

Council Goals

Envision a safe, flourishing downtown that provides a strong commercial tax base

Strive to be active stewards of existing aging infrastructure

Recognize importance of experience, well trained, and community minded staff

Ensure its electorate is well informed of on-going successes and future plans

Envision a safe, secure community for its families and youth

Promote redevelopment of existing businesses and neighborhoods and increase quality of life for all its residents



AMENDED

AGENDA

REGULAR MEETING LA JUNTA CITY COUNCIL

La Junta, Colorado

January 17, 2023

6:00 PM

Council Chambers

Municipal Building

601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Mayor Ayala)

PLEDGE OF ALLEGIANCE (Council Member Pantoya)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

Ramirez

Velasquez

McIntyre

Ayala

Ochoa

Vela

Pantoya

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)

Regular Meeting January 3, 2023

ACTION 22 (Sarah Blackhurst) (Information)

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS ONLY *(5-minute time limit per person)*

NEW BUSINESS

A. Liquor Licenses (City Attorney) (Action)

1. Application for a Special Event Permit by La Junta Chamber of Commerce, Timmery Foster, Event Manager. The event is the 122nd Annual Chamber Banquet to be held January 30, 2023 from 5:00 p.m. to 11:00 p.m. at 2001 San Juan Avenue
2. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is the Lovers Steak Night to be held February 14, 2023 from 4:30 p.m. to 7:30 p.m. at 612 Adams Avenue
3. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is a Mardi Gras party to be held February 18, 2023 from 11:00 a.m. to 4:30 p.m. at 612 Adams Avenue
4. Application for Renewal of a Lodging & Entertainment Liquor License by VanceOwen LLC, d/b/a Fox Theatre, 11 E. 3rd Street
5. Application for Renewal of a Tavern Liquor License by Eagle Lanes LLC, d/b/a Eagle Lanes, 2420 San Juan Avenue

B. Annual Resolutions (City Attorney) (Action)

1. Designating Official Depositories for City Funds

C. Board Appointments (Mayor) (Action)

1. Reappoint John Yergert to the Tourism Board – term to expire 12/31/2025
2. Reappoint Nancy Bennett to the Urban Renewal Board – term to expire 12/31/2027

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3. Reappoint Justin Miller to the Urban Renewal Board – term to expire 12/31/2027
 4. Appoint Toni Madrid to the Urban Renewal Board – term to expire 12/31/2026
- D. Approval of Updated Urban Renewal By-Laws (Mayor) (Action)
 - E. First Reading/AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING THE UNIFORM BUILDING CODE AND RELATES UNIFORM CODES PREVIOUSLY ADOPTED (City Attorney) (Action)
 - F. Committee/Board Reports
 - G. City Manager's Comments
 - H. City Attorney's Comments
 1. Schedule AVRMC Joint Meeting
 - I. Governing Body Comments
 - J. EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S §24-6-402(4)(e)
 - K. ADJOURN

*Subject to approval at
the January 17, 2023
City Council Meeting*

STATE OF COLORADO)
COUNTY OF OTERO) SS
CITY OF LA JUNTA)

CALL TO ORDER: A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Tuesday, January 3, 2023, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Mayor Ayala gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Ayala led everyone in the Pledge of Allegiance.

ROLL CALL: The following Council Members were present:

Elaine McIntyre, Ward 2
Joe Ayala, Mayor
Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Absent: Damon Ramirez, Ward 1
 Paul Velasquez, Ward 1
 Chandra Ochoa, Ward 2

Also present: Rick Klein, City Manager
 Bill Jackson, Asst. City Manager
 Phil Malouff Jr., City Attorney
 Melanie Scofield, City Clerk
 Paula Mahoney, Admin. Asst.
 Cynthia Nieb, Director of ED/UR
 Nancy Bennett, Urban Renewal
 Daniel Horton, Urban Renewal
 Gary Cranson, UB Commissioner
 Julie Worley, La Junta
 Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of December 19, 2022. Council Member Vela had a change to his last statement on the governing body comments, it should read: “based on the information provided thus far, it’s a no.” After hearing no other corrections or additions, the mayor asked for a motion to approve the minutes as amended.

