND REVENUE RECEIVED IN NOVEMBER 2022		**$6.93**

CAPITAL FUND

United Business Bank	Interest Capital Fund Checking	98.72
State of Colorado (Town of Westcliffe)	1 % Sales Tax	49,923.90
State of Colorado	TAP Project-Reimb. Inv# 10 & 11	1,741.00
Town of Silver Cliff	SRTS Cash Match-Silver Cliff portion Construction Inv#3	2,009.95
Verizon Wireless	Lease Payment	1,000.00

CAPITAL FUND CHECKING REVENUE RECEIVED IN NOVEMBER 2022		**$54,773.57**
Kirkpatrick Bank	Interest Certificates of Deposit	157.71
CSafe-CF Core 12	Interest	688.36

BALANCE IN ALL FUND ACCOUNTS

GENERAL FUND CHECKING	$608,040.36
CSafe-GF Core-11	$427,777.34
CSafe-3% Tabor Reserve	$44,354.64
CSafe-GF Reserve-14	$365,610.42
TENNIS COURT PROJECT CHECKING	$25,178.70
MUNICIPAL COURT CHECKING	$2,332.70
TOTAL GENERAL FUND ACCOUNTS	**$1,473,294.16**

CONSERVATION TRUST FUND CHECKING	$42,176.30
TOTAL CONSERVATION TRUST FUND ACCOUNTS	**$42,176.30**

CAPITAL FUND CHECKING	$676,475.80
CSafe-CF Core 12	$223,066.26
CERTIFICATES OF DEPOSIT PLUS INTEREST	$0.00
TOTAL ALL CAPITAL FUND ACCOUNTS	**$899,542.06**

CASH BALANCE OF ALL FUND ACCOUNTS **$2,415,012.52**

NOTE: 1% Sales tax of $49,923.90 was transferred to the Capital Fund from the General Fund.
NOTE: Transferred $204,280.11 from Capital Fund to Csafe closing out 3 certificates of deposit.

GENERAL FUND

Abatangelo, Christopher	Reimb. Clothing Allowance	306.71
ACA Products	Street Maint./Sanding material	1,256.52
Acorn Petroleum, Inc.	Vehicle Maint./Oil	279.08
Amundsen, Gavyn	Refund Park Damage Deposit	300.00
Black Hills Energy	Lights/Electric	1,797.41
Buchner, Clayton, Attorney at Law	Attorney Fees	1,336.50
Card Services	Office Supplies	767.66
CenturyLink	Phone/Elevator	48.76
Custer County Realty	Façade Grant Reimbursement	5,000.00
Custer County Rd. & Bridge	Street Maint.& Fuel	889.08
4Rivers Equipmnent	Vehicle Maint./Parts	948.11
Fulton, Bob	Façade Grant Reimbursement	1,810.00
Heuss, Mike	Reimb/Clothing Allowance	129.45
High Altitude Garden Club	2022 Donation	3,500.00
Hilltop Broadband	Town Hall & Shop/Internet	255.45
Lowe's Pay and Save, Inc.	Supplies	6.98
Marrs, Neal	Reimburse Parts/Vehicle Maint.	185.83
Norup Gas	Propane	505.91
ODP Business Solutions	Office Supplies	143.96
Pinon Electric LLC	SIPA Grant/Main Street WIFI Partial Reimbursement	1,616.00
ProCom LLC	Random Drug Tests	72.50
Round Mtn. Water & Sanitation District	Water & Sewer	1,424.10
Sol Vista	Façade Grant Reimbursement	3,062.66
The Rock Parts Co	Vehicle Maint.	459.21
Valley Ace Hardware	Supplies	281.73
Valley Ace Hardware	Refund Park Damage Deposit	100.00
Westcliffe Petroleum	Vehicle Maint./Oil	89.98
Wet Mtn Tribune	Publishing	210.00
Wet Mtn. Valley Rotary CSI	2022 Donation	1,039.76
Xerox Corporation	Meter Read/Lease Payment	144.42

Payroll Expenses

CEBT	Employer/Health Ins.	1,244.76
CEBT	Employee/Health Ins.	250.00
EFTPS	November Payroll Taxes	4,906.20
GWRS	Employee Share Retirement Fund (ACH)	1,034.91
GWRS	Employer Share Retirement Fund (ACH)	323.97

BILLS TO DATE	**$35,727.61**
NOVEMBER 2022 PAYROLL	**$16,339.63**
TOTAL GENERAL FUND EXPENDITURES FOR NOVEMBER PAID IN DECEMBER 2022	**$52,067.24**

CAPITAL FUND

Kumar & Associates, Inc.	SRTS Materials Testing	442.50
ROI Energy, LLC	Lights/Shops/Memorial Park	6,603.00
Deer Credit, Inc.	Lease Payment	930.74
Langston, Concrete, Inc.	SRTS Inv.#12065	$97,100.56
TOTAL CAPITAL FUND EXPENDITURES FOR NOVEMBER PAID IN DECEMBER 2022		**$105,076.80**

TOWN OF WESTCLIFFE
Capital Fund Profit & Loss Budget Performance
November 2022

	Nov 22	Budget	Jan - Nov 22	YTD Budget	Annual Budget
Income					
CRF7160 · Interest Income	1,099.02	250.00	4,700.04	2,750.00	3,000.00
CRF7212 · Grant (New Town Property)	0.00	1,041.67	12,500.00	11,458.33	12,500.00
CRF7220 · Grants (New) RW	0.00	88,468.16	762,696.99	973,149.74	1,061,617.90
CRF7224 · Grants (Existing) Town Pro	1,741.00	0.00	178,542.58	0.00	0.00
CRF7238 · Other Contributions	2,009.95	3,352.21	34,223.23	36,874.26	40,226.47
CRF7270 · Lease Proceeds Verizon Tower	1,000.00	1,000.00	11,000.00	11,000.00	12,000.00
CRF7285 · 1% Sales Tax from General Fund	49,923.90	33,425.70	391,434.39	367,682.72	401,108.42
CRF7810 · Transfers From General Fund	0.00	22,083.33	0.00	242,916.67	265,000.00
Total Income	55,773.87	149,621.07	1,395,097.23	1,645,831.72	1,795,452.79
Expense					
CRF9011 · CIP Roadway (Existing)	0.00	36,666.67	229,000.00	403,333.33	440,000.00
CRF9012 · CIP Town Property (Existing)	0.00	3,030.17	37,361.50	33,331.83	36,362.00
CRF9014 · Equipment Debt Service	930.74	930.75	9,307.40	10,238.25	11,169.00
CRF9025 · CIP Roadway (New)	99,510.56	73,144.83	991,415.60	804,593.17	877,738.00
CRF9026 · CIP-Town Property (New)	0.00	14,591.67	0.00	160,508.33	175,100.00
CRF9027 · CIP-Equipment (New)	14,849.00	127.58	22,874.07	1,403.42	1,531.00
CRF9101 · Improvements-Design	0.00	19,831.79	171,410.75	218,149.71	237,981.50
Total Expense	115,290.30	148,323.46	1,461,369.32	1,631,558.04	1,779,881.50
Net Income	**-59,516.43**	**1,297.61**	**-66,272.09**	**14,273.68**	**15,571.29**

Town of Westcliffe
General Fund Profit & Loss Budget Performance
November 2022

	Nov 22	Budget	Jan - Nov 22	YTD Budget	Annual Budget
Income					
7000 · General Property Taxes	0.00	5,532.58	65,838.42	60,858.42	66,391.00
7050 · Specific Ownership Taxes	644.75	741.67	7,969.48	8,158.33	8,900.00
7100 · Town Sales Taxes	99,847.81	66,851.40	782,869.30	735,365.44	802,216.84
7101 · Town Sales Tax License	0.00	505.83	6,535.00	5,564.17	6,070.00
7106 · Penalities & Int-Delinquent Tax	0.00	25.00	246.45	275.00	300.00
7115 · Franchise Fee	2,481.03	2,166.67	30,371.96	23,833.33	26,000.00
7120 · Special Assesments	0.00	140.25	341.90	1,542.75	1,683.00
7125 · Building & Zoning Permits	2,150.00	8,023.79	118,588.50	88,261.71	96,285.50
7126 · Fence & Sign Permits	0.00	83.33	1,750.00	916.67	1,000.00
7127 · Special Use By Review Permits	0.00	100.00	1,250.00	1,100.00	1,200.00
7130 · Traffic Fines & Ordinances	50.00	89.58	1,125.67	985.42	1,075.00
7135 · Court Costs	0.00	2.08	0.00	22.92	25.00
7140 · Liquor Licenses/Special Events	375.00	286.75	4,561.45	3,154.25	3,441.00
7150 · Cigarette Tax	305.04	150.00	2,164.04	1,650.00	1,800.00
7160 · Interest Income	2,690.08	250.00	8,901.65	2,750.00	3,000.00
7165 · Miscellaneous Income	0.00	155.58	2,563.29	1,711.42	1,867.00
7200 · Highway Users Tax	2,467.19	2,433.25	27,773.64	26,765.75	29,199.00
7205 · Road & Bridge Funds	17,295.05	2,579.60	49,206.19	28,375.61	30,955.21
7215 · American Rescue Plan Funds	0.00	6,576.99	0.00	72,346.83	78,923.82
7300 · Tennis Court Donation Fund	0.00	11.95	143.36	131.41	143.36
7305 · Events Center-Rental Fees	0.00	208.33	3,100.00	2,291.67	2,500.00
7310 · Bluff Site Maint. Fee	0.00	283.33	0.00	3,116.67	3,400.00
7315 · Park Usage Fee	0.00	122.92	1,625.00	1,352.08	1,475.00
7845 · Federal Grant	0.00	0.00	216.42	0.00	0.00
Total Income	128,305.95	97,320.88	1,117,141.72	1,070,529.85	1,167,850.73
Gross Profit	128,305.95	97,320.88	1,117,141.72	1,070,529.85	1,167,850.73
Expense					
8000 · Trustees	54.65	333.33	3,774.62	3,666.67	4,000.00
8005 · Ordinances & Procedures	378.36	516.67	5,079.33	5,683.33	6,200.00
8010 · Colo. Muni League Dues	0.00	71.25	855.00	783.75	855.00
8015 · Elections	0.00	12.08	145.08	132.92	145.00
8020 · General Accounting	0.00	90.25	1,172.98	992.73	1,082.98
8025 · Auditing	0.00	508.33	6,100.00	5,591.67	6,100.00
8030 · Attorney	1,633.50	1,666.67	14,124.00	18,333.33	20,000.00
8035 · Insurance - General	0.00	668.47	8,021.64	7,353.17	8,021.64
8040 · Workman's Compensation	0.00	494.08	5,929.00	5,434.92	5,929.00
8050 · Colorado State Unemployment	6.41	57.93	413.59	637.17	695.10
8100 · Town's Share FICA	1,284.25	1,197.11	15,376.76	13,168.25	14,365.36
8110 · Town's Share MEDI	300.35	279.97	3,596.17	3,079.67	3,359.64
8115 · Town Share Health Insurance	2,069.36	2,830.07	21,451.44	31,130.73	33,960.80
8120 · Town Share Retirement Fund	323.97	507.92	4,435.11	5,587.10	6,095.02
8200 · Clerk/Treasurer Wages	3,954.86	3,954.86	46,003.46	43,503.46	47,458.32
8205 · Deputy Clerk	3,046.32	3,120.00	36,600.19	34,320.00	37,440.00
8208 · Media Relations Coordinator	0.00	71.84	862.06	790.22	862.06
8210 · Clerk Education	0.00	9.58	115.00	105.42	115.00
8215 · Office Supplies	0.00	83.33	1,228.05	916.67	1,000.00
8220 · Town Manager Wages	0.00	5,476.67	49,997.86	60,243.33	65,720.00
8225 · Manager/Bldg/Zoning Education	87.74	183.33	2,496.35	2,016.67	2,200.00
8235 · Building Inspector	3,206.45	270.83	10,755.37	2,979.17	3,250.00
8240 · County Treasurer's Fees	0.00	200.00	1,321.54	2,200.00	2,400.00
8280 · Payroll Expenses	0.00		588.00		
8300 · Town Hall Maintenance	0.00	416.67	4,436.14	4,583.33	5,000.00
8308 · Town Hall Utilities	273.68	591.67	6,934.29	6,508.33	7,100.00
8310 · Lease Equipment	120.50	125.42	1,205.00	1,379.58	1,505.00
8405 · Animal Control	0.00	25.25	302.67	277.75	303.00

Town of Westcliffe

General Fund Profit & Loss Budget Performance

November 2022

	Nov 22	Budget	Jan - Nov 22	YTD Budget	Annual Budget
8410 · Organizational Membership Dues	0.00	71.25	130.00	783.75	855.00
8505 · Townman Education	0.00	83.33	958.08	916.67	1,000.00
8510 · Street and Park Tech Wages	10,682.91	10,324.08	104,602.69	113,564.92	123,889.00
8515 · Street Maintenance & Fuel	662.40	3,750.00	30,445.55	41,250.00	45,000.00
8520 · Emergency Snow Removal	0.00	2,500.00	9,576.00	27,500.00	30,000.00
8525 · Street Lighting	0.00	1,000.00	11,420.57	11,000.00	12,000.00
8530 · Vehicle & Equip. Maintenance	12,894.41	1,666.67	28,345.60	18,333.33	20,000.00
8538 · Shop Maintenance	437.61	833.33	8,740.78	9,166.67	10,000.00
8540 · Shop Utilities	213.50	425.00	3,531.10	4,675.00	5,100.00
8545 · Highway Barn Utilities	211.33	383.33	3,694.16	4,216.67	4,600.00
8550 · Highway Barn Maint.	0.00	416.67	0.00	4,583.33	5,000.00
8600 · Park Utilities	2,570.20	2,125.00	13,397.25	23,375.00	25,500.00
8605 · Park Maintanence	1,342.76	1,666.67	20,291.50	18,333.33	20,000.00
8700 · Custer County Sheriff	0.00	4,708.33	56,500.00	51,791.67	56,500.00
8800 · Donations	1,086.71	2,333.33	17,359.35	25,666.67	28,000.00
8805 · Grants/Local	0.00	2,083.33	10,020.18	22,916.67	25,000.00
8806 · American Rescue Plan Expenses	0.00	13,153.97	0.00	144,693.67	157,847.64
8808 · Economic Development	0.00	500.00	0.00	5,500.00	6,000.00
8810 · Contingencies	0.00	833.33	0.00	9,166.67	10,000.00
8811 · Contribution to/fromCapital Fun	0.00	22,083.33	0.00	242,916.67	265,000.00
Total Expense	46,842.23	94,704.53	572,333.51	1,041,750.03	1,136,454.56
Net Income	**81,463.72**	**2,616.35**	**544,808.21**	**28,779.82**	**31,396.17**

2022 SALES TAX & PRIOR YEARS COMPARISONS

	2017	2018	2019	2020	2021	2022	2022	2022	% +/-
					3% total	2% of total (General Fund)	1% of total (Capital Fund)	3% Total Sales Tax	
JAN	18,861.17	25,564.67	30,006.18	34,234.63	69,693.17	52,130.67	26,065.34	78,196.01	12.20%
	50.27				150.80				
FEB	24,659.13	19,628.62	24,163.25	32,835.27	62,025.70	47,263.31	23,631.66	70,894.97	14.30%
	3.87				232.01				
MAR	26,843.98	29,456.57	36,077.93	51,033.37	88,768.43	62,836.37	31,418.18	94,254.55	6.18%
	245.19				15.95				
APR	30,763.20	26,907.00	31,062.04	46,184.28	77,315.01	63,620.32	31,810.16	95,430.48	23.43%
	0.02								
MAY	31,184.50	37,867.12	43,414.62	51,540.56	101,149.31	65,844.72	32,921.39	98,764.18	-2.36%
	185.6								
JUNE	40,835.96	45,084.65	56,385.66	69,361.40	121,572.25	87,594.31	43,797.16	131,391.47	8.08%
	83.13								
				2% of total (General Fund)					% +/-
JULY	43,306.02	43,950.00	56,461.48	65,272.29	117,054.99	88,247.65	44,123.83	132,371.48	13.08%
					130.50				
AUG.	38,829.14	35,968.42	46,583.57	59,524.79	88,928.52	85,806.99	42,903.49	128,710.48	44.73%
SEPT.	39,333.39	36,753.56	58,818.79	79,591.87	118,962.80	99,847.81	49,923.90	149,771.71	25.90%
OCT.	29,105.54	43,911.98	46,241.58	58,001.14	99,222.56	70,957.73	35,478.87	106,436.60	7.27%
	65.73			74.43					
NOV.	31,259.25	29,329.94	44,692.15	52,631.93	92,901.48				
	491.05			44.47	7.25				
DEC.	31,209.51	32,424.95	45,023.69	66,270.58	101,609.63				
1% Capital Fund									
TOTAL	356,049.01	406,847.48	473,907.25	547,579.60	845,999.44	724,149.88	362,073.98	1,086,221.93	28.40%

Proposed	340,000.00	360,000.00	518,930.94	510,000.00	898,561.65	802,216.84	401,108.42
Actual	387,315.65	406,847.48	473,907.25	547,579.60	1,139,740.36	724,149.88	362,073.98
Difference	47,315.65	46,847.48	45,023.69	-37,579.60	-241,178.71	78,066.96	39,034.44

OLD BUSINESS

TOWN OF WESTCLIFFE, COLORADO
ORDINANCE # 7-2022

AN EMERGENCY ORDINANCE OF BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, AN INCORPORATED TOWN OF THE STATE OF COLORADO, ENACTING AN ADDITIONAL TITLE 5, CHAPTER 8 – MEAT WASTE DISPOSAL

WHEREAS, the Town of Westcliffe acting by and through its Town Board of Trustees has the power to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town pursuant to Colorado Revised Statutes (C.R.S.) § 31-15-103; and

WHEREAS, the Board of Trustees of the Town of Westcliffe has determined that Title 5 of the Town's Municipal Code should be amended forthwith by adding Chapter 8 – Animal Waste to allow for the regulation and enforcement of disposing of meat waste products within the Town limits of Westcliffe, Colorado; and

WHEREAS, the Town of Westcliffe acting by and through its Town Board of Trustees has the power to pass this emergency ordinance effective immediately pursuant to C.R.S. § 31-16-105; and

WHEREAS, the Board of Trustees finds and declares that it is necessary and in the best interests of the health, welfare, and safety of the residents of the Town of Westcliffe to facilitate the regulation and enforcement of meat waste products within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO:

1. **Addition of Title 5, Chapter 8 – Meat Waste Disposal, of the Municipal Code.** Title 5, Chapter 8, of the Municipal Code is added as follows:

CHAPTER 8
MEAT WASTE DISPOSAL

5-8-1: Purpose
5-8-2: Definitions
5-8-3: Unlawful Acts
5-8-4: Enforcement and Penalties
5-8-5: Severance Clause

5-8-1: Purpose

The purpose of this ordinance is to preserve the quality of life, health, safety and welfare of the Town by preventing the unsafe, unhealthy, or nuisance storage and/or disposal of Meat Waste Products within the Town.

5-8-2: Definitions

A. **"Meat Waste Products"** means any offal, carcasses, hides, blood, bones, viscera, unused fat, skulls, and other meat waste products, including "inedible meat" and "meat products" as defined by C.R.S. § 35-33-103.

B. **"Code Enforcement Officer"** means an officer appointed by the Board of Trustees to be known as the "Code Enforcement Officer."

5-8-3: Unlawful Acts

A. It is unlawful for any person, business, or facility to make, cause to be made, or to permit any Meat Waste Product to be discarded or stored for later disposal in a manner that creates any condition that could cause public contamination, adversely affect any adjacent property, or generate offensive odors or other objectionable conditions, on any property possessed or operated or controlled by such person.

B. It is unlawful for any person, business, or facility to make, cause to be made, or to permit any Meat Waste Product to be discarded or stored for later disposal in any outside container that does not have a secure lid, so as to prevent any spillage of content or odor.

C. Any person, business, or facility that creates Meat Waste Products shall be equipped with containers of sufficient size and number for transport and disposal of waste from processing. Such containers shall have secure lids, so as to prevent any spillage of its contents or odors. Such containers shall be constructed of durable, water-resistant materials that are capable of being readily and thoroughly cleaned.

5-8-4: Enforcement and Penalties

A. Authority. This Meat Waste Product ordinance is authorized by and enacted pursuant to C.R.S. § 31-15-103, as amended, and hereby is declared to be in accordance with all provisions of same.

B. Notification. Whenever the Code Enforcement Officer shall find a violation of any of the provisions of this Title, that officer shall at his/her discretion issue a fine and summons without notification, notify the person responsible for the violation in writing and shall order the necessary corrections to be made within a 24-hour period of time, or may request that the local law enforcement agency issue a summons to the responsible party.

C. Violation and Penalty. Failure to comply with any provision of this ordinance shall constitute a misdemeanor punishable by a fine of three hundred dollars ($300.00) per day. Each day that a violation continues to exist shall constitute a separate offense.

5-8-5: Severance Clause

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

2. **Emergency Declaration**. The Board hereby finds, determines and declares that it is necessary that this Ordinance take effect upon the Effective Date to facilitate the enforcement of Meat Waste Disposal within the Town in order to protect public health and safety.

3. **Notice of Enforcement and Inspection**. Violation of this Ordinance is subject to enforcement and punishment and shall constitute a misdemeanor punishable by a fine of three hundred dollars ($300.00) per day. Each day that a violation continues to exist shall constitute a separate offense. The full text of the ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall.

4. **Effective Date and Time**. This Ordinance is effective as of this 28th day of November, 2022.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED BY THREE-FOURTHS VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF WESTCLIFFE ON THE 28TH DAY OF NOVEMBER, 2022.

TOWN OF WESTCLIFFE

By:_____
Paul Wenke, Mayor

ATTESTED:

_____
Kathy Reis, Town Clerk, CMC

1:26

+1 (406) 629-0903

Just took this pic a few minutes ago. Looks like meat to me.
Things are happening at night!

Hi Dr. Brown,
From this morning...Nothing has changed!
The fence did nothing!!!

1:26

+1 (406) 629-0903

Text Message
Today 1:19 PM

This is close up shot.
About made me loose my dinner!!!
Looks real sanitary!

1:27

+1 (406) 629-0903

Hi Dr. Brown,
From this morning...Nothing has changed!
The fence did nothing!!!

719.659.0700
Julie Mizak
julie.mizak@state.co.us

Was sent to my phone on 12/12/2022 at 1:19pm

0207→

NEW BUSINESS

TOWN OF WESTCLIFFE
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282

X **Westcliffe Town Board** _____ **Westcliffe Planning Commission**

Here are things you need to know:

- You must contact the Town staff prior to coming to the Board. Quite often the issue can be resolved by staff action.
- Please plan on attending the meeting. The Board of Trustees will be unable to take action without a representative in attendance.

Please complete the following information and return this form no later than ten (10) days prior to the Board meeting to the above address or bring it to the Town Hall at 1000 Main Street our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. (Regular Board meetings are scheduled for the first Monday of each month.)

Name of person making presentation: Ben Lenth

Organization, if speaking on behalf of a group: Colorado Open Lands (formerly San Isabel Land Protection Trust)

Is this a request for Board action? X Yes No (This is a proposal and board action could come later as study & deliberations are needed)

Please provide a summary of your comments:

We would like to propose a transfer of fee-title ownership of the Bluff Park from COL to the Town (5.3 acres). In exchange, we request an extension of the conservation easement held by COL to include the two parcels already owned by the Town to the north and south, while allowing improvements necessary on those parcels to facilitate public uses of the park. This will require much subsequent discussion.