MOTION TO ACCEPT THE DECEMBER 19, 2022 MINUTES AS AMENDED: McIntyre

SECOND: Pantoya

DISCUSSION: There was no further discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (5-minute time limit per person):

1. Daniel Horton, Urban Renewal, shared accomplishments for the last year:
 - Provided the cash match for six rehabilitation projects in the downtown commercial buildings spawning four new businesses.
 - Work has mitigated blight and contributed to the local sales and helped produce/contribute to the property tax base.
 - Re-writing the URA grant/loan applying making sure that the language is correct.
 - Welcomed a new authority member, Mr. Randall Roberson.

CITY COUNCIL MEETING – January 3, 2023

- Will be holding interviews next week for potential authority members.

Certified Local Government accomplishments:

- Passed the first quadrennial review with flying colors. The diversity and depth of our board, education, and outreach projects, groundbreaking quality of our downtown history building survey and successful grants and projects were called out as well as our staff leadership.
- The City of La Junta was chosen to host Colorado Preservation Inc. this year on August 25-27. This will be a main attraction for us this year. Hoping to start new things and generate some revenue, getting people more excited about what's going on around us.
- We are a finalist in the People's Choice Awards for our downtown historic survey preservation project.

NEW BUSINESS**A. Annual Resolutions for the year 2023**

1. **A Resolution Concerning Posting of Open Meetings.** Resolution No. R-1-2023 was presented for Council's consideration as follows:

WHEREAS, public cannot exercise its right to attend open meetings unless sufficient notice is provided to its citizens; and

WHEREAS, the Open Meetings Law requires the public to receive full and timely notice of any meetings held; and

WHEREAS, the Open Meeting statute (24-6-402) provides in part as follows:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

BE IT THEREFORE RESOLVED that the City Council of the City of La Junta, the Board of Utility Commissioners, the Planning Commission of the City of La Junta, the Airport Advisory Board, the Urban Renewal Authority, the Tourism Board, and any other advisory boards which have been created by Ordinance and which are required by ordinances of the City of La Junta to comply with the open meetings law shall comply with this Resolution.

BE IT FURTHER RESOLVED that notice of the meetings shall be issued by the Clerk of the City of La Junta.

BE IT FURTHER RESOLVED that designated place for posting of the meetings shall be the main foyer of the City Building, located at 6th and Colorado, La Junta, Colorado.

MOTION TO ADOPT RESOLUTION NO. R-1-2023: McIntyre

SECOND: Vela

DISCUSSION: For statutory requirements, the foyer of the Municipal Building and the local newspaper are used for postings even though it is also shared on the website and social media.

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

2. **A Resolution Designating Official Depositories for Various City Funds.** City Manager Klein explained that flexibility is needed when investing in order to maximize city funds. Local banks will be considered but are unable to do much with current rates. The language of this resolution needs to be changed. Resolution No. R-2-2023 was presented for Council's consideration as follows:

BE IT RESOLVED by the City Council of the City of La Junta that the following are hereby designated as official depositories for the various funds for the City of La Junta for the calendar year 2021:

1. The Colorado Bank & Trust Company of La Junta;
2. State Bank and Trust Company of La Junta;
3. TBK Bank;
4. First National Bank of Las Animas and La Junta;
5. U.S. Bank.

Whenever investment circumstances exist that prohibit banks from accepting City funds as deposits without requiring deposit fees be paid by the City, the City Manager or his designee, is authorized to locate other financial institutions; provided however that all funds be maintained in a federally insured account and all funds must be fully insured by the FDIC.

MOTION TO *TABLE* RESOLUTION NO. R-2-2023: Vela

SECOND: Pantoya

DISCUSSION: There was no further discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

3. **A Resolution Concerning Discovered or Reported Offenses against City Property.** Resolution No. R-3-2023 was presented for Council's consideration as follows:

BE IT RESOLVED by the City Council of the City of La Junta that it shall be the policy of this Council that all discovered or reported offenses against the property of this City shall be referred to the appropriate law enforcement agency in this county for such action as may be deemed proper.

MOTION TO ADOPT RESOLUTION NO. R-3-2023: Vela

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

4. **A Resolution Concerning Publication of Legal Notices.** Resolution No. R-4-2023 was presented for Council's consideration as follows:

BE IT RESOLVED by the City Council of the City of La Junta that all legal notices required to be published by the ordinances of the City of La Junta shall be published in the La Junta Tribune-Democrat, a paper of general circulation within the City of La Junta.