What staff member have you spoken to about this? Please summarize your discussion:

Contact information:

Name: Ben Lenth
Mailing Address: Colorado Open Lands
PO Box 124, Westcliffe, CO 81252

email: blenth@coloradoopenlands.org
Daytime Phone: 970-819-4737

TOWN OF WESTCLIFFE, COLORADO
ORDINANCE # 8-2022

AN ORDINANCE OF BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE ADDING CHAPTER 9, PLASTIC POLLUTION REDUCTION ACT TO TITLE 4, TO THE TOWN CODE, AND ALLOWING SMALL STORES TO OPT-IN TO THE CARRYOUT BAG FEE AND EXEMPTING TOWN'S SALES TAX FOR CARRYOUT BAG FEES

WHEREAS, the Town of Westcliffe, an incorporated Town of the state of Colorado, acting by and through its Town Board of Trustees has the power to adopt ordinances to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town not inconsistent with the laws of the state, pursuant to Colorado Revised Statutes (C.R.S.) § 31-15-103; and

WHEREAS, the Colorado Legislature enacted the Plastic Pollution Reduction Act (the "Act") by adoption House Bill 21-1162, which was signed by the Governor of Colorado on July 6, 2021, and codified at C.R.S. § 25-17-501 et seq.; and

WHEREAS, C.R.S. § 25-17-501 et seq. limits the use of disposable plastic bags and expanded polystyrene products statewide while preserving certain regulatory authority for local government as more fully set forth therein; and; and

WHEREAS, the Board of Trustees finds and declares that it is necessary to adopt this Ordinance in order to amend the Town of Westcliffe Municipal Code ("Code") to clarify and align provisions of the Code with the Act and to allow small stores to opt-in to the interests of the health, welfare, and safety of the residents of the Town of Westcliffe to facilitate the regulation and enforcement of the Plastic Pollution Reduction Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO:

1. **Addition of Title 4, Chapter 9 – Plastic Pollution Reduction Act, of the Municipal Code.** Title 4, Chapter 9, of the Municipal Code is added as follows:

CHAPTER 9
Plastic Pollution Reduction Act

4-9-1: Adoption
4-9-2: Opt-In
4-9-3: Sales Tax Exempted
4-9-4: Penalties
4-9-5: Severance Clause

4-9-1: Adoption

Adoption of the Plastic Pollution Reduction Act. The Plastic Pollution Reduction Act, C.R.S. §§ 25-17-501 through 25-17-509, as that Act may be amended from time to time, is hereby adopted by the Town of Westcliffe. It shall be unlawful for any person to violate the provisions of the Plastic Pollution Reduction Act as amended from time to time.

4-9-2: Opt-In

Any "small store" as defined in C.R.S. § 25-17-501 may opt-in to the Carryout Bag Fee as adopted in this Ordinance. Small stores will not be subject to the Enforcement and Penalties of this Ordinance.

4-9-3: Sales Tax Exempt

Any sales tax levied by the Town shall not apply to any revenue generated by any business affected by the carryout bag fee required by C.R.S. § 25-17-505.

4-9-4: Penalties

Violation of the provisions of the Plastic Pollution Reduction Act as adopted by the Town of Westcliffe by this Section shall be punishable by issuance of a written warning for a first offense within two years; a fine of $500 for a second offense within two years; and a fine of $1,000 for a third or subsequent offense within three years.

4-9-5: Severance Clause

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

2. **Repealed**. All acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

3. **Effective Date and Time**. This ordinance shall be effective thirty (30) days after final publication in accordance with law.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, UPON A MOTION DULY MADE, SECONDED, AND PASSED BY MAJORITY VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF WESTCLIFFE ON THE 19TH DAY OF DECEMBER 2022.

TOWN OF WESTCLIFFE

By: _____
Bess Cole, Mayor Pro-Tem

ATTESTED:

_____
Kathy Reis, CMC, Town Clerk

Town of WESTCLIFFE EST. 1887

Frequently Asked Questions

What is the State of Colorado's Plastic Reduction Act?

The State of Colorado Plastic Pollution Reduction Act, or HB21-1162, was passed in 2021 to reduce and mitigate plastic pollution in Colorado. This two-phased law becomes effective on January 1, 2023, and puts a 10-cent fee on paper and plastic carryout bags used at checkout and for pickup and delivery orders at large retail stores. On January 1, 2024, plastic carryout bags will be banned at large retail stores, and paper carryout bags will continue to be offered for the 10-cent fee. Polystyrene (brand name Styrofoam) containers will also be banned in 2024 at retail food establishments such as restaurants, fast-food chains, grocery stores, and convenience stores.

I heard small stores are not impacted for bag changes. What businesses are considered a "Small Store"?

A store is exempt from the state law if it operates solely in Colorado and has three or fewer locations in the State, and is not part of a franchise, corporation, or partnership that has physical locations outside of Colorado.

What types of bags are (and are not) subject to this law?

A carryout bag that will require a fee is one provided to a customer at checkout to transport or carry purchased items. Carryout bags include those used for pickup and delivery services at large retail stores.

A recycled paper carryout bag is made from 100% recycled material or other post-consumer content.

The following types of bags are not considered carryout bags and do not require a fee:

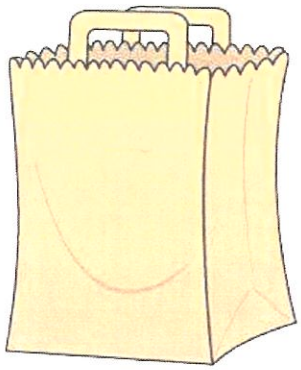
1. A bag made of paper with a basis weight of thirty pounds or less
2. A bag that a pharmacy provides to a customer for prescription medication
3. A bag that a customer uses inside a store to package loose or bulk items such as;
    - Fruits, vegetables, nuts, grains, candy, or greeting cards
    - Nails, bolts, screws, or other small hardware items
    - Live insects, fish, crustaceans, mollusks, or other small species
    - Bulk seed, bulk livestock feed, or bulk pet feed
4. Bags used to contain or wrap frozen foods, meat, seafood, fish, flowers, potted plants, or other items that, if they were to come in contact with other items, could dampen or contaminate the other items or contain unwrapped prepared foods or bakery goods
5. Laundry, dry cleaning, or garment bags

REUSABLE IS THE FUTURE

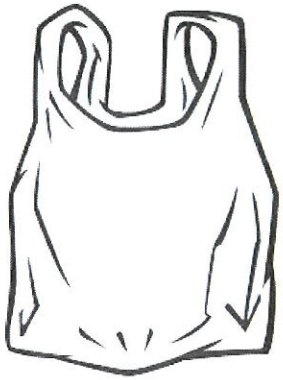
MAKE THE SHIFT TO REUSABLE BAGS TODAY.

C.R.S 25-17-504 Restrictions on use of single-use plastic carryout bag 25-17-505 Carryout bag fee

Avoid the fee bring your own bags.



$.10 Fee



starting January 1, 2023, large retail stores in Colorado will begin charging 10 cents for all plastic and paper carryout bags. The fee does not apply to shoppers participating in state or federal food programs. Reusable is the future. Save money and make the shift to reusable bags today.

Contact Silver Cliff Town Clerk Ileen Squire at 719-783-2615 or visit our websites silvercliffco.com
Westcliffe Town Clerk Kathy Reis 719-783-2282 for questions or visit our website townofwestcliffe.com

LA REUTILIZACIÓN ES EL FUTURO

Ahorre dinero y haga el cambio a bolsas reutilizables hoys mismo.

C.R.S 25-17-504 Restricciones en el uso de bolsas de plástico de un solo uso
25-17-505 Tarifa por bolsa de mano

A partir del 1 de enero de 2023, las grandes tiendas minoristas de Colorado comenzarán a cobrar 10 centavos por todas las bolsas de plástico y papel para llevar. El costo no se aplica a los compradores que participan en programas de alimentos estatales o federales.

Comuníquese con la secretaria de Silver Cliff Town Ileen Squire al 719-783-2615 o con la secretaria municipal de Westcliffe Kathy Reis al 719-783-2282 si tiene preguntas o visite nuestros sitios web silvercliffco.com/townofwestcliffe.com

REUSABLE IS THE FUTURE

MAKE THE SHIFT TO REUSABLE BAGS TODAY.

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Town of Westcliffe
Town Clerk
P.O. Box 406
Westcliffe, CO 81252

Business Name _____

Address _____

Phone _____

Contact email _____

Account #: CDB-001-VAH

Period: 1st Quarter 2023

Quarterly Carryout Disposable Bag Fee Return

Location:

Due Date: April 15, 2023

1.	Number of carryout disposable bags distributed	
2.	Amount of TOWN DISPOSABLE BAG FEES (line 1 multiplied by $0.10)	
3.	BUSINESS FEE deduction (40.00% of line 2)	
4.	**Net fees (subtract line 3 from 2)**	
5.	Excess fees collected	
6.	**Total fees due (add lines 4 and 5)**	
	If the return is filed after - April 25, 2023: add penalty and interest:	
7A.	Penalty (10% of line 6)	
7B.	Interest (1% of line 6 per month overdue)	
8.	**Total fees, penalty, and interest (add lines 6, 7A, and 7B)**	
9.	Deduct authorized credit: attach credit notice	
10.	**Total due and payable to Town of Westcliffe (subtract line 9 from 8)**	

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature: _____

Date: _____

TOWN OF WESTCLIFFE
NON-DOT DRUG TESTING POLICY

Policy Objective

TOWN OF WESTCLIFFE recognizes the importance of protecting the health, safety, and well-being of all its employees. TOWN OF WESTCLIFFE wants to do all it can to provide a safe workplace free of risks created by drug and alcohol abuse. We are familiar with the effects of drugs and alcohol and how the use of these drugs eventually takes its toll on job performance. It is our goal for employees to be able to perform their duties safely and in the best interest of their fellow workers and our customers when they report to TOWN OF WESTCLIFFE. TOWN OF WESTCLIFFE expects all employees to assist in maintaining a work environment that is free from the use and effects of alcohol, controlled substances and other mood-altering drugs.

Applicability

This policy applies to all present part-time and full-time employees of TOWN OF WESTCLIFFE and to those applicants TOWN OF WESTCLIFFE may hire in the future.

Regulated Substances

For the purpose of this policy, the term "drugs" includes the controlled substance listed below, synthetic drugs and prescription drugs, excepting only prescription drugs approved by and used in accordance with the directions of an employee's attending physician:

A. Controlled Substances
   Marijuana
   Opiates
   Cocaine
   Amphetamine
   Phencyclidine

B. Alcohol

C. All drug testing Town of Westcliffe will undergo Specimen Validity testing for adulteration and specimen dilution.

Employee's Right of Confidentiality

Town of Westcliffe understands and takes very seriously each employee's right to privacy and confidentiality in regard to drug test results and other private matter surrounding employee testing.

Any medical information disclosed by the employee to the Medical Review Officer in regard to the medical review process will be held in the strictest of confidence. Medical Review Officer will only disclose pertinent medical information to aid in determining medical fitness for duty that the Doctor views as a potential safety concern.

Urine, breath, or blood Town of Westcliffe obtained from the employee for controlled substance testing will be solely used for the testing of the regulated substances listed in this policy.

Prohibited Use and/or Actions

A. Selling, possessing, using, transferring, or purchasing drugs or alcohol on Town time, Town property, or while in a Town vehicle.

B. Selling, possessing, using, transferring or purchasing contraband, including firearms, ammunition, explosives and weapons.

C. The sale of drug paraphernalia on Town time, Town Property, or while in a Town vehicle.

1. Alcohol – No driver shall or supervisor having knowledge of, permit a driver to:

    a. Report for duty or remain on duty requiring performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

    b. Consume alcohol while on duty.

    c. Report for duty within four hours of alcohol consumption.

    d. Possess alcohol while on duty or operating a commercial motor vehicle.

    e. Consume alcohol within eight hours of an accident (if required to be tested) or until testing is completed.

2. Controlled Substances – No driver shall, or supervisor having knowledge of, shall permit a driver to:

    a. Report for duty or remain on duty requiring performance of safety sensitive functions when using any controlled substance. Exception: If the use is pursuant to instructions of a physician who has provided written documentation that the substance does not adversely affect the ability to safely operate a motor vehicle.

    b. Report for duty or remain on duty or perform a safety sensitive function having tested positive for controlled substances.

    c. Employees covered under this policy must report any therapeutic drug use to his/her supervisor immediately.

Prescription Medication and Over the counter medication: TOWN OF WESTCLIFFE Policy:

A. It is the responsibility of each employee to notify the TOWN OF WESTCLIFFE or their supervisor when they are taking ANY prescription OR over the counter medication that may create impairment.

B. Employee MUST have a valid and current prescription from a licensed medical practitioner and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment.

C. If an employee tests positive and <u>cannot</u> produce a prescription, the Medical Review Officer will report a positive result to the employer. Consequences for a positive test will apply.

D. If an employee tests positive and a prescription exists, the Medical Review Officer will report the result as a negative but will also report any safety concerns which may require further evaluation.

Required Testing Circumstances:

Any employee, who during the collection process attempts to substitute, tamper with, or adulterate a urine Town of Westcliffe will be required to provide a urine sample to the Town of Westcliffe under direct observation.

A. Pre-employment Testing:

When a job offer is pending TOWN OF WESTCLIFFE may require a negative controlled substance test result. If tested, Applicant must have a verified negative controlled substance test result prior to reporting for duty.

TOWN OF WESTCLIFFE will pay for all costs associated with the pre-employment drug test.

Any job Applicant that fails to pass the controlled substance test with a negative test result may have the offer of employment withdrawn. Applicant may re-apply after a period of 6 months has passed from the original date of application or if allowed by a majority decision of the Board of Trustees.

B. Post-Accident Testing:

Post accident testing will be required if the accident occurred on Town time, Town property, or in a Town vehicle, or involving an injury that is reportable by law to workmen's compensation, or requires medical attention, or results in property damage in the amount of $200.00 or greater, or if the employee requests medical attention.

Post accident testing may also be required unless the supervisor determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident.

Supervisors will also drug and alcohol test any other employee(s) whose performance could have contributed to the accident, as determined by the supervisor using the best information available at the time of the decision.

TOWN OF WESTCLIFFE employees must report all accidents to his/her supervisor immediately following the accident. The supervisor will transport the involved employee(s) to the test site as soon as possible for a controlled substance and breath alcohol test. The alcohol test must take place within 2 hours and no more than 8 hours after the accident. Controlled Substance testing must take place within 32 hours.

C. Random Testing:

An individual random selection pool has been created for TOWN OF WESTCLIFFE employees. Only TOWN OF WESTCLIFFE employees are used in this selection pool.

A minimum annual rate of 50% of those employees enrolled in the random testing pool will be tested for controlled substances and a minimum of 10% annually will be tested for alcohol. Testing will be unannounced and spread throughout the calendar year. Each employee has an equal chance of being selected for testing each time a selection is done. All selections are created by scientifically valid computer method.

Once notified of selection, TOWN OF WESTCLIFFE employee must proceed immediately to the collection site. Failure to do so will be a policy violation.

D. Reasonable Suspicion Testing:

Employees are required to submit to alcohol and/or controlled substance testing whenever there is reasonable suspicion that a prohibition of this policy has been violated.

Trained supervisors will be authorized to determine, based on observations or behaviors, that alcohol and/or controlled substance testing be conducted. Such testing should occur as soon as possible.

A refusal to submit to testing is subject to the same consequences as a positive test.

Testing Procedures:

Collection of urine will take place at local clinics where TOWN OF WESTCLIFFE offices are maintained.

Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy, and reliability as approved by the Department of Transportation and the Department of Health and Human Services.

Initial testing and if needed confirmatory testing of all urine samples will take place at an HHS certified testing laboratory.

A. Controlled Substance Testing:

1. Urine will be the required substance and will be collected under controlled circumstances.

2. Urine will be collected using split specimen containers and shall be labeled for identity.

3. Specimens are transported to the Department of Health and Human Services' testing lab.

4. The Medical Review Officer or assistant will review all test results prior to reporting results to the Town.

5. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS confirmation testing if necessary.

6. The urine is positive for a substance if the substance is present in an amount greater than the minimum threshold.

7. A Medical Review Officer or the Medical Review Officer assistant will contact the employee if there is a positive result, to verify the result.

8. Medical Review Officer or Medical Review Officer assistant will give the employee the option of testing the remaining split specimen at a certified laboratory of their choice at the employee's expense.

9. The Medical Review Officer or Medical Review Officer assistant reports the result to the TOWN OF WESTCLIFFE program supervisor.

10. Any employee testing positive for a controlled substance will have one calendar year in which to request their split Town of Westcliffe be tested by a HHS certified laboratory of their choosing at their own expense. If the result from testing split Town of Westcliffe is negative, employee shall be reimbursed for the cost of split Town of Westcliffe testing.

B. Alcohol:

1. A breath specimen or a saliva specimen is required to test for alcohol.

2. Breath Test or Saliva test will be conducted by a certified alcohol technician.

3. Tester uses an approved Evidential Breath testing device or DOT approved saliva test kit.

4. The initial test must give results of less than 0.02 or a retest (confirmation) test must be done following a 15-minute wait.

5. If the confirmation test reveals a concentration of greater than 0.02, the individual is in violation of this policy.

6. Post-accident breath or blood testing may be conducted by Federal, State, or a local official having independent authority, if the results can be obtained by the employer.

C. Refusal to Submit to a Test:

It is prohibited conduct to refuse to submit to a controlled substance or alcohol test as required by this policy. All actions listed below may constitute a refusal to test and is therefore subject to the consequences of a positive test result. A refusal to submit is defined as follows:

1. Fail to appear for any test (except a pre-employment test, please see #3) within a reasonable time, as determined by the employer, after being directed to do so by the employer.

2. Fail to remain at the testing site until the collection process is complete.

3. Once the donor has attempted to provide a urine Town of Westcliffe, they are required to stay at the collection site until an acceptable sample size (45 ml minimum) is obtained. If the donor chooses to leave after the process has started, they have refused to submit.

4. Any person who leaves the testing site before the pre-employment testing process has started is not deemed to have refused to test as long as the donor has not made an attempt to provide a urine sample. Once the donor has attempted to provide a urine sample, they are required to stay at the testing site until an acceptable sample size (45 ml minimum) is obtained. If the donor chooses to leave after the process has started, they have refused to submit.

5. In the case of a directly observed or monitored collection in a drug test, if employee fails to permit the observation or monitoring of the employee's provision of a specimen, the employee has refused to submit.

6. Failure to provide a sufficient amount of urine (45 ml) when directed and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.

7. Fails or declines to take a second test the employer or collector has directed the employee to take.

8. Fail to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by TOWN OF WESTCLIFFE. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.

9. Fail to cooperate with any part of the testing process or clearly obstructs the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

10. Is reported by the Medical Review Officer as having a verified adulterated or substituted test result.

11. The employee behaves in a confrontational way that disrupts the collection process.

12. The employee fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.

13. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.

14. The employee refuses to wash his or her hands – after being directed to do so.

OTHER PROHIBITIONS

A. Hemp

Recently a number of products have appeared on the market, which are advertised as "Hemp" products. The hemp contained in these products is Cannabis Sativa, or Marijuana. Whatever else it may be, consuming hemp food products is not a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen. TOWN OF WESTCLIFFE may not accept the ingestion of a hemp-based product as an excuse for testing positive for the marijuana metabolite.

B. Adulterants

An employee who is found to have adulterated, substituted, tampered, misidentified, or otherwise acted to deceive the employer regarding a urine sample may be immediately terminated.

C. Dilute Specimens

Employees are required to provide a normal urine specimen for testing. If the drug test result is reported as dilute the employee must be tested again immediately. The employee may be required to re-test at their expense until a normal urine specimen is given.

D. Marijuana Use

Marijuana is considered a prohibited substance. Anyone testing positive for marijuana may be subject to the consequences of this policy for a positive drug test.

EXCEPTION: Medical Marijuana prescribed in accordance with a "Bona fide physician-patient relationship" as defined in C.R.S. § 25-1.5-106 et seq. may be considered "Prescription Medication" in accordance with this Policy.

Consequences:

Any employee testing positive for any detectable level of a controlled substance or alcohol may be immediately terminated.

Records

A. Retention Period:

1. The following records must be retained for 5 years:
   - Verified positive results
   - Alcohol results over 0.02
   - Documentations of refusals.
   - Employee referrals to the Substance Abuse Professional
   - Annual management system information reports.

2. The following results must be retained for 2 years:
   - Records related to all processes and employee training.

3. The following results must be retained for 1 year:
   - Records of negative drug and alcohol results less than 0.02

B. Types of Records:

1. Collection processes:
   - Random selection documents
   - Reasonable suspicion documents
   - Post accident decision documents
   - Documents verifying medical inability to provide adequate breath or urine

2. Test Results:
   - Employer's copy of alcohol test
   - Employer's copy of controlled substance chain of custody
   - Documents from Medical Review Officer
   - Documents related to refusal to submit
   - Documents presented by employee to dispute refusal to submit

3. Evaluations:
   - Determinations by the Substance Abuse Professional of assistance needed to resolve misuse.
   - Compliance with Substance Abuse Professional

4. Education and Training:
   - Materials on misuse awareness, including the policy
   - Employee's signed receipt of education materials
   - Documents of supervisor training to qualify for making reasonable suspicion of judgments.

5. Access to Records:
   - The employee is entitled to a copy of his/her records.
   - Town of Westcliffe will release drug testing records pursuant to the employee making a written request for drug or alcohol testing documents. Employee must sign an Authorization of Release to obtain these records.

Training

A. <u>Supervisory Training:</u>

Those designated to determine if reasonable suspicion exists must receive 60 minutes of alcohol

and 60 minutes of controlled substance training, which covers the physical, speech and performance indicators of misuse. Each supervisor must sign a certificate of receipt of this training.

B. Employee Training:

All employees will be provided materials about the effects of drugs and alcohol and the policy. Employees will also be provided with the name of their immediate supervisor who can answer their questions about these materials.

Employees will receive annual education regarding the health and workplace safety risks associated with the use of controlled substances and alcohol.

Supervisors will review the Town's drug testing policy annually with their staff.

Each employee must sign a certificate of receipt of the materials and education.

Reporting By Employees

The following procedure shall be used when an employee suspects another employee's controlled substance use or alcohol misuse by an employee subject to the requirements of this policy/procedure.

A. The employee shall report the concern to his/her supervisor. If the supervisor is not available the employee shall report the concern to TOWN OF WESTCLIFFE Human Resources. All such reports shall be held in confidence.

B. The employee shall not discuss the concern with other employees.

C. The supervisor or other authorized person to whom the report has been made shall take the necessary steps to confront the employee suspected of having the controlled substance and/or alcohol problems and take the necessary action pursuant to this policy.

Employment Agreement:

I understand and agree to comply with TOWN OF WESTCLIFFE policy regarding alcohol and controlled substance use and/or abuse. I further understand that failure to comply with this policy may result in dismissal from employment.

I have been given a complete copy of the TOWN OF WESTCLIFFE drug testing policy. I also know how to access a copy of this policy at my place of employment

I also understand that if I have any questions about this policy or TOWN OF WESTCLIFFE'S drug testing program, I can contact the undersigned supervisor and/or his superior.

Employee Name (printed): _____

Employee Signature: _____

Date: _____

Supervisor's Name (printed): _____

Supervisor's Signature: _____

Date: _____

TOWN OF WESTCLIFFE
NON-DOT DRUG TESTING POLICY

Policy Objective

TOWN OF WESTCLIFFE recognizes the importance of protecting the health, safety and well being of all its employees. TOWN OF WESTCLIFFE wants to do all it can to provide a safe workplace free of risks created by drug and alcohol abuse. We are familiar with the effects of drugs and alcohol and how the use of these drugs eventually takes its toll on job performance. It is our goal for employees to be able to perform their duties safely and in the best interest of their fellow workers and our customers when they report to TOWN OF WESTCLIFFE. TOWN OF WESTCLIFFE expects all employees to assist in maintaining a work environment that is free from the use and effects of alcohol, controlled substances and other mood altering drugs.

Applicability

This policy applies to all present part-time and full-time employees of TOWN OF WESTCLIFFE and to those applicants TOWN OF WESTCLIFFE may hire in the future.

Regulated Substances

For the purpose of this policy, the term "drugs" includes the controlled substance listed below, synthetic drugs and prescription drugs, excepting only prescription drugs approved by and used in accordance with the directions of an employee's attending physician:

A. Controlled Substances
   Marijuana
   Opiates
   Cocaine
   Amphetamine
   Phencyclidine

B. Alcohol

C. All drug testing Town of Westcliffe will undergo Specimen Validity testing for adulteration and specimen dilution.

Employee's right of Confidentiality

Town of Westcliffe understands and takes very seriously each employees right to privacy and confidentiality in regard to drug test results and other private matter surrounding employee testing.

Any medical information disclosed by the employee to the Medical Review Officer in regard to the medical review process will be held in the strictest of confidence. Medical Review Officer will only disclose pertinent medical information to aid in determining medical fitness for duty that the Doctor views as a potential safety concern.

Urine, breath, or blood Town of Westcliffe obtained from the employee for controlled substance testing will be solely used for the testing of the regulated substances listed in this policy.

ORIGINAL

Prohibited Use and/or Actions

1. Selling, possessing, using, transferring, or purchasing drugs or alcohol on time or property or while in a vehicle.
2. Selling, possessing, using, transferring or purchasing contraband, including firearms, ammunition, explosives and weapons.
3. The sale of drug paraphernalia on property.

A. Alcohol – No driver shall or supervisor having knowledge of, permit a driver to:

1. Report for duty or remain on duty requiring performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. Consume alcohol while on duty
3. Report for duty within four hours of alcohol consumption
4. Possess alcohol while on duty or operating a commercial motor vehicle.
5. Consume alcohol within eight hours of an accident (if required to be tested) or until testing is completed.

B. Controlled Substances – No driver shall, or supervisor having knowledge of, shall permit a driver to:

1. Report for duty or remain on duty requiring performance of safety sensitive functions when using any controlled substance. Exception: If the use is pursuant to instructions of a physician who has provided written documentation that the substance does not adversely affect the ability to safely operate a motor vehicle.
2. Report for duty or remain on duty or perform a safety sensitive function having tested positive for controlled substances.
3. Employees covered under this policy must report any therapeutic drug use to his/her supervisor immediately.

Prescription Medication and Over the counter medication: TOWN OF WESTCLIFFE Policy:

1. It is the responsibility of each employee to notify TOWN OF WESTCLIFFE or their supervisor when they are taking ANY prescription –or- over the counter medication that may create impairment.

2. Employee MUST have a valid and current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment.

3. If an employee tests positive and cannot produce a prescription, the Medical Review Officer will report a positive result to the employer. Consequences for a positive test will apply.

4. If employee tests positive and a prescription exists, the Medical Review Officer will report the result as a negative, but will also report any safety concerns which may require further evaluation.

Required Testing Circumstances:

- Any employee, who during the collection process who attempts to substitute, tamper with, or adulterate a urine Town of Westcliffe will be required to provide a urine Town of Westcliffe under direct observation.

ORIGINAL

Pre-employment:

When a job offer is pending TOWN OF WESTCLIFFEwill require a negative controlled substance test result. Applicant must have a verified negative controlled substance test result prior to reporting for duty.

TOWN OF WESTCLIFFE will pay for all costs associated with the pre-employment drug test.

Any job applicant that fails to pass the controlled substance test with a negative test result will have the offer of employment withdrawn. Applicant my re-apply after a period of 6 months has passed from the original date of application.

Post-Accident testing:

Post accident testing will be required if the accident occurred on time, or on property, or in a vehicle, or involving an injury that is reportable by law to workmen's compensation, or requires medical attention, or results in property damage in the amount of $200.00 or greater, or if the employee requests medical attention.

Post accident testing may also be required unless the supervisor determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident.

Supervisors will also drug and alcohol test any other employee(s) whose performance could have contributed to the accident, as determined by the supervisor using the best information available at the time of the decision.

TOWN OF WESTCLIFFE employees must report all accidents to his/her supervisor or designee immediately following the accident. The supervisor or designee will transport the involved employee(s) to the test site as soon as possible for a controlled substance and breath alcohol test. The alcohol test must take place within 2 hours or at least by 8 hours after the accident. Controlled Substance testing must take place within 32 hours.

Random Testing:

An individual random selection pool has been created for TOWN OF WESTCLIFFE employees. Only TOWN OF WESTCLIFFE employees will be allowed in this selection pool.

A minimum annual rate of 50% of those employees enrolled in the random testing pool will be tested for controlled substances and a minimum of 10% annually will be tested for alcohol. Testing will be unannounced and spread throughout the calendar year. Each employee has an equal chance of being selected for testing each time a selection is done. All selections are created by scientifically valid computer method.

Once notified of selection, TOWN OF WESTCLIFFE employee must proceed immediately to the collection site. Failure to do so will be a policy violation.

Reasonable Suspicion:

Employees are required to submit to alcohol and/or controlled substance testing whenever there is reasonable suspicion that a prohibition or this policy has been violated.

Trained supervisors will be authorized to determine, based on observations or behaviors, that alcohol and/or controlled substance testing be conducted. Such testing should occur as soon as possible.

A refusal to submit to testing is subject to the same consequences as a positive test.

ORIGINAL

Testing Procedures:

Collection of urine will take place at local clinics where TOWN OF WESTCLIFFE offices are maintained.

Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy, and reliability as approved by the Department of Transportation and the Department of Health and Human Services.

Initial testing and if needed confirmatory testing of all urine samples will take place at an HHS certified testing laboratory.

A. Controlled Substance Testing:

1. Urine will be the required substance and will be collected under controlled circumstances.
2. Urine will be collected using split specimen containers, and shall be labeled thoroughly to preserve identity.
3. Specimens are transported to Department of Health and Human Services approved testing lab.
4. The Medical Review Officer or assistant will review all test results prior to reporting results to .
5. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS confirmation testing if necessary.
6. The urine is positive for a substance if the substance is present in an amount greater than the minimum threshold.
7. A Medical Review Officer or the Medical Review Officer assistant will contact the employee if there is a positive result, to verify the result.
8. Medical Review Officer or Medical Review Officer assistant will give the employee the option of testing the remaining split specimen at a certified laboratory of their choice at the employee's expense.
9. The Medical Review Officer or Medical Review Officer assistant reports the result to the TOWN OF WESTCLIFFE program supervisor.
10. Any employee testing positive for a controlled substance will have one calendar year in which to request their split Town of Westcliffe be tested by a HHS certified laboratory of their choosing at their own expense. If the result from testing split Town of Westcliffe is negative, employee shall be reimbursed for the cost of split Town of Westcliffe testing.

OFFICIAL

B. Alcohol

1. A breath specimen or a saliva specimen is required to test for alcohol.
2. Breath Test or Saliva test will be conducted by a certified alcohol technician.
3. Tester uses an approved Evidential Breath testing device, or DOT approved saliva test kit.
4. The initial test must give results of less than 0.02 or a retest (confirmation) test must be done following a 15-minute wait.
5. If the confirmation test reveals a concentration of greater than 0.02, the individual is in violation of this policy.

Post accident breath or blood testing may be conducted by Federal, State, or a local official having independent authority, if the results can be obtained by the employer.

Refusal To Submit:

Refusal to Submit to a Test: It is prohibited conduct to refuse to submit to a controlled substance or alcohol test as required by this policy. All actions listed below will constitute a refusal to test and is therefore subject to the consequences of a positive test result.

A refusal to submit is defined as follows:

1. Fail to appear for any test (except a pre-employment test, please see #3) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
2. Fail to remain at the testing site until the collection process is complete.
Once the donor has attempted to provide a urine Town of Westcliffe, they are required to stay at the collection site until an acceptable Town of Westcliffe (45 ml minimum) is obtained. If the donor chooses to leave after the process has started, they have refused to submit.
3. Any person who leaves the testing site before the pre-employment testing process has started is not deemed to have refused to test as long as the donor has not made an attempt to provide a urine Town of Westcliffe. Once the donor has attempted to provide a urine Town of Westcliffe, they are required to stay at the testing site until an acceptable Town of Westcliffe (45 ml minimum) is obtained. If the donor chooses to leave after the process has started, they have refused to submit.
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen
5. Failure to provide a sufficient amount of urine (45 ml) when directed and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
6. Fails or declines to take a second test the employer or collector has directed the employee to take.
7. Fail to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by TOWN OF WESTCLIFFE . In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
8. Fail to cooperate with any part of the testing process or clearly obstructs the testing process.
(e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
9. Is reported by the Medical Review Officer as having a verified adulterated or substituted test result.
10. The employee behaves in a confrontational way that disrupts the collection process.
11. The employee fails to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
12. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
13. The employee refuses to wash his or her hands – after being directed to do so.

OTHER PROHIBITIONS

A. Hemp

Recently a number of products have appeared on the market, which are advertised as "Hemp" products. The hemp contained in these products is Cannabis Sativa, or Marijuana. Whatever else it may be, consuming hemp food products is not a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen. TOWN OF WESTCLIFFE will not accept the ingestion of a hemp-based product as an excuse for testing positive for the marijuana metabolite.

B. Adulterants

An employee who is found to have adulterated, substituted, tampered, misidentified, or otherwise acted to deceive the employer regarding test Town of Westcliffe will be immediately terminated.

C. Dilute Specimens

Employees are required to provide a normal urine specimen for testing. If the drug test result is reported as dilute the employee must be tested again immediately. The employee will be required to re-test at their expense until a normal Town of Westcliffe is given.

D. Marijuana Use

Marijuana is considered a prohibited substance. Anyone testing positive for marijuana will be subject to the consequences of this policy for a positive drug test. No exceptions.

Consequences:

Any employee testing positive for any detectable level of a controlled substance or alcohol will be immediately terminated.

Records

A. Retention Period

1. The following records must be retained for 5 years:
   - Verified positive results
   - Alcohol results over 0.02
   - Documentations of refusals.
   - Employee referrals to the Substance Abuse Professional
   - Annual management system information reports.

2. The following results must be retained for 2 years:
   - Records related to all processes and employee training.

3. The following results must be retained for 1 year:
   - Records of negative drug and alcohol results less than 0.02

B. Types of Records:

1. Collection processes:

   - Random selection documents
   - Reasonable suspicion documents
   - Post accident decision documents
   - Documents verifying medical inability to provide adequate breath or urine

ORIGINAL

2. Test Results:
   - Employer's copy of alcohol test
   - Employer's copy of controlled substance chain of custody
   - Documents from Medical Review Officer
   - Documents related to refusal to submit
   - Documents presented by employee to dispute refusal to submit

3. Evaluations:
   - Determinations by the Substance Abuse Professional of assistance needed to resolve misuse.
   - Compliance with Substance Abuse Professional

4. Education and Training:
   - Materials on misuse awareness, including the policy
   - Employee's signed receipt of education materials
   - Documents of supervisor training to qualify for making reasonable suspicion of judgments.

C. Access to Records:

1. The employee is entitled to a copy of his/her records.
2. Town of Westcliffe will release drug testing records pursuant to the employee making a written request for drug or alcohol testing documents. Employee must sign an Authorization of Release to obtain these records.

Training:

Supervisory Training

Those designated to determine if reasonable suspicion exists must receive 60 minutes of alcohol and 60 minutes of controlled substance training, which covers the physical, speech and performance indicators of misuse.

Each supervisor must sign a certificate of receipt of this training.

Employee Training

All employees will be provided materials about the effects of drugs and alcohol and the policy. Employees will also be provided with the name of their immediate supervisor who can answer their questions about these materials.

Employees will receive annual education regarding the health and workplace safety risks associated with the use of controlled substances and alcohol.

Supervisors will review Graco's drug testing policy annually with their staff.

Each employee must sign a certificate of receipt of the materials and education.

ORIGINAL

Reporting By Employees

The following procedure shall be used when an employee suspects controlled substance use or alcohol misuse by an employee subject to the requirements of this policy/procedure.

A. The employee shall report the concern to his/her supervisor. If the supervisor is not available the employee shall report the concern to TOWN OF WESTCLIFFE Human Resources. All such reports shall be held in confidence.

B. The employee shall not discuss the concern with other employees.

C. The supervisor or other authorized person to whom the report has been made shall take the necessary steps to confront the employee suspected of having the controlled substance and/or alcohol problems and take the necessary action pursuant to this policy.

ORIGINAL

Employment Agreement:

I understand and agree to comply with TOWN OF WESTCLIFFE policy regarding alcohol and controlled substance use and/or abuse. I further understand that failure to comply with this policy may result in dismissal from employment.

I have been given a complete copy of the TOWN OF WESTCLIFFE drug testing policy. I also know how to access a copy of this policy at my place of employment

I also understand that if I have any questions about this policy or TOWN OF WESTCLIFFE 'S drug testing program I can contact the under signed supervisor and/or his superior.

Employee Name (printed): _____

Employee Signature: _____

Date: _____

Supervisor's Name (printed): _____

Supervisor's Signature: _____

Date: _____

ORIGINAL

Chapter 1 [1]
ADMINISTRATION

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10-1-1: Title

A.[2] Title. An ordinance and map establishing Zoning Districts in Westcliffe, Colorado; regulating the location, height, bulk, size and type of buildings and other structures; the percentage of lot which may be occupied; the size of lots, courts and other open space; the size, illumination, and type of signs; the density and distribution of population; the location and use of land for residences, trade, industry, recreation, or other purposes; regulation of subdivision; PUD and supplementary regulations. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Short Title. This Title 10 shall be known as the Westcliffe Land Use Code, portions of which are referred to herein as "Chapters," and the entirety of which is referred to as this "Title," or this "Code." (Ord. 2-2007, eff. 9/6/2007)

10-1-2: Purpose

A.[3] General Purpose. This title is necessary, designed, and enacted for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of Westcliffe, Colorado, by lessening congestion in the streets and roads; securing safety from disease, fire and other hazards; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, communication,

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1 Title 10, Chapter 1 is amended by the addition of Section 16-Short Term Vacation Rentals, (Ord. 3-2021, eff. 6/1/2021)

2 Title 10, Chapter 1 "Administration", Section 1 "Title" Subsection A is repealed and reenacted in its entirety, (Ord. 13-2016, eff. 10/6/2016)

3 Title 10, Chapter 1 "Administration", Section 2 "Purpose" is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

power, water, sewerage, schools, parks, and other public development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-3: Authority and Enforcement [4] [5]

A. Authority. The Westcliffe Land Use Code is authorized by and enacted pursuant to Article 23, Chapter 31, of the Colorado Revised Statutes, as amended, and hereby is declared to be in accordance with all provisions of same. (Ord. 2-2007, eff. 9/6/2007)

B. Enforcement. This ordinance hereby establishes and shall be enforced by an officer appointed by the Board of Trustees to be known as the "Zoning Enforcement Officer." (Ord. 2-2007, eff. 9/6/2007)

C. Zoning Enforcement Officer. An official of the Town appointed by the Board of Trustees charged with authority for administration and enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

D.[6] Certificate of Occupancy. No new building hereafter shall be occupied or used until inspected by the building inspector or person designated by the Board of Trustees and certificate of occupancy therefore has been issued by the Zoning Enforcement officer. Such certificate shall be issued within (10) working days after the –inspector has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Title and the International Building Code that the town is currently operating on. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

E.[7] Records. All building permits, application records, records of inspection, and certificate of occupancy records shall be kept on file in the office of the Zoning Enforcement Officer/Building Inspector and shall be available for inspection by the public at the Building Inspectors office. This includes electronic records and data. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. Standards and Specifications. The Board of Trustees, by resolution, may adopt standards and specifications for the construction of all improvements as set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

G.[8] The Town shall form and maintain a Planning and Zoning Commission pursuant to C.R.S. 31-23-202 and C.R.S. 31-23-203. The Planning and Zoning Commission shall consist of five members, including the Mayor, one member of the Board of Trustees, and three members appointed by the Mayor at least one of which shall be the Town Building and Zoning Official. Pursuant to C.R.S. 31-23-203 (4), the Board of Trustees hereby elects to empower the Mayor to appoint members to the Planning and Zoning Commission, including the Town's Building and Zoning Official from either within the Town of Westcliffe, who are

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4 Title 10, Chapter 1, Section 3 is amended by the addition of subparagraph F. (Ord. 2-2007, eff. 9/6/2007)

5 Title 10, Chapter 1, Section 3 is amended by the addition of subparagraph G and re-title 10-1-3. (Ord. 1-2016, eff. 2/4/2016)

6 Title 10, Chapter 1 "Administration", Section 3 "Authority and Enforcement", Subsections, D is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 1 "Administration", Section 3 "Authority and Enforcement", Subsections, E is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

8 Title 10, Chapter 1, Section 3, is amended by adding Subsection G. (Ord. 1-2016, 2/4/2016)

full-time residents of Custer County, Colorado. Policies and Procedures of the Planning and Zoning Commission shall be approved by the Board of Trustees. (Ord. 1-2016, eff. 2/4/2016)

10-1-4: Interpretation

A.[9] Interpretation. The provisions of this Title are minimum requirements adopted for the promotion of the public health, safety, and general welfare. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Conflict. Whenever the requirements of this Title are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern. (Ord. 2-2007, eff. 9/6/2007)

10-1-5: Violations and Penalties [10]

A. Violation and Penalty. Failure to comply with all of the provisions of this Title, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor punishable by a fine of up to ~~T~~three hundred dollars ($300.00) per day. Each day that a violation continues to exist shall constitute a separate offense, unless the Zoning Enforcement Officer has determined a more reasonable period of time to correct the violation. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. Notification, Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Title, that officer shall notify the person responsible for the violation in writing citing the specific Municipal Code and shall order the necessary corrections or commitment to resolutions to be made within a ~~reasonable~~ period of time ~~to be~~ determined to be reasonable by the Zoning Enforcement Officer. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C. Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this Title may file a signed written complaint (Pursuant to C.R.S 24-72-203 Public Records are open to inspection) with the Zoning Enforcement Officer, who shall investigate such complaint and take –action within –ten (10) working days to have the violation penalized or ~~removed, if~~removed if such violation is found to exist. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-6: Definitions[11] [12]

A. Rules of Language Construction. For the purposes of this Title and when not inconsistent with the context: (Ord. 2-2007, eff. 9/6/2007)

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9 Title 10, Chapter 1 "Administration", Section 4 "Interpretation" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

10 Title 10, Chapter 1 "Administration" Section 5 "Violations and Penalties" Subsections A, B and C are repealed and reenacted in their entirety. (Ord. 13-2016, eff. 10/6/2016)

11 Title 10, Chapter 1, Section 6, subparagraph C, is amended by the addition of subsection 18.1, subsection 19, subparagraphs "a through g" and subsection 20.1, and the repeal and reenactment of subsections 24 & 25. (Ord. 2-2007, 9-6-2007)

12 Title 10, Chapter 1, Section 6, Paragraph C, Subparagraph 65 shall be repealed in its entirety and the remaining renumbered. (Ord. 5, 2017, eff. 4-4-2017)

1. Words used in the present tense include the future. (Ord. 2-2007, eff. 9/6/2007)
2. Words in the singular include the plural. (Ord. 2-2007, eff. 9/6/2007)
3. Words in the plural include the singular. (Ord. 2-2007, eff. 9/6/2007)
4. The masculine includes the feminine. (Ord. 2-2007, eff. 9/6/2007)
5. The word "shall" is mandatory and not directory. (Ord. 2-2007, eff. 9/6/2007)
6. The word "may" is permissive. (Ord. 2-2007, eff. 9/6/2007)
7. The particular controls the general. (Ord. 2-2007, eff. 9/6/2007)

B. Interpretation. Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The work "structure" includes the word "building"; the work "person" includes a "firm," "association," "corporation," "partnership," and "natural person"; the work "used" includes the word "occupied," "arranged," "designed," or "intended to be used"; the word "construct" includes the words "erect," "reconstruct," "alter," "move in," and "move upon." (Ord. 2-2007, eff. 9/6/2007)

C. Definitions:[13] [14] [15]

1. Accessory Structure: a detached subordinate structure, the use of which is customarily incidental to that of the principal building or to the main use of the land and which is located on the same lot with the principal structure or use. Such a structure does not include dwellings or living quarters of any kind. (Ord. 2-2007, eff. 9/6/2007)

2. Accessory Use. A use naturally and normally incidental and subordinate to the permitted use of a land or lot area. (Ord. 2-2007, eff. 9/6/2007)

3. Alley: A public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property. (Ord. 2-2007, eff. 9/6/2007)

~~4. Bed and Breakfast: A private residence, several rooms in which one or more rooms of which are set aside for overnight guests whose paid accommodations include breakfast. (Ord. 13-2016, eff. 10/6/2016)~~

~~5~~4. Block: A parcel of land bounded on all sides by a street or streets. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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13 Title 10, Chapter 1, Section 6, subparagraph C is amended with the addition of 47 through 51. (Ord. 8-2014, 12-13-2014)

14 Title 10, Chapter 1 "Administration", Section 6 "Definitions" Subsection C "Definitions", 8, 9, 11, 22, 23 Paragraphs b, c and f, 24, 30, 32, 48, 51, 54 are repealed and reenacted in their entirety, and new definitions added - 4, 21, 33, 34, 35, 36, 37, 38, 39, 40, 41, 46, 50, 58, 61, 66 and 67 as follows: and are amended by renumbering. (Ord. 13-2016, eff. 10/6/2016

15 Title 10, Chapter 1, Section 6, Paragraph C is amended by the deletion of Subparagraph 65 and renumber the remaining. (Ord. 5-2017, eff. 4-4-2017)

~~6~~5. Board of Trustees: The Board of Trustees of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~7~~6. Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~8~~7. Building Height: The vertical distance as measured from the average (pre-development) grade level at the four (4) points of the structure most closely approximating geographic north, south, east and west, to the highest point of the roof structure, exclusive of mechanical infrastructure such as chimneys, vents, pipes, spires or similar items. Pre-development grade shall be established by use of scaled photographs taken from the crown of the adjacent street before construction, compared to similar photographs taken after construction. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~9~~8. Building Set-Back: A line extending across the full width or side of a lot, parallel with the street right-of-way or property line and outside of which no building or structure shall be constructed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~10~~9. Commission: See Planning Commission. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~11~~10. Consumer: Any person contacted as a potential purchaser, lessee or renter as well as one who actually purchases, leases or rents property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~12~~11. County: Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~13~~12. County Commissioners: The Board of County Commissioners of Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~14~~13. Dedication: A grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~15~~14. Density: The average number of dwelling units per acre, excluding areas used for public rights-of-way. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~16~~15. Dwelling: A principal structure designed to be used as a living place for one or more persons or families but not including hotels, lodging, motels, clubs, boarding houses~~,~~. ~~And or~~ orany institution such as an asylum, hospital, or jail where persons ——are housed by reason of illness or under legal restraint. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~17~~16. Dwelling Unit: Any building or portion thereof which is intended for long-term human habitation which includes sleeping, cooking and sanitation facilities for not more than one family. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~18~~17. Easement: A dedication of land for a specified use, such as providing access for maintenance of utilities. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~19. Family: One or more persons living together as in a single housekeeping unit in a dwelling unit~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~20~~18. Fully Shielded: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~21~~19. Government Buildings: Any buildings used as an office, branch, or agency of the federal, state, county, or municipal governing body. (Ord. 13-2016, eff. 10/6/2016)

~~22~~20. Heavy Industrial: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking or maintenance of vehicles, including trailers, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck or trailer terminals, public works yard, container storage). (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~23~~21.[16] Home Occupation: Any non-residential use undertaken for monetary gain within a Dwelling Unit or Accessory Structure, which: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

a. is operated solely by the inhabitants thereof, which use clearly is incidental and secondary to the use of the Dwelling Unit for living purposes; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. does not have more than one employee excluding the inhabitants at the Dwelling Unit or Accessory Structure; (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

c. does not generate excessive vehicular traffic or parking; (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

d. does not involve retail or wholesale sales of supplies or products unless said sales are commonly related to a service provided at the location of the Home Occupation or delivery of said supplies or products is by mail order or over the Internet; -(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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16 Title 10, Chapter 1, Section 6, Paragraph 23 is repealed and reenacted in it's entirety by removing the last sentence. (Ord. 8-2018, eff. 8/3/2018)

e. has no signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of two square feet; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

f. is conducted entirely on the interior of a Dwelling Unit or Accessory Structure, except ~~that~~ those exterior activities shall be allowed with approval by the zoning officer; and (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

g. generates no vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare in excess of levels customarily found in residential neighborhoods that is noticeable at or beyond the property line of the premises upon which the Home Occupation is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~24~~. ~~Hotel: A building designed for occupancy with or without meals and in which no facilities are provided for cooking meals in individual rooms~~See lodging. ~~(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/2016)~~

~~25~~22. ~~Light Industrial: Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining and primary metal or related industries. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)~~

~~26~~24. Light Pollution: any and all nuisances caused by adverse effect of man-made light, including but not limited to glare, light trespass, sky glow, visual clutter, ~~and wasted energy due to excessive or unnecessary lighting;~~ or artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~27~~25. Light Trespass: Light projected across property lines or into the public right-of-way when it is not required or permitted to do so. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

26. Lodging ~~Business~~Establishment: ~~means a lodging unit, hotel, motel, inn, bed and breakfast, or hostel used for temporary occupancy for sleeping purposes.~~ Means a bed and breakfast, as defined in C.R.S. section 12-47-103 (3), or a hotel, motel, resort, or public inn, as defined in C.R.S. section 12-44-101 (3)~~.~~

~~28~~27. Lot: A parcel or portion of land separated from other parcels or portions by legal description and intended for transfer of ownership or building development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~29~~28. Lot Area: The total number of horizontal square feet contained within the boundaries of the lot lines of the lot. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~30~~29~~.~~ Lot Line: A line separating a parcel or portion of land from another by legal description. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~31~~30. Lumen: A unit used to measure the amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. One foot-candle means one lumen per square foot of area illuminated. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~32~~31. Manufactured Home: A dwelling unit which is partially or entirely manufactured in a factory; is installed on a permanent foundation; is pursuant to the International Building Code as adopted by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~33~~32. Marijuana: means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product. (Ord. 13-2016, eff. 10/6/2016)

~~34~~33. Marijuana Accessories: means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, –vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body. (Ord. 13-2016, eff. 10/6/2016)

~~35~~34. Marijuana Cultivation Facility: means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~36~~35. Marijuana Establishment: means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store. (Ord. 13-2016, eff. 10/6/2016)

~~37~~36. Marijuana Product Manufacturing Facility: means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~38~~37. Marijuana Products: means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use and consumption, such as, but not limited to, edible products, ointments, and tinctures. (Ord. 13-2016, eff. 10/6/2016)

~~39~~38. Marijuana Testing Facility: means an entity licensed to analyze and certify the safety and potency of marijuana. (Ord. 13-2016, eff. 10/6/2016)

~~40~~39. Medical Marijuana Center: means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to section 14 of this article and the Colorado Medical Marijuana Code. (Ord. 13-2016, eff. 10/6/2016)

~~41~~40. Marijuana Retail Store: means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. (Ord. 13-2016, eff. 10/6/2016)

~~42~~41. Mobile Home: A structure which is transportable in one or more sections; is built upon a permanent chassis, is designed to be used as a place of living for a single family, with or without permanent foundation and retains it's original title, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~43~~. ~~Motel: A group of attached or detached buildings containing individual living or sleeping units, designed for or used temporarily by tourists and transients, with garage or parking space near each rental unit.~~See Lodging. ~~(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)~~

~~44~~42. Nonconforming Building: A building or portion thereof, legally built prior to the effective date of this Title or any pertinent amendment thereto, which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~45~~43. Nonconforming Use: Land or a building lawfully occupied prior to the effective date of this Title or any pertinent amendment thereto, by a use which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~46~~44. Nuisance Defined: Anything which is injurious to the health or indecent or offensive to the senses or an obstruction to the free use of property so to

interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (Ord. 13-2016, eff. 10/6/2016)

~~47~~45. Permit: A document issued by the Town of Westcliffe, Colorado, granting permission to perform an act or service which is regulated by the said Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~48~~46. Person: An individual, partnership, corporation, association, LLC, unincorporated organization, municipality, state agency, trust or any other legal or commercial entity, including joint venture or affiliated ownership. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~49~~47. Planning Commission: The Planning Commission of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~50~~48. Planned Unit Development (PUD): A project or subdivision that consists of common property and improvements that are owned and maintained by an owner's association for the benefit and use of the individual units within the project. (Ord. 13-2016, eff. 10/6/2016)

~~51~~49. Plat: A map, drawing or chart, drawn to scale, upon which the subdivider presents proposals for the physical development of a subdivision and PUD and which he or she submits for approval and intends to record in final form. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

50. **"Political sign"** means a sign used in connection with a local, state or national political issue, election or referendum.