MOTION TO ADOPT RESOLUTION NO. R-4-2023: McIntyre

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

5. **A Resolution Concerning City Enterprise Funds.** Resolution No. R-5-2023 was presented for Council's consideration as follows:

WHEREAS, the Taxpayer's bill of Rights anticipates that certain City enterprises are exempt from the provisions of the Taxpayer's Bill of Rights; and

WHEREAS, the Taxpayer's Bill of Rights defines the criteria upon which an enterprise becomes exempt from the operative provisions of the Taxpayer's Bill of Rights; and

WHEREAS, it is the belief of the City of La Junta that certain operational funds within its control are "enterprises" as defined by the Taxpayer's Bill of Rights.

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. That the following City of La Junta funds are considered to be "enterprises" as used within the Tabor Amendment:
 - a. Electric Fund;
 - b. Sewer Fund;
 - c. Water Fund;
 - d. Sanitation Fund;
 - e. Property Management Fund.

MOTION TO ADOPT RESOLUTION NO. R-5-2023: Pantoya

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

B. Board Appointments

1. La Junta Housing Authority

a. Karen Martinez (term to expire 12/31/2027)

MOTION TO APPOINT KAREN MARTINEZ TO THE LA JUNTA HOUSING AUTHORITY:
McIntyre

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

b. Lorna Miller (term to expire 12/31/2027)

MOTION TO REAPPOINT LORNA MILLER TO THE LA JUNTA HOUSING AUTHORITY:
Pantoya

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

2. Library Advisory Board

a. Michael Meier (term to expire 12/31/2025)

MOTION TO REAPPOINT MICHAEL MEIER TO THE LIBRARY ADVISORY BOARD: Vela

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

b. Sara Holt (term to expire 12/31/2025)

MOTION TO REAPPOINT SARA HOLT TO THE LIBRARY ADVISORY BOARD: Pantoya

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

3. Senior Citizens Advisory Board

a. Barbara Rains (term to expire 12/31/2025)

MOTION TO REAPPOINT BARBARA RAINS TO THE SENIOR CITIZENS ADVISORY BOARD: Vela

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

C. Committee/Board Reports

1. There were no committee/board reports.

D. City Manager's Comments

- The Water Department was busy thawing frozen services last week.
- Cold temperatures caused other problems with frozen services and heating units for Property Management.
- The warming shelter was open through the holiday at the Armory. A big thanks to all of the volunteers that helped staff the shelter and feed the folks staying there. Also, thank you to the citizens of La Junta that donated items to help the folks staying there.
- Need to come up with a "disaster" plan.
- Sink hole at 5th and Cimarron due to a failed storm sewer lateral.
- Mr. Malouff working on the tear down of the Gibson building and 205 Lewis.

ADDITIONAL DISCUSSION:

- Fire in the 900 block of Grace.
- Michael Ada with Jive Hyve Virtual Dispensary.
- Still need the R.O. Plant (at reduced costs) even if the Ark Valley Conduit comes through.

CITY COUNCIL MEETING – January 3, 2023

E. City Attorney's Comments

1. AVRMC Joint Meeting with City Council. City Attorney Malouff recommends tabling this item until the full council is in attendance.

MOTION TO TABLE THE SCHEDULING OF THE AVRMC JOINT MEETING UNTIL THE NEXT CITY COUNCIL MEETING: McIntyre

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 4-0 (Ramirez, Velasquez and Ochoa absent)

F. Governing Body Comments

1. Council Member McIntyre:
 - Commented on how nice it looked at the cemetery with the Wreaths Across America by American Legion No. 9.
2. Council Member Vela:
 - Take note of Wallace Oil Company, they refurbished their three gas stations. They took away that Shell Station look and made it look more locally owned. Thank you, Jimmy Wallace.
3. Mayor Ayala:
 - Thanked American Legion No. 9.
 - Also thanked the T.R.Y. organization for doing the luminarias around the park.
 - Was invited to the Kiva for the Koshares winter show. David Balicki does an amazing job. It was a great performance.
 - Thanked the community in regards to the warming shelter.
4. Council Member Vela:
 - Mr. Klein will be at the Leadership Policy & Governance Academy. It's a revival for a new generation of city leaders.
5. Mayor Ayala:
 - We are waiting on the Utility Board to schedule Mr. Klein's review.

There being no further business, the meeting adjourned at 6:49 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

RESOLUTION NO. R-2-2023

BE IT RESOLVED by the City Council of the City of La Junta that the following are hereby designated as official depositories for the various funds for the City of La Junta for the calendar year 2023:

1. The Colorado Bank & Trust Company of La Junta;
2. State Bank and Trust Company of La Junta;
3. TBK Bank;
4. First National Bank of Las Animas and La Junta;
5. U.S. Bank;
6. Other financial institutions that comply with the intent of the terms of this resolution.

Whenever investment circumstances exist that prohibit banks from accepting City funds as deposits without requiring deposit fees be paid by the City, the City Manager or his designee, is authorized to locate other financial institutions; provided however that all funds be maintained in a federally insured account and all funds must be fully insured by the FDIC.

Priority considerations shall be given to institutions that offer competitive interest rates on City deposits.

ADOPTED this 17th day of January, 2023.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

**+BYLAWS OF THE LA JUNTA URBAN RENEWAL AUTHORITY
OF THE CITY OF LA JUNTA, COLORADO
(Revised and Updated as of November 10, 2022)**

**ARTICLE I.
INTRODUCTION**

The La Junta Urban Renewal Authority was established by the City of La Junta on August 1, 1966, and certified by the State of Colorado on February 17, 1967. The original Bylaws of the La Junta Urban Renewal Authority were adopted on March 27, 1967. The original Bylaws of the La Junta Urban Renewal Authority were revised on November 11, 2011.

**ARTICLE II.
NAME, ADOPTION, & BYLAW PURPOSE**

Section 1. Name and Term.

The name of this urban renewal authority shall be the “La Junta Urban Renewal Authority,” hereinafter referred to as “LJURA.” Its duration shall be perpetual unless dissolved by resolution of the LJURA members and LJURA Officers (the “Officers”) and the City of La Junta under Article VI herein.

Section 2. Adoption.

The within Bylaws have been adopted by the LJURA, and all previously adopted bylaws are hereby repealed.

Section 3. Purpose of Bylaws.

The purpose of these Bylaws is to establish rules and procedures necessary to carry out the purpose and duties of LJURA, as set forth in the Colorado Revised Statutes (C.R.S.) Title 31, Article 25, Part 1, and hereinafter referred to as “Urban Renewal Law.”

**ARTICLE III.
LJURA PURPOSE**

Section 1. Purpose.

The purpose of LJURA is to eliminate blighted areas through creative redevelopment. Before LJURA may get involved in a project, the area must first be found to be blighted. LJURA adopts the definition of blighted from Urban Renewal Law. Under Urban Renewal Law, a blighted area means an area which, in its present condition and use, has substantially and adversely affected or slowed the reasonable growth of the community, hindered the provision of decent housing, or constitutes a social liability to the community, and therefore is detrimental to the well-being of the citizens. § 31-25-103(2).

ARTICLE IV. POWERS & DUTIES

Section 1. Powers and Duties.

LJURA shall have all the general powers granted under the Urban Renewal Law and shall perform all duties required by law. LJURA shall exist as an independent division of the City of La Junta and receive its funding from Tax Increment Financing (“T.I.F.”) District (see Attachment 1 e.g. map) funding provided by Otero County.

ARTICLE V. CONFLICT OF INTEREST

Section 1. Conflict of Interest.

A conflict of interest occurs when an LJURA member’s interests—family, friendships, financial matters, current and past employment, or volunteer or social relationships—could compromise an LJURA member’s judgment, decisions, or actions while serving on the LJURA. Real and perceived conflicts require transparency; thus, disclosure of potential conflicts of interest is required by relevant members before discussing the potential conflict of interest item. At the time of that disclosure, the LJURA member will recuse himself/herself from all interaction with the LJURA pertaining to the conflict of interest item. Failure to disclose a potential conflict of interest may result in removal from the LJURA.

Furthermore, no commissioner, member, officer, or employee of LJURA nor any immediate member of the family of any such commissioner, member, officer, or employee shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall they have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project.