~~52~~50~~1~~. Property Line: See Lot Line. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~53~~51~~1~~2. Public Hearing: A public meeting held by the Planning Commission or Board of Trustees at which citizens' opinions may be voiced concerning the subject of the hearing, and at which a decision on the matter may be made. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~54~~52~~2~~3. Public Notice: Notice of a public hearing by the Board of Trustees, Planning Commission or Board of Adjustment. Unless otherwise specified, such notice shall be published one (1) time in a newspaper of general circulation in the Town at least seven (7) days before such hearing. In the case of proposed changes to the Zoning Map, such publication shall be made at least ten (10) days prior to the hearing. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~55~~53~~3~~4. Reservation: A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~56~~54~~.~~5 Road: See Street. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~57~~55~~6~~. Right- of- Way: The entire dedicated tract or strip of land dedicated for circulation and service. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~58~~56~~7~~. RV Park: A place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as "pitches". (Ord. 13-2016, eff. 10/6/2016)

5~~7~~8. Short Term Rental (STR) means the rental or lease of a single-family or multi-family residential dwelling unit, or part thereof, for less than thirty (30) consecutive days. ~~a lodging use of a furnished residential dwelling unit, or portion thereof, for less than thirty (30) consecutive days per rental~~. Hotel, motel, or lodge rooms and B&Bs and inns, are not considered a~~n~~ STR. Offering the use of one's property where no fee is charged or collected is not considered a~~n~~ STR.

59. Short-term Rental 1 (STR1) means either:

a. An owner-occupied dwelling unit in which bedrooms are rented or offered for rent for periods of less than thirty (30) days; or

b. A dwelling unit on a two-dwelling unit property, in which one unit is occupied by the owner of the entire property, and the second unit is rented or offered for rent for periods of less than thirty (30) days.

60. Short-term Rental 2 (STR2) means: A dwelling unit that is not occupied by its owner that is rented or offered for rent for periods of less than 30 days.

~~59~~~~8~~61. Site Development: The Zoning Enforcement Officer shall have authority to determine whether an activity, including a substantial addition to an existing structure, constitutes site development; that determination may be appealed to the Board of Adjustment ~~All construction and improvements on any parcel, lot or tract of property within the Town and on any structure (other than construction or remodel of a single family residence or one duplex building, or normal maintenance or repair)~~,Site Development includ~~ing~~es but is not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, street lights, signs and moving of structures. ~~The Zoning Enforcement Officer shall have authority to determine whether an activity, including a substantial remodel of or addition to an existing structure, constitutes site development; that determination may be appealed to the Board of Adjustment~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~60~~~~9~~62. Street: A way for vehicular traffic, further classified and defined as follows: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

a. Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. Collector streets are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a residential development, those streets linking adjacent developments, and those streets providing circulation within such developments. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. Local streets are those used primarily for direct access to lots abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~61~~6~~0~~3. Storage Units: ~~A system whereby individuals rent~~ a facility with containers or rooms rented ~~in a larger warehouse~~ to store ~~possessions~~property. (Ord. 13-2016, eff. 10/6/2016)

~~62~~6~~1~~4. Subdivider: Any person acting individually or as a group dividing or proposing to divide land so as to constitute a subdivision. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~63~~6~~2~~5. Subdivision:

a. The division of a parcel of land into two or more parcels, sites or lots for the purpose, whether immediate or future, o~~f~~r transfer of ownership or building development; or a tract of land, including land to be used for condominiums, apartments, Townhomes or any other multiple-dwelling units, ~~or for~~ time-sharing dwelling units, unless the improvement with the same density has previously complied with the requirements of the subdivision regulations contained in this Title 10; or (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

b. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the dedication, opening, widening or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public Sewerage, water, storm drainage or other public utilities or facilities. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. Unless the method of land disposition is adopted for the purpose of evading this definition, the term subdivision as defined in this Section shall not apply to any of the following divisions of land or interests in land: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. The division of land by order of any court in the State or by operation of law. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. The division of land by a lien, mortgage, deed or trust or any other security instrument. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. The division of land which creates cemetery lots. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

5. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this Section as only one (1) interest. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~64~~36. Town: The Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~65~~47. Unshielded Fixture: A fixture which, as designed or installed, emits all or part of the light above the lowest part of the light source. (Ord. 8-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

~~66~~58. Use by Special Review: A process and procedure which provides for review and approval of certain uses which, although permitted within specific zoning districts, may contradict some regulations in the Land Use Code. (Ord. 13-2016, eff. 10/6/2016)

~~67~~69. Variance: The process by which an applicant can request deviation from the set of rules a municipality applies to land use and land development, typically a zoning ordinance, building code, or municipal code. (Ord. 13-2016, eff. 10/6/2016)

~~68~~70. Yard, side: that part of a lot which is located between the center line of the property and abutting private property. A corner lot shall be deemed to have two front yards, and shall be required to conform to the minimum setback for yards on each side abutting the street. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~698~~71. Yard, front: that portion of a yard between the front lot line and the principal structure, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~709~~72. Yard, rear: that portion of a yard between the rear of the principal structure and a rear lot line and between two (2) side lot lines, the depth of which shall be the least distance between the principal structure and the rear lot line. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-7: Nonconforming Buildings and Uses

A. Nonconformance. Certain uses of land and buildings may be found to be in existence at the time of enactment of this Title that do not meet the requirements of this Title. It is the intent of this Title to allow the continuance of such nonconforming uses, subject to the requirements and limits herein. (Ord. 2-2007, eff. 9/6/2007)

B. Alterations and Extensions. No building, sign or light fixture or use that is nonconforming as of the effective date of this Title shall be expanded in any way that would increase the degree of nonconformance. The following changes or alterations may be made to a nonconforming building: (Ord. 2-2007, eff. 9/6/2007)

1. Repair to a building, sign or light fixture that officially has been declared unsafe, to restore such building, sign or light fixture to a safe condition. (Ord. 2-2007, eff. 9/6/2007)

2. Maintenance repairs that are necessary to maintain the good condition of the building, sign or light fixture. (Ord. 2-2007, eff. 9/6/2007)

3. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use. (Ord. 2-2007, eff. 9/6/2007)

C. Restoration. A nonconforming building that has been damaged by fire or other natural cause may be restored to its original usability, provided such restoration is begun within nine (9) months and completed within ~~three (3)~~two (2) years of the occurrence of the damage. (Ord. 2-2007, eff. 9/6/2007)

D.[17] Discontinuance. Whenever a nonconforming building has been vacant for a period of twelve (12) months, it shall not thereafter be reestablished. Changes of ownership qualifies as a discontinuance, therefor any future use shall be in conformance with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

Any nonconforming use in existence at the time of the effective date of this Title that has a valuation of all improvements of $1,500 or less shall be discontinued within two (2) years from the effective date of this Title. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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[17] Title 10, Chapter 1 "Administration", Section 7, "Nonconforming Building and Uses" Subsection D is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

E. Nonconforming Lots. Nonconforming lots on record on the date of enactment of this Title may be built upon, provided that yard requirements are met and that the approval of the Board of Adjustment is obtained. (Ord. 2-2007, eff. 9/6/2007)

F. Change in Nonconforming Use. No nonconforming use of a building or lot may be changed to another nonconforming use. (Ord. 2-2007, eff. 9/6/2007)

G. Construction Prior to Ordinance Enactment. Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and construction of which diligently shall have been prosecuted within three (3) months of the date of such permit. (Ord. 2-2007, eff. 9/6/2007)

10-1-8: Board of Adjustment[18]

A. Membership. There is hereby established a Board of Adjustment for the Town consisting of the membership of the Board of Trustees as it exists from time to time. The Board of Adjustment shall have all of the rights, duties and obligations of Board of Adjustment as described in § 31-23-307, et seq., C.R.S., except to the degree such duties, rights or obligations conflict with any provision of this Title or other ordinance adopted by the Board of Trustees. The Board of Adjustment shall be chaired by the Mayor, as that office is occupied from time to time. (Ord. 2-2007, eff. 9/6/2007)

B. Duties and Powers. It shall be the duty of the Board of Adjustment: (Ord. 2-2007, eff. 9/6/2007)

1. To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or the Planning Commission, or by the request of any party wishing to appeal a decision of the Zoning Enforcement officer. See Section E of this section for the procedure. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. To adopt any rules necessary to transact the board's business or to expedite its functions or powers, provided such rules are not inconsistent with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007)

3. To vote upon the granting of an adjustment to requirements of this Title, which vote must have the concurrence of at least a majority of the board in order to reverse an order of the Zoning Enforcement Officer or to grant any variance or to decide in favor of the applicant on any matter. (Ord. 2-2007, eff. 9/6/2007)

4. To permit the public to attend and be heard at all of its meetings. (Ord. 2-2007, eff. 9/6/2007)

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[18] Title 10, Chapter 1 "Administration", Section 8, "Board of Adjustment" Subsections B Paragraph 1, Subsections E and F are repealed and reenacted in their entirety. (Ord. 13-2016, 10/6/2016)

5. To notify in writing the Zoning Enforcement Officer, the owner involved, and the Planning Commission, of all hearings scheduled, resolutions passed, decisions made, and permits authorized. (Ord. 2-2007, eff. 9/6/2007)

6. To publish or cause to be published notice of the dates of hearings, where such hearings are deemed necessary by the board. (Ord. 2-2007, eff. 9/6/2007)

C. The Board of Adjustment shall have the power to interpret this Title, including any uncertainty as to boundary location, or meaning of wording, so long as such interpretation is not contrary to the purpose and intent of this Title. (Ord. 2-2007, eff. 9/6/2007)

D. Section 10-1-8.D regarding the Board of Adjustment is repealed and is reenacted to provide as follows: The Board of Adjustments shall have the power to grant variances from the provisions of this Title, but only where all of the following conditions are found to exist: (Ord. 2-2007, eff. 9/6/2007)

1. The variance will not authorize any use other than a use enumerated as a permitted use in the district; (Ord. 2-2007, eff. 9/6/2007)

2. The variance will be necessary to mitigate or relieve practical difficulties or unnecessary hardships; (Ord. 2-2007, eff. 9/6/2007)

3. The variance will not place an unnecessary burden on the future resources of the Town or on adjoining land owners; (Ord. 2-2007, eff. 9/6/2007)

4. The variance will not change the predominant character of the neighborhood and will be compatible with the surrounding area; and (Ord. 2-2007, eff. 9/6/2007)

5. The variance will not be out of harmony with the intent and purpose of this Title. (Ord. 2-2007, eff. 9/6/2007)

The Board of Adjustments may impose conditions for granting any variance including, without limitation, time limits on the variance, limitations as to the uses allowed and restrictions on uses to which the variance may apply. (Ord. 2-2007, eff. 9/6/2007)

E. Procedure. The Board of Adjustment shall act in strict accordance with all of the applicable laws of the State of Colorado and all applicable ordinances of the Town of Westcliffe. All appeals to the Board of Adjustment shall be filed in writing with the Town Clerk within fifteen (15) days of the decision being questioned. Every appeal shall indicate which provisions of this Title are involved, what relief is being sought, and the grounds on which such an appeal is predicated. The chairman of the Board of Adjustment shall, within forty-five (45) days from the filing of an appeal, call a meeting of the board for the purpose of reviewing the matter. At the same time, at the discretion of the Board of Adjustment a copy of the filed appeal may be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board of Adjustment before the date set for hearing the appeal. Notification of the decision of the board then shall be made. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

F. Appeals of the decision the Board of Adjustment. Review of the decision of the Board of Adjustment shall be made to the courts, as provided by law. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

10-1-9: Development Review Process[19] [20]

A. Scope and application.

1. All site development within the Town shall be required to follow the procedures and satisfy the requirements set out below prior to development. Site development is defined at Section 10-1-6.C.59. The developer is required to attend in person or by authorized representative, all meetings at which the project is considered, unless otherwise notified by the Town. With the exception of the erection of signs which must comply with the sign ordinance, no site development of property may be initiated, the use of property may not be substantially changed, substantial clearing, grading, filling or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to one (1) or more of the following approvals: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

   a. A site plan approval pursuant to Section 10-1-10; (Ord. 2-2007, eff. 9/6/2007)

   b. A planned unit development approval pursuant to Section 10-2-4.M; (Ord. 2-2007, eff. 9/6/2007)

   c. A subdivision approval pursuant to Chapter 3; or (Ord. 2-2007, eff. 9/6/2007)

   d. A use permitted by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

2. All site development must also obtain building and construction permits pursuant to the uniform codes adopted by the Town and must comply with all other applicable sections contained within this Title. (Ord. 2-2007, eff. 9/6/2007)

B. Pre-application conference. Prior to the formal submittal of any request for approval to proceed with site development, an informal pre-application conference shall be held between the applicant and the Town staff. This conference will serve to acquaint the applicant with the requirements of this Title and to allow staff to become familiar with

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19 Title 10, Chapter 1, Section 9 is amended by the repeal and reenactment of subparagraph "A", subsection 1, subparagraphs "b" and "d" and subparagraph "D". Ord. 2-2007, eff. 9/6/2007

20 Title 10, Chapter 1 "Administration", Section 9, "Development Review Process" Subsection A Paragraph 1 is repealed and reenacted in its entirety. Subsections C Paragraphs 1, 2 and Subsection D are repealed and reenacted in their entirety. Ord 13-2016, eff. 10/6/2016

the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the pre-application conference. (Ord. 2-2007, eff. 9/6/2007)

C. Review process.

1. The following chart establishes the required review steps applicable to different forms of site development. Applicants seeking site development approval should refer to the chart to determine which one (1) or more "APPROVALS SOUGHT" under the left-hand column of the chart applies to the proposed site development. The required stages of review for such approval are shown on the lines to the right. Submission requirements and the specific review process for each stage are set out elsewhere in this Title under the appropriate headings. Unless otherwise indicated, amendment or modification of prior site development approval shall follow the procedure for review of the original application. Notwithstanding Section 31-23-215, C.R.S., the Planning Commission is not required to act on any application (including subdivisions) until thirty (30) days following the first public meeting or public hearing. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

2. In the event the Planning Commission or Town Staff recommends denial of the application at any stage, the applicant may choose to proceed to the next stage of review or may resubmit the application at the first stage. If, in the opinion of the Building & Zoning Official, a submittal at any stage of review is incomplete, the matter shall be removed from the agenda and not further processed until deemed complete. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

3. The Planning Commission or Board of Trustees may require, prior to or as a part of any preliminary or final site development review, that the applicant permit a site visit by the members of the Commission or Board, as the case may be. In the event a site visit is required, the applicant shall provide access to the property sufficient to accommodate the needs of the site visit and shall, upon request by the Town, stake, flag or otherwise identify on or above the ground those features of the property or the proposed development (for example, wetland boundaries, proposed building envelopes and heights, road alignments) requested. (Ord. 2-2007, eff. 9/6/2007)

4. The Planning Commission or Board of Trustees may require at any stage of review of any site development, submission of any plan, study, survey or other information, in addition to that specified in this Title, and at the applicant's expense, as such body may determine necessary to enable it to review and act upon the application in order to determine whether the application complies with the requirements of this Title: (Ord. 2-2007, eff. 9/6/2007)

10-1-9

D. Review Process Chart. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

APPROVAL SOUGHT	PRELIMINARY				FINAL		COMMENTS
	S	PC	TB	S	PC	TB	
Site Plan	X	CU	CU	X	CU	CU	
Use by Special Review				X	M	H	
PUD	X	M	H	X	H	H	Ordinance required
Variance				X	M	H	TB serves as BOA
Rezoning				X	H	H	Ordinance required
Minor Subdivision				X	CU	CU	Recorded plat
Major Subdivision	X	M	H	X	H	H	Recorded plat
Vacation of Streets				X	M	H	Ordinance required
Correction plat				X			Recorded plat

S = Staff review
PC = Planning Commission
TB = Board of Trustees
M = Public Meeting
H = Public Hearing
X = Town Staff
CU = Call upon request of Planning Commission or Board of Trustees

10-1-10: Site Plan Approval[21] [22]

The requirements of this Section apply to site development (as defined at Section 10-1-6.C.59) on property for which the use proposed is a use by right and subdivision or planned unit development approval is not sought. The review process for site plan consists of two staff reviews: at the preliminary and at the final stage (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

The applicant shall submit the following information in a brief summary

A. General project concept (Ord. 2-2007, eff. 9/6/2007)

B. Specific uses proposed, and intensity of use proposed (floor area and parking demand (Ord. 2-2007, eff. 9/6/2007)

C. Proposed construction timing (Ord. 2-2007, eff. 9/6/2007)

D. General concepts concerning building size and exterior materials and site plan concepts: (Ord. 2-2007, eff. 9/6/2007)

~~1. An exterior materials package including roof material and color, wall treatment, glass and glazing. (Ord. 2-2007, eff. 9/6/2007)~~

~~2~~1. Site plan concepts including site organization, landscaping, irrigation, grading, lighting and signs. (Ord. 2-2007, eff. 9/6/2007)

E. The following additional data may be required by the Town to accompany the application: (Ord. 2-2007, eff. 9/6/2007)

1. A site plan to scale showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet, location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage (Ord. 2-2007, eff. 9/6/2007)

2. Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property (Ord. 2-2007, eff. 9/6/2007)

3. Other information required by the Zoning Enforcement Officer (Ord. 2-2007, eff. 9/6/2007)

F. The Zoning Enforcement Officer shall act to approve, approve with conditions, or deny the site plan application, with the option of seeking Planning Commission approval.(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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21 Title 10, Chapter 1, Section 10 is amended by the repeal and reenactment of the introductory paragraph. (Ord. 2-2007, eff. 9/6/2007)

22 Title 10, Chapter 1 "Administration", Section 10, "Site Plan Approval" is repealed and reenacted in its entirety. Subsection F is repealed and reenacted in its entirety. Ord. 13-2016, eff. 10/6/2016

10-1-11: Amendment of Zoning Map (Rezoning)[23] [24] (Ord 13-2016, eff. 10/6/2016)

A. Declaration of Policy and Standards for Rezoning. For the purposes of establishing and maintaining sound, stable and desirable development within the Town of Westcliffe, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the Board of Trustees that the Town's Zoning Map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or the Town in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one or more of the following reasons: (Ord. 2-2007, eff. 9/6/2007)

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Master Plan. (Ord. 2-2007, eff. 9/6/2007)

2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development. (Ord. 2-2007, eff. 9/6/2007)

3. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's Master Plan, and that such rezoning will be consistent with the policies and goals of the Master Plan. (Ord. 2-2007, eff. 9/6/2007)

B. Procedure for Amendments in General. The Board of Trustees may, on its own motion, on application of any Person or Persons in interest, and upon receiving recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of this chapter, including the Zoning Map; provided that where land is sought to be rezoned on an application of any Person or Persons in interest, the applicant shall have a controlling record title ownership interest in the subject property as demonstrated by an ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application. Also, an intended purchaser may make application if the purchase of the subject property is contingent on the amendment. (Ord. 2-2007, eff. 9/6/2007, Ord 13-2016, eff. 10/6/2016)

1. Application. No application shall be accepted unless accompanied by the fee as provided in Section 10-1-15 (Ord. 2-2007, eff. 9/6/2007)

2. Planning Commission Recommendation. Any proposed amendment or change to this chapter or to the Zoning Map, whether proposed by the Board

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23 Title 10, Chapter 1, Section 11 is amended by the repeal and reenactment of subparagraphs "A", "B" and "C". Ord. 2-2007, eff. 9/6/2007

24 Title 10, Chapter 1 "Administration", Section 11, "Amendment of Zoning Map (Rezoning)" Subsection A Paragraph 4 is deleted in its entirety, Subsection B is repealed and reenacted in its entirety. Subsection B Paragraphs 3 and 4 are repealed and reenacted in their entirety. Subsection C is repealed and reenacted in its entirety and Paragraph 1 is deleted, Subsection C and Paragraphs 2, 3 and 4 are repealed and reenacted in their entirety and renumbered. Ord. 13-2016, eff. 10/6/2016

of Trustees or otherwise, shall be referred to the Planning Commission for a recommendation thereon. (Ord. 2-2007, eff. 9/6/2007)

3. Procedure before Planning Commission. Before giving an advisory report or initial recommendation on any proposed amendment to this Ordinance or to the Zoning Map, the Planning Commission shall first conduct a Public Hearing thereon. Notice of the time and place of the Public Hearing before the Planning Commission shall be given by the Town Clerk, by one publication of the same at least seven (7) days prior to the hearing, in a newspaper of general circulation in the Town, posted on display at the Town Hall and posted on the Town website. The Zoning Officer shall, at least ten (10) days prior to the hearing, post a sign on the property notifying the general public of the time and place of the hearing. The Zoning Enforcement Officer shall either mail notice of the hearing to the applicant and to the property owners within 200 feet of the property proposed for rezoning at least ten (10) days prior to the hearing, or hand deliver to the same property owners, or affix notice to the doors of the same properties. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Procedure before the Board of Trustees. After receiving the recommendation from the Planning Commission, the Board of Trustees shall hold a Public Hearing before acting on the proposed amendment or rezoning. Notice of the time and place of the Public Hearing before the Board of Trustees shall be given by the Town Clerk, by one publication of the same at least seven (7) days prior to the hearing, in a newspaper of general circulation in the Town. At least ten (10) days prior to the hearing, the Zoning Officer shall post the property with a sign notifying the general public of the time and place of the hearing. The Zoning Enforcement Officer shall also either mail notice of the hearing to the applicant, and to the property owners within 200 feet of the property to be rezoned at least ten (10) days prior to the hearing, or hand deliver to the same property owners, or affix notice to the doors of the same properties. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C. Data to be submitted. Prior to any consideration for amendment to the Zoning Map, the applicant shall file the following data with the Town at least fifteen (15) business days prior to the scheduled date of Public Hearing before the Planning Commission: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/2016)