If any commissioner, member, officer, or employee of LJURA owns or controls an interest, direct or indirect, in any property included or planned to be included in any project, they shall immediately disclose the same in writing to LJURA, and such disclosure shall be entered upon the minutes of LJURA.

Upon such disclosure, such commissioner, member, officer, or other employee shall not participate in any action by LJURA affecting the carrying out of the project planning or the undertaking of the project unless the LJURA determines that, in the light of such personal interest, the participation of such member in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by LJURA that participation is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office.

ARTICLE VI. DISSOLUTION

Section 1. Dissolution.

LJURA may only be dissolved by the action of its members and Officers and the City of La Junta.

ARTICLE VII. MEMBERSHIP

Section 1. Membership.

Membership in the LJURA will be in accordance with Urban Renewal Law. Urban Renewal Law shall govern if and when conflicts exist between these Bylaws and Urban Renewal Law.

- A. The LJURA shall be comprised of nine (9) members, and those members shall be appointed by the Mayor of La Junta, subject to approval by the City Council of the City of La Junta. Not more than one of the members appointed by the Mayor may be an official of the municipality.
- B. The initial terms or tenure of office for each LJURA member shall be as follows; four (4) members are appointed for two (2) year terms, and five (5) members are appointed for a five-year term. Upon expiration of initial terms, all subsequent terms shall consist of two (2) years with a total term limit of twelve (12) years. One member shall be selected directly from the La Junta City Council by the La Junta City Council.
- C. A new candidate seeking an appointment to the LJURA shall complete an application for the position. Existing members seeking reappointment shall submit a letter of intent to the Officers. Upon receipt, the LJURA shall review the application or letter of intent, interview applicants, and submit a recommendation for appointment to the Mayor. All mayoral appointments are subject to approval by the La Junta City Council. All chair designations are subject to approval by the La Junta City Council.
- D. All new LJURA members shall participate in an orientation program familiarizing them with the rules and programmatic goals and objectives of Colorado Urban Renewal Authorities and the LJURA Plan.
- E. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any member, and such certificate is conclusive evidence of the due and proper appointment of such member.

- F. An LJURA member holds office until his or her successor has been appointed and has qualified.
- G. Vacancies other than by reason of expiration of terms must be filled by appointment of the Mayor for the unexpired term. All vacancy appointment candidates to the LJURA shall complete and submit to LJURA an application for the position. Upon receipt, the LJURA shall review the application, interview applicants, and submit a recommendation for appointment to the Mayor. All mayoral appointments are subject to approval by the La Junta City Council. Any vacancy within LJURA shall be filled no later than 90 days after the vacancy. Three (3) months prior to a member's term expiration, the position shall be made open to the public. A member appointed to fill a vacancy shall fulfill the unexpired term of his/her predecessor in office.
- H. Nepotism is a barred activity under LJURA Bylaws. Nepotism is defined as the appointment of LJURA members with a blood or marital relationship—parents, children, first cousins, spouses—to the LJURA.
- I. LJURA members shall receive no compensation for their services, except that they may be entitled to necessary expenses, including traveling expenses, incurred in discharging their duties. A majority vote for expense reimbursement is required prior to disbursement.

Section 2. Prohibition of Private Inurement.

No earnings or budget item of LJURA shall be distributed to its members for services or personal gain.

Section 3. Resignation.

The resignation of a member of the LJURA shall be made in writing to the Executive Director and the LJURA Chair, and the resignation shall be forwarded to the member's appointing authority. The resignation of a member of the LJURA shall be effective immediately upon receipt and verification by the Executive Director and Chair.

Section 4. Attendance and Dismissal Requirements.

- A. Members missing three consecutive regular LJURA meetings in a six-month period—in the absence of a reason acceptable to the LJURA Chair—shall receive written notification from the Chair advising the member of their absences. The LJURA members shall choose to either recommend or not recommend the removal of the absentee member to the La Junta City Council. The La Junta City Council shall approve or deny the proposed removal. Remote or Virtual attendance of meetings by members is not included as an absence or missing a regular meeting.

- B. The Mayor, with the consent of the La Junta City Council, may remove an LJURA member for inefficiency or neglect of duty or misconduct in office, but only after the member has been given a copy of the charges made by the Mayor against them and has had an opportunity to be heard in person or by counsel before the governing body. In the event of the removal of any member, the Mayor shall file in the office of the City Clerk a record of the proceedings, together with the charges made against the member and findings thereon.