1. Site plans or drawings to show a demonstrated need for zoning change. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. A written statement showing in detail how the proposed amendment will meet the criteria set forth in Section A, above. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. A list of all property owners, within 200 feet of the property proposed for rezoning. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-1-12: Use by Special Review[25] [26]

A. The owner of record and the proposed user for land for which a special use is requested may make application to the Town for Use by Special Review. No application shall be accepted unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

1. The fee as provided in Section 10-1-15. (Ord. 2-2007, eff. 9/6/2007)

2. A site plan drawn to scale showing the location of all Buildings and structures, set-back distances, off-street loading areas, parking areas, means of ingress and egress, landscaping, utility locations with invert elevations and signage; and (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. An ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application showing the owner of the property. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. A written statement showing in detail how the proposed use will meet the criteria set forth in the following subsections. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

    a. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

    b. Will not cause significant air, odor, water, soil-or noise pollution; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

    c. Will be adequately landscaped; and, (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

    d. Will have adequate drainage so as to not interfere with abutting private or public property; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

    e. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B.[27] [28] A use by special review may be permitted in any Zoning District in which a use by special review is authorized as shown in Section 10-2-3, Table 1, and only if the approving agency finds that the proposed use: (Ord. 2-2007, eff. 9/6/2007)

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25 Title 10, Chapter 1, Section 12 is amended by the repeal and reenactment of subparagraphs "A", "B" and "D". Ord. 2-2007, eff. 9/6/2007

26 Title 10, Chapter 1 "Administration", Section 12, "Use by Special Review" Subsections A Paragraphs 2, 3, 4 and 4-a, b, c, d and e, are repealed and reenacted in their entirety. Subsection A Paragraphs 5, 6, 7 and 8 and deleted in their entirety. Ord. 13-2016, eff. 10/6/2016

27 Title 10, Chapter 1, Section 12, Subsection B, item 6 is deleted in its entirety and replaced. Ord. 8-2014, eff. 12/13/2014

28 Title 10, Chapter 1 "Administration", Section 12, "Use by Special Review" Subsection B Paragraph 7 is repealed and reenacted. Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016

1. Meets all existing criteria for minimum Lot Area, setbacks, maximum building height, permitted signs and parking; (Ord. 2-2007, eff. 9/6/2007)

2. Will not change the predominant character of the neighborhood and will be compatible with the surrounding area; (Ord. 2-2007, eff. 9/6/2007)

3. Will not result in an over-intensive use of land; (Ord. 2-2007, eff. 9/6/2007)

4. Will not require a level of community facilities and services greater than what is available; (Ord. 2-2007, eff. 9/6/2007)

5. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007)

6. Will not cause significant air, odor, water, light or soil and noise pollution; (Ord. 2-2007, eff. 9/6/2007, Ord. 8-2014, eff. 12/13/2014)

7. Will be adequately landscaped; and have adequate drainage as to not interfere with abutting private or public property; and (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007)

C. All applications for use by special review shall be reviewed initially by the Zoning Enforcement Officer who may require additional submissions or documentation beyond those set forth in the preceding subsection. If the Zoning Enforcement Officer determines that the application includes all items contemplated by the preceding section, he or she shall place the matter on the agenda for consideration by the Planning Commission which shall make recommendation to the Board of Trustees for denial or approval of the proposed use. (Ord. 2-2007, eff. 9/6/2007)

D. Notice of the Public Hearing before the Board of Trustees shall be posted and mailed in the same manner as that for rezoning under subsection 10-1-11.B.4. (Ord. 2-2007, eff. 9/6/2007)

E. Approval or denial of the proposed use shall finally be determined by the Trustees, acting by resolution, after the public hearing. If the proposed use is approved, the Trustees may impose conditions or safeguards to ensure compliance with the findings set forth above, including without limitation, requirements for minimum lot area, setbacks, maximum building height, permitted signs, fencing, parking and security to guarantee compliance with the conditions. The Trustees may also require an agreement with the applicant in recordable form placing a burden upon the land. (Ord. 2-2007, eff. 9/6/2007)

F. The violation of any conditions or safeguards imposed upon the special use shall be sufficient grounds for revocation of the special use approval, after public hearing by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

10-1-13: Expiration of development approval; reapplications.[29]

[29] Title 10, Chapter 1, Section 13 is amended by the repeal and reenactment of the entire section. . (Ord. 2-2007, eff. 9/6/2007)

Any preliminary or final approval of Site Development by the Town pursuant to this title shall expire and become null and void if: (1) for preliminary approvals, an application for final approval is not filed within twelve (12) months following the date of preliminary approval, or (2) for final approvals (unless a vested property right is granted under Chapter 5), the work authorized is not commenced within two (2) years from the date of final approval or if the work is ceased for a period of one hundred-eighty days (180) or more at any time after work is commenced. An extension of the time limits set forth in this section may be granted by the Board of Trustees for good cause to any applicant who applies for an extension before the time limits set forth in this section expire. For rezoning, PUD and use by special review approvals, a Public Hearing before the Board of Trustees in the manner required for final review shall be held to determine whether the zoning and/or permitted use of the property shall revert to that in place prior to the (expired) approval. Unless an extension has been granted, after Site Development approval has expired, no work shall be commenced until the developer has received new approval pursuant to the procedures set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

10-1-14: Severability

Should any section, subsection, clause, or provision of this Title be declared invalid by a court of competent jurisdiction, the invalid portion shall be severable from the remainder of this Title and such decision shall not affect the validity of this Title as a whole, or any part thereof other than the part so declared to be invalid. (Ord. 2-2007, eff. 9/6/2007)

10-1-15: Payment of Costs

In addition to any and all other fees and charges imposed by this Code, any applicant for action under this Title shall pay the fees as set forth in Appendix A. (Ord. 2-2007, eff. 9/6/2007)

10-1-16: SHORT TERM VACATION RENTALS [30]

A. Purpose and Intent. The purpose and intent of this Chapter is to ensure that residential properties in the Town used for short-term rental purposes meet minimum standards for safety and habitability and are operated in a manner consistent with surrounding residential uses and in compliance with the Town's Code, and to support a strong, streamlined process for licensing and approving short-term vacation rentals (STR) units, while ensuring that the rental of private dwellings units as STRs does not adversely impact to the quality of residential neighborhoods. Active STR'S, with valid business and special use licenses if applicable, operating on or before June 3, 2021, shall have a grace period to continue operating until January 1, 2022. All STR's, including active STR's operating on or before June 3, 2021 must apply for 2022 STR license by November 15, 2021. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless the context otherwise requires: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

[30] Title 10, Chapter 1, Section 16, Sub-sections A., B (2), C., D., E (3), F (2a, c), G (1e, I and are re-lettered), G (2), H., I (4, 5) K (1), L and M are repealed and reenacted in their entirety. (Ord. 5-2021, eff. 8/3/3021) Title 10, Chapter 1, Section 16 is repealed and reenacted in its entirety. (Ord 7-2021, eff. 11/17/2021)

1. Licensed premises means the premises specified in an approved vacation rental license which are owned or in the possession of the licensee and within which the licensee is authorized to provide short term rental accommodations in accordance with this Section. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. Short term Vacation rental means any rental or lease of a single-family residence, or portion thereof, for less than thirty (30) consecutive days per rental. Licensed lodging businesses, including hotel, motel, lodge, inn, B&B, and hostels operated under and governed by state statute and properly licensed by the state of Colorado are not considered Short Term Vacation Rentals. Offering the use of one's property where no fee is charged or collected is not considered a vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

3. Short Term Vacation rental license means a bi-~~annual~~ennial (every two years) license issued by the Town pursuant to this Section to operate a vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

C. Short Term Vacation Rental License Required; Term. Term. Effective as of June 3, 2021, it shall be unlawful for any person to operate a vacation rental within the Town without first obtaining a vacation rental license for such vacation rental. Vacation rental license shall be granted in lieu of Section 10-1-12, Use by Special Review. A vacation rental license is transferable upon request of the owner of an existing STR property, provided the new owner submits a new completed application, and passes a new inspection. Any issued STR license shall be valid from January 1st of the year it is applied for, and shall expire December 31st of the subsequent year it is applied for regardless of the date the application is submitted. License fees will not be prorated to the application date of the licensee, but will be issued to the applicant upon full payment of the license fee. All vacation rentals shall be subject to any amendments to this Section or Chapter. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

D. Authority. The Zoning Enforcement Officer, as defined in Section 10-1-3, C., of this Title shall have the authority and responsibility in accordance with the terms of this Section to administer the vacation rental license ~~program~~ process and to approve, deny, suspend, or revoke any vacation rental license. The Zoning Enforcement Officer shall consider any comments received from property owners, prior to approving or denying an application for a vacation rental license. Property owners have the right to appeal any negative decision of the Zoning Enforcement Officer to the Board of Adjustment. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

E. Short-Term Rental Categories and Fee Structure. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Short-term Rental 1 (STR1) means either: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. An owner-occupied dwelling unit in which bedrooms are rented or offered for rent for periods of less than thirty (30) days; or (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

b. A dwelling unit on a two-dwelling unit property, in which one unit is occupied by the owner of the entire property, and the second unit is rented or offered for rent for periods of less than thirty (30) days. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. Short-term Rental 2 (STR2) means: A dwelling unit that is not occupied by its owner that is rented or offered for rent for periods of less than 30 days. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

3. Fee Structure. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. Fee: $200 non-refundable initial biennial licensing fee, $150 renewal ~~biannual~~ permit fee. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

F. Density Restrictions. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. STR1 Category Density Restrictions: No limit or restrictions on density or location. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. STR2 Category Density Restrictions: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

a. STR2 in Town residential zones (R-SF, R-MF) shall not exceed three and one-half percent (3.5%) of the total residential dwelling units eligible as short-term rentals. The total number of eligible units shall be based on tax assessor records of the most recent available year. Currently permitted STRs operating in residential zones at the time of the adoption of this policy shall be included in the calculation of the maximum number of units allowed, and are required to obtain Short Term Vacation Rental licenses. In the event the maximum number has been met, no new applications for short term rentals will be approved, but may be added to a waiting list. If a waiting list for STR licenses in any residential zone exists, new permits, once available, will be based on a first-come, first-serve basis. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

b. No STR 2 shall be located adjacent to each other in any residential zones. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

c. A maximum of TWO (2) STR2 in Old Town Westcliffe, as defined below, is permitted per ~~street~~ block. STR2 already in operation, regardless of density, will be grandfathered in, subject to such STRs obtaining a license in accordance with this Chapter. Old Town Westcliffe is defined as all residentially zoned areas South of Main

Street, North of Lincoln Avenue and between the alley running west of 2nd street and the alley running east of 6th street. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

G. Vacation Rental License Application; Duty to Update; Written Notice. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Beginning on June 1, 2021, applications for a vacation rental license shall be submitted to the Zoning Enforcement Officer on a form provided by the Town. The Zoning Enforcement Officer shall not accept incomplete applications. Applications shall contain, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   a. The full name, residential address, telephone number, and e-mail address of the applicant. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   b. The full name, residential address, and telephone number of an authorized agent located within sixty (60) miles of the Town, along with a copy of the writing authorizing such agent to act, in the applicant's absence, as the representative of the applicant on all matters related to operation of the vacation rental. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   c. The address of the proposed licensed premises and a description and illustration of the area(s) that will be used for short-term rental purposes including, without limitation, parking areas and access. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   d. Proof of lawful possession of the proposed licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written, authorized, signed and notarized, from the owner of the proposed licensed premises for use of the same for short-term rental purposes. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   e. Proof of current insurance coverage for the proposed licensed premises. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

   f. Proof of registration for a sales tax license ~~and a lodgers' tax account~~ with the Colorado Department of Revenue. ~~with the Colorado Department of Revenue~~. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   g. A completed self-compliance affidavit and an affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the proposed licensed premises as a vacation rental, and that the application is

complete and contains no false, misleading, or fraudulent statements. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

h. A non-refundable application fee. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

i. Such other information determined necessary by the Zoning Enforcement Officer to evaluate compliance of the applicant, the proposed licensed premises, and/or the proposed vacation rental activity with the requirements of the Municipal Code. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. It is the duty of each licensee to ensure that all of the information provided in a vacation rental license application is kept up to date at all times. It shall be unlawful for a licensee to fail to provide updated information to the Zoning Enforcement Officer within thirty (30) days after the date upon which any information contained in the vacation rental license application becomes inaccurate. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

H. Renewal of Vacation Rental License. It shall be the duty of each licensee to obtain a bia~~e~~nn~~u~~ial renewal of the vacation rental license. The application for a renewal of a vacation rental license and the non-refundable, ~~annual~~ biennial renewal application fee are due to the Licensing Officer on or before November 15th prior to the expiration of the license year. Upon timely submission of a complete renewal application, the owner or operator of a vacation rental can continue operating pursuant to the expired vacation rental license until January 31st while the renewal application is being considered, although any renewal license shall be issued as of the original expiration date of the previous license. STR permits that are deemed active as of December 31st in any given year shall have priority for renewal the following calendar year over any new applications for STR permits, provided a renewal for said active permit is received and deemed complete and proper, and fees are paid by November 15th of the year prior to expiration. Upon approving an application for a renewal of a vacation rental license, the Town Building Official, or his or her designee, shall have the option to, within sixty (60) days of such approval inspect the vacation rental, as provided in Section 10-1-16, I., below. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

I. Minimum Health and Safety Standards; Inspections. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

1. Each licensed premises shall be in compliance with all applicable building, fire, health, and zoning codes, ordinances, or regulations, whether federal, state or local, including but not limited to any requirements as set forth in this or any other Title of the Westcliffe Municipal Code. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

2. No license under this Chapter shall be issued until the licensed premises are inspected by the Zoning Enforcement Officer, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If an inspection report identifies a violation of this or other Section,

the procedures set forth in this Title shall apply. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

3. Each licensee shall post an address number on the exterior of the vacation rental such that it is visible and easy to read for emergency response purposes. (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

4. Each licensee shall provide a clearly-defined and maintained outdoor trash storage area. (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

5. Each licensee shall post, maintain, and display at all times a notice in a conspicuous location inside the vacation rental, that contains, at a minimum, the following information: (Ord. 3-2021, eff. 6/1/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2021)

   a. Name and phone number of the licensee; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   b. Name and phone number of the licensee's authorized agent if the licensee cannot be reached; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   c. The following statement: "IN AN EMERGENCY (POLICE, FIRE, MEDICAL), CALL 911." (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   d. Street address of the licensed premises; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   e. Location of the fire extinguisher(s); (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   f. Evacuation directions in the event of a fire or other emergency; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   g. Vacation rental license number assigned by the Town; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

   h. Maximum number of people permitted to sleep in the licensed premises; (Ord. 3-2021, eff. 6/1/2021, Ord. 7-2021, eff. 11/17/2021)

J. Maximum Occupancy. The maximum occupancy of a vacation rental at any time shall be limited to the greater of: (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

1. One (1) family, as defined in this Chapter; or (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

2. Two (2) people per bedroom, plus two (2) people. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

K. Restrictions on Use and Density. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

1. A vacation rental shall only be used for lodging purposes by the person(s) staying overnight at such vacation rental. Without limiting the generality of the foregoing, a vacation rental shall not be used to entertain or host guests who are not staying overnight at such vacation rental after 10PM. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/2021, Ord. 7-2021, eff. 11/17/2021)

2. Private covenants may restrict the ability to use a property as a vacation rental. The Town is not a party to and does not enforce any private covenants. (Ord. 3-2021, eff. 6/8/2021, Ord. 7-2021, eff. 11/17/2021)

L. Advertising. No property may be advertised as a vacation rental until a vacation rental license has been issued. (Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021, Ord. 7-2021, eff. 11/17/2017)

M. Suspension and Revocation; Appeal. Each license issued is subject to suspension and revocation, including the opportunity to appeal the outcome thereof, as set forth in this Chapter. Any license suspension or revocation successfully appealed by the licensee will be reinstated with the full force and effect of the originally granted license. –(Ord. 3-2021, eff. 6/8/2021, Ord. 5-2021, eff. 8/3/3021, Ord.7-2021, eff. 11/17/2021)

ZONING REGULATIONS

SECTIONS:[1] **PAGE**

10-2-1:	**Zone Districts and Map**	**1**
10-2-2:	**Zone District Use Schedule**	**2**
10-2-3:	**Zone District Regulations**	**5**

10-2-1: Zone Districts and Map[2] [3]

A.[4] [5]Establishment of Zoning Districts. Provision hereby is made for twelve (12) zoning districts, as follows: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5, 2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

1.	A	Agricultural	5
2.	R-SF	Single Family Residential	5
~~3.~~	R-MF	Multi-Family Residential	~~6~~
~~4~~3.	MH	Mobile Home Park	6
~~5~~4.	B1	Business District within PUD boundaries only	8
~~6~~5.	B2	Commercial Industrial District within PUD boundaries only	10
~~7~~6.	CC	Core Commercial	12
~~8~~7.	HC	Highway Commercial	12
~~9.~~	~~LI~~	~~Light Industrial~~	~~12~~
~~10~~.8	HI	Heavy Industrial	13
~~11~~9.	PUD	Planned Unit Development	13
~~12~~10.	TN	Traditional Neighborhood	16

B. Map and Boundaries. The Town of Westcliffe hereby is divided into such of the aforesaid districts as are shown on the map entitled "Official Zoning Map of Westcliffe," referred to herein as the "Zoning Map." (Ord. 2-2007, eff. 9/6/2007)

The Zoning Map is hereby adopted, along with explanatory matter thereof, as a part of this Title. Said map is on file, and shall be kept on file, in the office of the Town Clerk. Amendments to the Zoning Map are listed on **Appendix B** attached hereto. Unless otherwise specified on the Zoning Map, district boundary lines are lot lines; the center

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1 Title 10, Chapter 2, Section 2 "Reserved" is repealed and the remaining are re-numbered. (Ord. 13-2016, eff. 10/6/2016)

2 Title 10, Chapter 2, Section 1 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007)

3 Title 10, Chapter 1, Section 6 is repealed and reenacted with the addition of a new district. (Ord. 3-2017, eff. 2/3/2017)

4 Title 10, Chapter 2 "Zoning Regulations", Section 1 "Zone Districts and Map" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2017, eff. 4/6/2017)

5 Title 10, Chapter 2, Section 1 is amended by adding a new zone. (Ord. 5-2018, eff. 4/11/2018)

lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; or section lines. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zoning Map. (Ord. 2-2007, eff. 9/6/2007)

10-2-2: Zone District Use Schedule [6] [7](Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018) [8] [9]

The following table indicates which land uses are allowed by right, Special Review, and prohibited uses, in each of the zone districts listed in Section 10-2-1. Any use not listed may be considered as a Use by Special Review. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

R=Use Permitted by Right
P=Use Prohibited
S=Permitted by Special Review
A=Use Available for PUD

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-1	TN
.01	Single family one up to two attached or detached Dwellings	R	R	P	P	S	P	~~P~~	P	A	P	P	R
.02	Three up to six family Dwellings	P	S	R	P	S	P	~~P~~	P	A	P	P	R
.03	Dwellings for six or more families	P	P	R	P	S	P	~~P~~	P	A	P	P	P
.04	Mobile homes	P	P	P	R	P	P	~~P~~	P	P	P	P	P
.05	Mobile home parks	P	P	P	R	P	P	~~P~~	P	A	P	P	P
.06	Accessory Structures and Uses	R	R	R	R	R	R	~~R~~	R	A	P	P	R
.07	Home Occupations	R	R	R	R	S	P	~~P~~	P	A	P	P	R
.08	Churches	S	R	R	S	S	S	~~P~~	P	A	P	P	R
.09	Public Schools	S	R	R	P	P	P	~~S~~	P	A	P	P	P
.10	Golf courses	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.11	Public parks	S	R	R	R	R	P	~~S~~	P	A	P	P	R
.12	Animal grazing	R	P	P	P	P	P	~~P~~	P	A	P	P	P

6 Title 10, Chapter 2, Section 3 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 2, Section 2 is amended by the addition of .56 Tiny Dwellings. (Ord. 3-2017, eff. 2/3/2017)

8 Title 10, Chapter 2, Section 2 is amended by the deletion of .56 Tiny Dwellings. (Ord. 5-2017, eff. 4/6/2017)

9 Title 10, Chapter 2, Section 2 is repealed and reenacted in its entirety. (Ord. 5-2018, eff. 4/11/2018)

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-2	TN
.13	Mining	S	P	P	P	P	P	~~S~~	S	A	P	P	P
14	RV Park	P	P	P	P	P	S	~~P~~	P	A	P	P	P
.15	Farming and ranching	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.16	Feed yards and fur farms	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.17	Veterinary hospitals and kennels	R	P	P	P	S	R	~~P~~	P	A	P	P	P
.18	Riding stables	R	P	P	P	P	P	~~P~~	P	A	P	P	P
.19	Airports	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.20	Cemeteries	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.21	Radio broadcasting stations	S	P	P	P	S	S	~~S~~	S	A	P	P	R
.22	Sanitary landfill operations	S	P	P	P	P	P	~~P~~	P	A	P	P	P
.23	Sewage disposal plants	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.24	Lumber mills	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.25	Quarries, sand and gravel operations and concrete batch plants	S	P	P	P	P	P	~~P~~	S	A	P	P	P
.26	Retail establishments entirely enclosed within a structure	S	P	P	P	R	R	~~S~~	S	A	R	P	R
.27	Personal service businesses entirely enclosed within a	S	P	P	P	R	R	~~P~~	P	A	R	P	R
.28	Banks and Credit Union	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.29	General offices	P	P	P	P	R	R	~~R~~	S	A	P	P	R
.30	Government buildings	P	S	S	P	R	R	~~S~~	S	A	R	P	R
.31	~~Hotels~~Lodging	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.32	STR1	R	R	R	R	R	R	R	R	R	R	R	R
.33	STR2	S	S	S	S	R	R	~~P~~	P	R	R	R	R
~~.32~~	~~Motels~~	~~P~~	~~P~~	~~P~~	~~P~~	~~S~~	~~R~~	~~P~~	~~P~~	~~A~~	~~R~~	~~R~~	~~R~~
.3~~3~~4	Eating and drinking places	P	P	P	P	R	R	~~P~~	P	A	R	P	R
~~.34~~35	Drive-in eating and drinking places	P	P	P	P	S	R	~~P~~	P	A	P	R	P

.~~35~~36	Theaters and auditoriums	P	P	P	P	R	R	~~P~~	P	A	R	P	R
.~~36~~37	Parking lots	S	S	S	S	S	S	~~R~~	R	A	R	P	R
.~~37~~38	Museums	S	S	S	S	S	S	~~S~~	S	A	R	P	R

	USE	A	R-SF	R-MF	MH	CC	HC	~~LI~~	HI	PUD	PUD B-1	PUD B-2	TN
.~~38~~39	Dwelling units above, below, or behind the business	P	P	P	P	R	R	~~S~~	S	A	R	R	R
.~~39~~40	Rental of goods with a weight of no more than 200 pounds	P	P	P	P	R	R	~~R~~	R	A	R	P	R
.~~40~~41	Light equipment repair and service stations	P	P	P	P	P	R	~~R~~	R	A	P	R	P
.~~41~~42	Automobile sales, rental or service	P	P	P	P	P	S	~~R~~	R	A	P	R	P
.~~42~~43	Agricultural/heavy equipment sales or service	S	P	P	P	P	S	~~S~~	R	A	P	R	P
.~~43~~44	Building material and lumber sales	P	P	P	P	P	S	~~R~~	R	A	P	R	P
.~~44~~45	Public utility stations	S	S	S	S	S	S	~~R~~	R	A	P	R	R
.~~45~~46	Bowling alleys	P	P	P	P	S	R	~~R~~	P	A	P	R	P
.~~46~~47	Trucking	P	P	P	P	P	P	~~S~~	R	A	P	R	P
.~~47~~48	Equipment rental establishments	S	P	P	P	S	R	~~R~~	R	A	P	R	P
.~~48~~49	Wholesale and distribution	R	P	P	P	S	R	~~R~~	R	A	P	R	P
.~~49~~50	Storage units	P	P	P	P	P	S	~~R~~	R	A	R	R	P
.~~50~~51	Bed & Breakfast, ~~VRBO & Airbnb~~	S	S	S	S	S	S	~~P~~	P	A	R	R	R
.~~51~~52	Marijuana cultivation facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~52~~53	Marijuana Product Manufacturing Facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~53~~54	Marijuana Testing Facility	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~54~~55	Medical Marijuana Center	P	P	P	P	P	P	~~P~~	P	P	P	P	P
.~~55~~56	Retail Marijuana Store	P	P	P	P	P	P	~~P~~	P	P	P	P	P

(Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5-2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

10-2-3: Zone District Regulations [10] [11] (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018)[12] [13]

A. A-Agricultural District

1. Description of District: This district is designed to protect and preserve the agricultural industry of the Town of Westcliffe, and to protect the rural property owners from encroachment by urban land uses. This district was formerly the A-1 Agriculture District and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards.[14]

Minimum Lot Area:	5 acres
Minimum Front Yard:	25 feet
Minimum Rear Yard:	25 feet
Minimum Side Yard:	25 feet
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. R-SF-Single Family Residential District[15] (Ord. 13-2016, eff. 10/6/2016)

[16]

1. Description of District: this district is designed to retain and provide areas of low to medium-density development characteristically used for single-family dwellings and two-family dwelling units.

Dwelling, single-family means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Dwelling, two-family means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Minimum floor area:

Single-family residences: 550 square feet; and

Second detached single-family residence; can not be larger than the primary residence.

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10 Title 10, Chapter 2, Section 4 is amended by the repeal and reenactment of subparagraph "C" subsection "2", subparagraph "D" subsection "2", subparagraph "F" subsection "2", subparagraph "j" and subsection "5", subparagraph "5" and the addition of subparagraph K, L and M.(Ord. 2-2007, eff. 9/6/2007)

11 Title 10, Chapter 2, Section 3 is amended by a new paragraph. (Ord. 3-2017, eff. 2/3/2017)

12 Title 10, Chapter 3, Section 3 is amended by the deletion of Paragraph M. (Ord 5-2017, eff. 4/6/2017)

13 Title 10, Chapter 2, Section 3 is amended by the addition of a new Paragraph M. (Ord. 5-2018, eff. 4/11/2018)

14 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection A Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

15 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection B "Rural Residential District" is deleted in its entirety, then re-lettering the remainder and Subsection C-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

16 Title 10, Chapter 2, Section 3, Paragraph B, Subsection 1 is repealed and reenacted. (Ord. 3-2017, eff. 2/3/2017)

~~1. Description of District: This district is designed to accommodate a maximum of two permanent residential single and two family attached or detached Dwellings by right with at least one dwelling having a minimum of 660 square feet of habitable space. If a second dwelling is less than 660 feet it shall be set back a minimum of 40 feet from front property line~~. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017)

~~2.~~ Area and Height Standards [17]

Minimum lot area:	6,250 square feet
Minimum front yard:	10 feet
Minimum rear yard:	
On alley:	5 feet
Without alley:	10 feet
Minimum side yard:	5 feet to lot line on each side of building
Maximum building height:	30 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 16-2016, eff. 12/1/2016)

C. R-MF-Multi-Family Residential District [18] (Ord. 13-2016, eff. 10/6/2016)

1. This district is designed to accommodate permanent multifamily Dwelling Units from a density of no more than six (6) dwelling units per minimum lot area. This district was formerly the R-3A Multi-family district and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. Area and Height Standards:

Minimum lot area:	12,500 square feet
Minimum front yard:	20 feet
Minimum back yard:	
On alley:	10 feet
Without alley:	20 feet
Minimum side yard	10 feet to lot line on each side of building
Maximum building height:	35 Feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

D. MH-Mobile Home Park District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to allow for permanent residential mobile home development to a density of twelve (12) dwelling

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17 Title 10, Chapter 2, Section 3, Subsection B, Paragraph 2 is repealed and replaced in its entirety. (Ord. 16-2016, eff. 12/1/2016)

18 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection D-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

units per acre. This district was formerly the R-4 Mobile Home Residential District, and is hereby renamed (Ord. 2-2007, eff. 9/6/2007)

2.[19] –No mobile home more than fifteen (15) years old may be placed within a new mobile home park, or moved into an existing mobile home park. Mobile homes may be placed only within an approved mobile home park. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. Area and Height Standards: Individual homes within a mobile home park.

Minimum front yard to lot line:	10 feet
Minimum rear yard to alley or lot line:	10 feet
Minimum side yard to lot line:	10 feet
Minimum separation between two mobile homes:	20 feet
Maximum building height:	16 feet (Ord. 2-2007, eff. 9/6/2007)

4. Area and Height Standards: Mobile home park

a. Minimum Front Yard. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes. For mobile home parks fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet. - (Ord. 2-2007, eff. 9/6/2007)

b. Minimum Rear Yard. Measured from the nearest edge of the roadway, there shall be a rear yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)

c. Minimum Side Yard. Measured from the nearest edge of the roadway, there shall be a side yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2- 2007, eff. 9/6/2007)

5. Design Requirements:[20] A property may be rezoned to Mobile Home Park District upon petition for an amendment to the Zoning Map. When petitioning for this zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following (Ord. 2-2007, eff. 9/6/2007)

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19 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection E Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

20 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection E Paragraphs 5.o and 5.p are repealed and all remaining are re-lettered. (Ord. 13-2016, eff. 10/6/2016)

a. Location and legal description. (Ord. 2-2007, eff. 9/6/2007)

b. Entrance to and exits from the park. (Ord. 2-2007, eff. 9/6/2007)

c. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings. (Ord. 2- 2007, eff. 9/6/2007)

d. Topography map showing original and final contours at two (2) foot intervals. (Ord. 2-2007, eff. 9/6/2007)

e. Provisions for drainage. (Ord. 2-2007, eff. 9/6/2007)

f. Area set aside for recreation, clothes washing and drying, storage, and off-street parking. (Ord. 2-2007, eff. 9/6/2007)

g. Fencing ~~and screen planting~~and landscaping plan on the premises. (Ord. 2-2007, eff. 9/6/2007)

h. Plans for water supply and distribution. (Ord. 2-2007, eff. 9/6/2007)

i. Plans for sewage collection and disposal. (Ord. 2-2007, eff. 9/6/2007)

j. Provisions for trash and garbage storage and removal. (Ord. 2-2007, eff. 9/6/2007)

k. Plans for underground gas, electric, and phone service connections to each space. (Ord. 2-2007, eff. 9/6/2007)

l. Typical lot plan. (Ord. 2-2007, eff. 9/6/2007)

m. For each mobile home lot, and for four (4) truck camper or travel trailer lots there shall be provided: (Ord. 2-2007, eff. 9/6/2007)

1. Recreational area in the amount of three hundred (300) square feet. (Ord. 2-2007, eff. 9/6/2007)

2. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet. (Ord. 2-2007, eff. 9/6/2007)

3. Two off-street parking spaces for each lot; except for truck camper or travel trailer lots. (Ord. 2-2007, eff. 9/6/2007)

n. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the Colorado

Department of Public Health and the local health authority. (Ord. 2-2007, eff. 9/6/2007)

o. Enforcement of regulations. The owner or operator of the mobile home park shall arrange for the management and supervision of the mobile home park so as to enforce or cause compliance with the provisions of this Section. The owner, operator or attendant of the mobile home park shall assume all responsibility for maintaining all facilities in good repair and condition. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

E. B-1 Business District within PUD boundaries only[21] (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Permitted Uses [22]

a. Retail Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)

b. Personal Service Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)

c. Banks and Savings and Loan Associations (Ord. 2-2007, eff. 9/6/2007)

d. Government Buildings (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

e. ~~Hotels and Motels and Bed & Breakfasts~~ Lodging establisments including Short Term Rentals(Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

f. Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)

g. Museums (Ord. 13-2016, eff. 10/6/2016)

h. Theaters and Auditoriums (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

i. Parking Lots (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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21 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F is retitled. (Ord. 13-2016, eff. 10/6/2016)

22 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F Paragraph 2.d, e and g are repealed and reenacted and re-lettered with the addition of a Paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

j. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

k. A single dwelling unit above, below, or behind a business, not to exceed 50% of the usable floor space (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

l. Rental of consumer goods with a weight of no more than 200 pounds (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

m. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage may extent to one hundred percent (100%) of the lot area.

Minimum Front Yard:	None
Minimum Side Yard:	None
Minimum Rear Yard:	None
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District[23]

On and after the effective date of Ordinance#10-2000 (February 6, 2001), no new application for rezoning to this B-1 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Core Commercial and/or Highway Commercial Districts. The regulations pertaining to the B-1 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-1. When no properties within the Town remain so zoned, this Subsection 10.2.3E shall be automatically repealed (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. B-2 Commercial-Industrial District within PUD boundaries only[24] (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate

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23 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

24 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection G is retitled. (Ord. 13-2016, eff. 10/6/2016)

businesses that ordinarily serve customers arriving for a specific service by automobile, and light industrial, wholesaling, and manufacturing establishments. (Ord. 2-2007, eff. 9/6/2007)

2. Permitted Uses:

a. Automobile Service Stations and Repair Garages (Ord. 2-2007, eff. 9/6/2007)

b. Automobile Sales and Service (Ord. 2-2007, eff. 9/6/2007)

c. Agricultural Equipment Sales and Service (Ord. 2-2007, eff. 9/6/2007)

d. Building Material and Lumber Sales (Ord. 2-2007, eff. 9/6/2007)

e. Public Utility Stations (Ord. 2-2007, eff. 9/6/2007)

f. Drive-in Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)

g. Dance Halls (Ord. 2-2007, eff. 9/6/2007)

h. Bowling Alleys (Ord. 2-2007, eff. 9/6/2007)

i. Driving Ranges and Miniature Golf (Ord. 2-2007, eff. 9/6/2007)

j. Trucking and Storage Operations (Ord. 2-2007, eff. 9/6/2007)

k. Maintenance Shops (Ord. 2-2007, eff. 9/6/2007)

l. Equipment Rental Establishments (Ord. 2-2007, eff. 9/6/2007)

m. Wholesale and Manufacturing Establishments (Ord. 2-2007, eff. 9/6/2007)

n.[25] ~~Motels and Bed & Breakfasts~~Lodging establishments including Short Term Rentals (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

o. Eating and Drinking Places in connection with ~~motels~~ lodging (Ord. 2-2007, eff. 9/6/2007)

p. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007)

q. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

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25 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsections G Paragraph 2-n is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage shall not exceed fifty percent (50%) of the lot area.

Minimum Front Yard:	50 feet from any public right- of-way
Minimum Rear and Side Yards:	50 feet from any residential property line; 25 feet from any other property line
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District [26]

On and after the effective date of Ordinance #10-2000 (February 6, 2001), no new application for rezoning to this B-2 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Highway Commercial and/or Industrial Districts. The regulations pertaining to the B-2 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-2. When no properties within the Town remain so zoned, this Subsection 10.2.3.F shall be automatically repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

G. CC Core Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards[27]

Minimum lot area:	3,125 square feet
Minimum front yard:	0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
Minimum side yard:	0 feet
Minimum rear yard:	20 feet

26 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsections G Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

27 Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection H Paragraph 2 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

Maximum building height: 35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

H. HC Highway Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards:

Minimum lot area:	3,125 square feet
Minimum front yard:	20 feet
Minimum side yard:	5 feet
Minimum rear yard:	10 feet
Maximum building height:	35 feet
Maximum lot coverage:	50% (Ord. 2-2007, eff. 9/6/2007)

I. Repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

~~J. LI – Light Industrial District~~ (Ord. 13-2016, eff. 10/6/2016)

1. ~~Description of District: This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. (Ord. 2-2007, eff. 9/6/2007)~~

~~Minimum lot area: 1 acre~~

~~Minimum front yard: 50 feet from any public right-of-way~~

~~Minimum rear and side yards:50 feet from any residential property~~

~~line; 25 feet from any other property line~~

~~Maximum building height:~~	~~35 feet~~
~~Maximum lot coverage:~~	~~Structure coverage shall not exceed 50%fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)~~

~~K.~~J. HI – Heavy Industrial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of industrial operations. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. (Ord. 2-2007, eff. 9/6/2007)

Minimum lot area: 1 acre

Minimum front yard:	50 feet from any public right-of-way
Minimum rear and side yards:	50 feet from any residential property line; 25 feet from any other property line
Maximum building height:	35 feet
Maximum lot coverage:	Structure coverage shall not exceed fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)

~~L~~K. PUD – Planned Unit Development District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to provide flexibility in the development of large sites, and to promote the unified development and use of such sites while protecting environmental and ecological assets. (Ord. 2-2007, eff. 9/6/2007)

2. Available Uses:[28] Any or all of the uses enumerated in the A, R-SF, R-MF, MH, CC, HC, LI and HI districts are available for inclusion in a Planned Unit Development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. General standards: The following general standards shall be observed regarding planning, design, and construction of the PUD: (Ord. 2-2007, eff. 9/6/2007)

   a. The PUD shall be consistent with the intent of the Master Plan and the policies therein. (Ord. 2-2007, eff. 9/6/2007)

   b. The PUD shall be designed in a manner such that wherever possible, it protects the environmental assets of the Town including considerations of elements such as environmental pollution, streams and storm drainage courses and scenic vistas. (Ord. 2-2007, eff. 9/6/2007).

   c. The PUD's relationship to its immediate surroundings shall be considered in order to avoid adverse effects to surrounding development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy (Ord. 2-2007, eff. 9/6/2007)

   d. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a soil engineering, storm drainage and flood report on the suitability of the area for the intended use to a state of sound

[28] Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection M Paragraph 2 is repealed and replaced in its entirety. (Ord. 13-2016, eff. 10/6/2016)

protection before a building permit may be issued. (Ord. 2-2007, eff. 9/6/2007)

e. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. (Ord. 2-2007, eff. 9/6/2007)

f. Setbacks and lot widths shall be as required by the Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty feet (20') between buildings is considered minimum. (Ord. 2-2007, eff. 9/6/2007)

4. Requirements regarding site. The following requirements shall be observed regarding the site of the PUD: Planned open spaces within the PUD, including those open spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications. (Ord. 2-2007, eff. 9/6/2007)

5. Residential density: The overall average density of the total residential area within the PUD shall not exceed twenty-five (25) dwelling units per acre of residential area. (Ord. 2-2007, eff. 9/6/2007)

6. Off-street parking spaces shall be provided in the PUD according to the off-street parking regulations contained in Chapter 4. (Ord. 2-2007, eff. 9/6/2007)

7. Circulation: Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all planned units; however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts. (Ord. 2-2007, eff. 9/6/2007)

8. Application for Approval: An application for approval of a Planned Unit Development shall be signed by the developer and by all owners of record of the land proposed to be included therein, and shall be filed with the Town Clerk. The application shall be accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. A plan for handling the water and sewage needs of the development. (Ord. 2-2007, eff. 9/6/2007)

b. A plat to scale showing proposed streets, lots, and permissible lot uses. (Ord. 2-2007, eff. 9/6/2007)

c. A copy of all proposed restrictive covenants. (Ord. 2-2007, eff. 9/6/2007)

The plat and all proposed restrictive covenants shall be submitted prior to and without recordation. If the application is approved by the Board of Trustees, the developer shall record the plat and all restrictive covenants, as approved, within sixty (60) days from the effective date of approval. Neither the developer nor the owners shall sell any lot within the proposed Planned Unit Development until the application has been approved by the Board of Trustees and until the plat and restrictive covenants, as approved, have been recorded. (Ord. 2-2007, eff. 9/6/2007)

In considering an application, the Board of Trustees may require production of such other information and material as it deems necessary to enable it to determine the feasibility of the proposed Planned Unit Development, including material reflecting on the financial ability of the developer to meet his obligations under the application and under the proposed plan. (Ord. 2-2007, eff. 9/6/2007)

9. Applicable Restrictions. If the application is approved by the Board of Trustees, upon recordation of the plat and all restrictive covenants, as approved, and further upon applicants' compliance with any conditions imposed by the Board of Trustees, the restrictions as to use, occupancy, building set-back, maximum building height, permitted signs, and parking, contained in the plat and restrictive covenants, as approved, shall govern and shall be the zoning regulations for such Planned Unit Development, for the term specified in the restrictive covenants unless sooner repealed or amended by the Board of Trustees, and beyond the said term and after the expiration of such restrictive covenants as covenants until repealed or amended by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

10. Review Procedure. The review or modification procedure for a Planned Unit Development shall follow that for rezoning (Section 10-1-11), and Major Subdivision (Section 10-3-5.) Approval of an ordinance rezoning the property to PUD is required. (Ord. 2-2007, eff. 9/6/2007)

11. Planned Unit Developments Approved Prior to May 2nd, 2006. Planned Unit Developments finally approved by the Town prior to May 2nd, 2006, that authorize B-1 or B-2 uses may apply to the Town for conversion of the B-1 or B-2 uses to CC, HC or I uses. (Ord. 2-2007, eff. 9/6/2007)

~~M~~L. TN – Traditional Neighborhood

1. Description of District: This District encompasses portions of the existing highway and core commercial district of Town. Intended uses include retail, office, residential, service and similar uses compatible with a mixed-use shopping and residential area.

2. Permitted Uses:

a. Single family homes

b. Three up to six family dwelling

c. Accessory Structures and uses

d. Home Occupations

e. Churches

f. Public Parks

g. Radio broadcasting stations

h. Retail establishments entirely enclosed within a structure

i. Personal service businesses entirely within a structure

j. Banks and credit unions

k. General offices

l. Government buildings

m. ~~Hotels~~Lodging ~~units~~ establishments including Short Term Rentals

~~n. Motels~~

~~o~~n. Eating and drinking places

~~p~~o. Theaters and auditoriums

~~q~~p. Parking lots

~~r~~q. Museums

~~s~~r. Dwelling units above, below, or behind the business

~~t~~s. Rental of goods with a weight of no more than 200 pounds

~~u~~t. Public utility stations

~~v. Bed and breakfast (VRBO's & Airbnb)~~

3. Residential uses must provide off-street parking.

4. Area and Height Standards

Residential Use:	
Minimum lot area:	6,250 square feet
Minimum front yard:	10 feet
Minimum rear yard:	On alley: 5 feet
Without alley:	10 feet
Minimum side yard:	5 feet to lot line on each side of Building
Maximum building height:	30 feet
Commercial Use:	
Minimum lot area:	3,125 square feet
Minimum front yard:	0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
Minimum side yard:	0 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet

5. Prohibited Use:

Existing commercial uses on lots smaller than 6,250 sq. ft., or whose buildings are not set back at least 10 ft. from their highway frontage property line may not change to residential.

Chapter 3

SUBDIVISION REGULATIONS

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10-3-1: Purpose and Intent.

A. Purpose. These regulations are enacted pursuant to C.R.S. § 31-23-101, et seq., for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the Town of Westcliffe. (Ord. 2-2007, eff. 9/6/2007)

B. Intent. These regulations are intended to establish minimum requirements for assuring efficient circulation, adequate improvements, sufficient open space and good subdivision design by providing for the proper arrangement of streets in relation to other existing or planned streets, for adequate and convenient open spaces, for traffic circulation, utilities, emergency access, recreation, light and air and for the avoidance of population congestion and the establishment of standards for the design and construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

10-3-2: Control.

It shall be unlawful for any person to subdivide any land, whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Title. No building or occupancy permit shall issue with respect to any lot or tract of land which has been subdivided in violation of this Title. All new subdivisions shall be submitted to the Town for review. No final plat for a subdivision shall be approved and accepted by the Board of Trustees unless it conforms with this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-3: Jurisdiction.

This Chapter shall apply to all land located within the legal boundaries of the Town, and all land located within three miles of the corporate limits and not located in any other municipality for purposes of control with reference to the plan for major streets only, pursuant to C.R.S. § 31-23-212. (Ord. 2-2007, eff. 9/6/2007)

10-3-4: Minor Subdivision Procedure[1]

A.[2] Imposing a condominium form of ownership upon existing built structures, and subdivisions which meet all of the following criteria, may be processed in accordance with the procedures outlined in this paragraph: (Ord. 2-2007, eff. 9/6/2007)

1. The subdivision results in no more than four (4) lots or interests in land all structures must have the same use and zoning. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

2. All lots are adjacent to a dedicated and accepted public street. (Ord. 2-2007, eff. 9/6/2007)

3. All required improvements, including drainage requirements determined by the Zoning Enforcement Officer, as set forth in Section 10-3-8 are already in existence and available to serve each Lot. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Each lot will meet requirements of this Title. (Ord. 2-2007, eff. 9/6/2007)

B. Upon receipt of an application for approval of a minor subdivision, the Zoning Enforcement Officer shall review the application to determine whether the conditions of ¶ A have been met and that the application is properly one for a minor subdivision. (Ord. 2- 2007, eff. 9/6/2007)

C.[3] Upon a determination by the Zoning Enforcement Officer that the above conditions have been met, the applicant shall submit two reproducible originals and may be required to provide up to five copies of a subdivision plat in accordance with Section 10-3-6.C. The applicant shall submit a certificate by a registered engineer that all required improvements are already installed, available and adequate to serve each lot of the subdivision. The applicant shall submit a fee ~~of four hundred fifty dollars ($450.00)~~ as ~~provided~~ set forth in then - current fee schedule in Appendix A as per Section 10-1-15. Unless the plat is called up for review by the Planning Commission or Board of Trustees pursuant to ¶ D below, the plat shall be recorded following the Zoning Enforcement Officer's approval. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

D. The Zoning Enforcement Officer shall notify the Planning Commission and Board of Trustees, in writing, of the approval of a minor subdivision. Within five (5) business days of the date of such notice, the Planning Commission or Board of Trustees may call the application up for review or the Zoning Enforcement Officer may do so. In such event, the applicant shall be notified and the Planning Commission and/or Board of Trustees shall review the application and render the final decision. (Ord. 2-2007, eff. 9/6/2007)

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1 Title 10, Chapter 3, Section 4 is amended by the repeal and reenactment of subparagraph "A", subsection "3". (Ord. 2-2007, eff. 9/6/2007)

2 Title 10, Chapter 3 "Subdivision Regulations", Section 4 "Minor Subdivision Procedure" Subsection A Paragraph 1 and 3 are repealed and reenacted. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3 Title 10, Chapter 3 "Subdivision Regulations" Subsection C is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord 2-2021, eff. 6/2/2021)

10-3-5: Major Subdivision Procedure.[4]

A. Staff Review.

1. Prior to filing an application for approval of a Subdivision other than a Minor Subdivision qualifying under Section 10-3-4, the Subdivider shall submit to the Zoning Enforcement Officer an outline development plan and data as specified in Section 10-3-6.A. This procedure shall not require a formal application, fee or filing of a plat. (Ord. 2-2007, eff. 9/6/2007)

2. The Zoning Enforcement Officer shall review the outline development plan to determine its general acceptability and compliance with the objectives and standards of this Title, and may hold conferences with the Subdivider to discuss desirable modifications of the plan. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat.

1.[5] The Subdivider may make application to the Town for Subdivision. No application for preliminary plat approval for the Subdivision shall be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. The fee ~~of Five Hundred Dollars ($550.00)~~ as ~~provided~~ set forth in then – current fee schedule in Appendix A as per Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

b. Three (3) copies of the preliminary plat, together with~~ll~~ all information specified in Section 10-3-6.B; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. An ownership and encumbrance report or title insurance commitment issued within thirty (30) days of submission of the application showing all owners of the property to be subdivided. (Ord. 2-2007, eff. 9/6/2007)

d. A list of all property owners, within three hundred (300') feet of the property proposed for rezoning, prepared by a title company issued with thirty (30) days of submission of the application, mineral interest owners of record, mineral and oil and gas lessees for the property. (Ord. 2-2007, eff. 9/6/2007)

e. The signatures of all record owners of the property or a representative of the record owners holding a power of attorney to act for the record owners. (Ord. 2-2007, eff. 9/6/2007)

2. The preliminary plat shall be scheduled for Public Hearing by the Planning

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4 Title 10, Chapter 3, Section 5 is amended by the repeal and reenactment of subparagraph "A", "B" and "C". Ord. 2-2007, eff. 9/6/2007

5 Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsections B Paragraphs 1a and 1b are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

Commission at its next regular meeting, provided the application is filed at least twenty (20) days prior to the meeting. (Ord. 2-2007, eff. 9/6/2007)

3. The Planning Commission shall review the preliminary plat for compliance with this Title and negotiate with the sub divider on the type and extent of improvements to be installed and on modifications deemed advisable. (Ord. 2-2007, eff. 9/6/2007)

4. Within thirty (30) days following submittal, the Planning Commission shall inform the sub divider of its approval or disapproval stating the conditions of approval, if any, or if disapproved, stating the reasons for disapproval. Any conditions must be met before submittal of a final plat. (Ord. 2-2007, eff. 9/6/2007)

5. Conditional approval of the preliminary plat shall be deemed a tentative expression or approval of the general layout as submitted or modified, pending approval of the final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat.