Section 5. Duty of Loyalty.

All LJURA members must give undivided allegiance when making decisions affecting the organization. This means that a member must never use information gained as a member of the LJURA for personal gain as it relates to executing the LJURA Plan under Urban Renewal Law. Thus, LJURA members must act in the best interests of LJURA. The LJURA member further acknowledges and agrees he or she owes a fiduciary duty of loyalty, fidelity, and allegiance to act in the best interests of the LJURA and to do no act that would materially injure the interests of the LJURA.

ARTICLE VIII. OFFICERS

Section 1. Officers.

The Officers of the LJURA shall be a Chair, Vice-Chair, and Treasurer, each of whom must be an LJURA member and shall be elected by a majority vote of the LJURA. Not more than one office may be held by the same person.

- A. The Chair shall be the principal executive officer and shall preside at all LJURA meetings. The Chair shall preside over all regular and special meetings of the LJURA, and shall, subject to these Bylaws and rules of procedure, decide all points of procedure unless otherwise directed by a majority of the members present at a particular meeting. Except as otherwise authorized by resolution of the LJURA, the Chair shall sign all contracts, deeds, and other instruments made by the LJURA. The Chair shall serve as the primary contact between the LJURA and the Director of Urban Renewal for the City of La Junta.
- B. The Vice-Chair shall be the assistant to the Chair and shall preside in the absence of the Chair.
- C. The Treasurer shall keep an account of all monies received and expended on behalf of the LJURA with the assistance of the City of La Junta Finance Director. The Treasurer will present financial reports each month or when called upon to do so by the Chair.

- D. In lieu of a formal Secretary, the LJURA has appointed a “Scribe,” provided by the La Junta City Manager, to perform the usual duties of a board secretary. The Scribe shall keep all documents, minutes, and communications and maintain an accurate record of LJURA proceedings.
- E. When both the Chair and Vice-Chair are absent, the members present shall select a member to preside over the meeting by a majority vote.
- F. Duties: The duties of the Officers include setting the vision of LJURA, reviewing, approving, and supporting programming, administration and finances, and providing guidance on priorities. Unless supported by an approved vote of the members, no Officer should take independent action in the spending of LJURA funds or representation of the LJURA.

Section 2. Officer Term and Elections.

Officers shall serve a term of one year unless otherwise specified in the Officer’s appointment or until the Officer’s successor shall have been duly elected and qualified, or until the officer’s earlier death, resignation, or removal by a majority vote of the LJURA at a meeting duly called. The election of Officers shall take place at the first meeting of each calendar year unless otherwise determined by a simple majority vote by the La Junta City Council confirmed LJURA members. Nominations for an officer position do not require a second. Nominees may have an opportunity to speak to their nomination before the vote is taken. A voice vote may be taken to elect all Officers or, upon a motion approved according to these Bylaws, voting elections may be made by ballot. Officers shall be elected by a majority of members present. In the case of vacancies of Officers, an election shall be held at the meeting following the vacancy of any Officer.

ARTICLE IX. MEETINGS, VOTING, & CONDUCT

Section 1. Meetings.

- A. Formal Meetings and Work Sessions: Formal meetings of the LJURA shall be those meetings where formal action may occur. Meetings and work sessions may be held at such time and place as may from time to time be determined by the Chair, except as otherwise directed by a majority of the members of the LJURA. No formal action shall be taken at work sessions of the LJURA. At least one LJURA member shall report LJURA activities at a La Junta City Council meeting per fiscal quarter.
- B. Regular Meetings: LJURA members shall hold regular meetings at least once a quarter. The LJURA may also provide a time and a place for holding additional regular meetings with twenty-four (24) hour public notice in a designated location in compliance with the Colorado Open Meetings Law.