1.[6] A final plat shall not be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)

a. The fee ~~of Two Hundred Fifty Dollars ($250.00)~~ as ~~provided~~ set forth in then – current fee schedule in Appendix A as per ~~in~~ Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

b. Three (3) copies of the final plat, together with all information specified in Section 10-3-6.C; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

c. An updated ownership and encumbrance report issued within thirty (30) days of submission of the application for final plat by a title insurance company showing the current record owners of the property; and (Ord. 2-2007, eff. 9/6/2007)

d. Evidence that the property covered by the final plat will have access to the state highway system in conformance with the state highway access code. (Ord. 2-2007, eff. 9/6/2007)

2. The final plat shall be filed with the Town within one year after approval of the preliminary plat as set forth in Section 10-1-13. The final plat shall be submitted at least twenty (20) days prior to the meeting of the Planning Commission at which it is to be considered. (Ord. 2-2007, eff. 9/6/2007)

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6 Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsection C Paragraph 1a and 1b are repealed and reenacted, 1a is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

3. Following review, the Planning Commission shall act to approve or disapprove the final plat, and send its recommendations to the Board of Trustees for its approval or disapproval of the final plat. If the plat is disapproved, the Planning Commission shall state the reasons in writing and furnish a copy to the subdivider. Only upon approval and recording of the final plat with the County Clerk and Recorder, shall the Town issue building permits for structures within the subdivision. (Ord. 2-2007, eff. 9/6/2007)

4. No sale of any lot within the subdivision, including an attempted sale by metes and bounds in an attempt to avoid the requirements of this Title, shall be made prior to recordation of the final plat. Any sale made or attempted in violation of this section shall be void and both the seller and buyer shall be chargeable in the Municipal Court. (Ord. 2-2007, eff. 9/6/2007)

10-3-6: Plats and Data

A. Outline development plan and data. The Outline Development Plan and data shall contain the following information presented in ~~generalized~~ a narrative and schematic form: (Ord. 2-2007, eff. 9/6/2007)

1. Location sketch: The location sketch shall show the current zone of the proposed subdivision and the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The sketch plan shall ~~may~~ be a ~~free-hand~~ drawing at suitable scale not smaller than 1" = 200' in a legible medium, and shall clearly show the following: the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open spaces and public sites; general locations of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings and/or building envelopes. (Ord. 2-2007, eff. 9/6/2007)

2. General development information: The outline development plan shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in Subsections ~~1~~1 and 2, above, and shall include information on existing covenants, land characteristics and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units, proposed protective covenants, proposed utilities and street improvements. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat and data.

1. The Preliminary plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary plat shall be prepared at a scale of not smaller than 1" = 100', shall show all existing conditions required in the Outline Development Plan

and shall contain all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)

a. Outer boundary lines of the tract. (Ord. 2-2007, eff. 9/6/2007)

b. Location and dimensions of all existing streets, alleys, utility easements, drainage areas and all other significant features. (Ord. 2-2007, eff. 9/6/2007)

c. Proposed streets on and adjacent to the tract; name, right-of-way width and location; type, width and elevation of surfacing; curbs; gutters; sidewalks and culverts. (Ord. 2-2007, eff. 9/6/2007)

d. Lot lines, lot numbers and block numbers. (Ord. 2-2007, eff. 9/6/2007)

e. Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, etc. (Ord. 2-2007, eff. 9/6/2007)

f. Location and acreage of sites, if any, for multi-family dwellings shopping centers, community facilities, industry or other use exclusive of single family dwellings. (Ord. 2-2007, eff. 9/6/2007)

g. Site data, including number of residential lots and typical lot size. (Ord. 2-2007, eff. 9/6/2007)

h. Name of proposed subdivision; names and addresses of owners and subdividers; designers and engineers; date; scale; north arrow; and legal description of tract. (Ord. 2-2007, eff. 9/6/2007)

2. A drainage plan shall be submitted along with the Preliminary plat and shall show all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)

a. A topographic map of ground elevation on the tract based on the United States Geologic Survey datum plane or a datum plane approved by the Planning Commission showing contours at two foot intervals. (Ord. 2-2007, eff. 9/6/2007)

b. A drainage report prepared by a licensed engineer certified to practice in the State of Colorado, showing the proposed drainage plan for the subdivision, including location, design and capacity of proposed retention and detention facilities. (Ord. 2-2007, eff. 9/6/2007)

3.[7] A utilities plan shall be submitted showing at least the following: (Ord. 2-2007, eff. 9/6/2007)

[7] Title 10, Chapter 6, Subsection B, 3 is amended by the addition of item "d". Ord. 2-2014, eff. 12/13/2014

a. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, gas and telephone. (Ord. 2-2007, eff. 9/6/2007)

b. Proposed utility system including water mains, fire hydrants, sewers, other utility mains (electricity, gas, telephone) and any other services that shall supply the subdivision. All utilities must be constructed within approved easements or rights-of-way. (Ord. 2-2007, eff. 9/6/2007)

c. Utility clearance record showing approval by utility companies that service can be supplied. (Ord. 2-2007, eff. 9/6/2007)

d. Include street light plan. (Ord. 8-2014, eff. 12/13/2014)

4. Supplemental data shall be submitted as follows: (Ord. 2-2007, eff. 9/6/2007)

a. Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and ground water conditions. (Ord. 2-2007, eff. 9/6/2007)

b. Draft of proposed covenants, if any, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. (Ord. 2-2007, eff. 9/6/2007)

c. Such additional information as may be required by the Planning Commission to determine that the subdivision can be constructed without an adverse effect on the surrounding area, and by reason of its location or design, will not place an undue burden on public utilities and community facilities. (Ord. 2-2007, eff. 9/6/2007)

d. Application for rezoning if required for the development of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat and data.

1. The Final plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimension. The exterior lines of the Final plat shall join or close. The plat shall be drawn in permanent ink on reproducible linen or Mylar with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of 1" = 100'. The Final plat may constitute the entire approved Preliminary plat or any logical portion of the approved Preliminary plat proposed for immediate recording. The Final plat shall conform to the approved Preliminary plat and shall include all changes and additions as required by the Planning Commission and shall show the following: (Ord. 2-2007, eff. 9/6/2007)

a. Primary control point, description and "ties" to such control points to which all dimensions, angles, hearings and similar data on the plat shall be referred. (Ord. 2-2007, eff. 9/6/2007)

b. Tract boundary lines; right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one (1) in ten thousand (10,000). No final plat showing plus or minus dimensions will be approved. (Ord. 2-2007, eff. 9/6/2007)

c. Total acreage and surveyed legal description of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

d. Name and right-of-way width of each street or other right-of-way. (Ord. 2-2007, eff. 9/6/2007)

e. Location, dimensions and purpose of any easements. (Ord. 2-2007, eff. 9/6/2007)

f. Numbers to identify each block, lot and/or site. (Ord. 2-2007, eff. 9/6/2007)

g. Purpose for which sites, other than residential lots, are dedicated or reserved. (Ord. 2-2007, eff. 9/6/2007)

h. Location and description of all monuments, both found and set. (Ord. 2-2007, eff. 9/6/2007)

i. ~~Names of record~~ ~~o~~Owners of record of adjoining unplatted land. (Ord. 2-2007, eff. 9/6/2007)

j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number. (Ord. 2-2007, eff. 9/6/2007)

k. Signature and seal of land surveyor registered in Colorado certifying to the accuracy of the survey and plat including a statement explaining how bearings, if used, were determined. (Ord. 2-2007, eff. 9/6/2007)

l. Signature block for certification of approval by the Planning Commission and Board of Trustees, with signatures by the Chairman of the Planning Commission and the Mayor. (Ord. 2-2007, eff. 9/6/2007)

m. Certification of title showing that the applicant is the landowner. (Ord. 2-2007, eff. 9/6/2007)

n. Statement by the subdivider dedicating streets, alleys, rights-of-way, easements and public sites. (Ord. 2-2007, eff. 9/6/2007)

o. Title under which the subdivision is to be recorded, scale, north arrow and date. (Ord. 2-2007, eff. 9/6/2007)

2. Other documents required at the time of submission of the Final plat shall be: (Ord. 2-2007, eff. 9/6/2007)

a. Complete engineering plans and specifications for all public facilities to be installed, including water and sewer utilities, streets and related improvements, bridges and storm drainage. (Ord. 2-2007, eff. 9/6/2007)

b. Clearance record showing approval by the Health Department and utility companies. (Ord. 2-2007, eff. 9/6/2007)

c. A statement, a copy of which shall be available for public inspection at Town Hall and which shall include: (Ord. 2-2007, eff. 9/6/2007)

1. Name and address of each person having an interest in the subdivision or development and the extent of such interest. (Ord. 2-2007, eff. 9/6/2007)

2. Such statement of the condition of the title to the land comprising the subdivision, including all encumbrances, deed restrictions and covenants applicable to the subdivision. (Ord. 2-2007, eff. 9/6/2007)

3. In the case of a subdivision or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrances and the steps, if any, taken to protect the purchaser in such eventuality. (Ord. 2-2007, eff. 9/6/2007)

4. Such statements of the developer as the Planning Commission and Board of Trustees may require and such other information, documents and certifications as the Planning Commission and Board of Trustees may require as being reasonable, necessary or appropriate for the protection of consumers. (Ord. 2-2007, eff. 9/6/2007)

d. Protective covenants, if any, in form for recording. (Ord. 2-2007, eff. 9/6/2007)

e. Repealed and reenacted to provide as follows: (Ord. 2-2007, eff. 9/6/2007)

f. Such other certificates, affidavits, endorsements, deductions or development agreements as may be required by the Planning Commission or Board of Trustees in the enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-7: Design Standards.

A. General site considerations.

1. A proposed subdivision shall be in general compliance with respect to adequate dedication or reservation of street rights-of-way, utility easements and open spaces for schools and recreation areas. (Ord. 2-2007, eff. 9/6/2007)

2. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost. (Ord. 2-2007, eff. 9/6/2007)

3. No land shall be subdivided in areas where soil, subsoil or flooding conditions are a potential danger to health and safety. (Ord. 2-2007, eff. 9/6/2007)

4. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds is encouraged. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within one hundred feet of any stream, ditch or drainage channel. (Ord. 2-2007, eff. 9/6/2007)

5. Provision shall be made to preserve groves of trees, streams, and ~~unusually attractive~~ other desirable topography and ~~other desirable~~ natural landscape features as determined by the Planning Commission. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Planning Commission and Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

6. A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces. (Ord. 2-2007, eff. 9/6/2007)

7. Where a subdivision borders an arterial street, a landscaped buffer area shall be provided for adequate reduction of noise. (Ord. 2-2007, eff. 9/6/2007)

8. Lot lines shall be laid out so as not to cross municipal boundary lines. (Ord. 2_-2007, eff. 9/6/2007)

9. The subdivider shall demonstrate to the Planning Commission that the street, lot and block pattern for nonresidential subdivisions takes into account other uses in the vicinity and the view from arterial streets and highways. The following standards shall be observed in reviewing nonresidential subdivisions: (Ord. 2-2007, eff. 9/6/2007)

B. Blocks.

1. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. (Ord. 2- 2007, eff. 9/6/2007)

2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated. (Ord. 2-2007, eff. 9/6/2007)

3. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Ord. 2-2007, eff. 9/6/2007) Each lot shall be provided with satisfactory access to an existing public street. (Ord. 2-2007, eff. 9/6/2007)

4. A planting screen easement, across which there shall be no right of access, shall be provided along the property line of lots abutting an arterial street. A statement dissolving right of access from individual lots to the arterial street shall be included with the Final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Streets.

1. Arrangement of streets:

a. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and to the proposed use of land to be served. (Ord. 2-2007, eff. 9/6/2007)

b. Collector streets shall not intersect arterial streets at intervals of less than one thousand three hundred twenty feet (1,320'). (Ord. 2-2007, eff. 9/6/2007)

c. Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. Where future extension of a street is anticipated,

a temporary turnaround having a minimum outside diameter of eighty feet (80') shall be provided. (Ord. 2-2007, eff. 9/6/2007)

d. Streets, rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated on them. (Ord. 2-2007, eff. 9/6/2007)

e. Streets carrying nonresidential traffic, particularly truck traffic, shall not normally be extended to the boundaries of existing or potential residential areas. (Ord. 2-2007, eff. 9/6/2007)

2. Closed-end streets.

a. The maximum allowable length of closed-end streets in single-family residential and multi-family residential development shall be six hundred feet. (Ord. 2-2007, eff. 9/6/2007)

b. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred twenty feet and a minimum pavement diameter of ninety feet. (Ord. 2-2007, eff. 9/6/2007)

3. Intersections. Streets shall intersect at right angles, except as provided in C.7.a. hereof. (Ord. 2-2007, eff. 9/6/2007)

4. Half streets, the dedication of a half street shall not be accepted unless: (Ord. 2-2007, eff. 9/6/2007)

a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and (Ord. 2-2007, eff. 9/6/2007)

b. The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Town; and (Ord. 2-2007, eff. 9/6/2007)

c. The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating. (Ord. 2-2007, eff. 9/6/2007)

5. Perimeter streets. When the plan dedicates a street, which ends on the plat or is on the perimeter of the plat the subdivider shall convey the last foot of the streets on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as outlets. The Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. 2-2007, eff. 9/6/2007)

6. Right-of-way pavement and sidewalk widths shall be as follows: (Ord. 2-2007, eff. 9/6/2007)

Minimum widths in feet by street type:			
Type	Right-of-Way	Pavement	Sidewalk
Arterial	100	48 (divided)	5
Collector	80	40*	5
Local	60	30*	4
Alley	20	15	NA
*measured from flow line of gutter to flow line of gutter			

7. Horizontal alignment:

   a. Where street centerlines deflect from each other at any point by more than fifteen degrees (15°) they shall be connected by horizontal curves having minimum radii as follows:

Local streets	100 feet
Collector streets	200 feet
Arterial streets	400 feet (Ord. 2-2007, eff. 9/6/2007)

   b. A tangent not less than one hundred feet (100') long shall be provided between reverse curves on collector and arterial streets. (Ord. 2-2007, eff. 9/6/2007)

   c. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred twenty-five feet (125') between centerlines, provided that this requirement shall not apply to the alignment of short, opposite closed-end streets. (Ord. 2- 2007, eff. 9/6/2007)

8. Vertical alignment:

   a. No vertical grade shall be less than two-tenths percent (0.2%) in order to facilitate adequate drainage. (Ord. 2-2007, eff. 9/6/2007)

   b. Maximum percent of street grade, except as provided below*: (Ord. 2-2007, eff. 9/6/2007)

Local streets	7%
Collector streets	6%
Arterial streets	5%

   *Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) of each

fifty feet (50') that the curve radius is less than four hundred feet (400').

**street grades shall not exceed four percent (4%) for a distance extending at least forty feet (40') in each direction from a street intersection. (Ord. 2-2007, eff. 9/6/2007)

c. Street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. (Ord. 2-2007, eff. 9/6/2007)

D. Utilities.

1. Where necessary for installations and maintenance of utility systems, easements of at least ten feet (10') in width shall be reserved along rear lot lines, or at other locations which will not interfere with the sitting of buildings. (Ord. 2-2007, eff. 9/6/2007)

2. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such water course, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a twenty-five (25) year frequency storm. (Ord. 2-2007, eff. 9/6/2007)

3. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems. (Ord. 2-2007, eff. 9/6/2007)

E. Subdivision Access. Whenever access to the subdivision is required across land outside the Town limits, the subdivider shall demonstrate the access to the subdivision is legally established. (Ord. 2-2007, eff. 9/6/2007)

10-3-8: Required Improvements.[8]

A. General regulations.

1. The subdivider shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage systems, streetlights and street trees. (Ord. 2-2007, eff. 9/6/2007)

2. Under such agreement the subdivider shall post a performance bond, certified check, letter of credit, or other security acceptable to the Town in an

[8] Title 10, Chapter 3, Section 8 is amended by the repeal and reenactment of subparagraph "B", subsection "7", and the addition of subparagraph "D". (Ord. 2-2007, eff. 9/6/2007)

amount equal to the estimated cost of construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

3. The performance bond or certified check posted by the subdivider shall not be released until final construction of improvements has been completed and inspected at the subdivider's expense and approved and accepted by the Town. (Ord. 2-2007, eff. 9/6/2007)

4. The improvements required by the following subsections shall be provided in each subdivision proposed, and to the extent determined by the Planning Commission and Board of Trustees. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town and shall be constructed in accordance with the approved plans and the construction requirements and specifications. (Ord. 2-2007, eff. 9/6/2007)

5. No improvements shall be made until all plans and specifications have been reviewed and approved by the Town. (Ord. 2-2007, eff. 9/6/2007)

6. Maintenance of required improvements. Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Those improvements which will not be maintained by the Town (sanitary sewer; potable water; fire hydrants and underground utilities) shall be dedicated to the appropriate provider. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Board of Trustees or its authorized representatives. (Ord. 2-2007, eff. 9/6/2007)

7. Water and sewer. The subdivider shall present written documentation from the relevant providers that they are ready, willing and able to serve the subdivision. (Ord. 2-2007, eff. 9/6/2007)

B. Street improvements.

1. Grading: Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites. (Ord. 2-2007, eff. 9/6/2007)

2. Pavement base: The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load. (Ord. 2-2007, eff. 9/6/2007)

3. Pavement: Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under Section 10-3-7.C.6. (Ord. 2-2007, eff. 9/6/2007)

4. Alleys: If alleys are provided, they shall be in a graded gravel condition. (Ord. 2-2007, eff. 9/6/2007)

5. Curbs and gutters: All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement. (Ord. 2-2007, eff. 9/6/2007)

6. Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be of adequate width and constructed with suitable sub grade base, drainage and surfacing to be durable under the use contemplated. Driveways shall provide for parking off-street of at least two (2) passenger vehicles per residential lot. (Ord. 2-2007, eff. 9/6/2007)

7. Sidewalks and walkways: Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 10-3-7.C.6. Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated. (Ord. 2- 2007, eff. 9/6/2007)

8. Street name signs: Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets. (Ord. 2-2007, eff. 9/6/2007)

C. Public improvements required.[9]

1. Storm drainage system:

a. The improvements and facilities shown on the report submitted pursuant to Section 10-3-6-B.2.b (as amended, modified or supplemented if required by the terms of preliminary or final approval). (Ord. 2-2007, eff. 9/6/2007)

b. Storms drainage shall not be permitted to empty into any sanitary sewerage system. (Ord. 2-2007, eff. 9/6/2007)

2. Sanitary sewerage system. The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot -upon which a structure is to be built. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development. (Ord. 2-2007, eff. 9/6/2007)

3. Potable water system. The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system

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[9] Title 10, Chapter 3, Section 8, Subsection C, is amended by the repeal and reenactment of item 6. (Ord. 8-2014, eff. 12/13/2014)

shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built. (Ord. 2-2007, eff. 9/6/2007)

4. Fire hydrants. Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred feet (500') from the nearest fire hydrant. (Ord. 2-2007, eff. 9/6/2007)

5. Underground utilities. All Underground utilities ~~electric power and, telephone distribution CATV systems. Electric power, telephone connections and wire and CAN systems~~ shall be placed below the surface of the ground in raceways and conduits or other acceptable means. Transformers, switching bases, terminal boxes, meters, cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground connections shall not be located on power poles but shall be placed on or under the surface of the ground, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment. (Ord. 2-2007, eff. 9/6/2007

6. Streetlights. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be .4 foot candles on the street. All streetlights shall be fully shielded such that they produce no light higher than the horizontal plane of the light source. The street lighting plan specifying the number and approximate location of street lights must be included on the final plat. The style of fixture shall, as per Title 10-4-3, be the standard, Town-approved style for street and parking lot lights within the Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)

7. Reference monuments. Permanent reference monuments shall be installed in accordance with C.R.S. § 38-51-105. (Ord. 2-2007, eff. 9/6/2007)

D. Warranty.

All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of the subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 2-2007, eff. 9/6/2007)

Chapter 4

SUPPLEMENTARY REGULATIONS

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10-4-1: Signs

A. Definition.[1]

1. Sign. Means any object or device or part thereof, including an artistic work, which is situated outdoors or in an exterior window and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, without limitation, works, letters, figures, design symbols, colors, sculpture, motion, illumination, or projected images.

2. Wall Mural(s). Means artwork painted on the surface of a building exterior or other structure not including trademarks or business advertising; murals may be permitted following application and review and approval by the Planning Commission and the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007. Ord. 2-2019, eff. 2/7/2019)

B. General Limitations.[2] No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided or by a sign permit. A permit must be obtained from the Zoning Enforcement Officer. The applicant shall submit a drawing or representation of the proposed sign, along with mounting specifications and scaled drawing showing the sign placement on the property or building. The fee for the sign permit is per (see Appendices Westcliffe Fee Schedule) and must be submitted with the application. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

The following signs may be exempt from the permit requirement or addressed individually regarding the other requirements of this Chapter: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. Temporary signs used by churches, synagogues or other civic Organizations. Such signs may be erected not earlier than two weeks prior to the opening of the event and shall be removed not later than one week after the activity is over. (Ord. 2-2007, eff. 9/6/2007)

2. Holiday signs, displays and decorations. (Ord. 2-2007, eff. 9/6/2007)

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1 Title 10, Chapter 4, Section 1, Paragraph A is repealed and reenacted in its entirety. (Ord. 2-2019, eff. 2/7/2019)

2 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsection B and Paragraphs 3, 5, 9, 10, 11 and 13 are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

3. "Political sign" means a sign used in connection with a local, state or national political issue, election or referendum. Political signs of eight (8) square feet or less erected on private property only. Signs may be erected no earlier than sixty (60) days prior to the election and removed no later than fourteen (14) days after the election. Political signs larger than eight (8) square feet require a permit and shall meet the other requirements of this chapter. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. Signs showing underground or public utilities. (Ord. 2-2007, eff. 9/6/2007)

5. Interior window signs (signs that are inside a building and within two (2) feet of a window that can be viewed through a window). Any lit interior window signs must be turned off at the close of business. The owner of a lit sign that is consistently left turned on after business hours shall be required to refrain from the use of such signs at the direction of the Zoning Enforcement Officer. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. Private warning signs (no hunting, etc.) (Ord. 2-2007, eff. 9/6/2007)

7. Vending machine signs, including ATM signs. (Ord. 2-2007, eff. 9/6/2007)

8. Public information service signs of less than twelve (12) square feet. (Ord. 2-2007, eff. 9/6/2007)

9. Real estate signs not to exceed six (6) square feet in sign area, and located on the ground floor level of the property which is being advertised. One (1) sign is allowed on each street frontage. Real estate signs may not be affixed to live trees. Such signs shall be removed fourteen (14) days following closing. Real estate parcels one (1) acre or larger may have a real estate sign not in excess of sixteen (16) square feet and ten (10) feet high. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10. Garage sale signs. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11. Commemorative signs, cornerstones and plaques not exceeding two (2) square feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12. Official government or traffic signs of the Town, County or State, and/or signs required or specifically authorized for public purpose by any law, statute or ordinance (e.g., directional signs.). (Ord. 2-2007, eff. 9/6/2007)

13. Flags of any state, nation, or government. Flags must be in good condition not faded or worn, frayed, defaced, or modified in any way. Flags may not exceed fifty (50) square feet in size and no flagpole may be higher than thirty-five (35) feet in any zone districts except residential districts, in which the maximum height shall be twenty-five (25) feet. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

14. Barber poles that do not exceed eight (8) feet in height and are used in conjunction with a barber shop. (Ord. 2-2007, eff. 9/6/2007)

15.[3] Not more than two (2) signs identifying the house number and the names of the occupants, not to exceed one (1) square foot each. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

C.[4] [5]Moveable business signs and off-site business signs of a permanent nature. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

1. Each business located in the Core Commercial District along Main Street shall be allowed one (1) sign each of a moveable design (sandwich board, A-frame or free standing) to be placed on the public sidewalk area in front of their respective businesses. Those businesses located on Second Street and not Main Street shall be allowed one (1) sign, of the type described above, to be located in front of their respective business and one (1) off-site sign of the same design to be located on the public sidewalk at the corner of Main Street and the street on which their business is located, the signs in these locations must be placed in an orderly fashion so as to not inhibit pedestrian flow or obstruct another business' sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/2011, Ord. 13-2016, eff. 10/6/2016)

2. The signs must be constructed of durable materials and painted or finished, as the material requires, to withstand the elements, and of sufficient weight to resist being blown over or sliding, an internal weighting system may be used to accomplish this requirement. The signs must have the appearance of being professionally designed, constructed, lettered and painted and maintained in their original condition. The signs shall not have any rough, sharp or jagged edges and all sharp metal edges must be covered (i.e., with a frame). The signs may be constructed with or have an area made of materials that allow for the information to be changed such as a chalkboard, dry erase or changeable letter board. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

3. The maximum overall size of the signs shall be thirty (30") inches in width by forty-six (46") inches in height, as measured from the sidewalk, when set up for display. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

4. The signs must be taken in at the close of business and not placed in a manner that obstructs pedestrian traffic when in use this requirement applies to all districts where the use of such signs is allowed. The secondary signs for those businesses on Second Street must be returned to and stored in the place of business at the close of business hours. All such signs must be taken

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3 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections B Paragraphs 15 and 16 are deleted and 17 then becomes 15. (Ord. 13-2016, eff. 10/6/2016)

4 Title 10, Chapter 4, Section 1, Subsection C is repealed and reenacted in its entirety. Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6-10-11

5 Title 10, Chapter 4, Section 1 "Signs" Subsection C Paragraphs 1, 2, 4 and 5 are repealed and reenacted in their entirety. (Ord. 13-2015, eff. 10/6/2016)

down and stored during periods of ~~extreme wind~~inclement weather, for safety~~,~~. ~~and during snow events~~, ~~to ease snow removal.~~ (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)
If a sign that is consistently left out after business hours or is consistently moved about by the action of wind, the owner shall be required to refrain from the use of such sign at the direction of the Zoning and Building Official. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

5. The owner of the sign(s) assumes all liability for personal injury or property damage resulting from its placement on public or private property. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11, Ord. 13-2016, eff. 10/6/2016)

6. No sign of a permanent nature shall identify or advertise a business or establishment, except on the lot upon which the business or establishment is located, without the approval of the Board of Adjustment. If approval of an off-site sign is obtained from the Board of Adjustment all regulations contained in 10-4-1 of the Town of Westcliffe Code of Ordinances shall apply to such sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

D. Signs shall be set back from all traveled portions of the road or from the property Line ten (10) feet if the sign is not on the site of the business being advertised. On-site signs may be placed up to the property line and shall be placed in such a manner as to not interfere with normal traffic and maintenance vehicles for the roadway. In no event shall a sign be placed in a manner which obstructs normal traffic or maintenance of the property ~~owners~~. No sign shall be located so that it shall interfere with or detract from orderly traffic movements, obscure or impair the vision of the driver of any motor vehicle or which is a hazard to traffic. (Ord. 2-2007, eff. 9/6/2007)

E.[6] All illuminated signs shall be so placed as to prevent the light rays or illumination there from being cast upon residential dwellings or being cast so as to interfere with traffic control signals or the safe operation of vehicles. Beacons or search lights shall not be permitted for advertising purposes. New internally lit external signs are prohibited unless approved by a variance by the Board of Adjustments. House numbers, may be illuminated from an internal light source. Signs shall not be animated, oscillate, rotate, move, or have the illusion of motion. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. All signs and other forms of outdoor advertising, together with any supports, braces, guys and anchors, shall be kept in good repair and in a safe state of preservation so as to preserve the initial intent of their design and so as to remain fully readable. All signs erected to serve temporary purposes, such as for community events, social events, entertainment's special or limited sales, real estate sales and similar circumstances, shall be removed within two weeks from the date of their purpose ceased to exist. (Ord. 2-2007, eff. 9/6/2007)

G.[7] The maximum size for a sign projecting from the face of a building, or mounted perpendicular to the face of a building, shall not exceed fifteen (15) square feet of display

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6 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections E is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections G is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

face per side, which shall encompass the copy, insignia, back ground and borders. Both sides of the sign may be used. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

H.[8] Except as otherwise specifically permitted or exempted, no signs are permitted in the Residential ~~and~~ Single-Family Zone Districts. No signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of ~~two~~ four square feet; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

I.[9] The maximum height of any sign shall not exceed sixteen (16) feet above grade. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

J.[10] Signs projecting over a street or other public space shall project not more than three (3) feet, and shall be no closer than two (2) feet to a plumb line from the curb line. Clearance below such signs shall be a minimum of eight (8) feet. No sign shall project above the roof-line. No signs shall project over an alley. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

K.[11] The maximum size for a sign fixed flat against the face of a building shall not exceed one (1) square foot per liner foot of store front. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

L. No signs shall be erected, maintained or permitted to remain publicly displayed which are misleading, fraudulent, obscene. (Ord. 2-2007, eff. 9/6/2007)

M. No signs may contain any radio, phonograph, whistle, bell or other sound or noise making or transmitting device or instrument. (Ord. 2-2007, eff. 9/6/2007)

N. Any sign that exists at the time of the adoption of this Title, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire sign conform with the provisions of this ordinance. This shall not be construed so as to prevent necessary maintenance of the sign to keep it in good repair. (Ord. 2-2007, eff. 9/6/2007)

O.[12] Wall murals may be permitted by resolution of the Town Board if they: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

1. present no safety issue;
2. are compatible with the *surrounding area;*
3. are not obscene.

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8 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections H is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections I is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections J is repealed and reenacted in its entirety. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsection K is deleted and replaced with a new paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12 Title 10, Chapter 4 "Supplementary Regulations", Section 1 "Signs" Subsections O is repealed and reenacted with the addition of Paragraph 4. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

4. contain art work that has been submitted and approved by the Board of Trustees. (Ord. 13-2016, eff. 10/6/2016)

P.[13] Signage in the Town's Highway Commercial Zone (zone HC) shall:

1. have a maximum size of sixty-four (64) square feet provided the sign is at least forty feet (40') from the edge of the highway, or,
2. have a maximum size of ninety-six (96) square feet provided the sign is at least one hundred feet (100') from the edge of the highway, or
3. have a maximum size of one and one-half (1.5) square feet per linear foot of the face of a building if such sign is affixed flatly against the face of a building that is at least one hundred (100') feet from the edge of the highway. (Ord. 4-2018, eff. 4/5/2018)

10-4-2: Parking

A. Parking: Parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided as follows: (Ord. 2-2007, eff. 9/6/2007)

1. Dwelling units: two (2) spaces for each dwelling unit. (Ord. 2-2007, eff. 9/6/2007)

2. Churches: one (1) space for each four (4) seats. (Ord. 2-2007, eff. 9/6/2007)

3. Elementary schools and nursery schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space. (Ord. 2-2007, eff. 9/6/2007)

4. High schools, colleges, and vocational schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space plus one (1) space for each classroom seat. (Ord. 2-2007, eff. 9/6/2007)

5.[14] Communal gathering rooms: one (1) space per each four hundred (400) square feet of gross floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

6. Mobile Home Parks: two (2) spaces for each mobile home and two (2) spaces for each mobile office. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

7. Buildings pertaining to the management and operation of mobile home parks: one (1) space for each one hundred (100) square feet of floor area. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

8. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each two hundred (200) square feet of area devoted to sales and display in each retail establishment. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

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13 Title 10, Chapter 4, Section 1 shall be amended with the addition of a subsection P. (Ord. 4-2018, eff. 4/5/2018)

14 Title 10, Chapter 4 "Supplementary Regulations" Section 2 "Parking" Subsections A Paragraphs 5, and 7 are repealed in their entirety and re-renumbered. (Ord. 13-2016, eff. 10/6/2016)

9. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each three hundred (300) square feet of office space. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10. Two (2) parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each rental unit or manager's unit in ~~motels and hotels~~ all lodging establishments. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

11. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in eating and drinking places. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

12. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in theaters and auditoriums. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

10-4-3: Outdoor Lighting[15]

A.[16] All outdoor lighting shall be shielded so that direct light from the fixture does not trespass on neighboring property. A practical way to determine if a light fixture will conform to this provision is to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

B. Lighting shall be so placed as to prevent the light rays or illumination there from being cast beyond property lines. (Ord. 2-2007, eff. 9/6/2007)

C. All metal halide and fluorescent fixtures shall be filtered with glass, acrylic or translucent enclosures. (Ord. 2-2007, eff. 9/6/2007)

D.

The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited. Only light-emitting diode (LED), high-pressure sodium (HIPS), low pressure sodium (LPS), or incandescent light fixtures that are fully shielded and have a color temperature of no more than 3,000 Kelvin shall be permitted in all areas. In addition, the level of illumination shall not exceed 1.16 lumens per square foot of illuminated area.

~~The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited. Only high-pressure sodium (HIPS), low pressure sodium (LPS), LED or incandescent fixtures shall be permitted in commercial and multifamily residential parking areas. In addition, the level of illumination shall not exceed the maximum lumens as stated in these ordinances.~~ (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)

E. All non-conforming outdoor light fixtures in existence prior to December 1, 2000, shall be deemed a legal nonconforming use and may be continued subject to the requirements of Section 10-1-7.B. (Ord. 2-2007, eff. 9/6/2007)

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15 Title 10, Chapter 4, Section 3, is amended by the repeal and reenactment of Subsection "A" and "D" and the addition of "G". (Ord. 2-2014, eff. 12/13/2014)

16 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

F.[17] Lights one hundred (100) watts and less per fixture, fluorescent lights forty (40) watts and less per fixture and lights used for holiday decorations are exempt from the requirements of this ordinance. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

G.[18] The purpose of these lighting standards and the policy of the Town of Westcliffe is to minimize glare and light trespass beyond the property boundary of each lot by limiting outdoor lighting, whether shielded or unshielded, shall not exceed Dark Skies recommended lumens. (Ord. 2-2014, eff. 12/13/2014, Ord. 13-2016, eff. 10/6/2016)

10-4-4: Dedication of Public Sites and Open Spaces.

A. General Requirement. The Planning Commission and the Board of Trustees, upon consideration of the Master Plan, the necessity of public buildings and facilities in the area, and the particular type of site development proposed shall require the dedication of areas or sites of a character, extent and location suitable for public use for schools, parks, greenbelts or other necessary public purposes (other than subdivision streets) according to one or more of the alternatives set forth below. (Ord. 2-2007, eff. 9/6/2007)

B. Procedure. Prior to final approval for all site developments, the applicant shall: (Ord. 2-2007, eff. 9/6/2007)

1. Dedicate land, interest in land, improvements or arrange for the construction of public facilities made necessary as a consequence of the site development, or (Ord. 2-2007, eff. 9/6/2007)

2. Make a payment to the Town of a sum of money, to be determined by the Town in accordance with the criteria set out below, based upon either the fair market value of a percentage of the acreage, a flat fee per lot or tract or, in the case of any other method, such basis as may be agreed upon between the Town and the developer; such in-lieu payment is to be applied against expenses incurred by the Town in the provision of off-site municipal services or facilities made necessary or desirable by the immediate or future increase in population caused by or attributable to the site development, or (Ord. 2-2007, eff. 9/6/2007)

3. Provide property by private covenant where such property will fulfill the needed recreational or amenity purposes. (Ord. 2-2007, eff. 9/6/2007)

4. Fulfill such other arrangements or conditions, memorialized in the property subdivision agreement, as may be desirable or necessary to alleviate the effects of or increase the benefits caused by the site development and to promote the public health, safety and welfare of the present and future site development residents and inhabitants of the Town as a whole. (Ord. 2-2007, eff. 9/6/2007)

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17 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection F is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

18 Title 10, Chapter 4 "Supplementary Regulations", Section 3 "Outdoor Lighting" Subsection G is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

C. Purpose. The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the site development, in an amount roughly proportional to the impact of the site development upon such facilities and/or services or the increased need for them brought about by the site development. The developer shall have the option, in its sole discretion, to accept the Town's calculation of the required dedication, or to perform such studies as are necessary to demonstrate the actual impact of the site development upon public services and facilities, and the resulting appropriate dedication or other contribution. (Ord. 2-2007, eff. 9/6/2007)

D. Criteria. The Town and, in certain cases as outlined above, the developer, in formulating the appropriate combination of the options set forth above, shall take into consideration the following criteria: (Ord. 2-2007, eff. 9/6/2007)

1. The size of the proposed site development. (Ord. 2-2007, eff. 9/6/2007)

2. The projected additional population associated with the proposed site development. (Ord. 2-2007, eff. 9/6/2007)

3. The projected need generated by the site development for municipal services and facilities, particularly recreational, educational and protective, the provision of which is not covered by other requirements herein. (Ord. 2-2007, eff. 9/6/2007)

4. The impact of the proposed site development on the implementation of the Master Plan and its component parts, including transportation and parks and recreation. (Ord. 2-2007, eff. 9/6/2007)

E. All moneys collected by the Town under this Section shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. (Ord. 2-2007, eff. 9/6/2007)

F. The location of all public or quasi-public land intended to be conveyed or reserved in the deed for use of all property owners shall be shown on the preliminary and final plats or site plans, as appropriate, together with the proposed method of ownership, management, maintenance and such other information as is necessary for the Planning Commission and Board of Trustees to evaluate the proposal. (Ord. 2-2007, eff. 9/6/2007)

G. At the time of presentation of the final plat for approval by the Planning Commission and Board of Trustees, a warranty deed shall be presented for all land to be conveyed to the Town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances. (Ord. 2-2007, eff. 9/6/2007)

H. Reservation. Reservation by covenant, in lieu of dedication, may be permitted where land is to be used for recreational or amenity purposes by the property owners. (Ord. 2-2007, eff. 9/6/2007)

10-4-5: Maintenance of Structures and Site Plans

On and after December 1, 2000, all structures, and all elements and features of any site plan or site development (including, without limitation, buildings, fences, walls, parking areas, driveways, sidewalks, landscaping, utility lines and irrigation systems) for which structures, site plans or site development the owner thereof or his or her predecessor in interest obtained approval from the Town for the construction or establishment, shall be maintained in good repair and in substantially the form, condition and nature which was represented at the time they were constructed. It is the intention of this Section that such structures, elements and features of site plans and site developments within the Town, having once been approved for construction or development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, the owner of the structure or real property shall be considered the responsible party. (Ord. 2-2007, eff. 9/6/2007)

10-4-6:[19] Fencing

A. Definition. Fences shall be permitted anywhere on a lot in a residential zoning district, including along property lines. The term "fence" shall include a wall or any similar structure.

B. Permit. A fence permit must be obtained from the Zoning Enforcement Officer.

1. A sketch or drawing of the fence, including its location on the property, as well as its height and proposed materials shall be submitted with the permit application and fee (see Appendices Westcliffe Fee Schedule).[20] (Ord. 2021, eff. 6/1/2021)

C. Area and Height Standards.

1. Fences in front yards. A solid fence on the property line in a front yard shall not exceed 4 feet in height. An ornamental fence may be erected to a height of 6 feet provided it is at least 50% open overall.

2. Fences in side yards. A solid fence on the property line in a side yard shall not exceed 4 feet in height. An ornamental fence on the property line in a side yard may be erected to a height of 6 feet provided it is at least 50% open overall.

3. Fences in rear yards. A fence on the property line in a rear yard may be erected to a height of 6 feet.

D. Exceptions.

1. Fences erected within the building setback lines are not subject to the above height limitations.

2. Gates and Trellises. At a gate, walkway, or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height.

E. Fence Materials.

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[19] Title 10, Chapter 4, Supplementary Regulations" Section 6 "Above-Ground Storage of Flammable Products" is repealed in its entirety and replaced with a new section "Fencing. (Ord. 13-2016, eff. 10-7-2016)
Title 10, Chapter 4, Section 6 (B) is amended by adding the Westcliffe Fee Schedule. (Ord. 2-2021, eff. 6-1-2021)

1. Fences must be constructed of recognized and approved fencing materials. Barbed wire, concertina wire, and razor wire fences are prohibited. Materials not typically used in fence construction such as tires, pallets, tarps, recycled items, etc. are prohibited.

2. Orientation of supporting members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

3. All fences shall be constructed as to withstand wind gusts in this special wind region and must be maintained in their original permitted condition.

4. Exceptions to height limitations may be made for necessary privacy considerations by the Zoning Enforcement Officer.

Chapter 5

VESTED PROPERTY RIGHTS

SECTIONS:		PAGE
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10-5-1: Purpose:

The purpose of this Chapter is to provide the procedures necessary to implement the provisions of C.R.S. § 24-68-101, et seq. as amended. (Ord. 2-2007, eff. 9/6/2007)

10-5-2: Definitions

A. "Application" means the completion and filing with the Town of all documents required by the Town for consideration of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

B. "Major Amendment" means an amendment to a site specific development plan which substantially changes the use, intent, arrangements of lots and alignment of major circulation patterns, density levels, provisions governing common or open spaces. A major amendment includes any other amendment that substantially changes the character of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

C. "Site Specific Development Plan" means for all developments, the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes the approval to have the effect of creating vested rights under C.R.S. § 24-68-101 et seq., as amended, the landowner must so request at least 20 days prior to the date the approval is to be considered. Failure to so request renders the approval not a "Site Specific Development Plan", and no vested rights shall be deemed to have been created. (Ord. 2-2007, eff. 9/6/2007)

D. "Site Specific Development Plan" shall not include a variance, an outline development plan or preliminary plat as defined by the Town of Westcliffe Subdivision Regulations, as amended, or by C.R.S. § 30-28-101(6) or (8), an application for annexation, approval of a use by special review, a final architectural plan, public utility filings or final construction drawings or related documents specifying materials and methods for construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

[1] Title 10, Chapter 5, "Vested Property Rights", Section 7 "Payment of Costs" is repealed and the remaining are re-numbered. Ord. 13-2016, eff. 10/6/2016

E. "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-3: Notice and Hearing

No Site Specific Development Plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the Town's option be combined with the notice required by C.R.S. § 31-23-304, as amended, for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard. (Ord. 2-2007, eff. 9/6/2007)

10-5-4: Approval and Effective Date

A. A Site Specific Development Plan shall be deemed approved upon the effective date of the approval by the Board of Trustees of the final approval step as set forth in section 10-2-2.C, above. (Ord. 2-2007, eff. 9/6/2007)

B. If amendments to a site specific development are proposed and approved, the effective date of such amendments, for proposes of duration of a vested property right, shall be the date of the approval of the original Site Specific Development Plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Ord. 2-2007, eff. 9/6/2007)

10-5-5: Forfeiture of Vested Property Rights

The following shall cause a forfeiture of the vested rights granted for the original site specific development plan and shall make the approval of the plan null and void: (1) a major amendment to a site specific development plan as proposed by the developer and approved by the planning commission, (2) failure of the developer to complete the development of an approved site specific development plan within three (3) years of the effective date of approval, or (3) failure of the developer to comply with any terms for approval of the site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-6: Notice of Approval

Each map, plat, or site plan or other document constituting a Site Specific Development Plan shall contain the following words. "Approval of this plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. A notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a property right has been created shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation with the Town. (Ord. 2-2007, eff. 9/6/2007)

10-5-7: Other Provisions Unaffected (Ord. 13-2016, eff. 10/6/2016)

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions this Code or regulation pertaining to the development and use of property. (Ord. 2-2007, eff. 9/6/2007)

10-5-8: Limitations (Ord. 13-2016, eff. 10/6/2016)

Nothing in this Chapter is intended to create any vested property right, except as required by C.R.S. § 24-68-101, et seq., as amended, but is intended only to implement the provisions of that statute. If that statute is repealed or declared by a court of law to be invalid, this article shall be deemed repealed, and its provisions shall no longer be effective. (Ord. 2-2007, eff. 9/6/2007)

303 Holidays

Effective Date: 4/18/2022
Revision Date: 4/18/2022

The Town will grant holiday time off as follows: No substitution dates are permitted:

- Regular full-time employees - regular work week of forty (40) hours will receive (8 hours) pay.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)

The Town will grant paid holiday time off to all full-time employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday). Eligible employee classification(s): Regular full-time (40 hours).

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as Paid Time Off (PTO), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday (Double time).

BOARD OF ADJUSTMENTS

LAND USE CHANGE APPLICATION

TOWN OF WESTCLIFFE
PO BOX 406
1000 MAIN ST
WESTCLIFFE, CO 81252

Building & Zoning Official
(719) 783-2282 Ext. 12

APPLICATION

_____Variance _____Zone Change _____Use by Special Review

_____Vacate Lot Line ✓ Other Board of Adjustments

	MAILING ADDRESS	PROPERTY ADDRESS
Applicant Name	Martha Minogue	same as mailing address
Address:	302 S. Second St.	
City/State/Zip	Westcliffe, CO 81252	

DESCRIBE THE REQUESTED CHANGE

please see attached letter to the Planning Commission dated ~~Nov 26~~, Dec. 19, 2022

Property Owners Signature _____ Date _____

_____ _____

Building/Zoning Officials Signature _____ Date _____

☐ "As the applicant, you are responsible for researching and understanding any covenants and/or restrictions attached to the subject property. By submitting this application, you are attesting that the proposed use is not in violation of any covenants or restrictions on the property, or that the proposed use has been otherwise approved by the HOA, POA, or other organization that enforces covenants and restrictions attached to the subject property. The Town of Westcliffe is not responsible for enforcing private land use covenants and/or restrictions. Approval of this application does not relieve the property or the applicant from the private enforcement of any covenants and restrictions attached to the subject property."

OFFICE USE

N/A Filing Fee Paid $_____
_____ Public Hearing Date
_____ Hearing Notice Published
_____ Property Posted
_____ Approved _____ Denied

Martha A. Minogue
302 S. Second Street
Westcliffe, CO 81252
Nov. 26, 2022

Planning Commission
Town of Westcliffe
1000 Main Street
Westcliffe, CO 81252

Dear Planning Commission:

I am filing an application to the Board of Adjustments in response to a hand delivered notice dated November 16, 2022. The letter was a Notice of Violation signed by Dwight E. Johns, current Building Official.

I am appealing the recent decision by the Town of Westcliffe that reversed the original acceptance and issuance of Building Permit (# 220829-1) by then Building Inspector, Gabriel Shank on August 29, 2022. The building permit was issued for a new roof on an existing wood shed that has been in continuous use since 2011.

The timeline for this project is as follows:

August 2022 Gabriel Shank came to 302 S. Second Street, Westcliffe, CO 81252 to inspect current wood shed and see if permit is needed to replace the roof. Mr. Shank said that if we were doing the work ourselves, we wouldn't need a Building Permit for the project, but since we had procured Andrew Miller, local contractor, to do the work, we would need a Building Permit.

Applied and paid for a Building Permit which was issued on August 29, 2022. Permit was paid by check for $240.00.

Contractor, Andrew Miller, began work on the woodshed roof on Oct. 25, 2022. He didn't start sooner due to prior jobs, and because he waited to get in shingles that matched the roof of the house, so that it would look nice. Mr. Miller finished the roof on Oct. 26, 2022. He charged $1,400 for the job.

On Oct. 26, 2022, as Mr. Miller was cleaning up the project, Dwight Johns, the current Building Inspector, stopped to tell us that there had been a complaint by a neighbor. He returned with yellow tape and stapled it to the overhang of the roof, stating that the overhang was a liability to us and to the town. We showed him the Building Permit and the drawing for the roof (that was

approved.) Mr. Johns said that even though we had all of the correct documentation, we would need to correct the overhang. We said that we would comply, but needed to wait until Mr. Miller, the contractor, could return to saw off the overhang. This was done on November 8, 2022. I have photos to verify each phase of the project. This cost us an additional $208.

Meanwhile, on November 1, 2022, Mr. Johns hand delivered an Agenda for a Westcliffe Planning Commission meeting to be held on November 2, 2022 at 3:00 PM. The woodshed was to be discussed under Old Business. Later, he stopped by to tell us that we need not attend, as they were not going to discuss the woodshed at that meeting.

Finally, on November 16, 2022, Mr. Johns hand delivered a Notice of Violation citing the woodshed in violation of Code Section 10-2-3; B.2. It stated that the Town of Westcliffe is requiring that the woodshed by brought into compliance within 60 calendar days of the notification. Otherwise it will constitute a misdemeanor punishable by a fine of up to $300 per day.

I wish to state that Dwight Johns has been professional and courteous in all of his dealings with us. He is not at fault for the decision of the former Building Inspector. However, I do not feel that we are at fault either, as we complied in "GOOD FAITH" with all that we were asked to do by then building inspector, Gabriel Shank. I have consulted with two attorneys on this situation. I will formally engage legal counsel if this problem cannot be expedited in an amicable way.

Respectfully yours,

Martha A. Minogue

Martha A. Minogue

302 S. Second Street

Westcliffe, CO 81252

EXECUTIVE SESSION