- C. Special Meetings: Special meetings of the LJURA may be called by any member with twenty-four (24) hours of written notice to each member and public notice in compliance with the Colorado Open Meetings Law. Special meetings may also be called during any duly convened meeting for a future date by a majority vote of LJURA members. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting for those, and only those, matters referred to in the agenda contained in the notice of the meeting.
- D. Executive Sessions: LJURA members may meet in an Executive Session if permitted by conditions outlined in the Colorado Open Meetings Law.
- E. Rules: The most current revision of Robert's Rules of Order or Bob's Rules of Order shall guide the parliamentary procedures of the LJURA when not in conflict with these Bylaws. The order or subject of business may be altered or suspended at any meeting by the Chair unless a majority vote of the active LJURA members present deems otherwise.
- F. Meeting Notes and Records: Meeting notes and records shall be recorded and kept as required by the Colorado Open Meetings Law by the Scribe. Meeting notes and records will be posted for public review on chooselj.com.
- G. Meeting Agendas: The form of agendas shall be determined by the LJURA members. Agendas shall be posted in accordance with Colorado Open Meetings Law.
- H. Meeting Minutes: Minutes shall be kept of all formal meetings of the LJURA and all meetings of committees of the LJURA at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or could occur. Minutes need not be kept of work sessions of the LJURA.
- I. Notice: For each meeting of the Officers, the meeting agenda shall be posted for the public in a designated place no less than twenty-four (24) hours before the commencement of the said meeting per the Colorado Open Meetings Law. The LJURA members shall, at the first meeting of the calendar year, determine the method and place of public notice postings.
- J. Public Participation: Meeting agendas shall include a designated time for public comments, not including comments on those items scheduled for a public hearing. All public comments must be made during the public comment segment of the agenda. Public attendees shall sit in the audience unless asked to sit with the LJURA members during their comments. The LJURA members may identify time limits for public comments at their discretion.

- K. Remote or Virtual Participation in Meetings: Remote or virtual participation by LJURA members via telephone, internet, or other remote contemporaneous communication technology is permitted for an LJURA meeting. Any member of LJURA who wishes to participate in a meeting by remote communication shall give as much advanced notice as possible.
- L. Removal: The presiding Officer shall have the power to cause persons to be removed from a regular meeting, special meeting, working meeting, or a committee meeting, in order to maintain order and public safety during the meeting.

Section 2. Quorum, Voting, and Decision-Making.

- A. Quorum: A majority of the LJURA members shall constitute a quorum.
- B. Voting: A simple majority vote of the members present where a quorum is established shall be the action of the LJURA.
- C. Decision-Making: Decisions of LJURA shall be approved by a majority of the members present at the meeting based on the Quorum standards defined within these bylaws. Any member may make a motion, which must be seconded for further consideration. All voting on motions shall be by roll-call or voice vote.

Section 3. Conduct.

The authority of the LJURA comes from the entire group of members, not a single member alone. Thus, decisions are in the nature of a consensus formalized by a simple majority vote.

ARTICLE X. FINANCES

Section 1. Finances.

The City of La Junta will administer and provide oversight of LJURA finances.

ARTICLE XI. ADMINISTRATION

Section 1. Administration.

LJURA will be administered by the non-voting Director of La Junta Urban Renewal. The director's duties are the daily supervision of LJURA, legal counsel contact, provision of training and support materials, advice and direction, and programming. This position is supervised and reports directly to the Chair of the LJURA and La Junta City Manager annually and as needed. The director is permitted to spend LJURA monies when such conduct is related to LJURA business, such as insurance, supplies, conferences, education, etc., so long as the business is a budget line item. Programmatic funding must be pre-approved by a vote of the members.

**ARTICLE XII.
COMMITTEES**

Section 1. Committees.

From time to time, the Chair may create either standing or ad hoc committees as deemed appropriate for special study or review unless otherwise directed by a majority of the LJURA members; and the Chair shall appoint all standing or ad hoc committee members. Upon completion of the duties of any ad hoc committee, the committee shall be deemed to be automatically disbanded. The Chair may also disband any standing or ad hoc committees unless otherwise directed by a majority LJURA members. At its first meeting, each committee shall elect its chair which shall be from among LJURA members.

**ARTICLE XIII.
COMMITMENT TO THE PUBLIC**

Section 1. Commitment to the Public.

LJURA members' commitment to the public shall be demonstrated by adherence to all Colorado laws, rules, and regulations regarding the conduct of public officials.

Section 2. Communications Among Members.

LJURA members shall adhere to all Colorado laws, rules, and regulations governing government communications.

Section 3. Communications Outside the LJURA.

LJURA may adopt separate policies regarding communications outside LJURA consistent with these Bylaws. City Council approval not required according to § 31-25-105(1)(a).

**ARTICLE XIV.
AMENDMENTS TO BYLAWS**

Section 1. Amendments.

These Bylaws may be amended from time to time by an affirmative vote of a simple majority of LJURA members at any formal LJURA meeting.

Approved on:

Date: _____

By: _____

Chair
Nancy Bennett

By: _____

Mayor
Joseph Ayala

Parking Lot Projects

- Parking Lot Development

Areas

- Development Project

Development Projects

- Development Project

Downtown Improvements

- Downtown Improvements

Legend

- Nov 2007
- Municipal Boundary

Map Details:

- Streets: Main St, Central Ave, Broadway, etc.
- Rivers: Rio Grande, Arroyo, etc.
- Scale: 0 to 0.5 miles
- North Arrow

City Manager Comments

- **Fire Stage 1 fire restrictions**
- **We have submitted an application for a 404 permit from the Corp of Engineers for Brick and Tile project.**
- **We will be crack filling on the east side of town.**
- **The senior trip to Mackinac Island is full.**
- **Trimming trees around potter park and finishing removing 5 trees in City Park**
- **915 Grace was burned due to homeless. We have the rights to demolish**
- **Repaired a storm sewer lateral at 5th and Cimarron 10 feet deep.**
- **In February, Fire Dept. is hosting a ice rescue class at City Park pond**
- **We have to rights to demolish the Gibson building and 1010 Raton.**
- **The plumbers have started working on the bathroom at Brick and Tile park.**
- **Placing new street signs along 3rd and 5th st., then we will replace Smithland, Colo., and Topeka Ave.**
- **K-2 basketball ended 3-6 starts now**
- **Replacing a irrigation main at the cemetery.**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LA JUNTA
AMENDING THE UNIFORM BUILDING CODE
AND RELATES UNIFORM CODES PREVIOUSLY ADOPTED**

WHEREAS, the City has adopted various Uniform Codes for use within the City; and

WHEREAS, the City desires to update its code;

NOW, THEREFORE, BE IT ORDAINED by the City Council as follows:

SECTION 1. The attachments here to defers to the sections of the Municipal Codes previously adopted by the City. Exhibit A includes amendments to the referenced sections of the Uniform Codes previously adopted by the City.

SECTION 2. EFFECTIVE DATE: The effective date of this Ordinance shall be March 1, 2023

SECTION 3. Consistent with provisions of the City Home Rule Charter this ordinance shall be published by title only.

SECTION 4. A copy of the ordinance shall be available at the City Engineer's office for citizen review upon request.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED on the first reading the ____ day of January, 2023.

PASSED AND APPROVED ON SECOND READING this ____ day of February, 2023.

CITY OF LA JUNTA

By: Joseph Ayala, Mayor

ATTEST:

Melanie Scofield, City Clerk

15.04.010 REPEALED IN ITS ENTIRETY.

15.04.020 Adoption of International Building Code.

A certain document, two (2) copies of which are on file in the office of the City Clerk, being marked and designated as the International Building Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.04.025 of this Chapter.

15.04.021 Most restrictive legislature to govern.

Where in any specific case different sections of this Building Code, the Zoning Ordinance or other ordinances of the City specify different materials, methods of construction or other requirements, the most restrictive legislature enacted shall govern.

15.04.022 Building Department established; enforcement authority.

There is hereby established a Building Department to be administered by the City Engineer or his or her designee. The City Engineer or his or her designee is hereby authorized and directed to enforce all provisions of this Building Code, and for such purposes the City Engineer shall have the powers of a police officer.

15.04.025 Amendments to International Building Code.

The following sections is hereby revised:

- (1) Section 101.1 is amended to include the City of La Junta.

15.04.030 Violation; penalty.

- (a) Penalties for violation. It shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Sections 15.04.020 to 15.04.025, inclusive.
- (b) Any person, firm or corporation violating any of the provisions of Sections 15.04.020 to 15.04.025, inclusive, shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

CHAPTER 15.08 Residential Code

15.08.010 Adoption of International Residential Code.

A certain document, two (2) copies of which are on file in the office of the City Clerk, being marked and designated as the International Residential Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress in the City; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.08.025 of this Chapter.

15.08.020 Amendments to International Residential Code.

The following sections are hereby revised as follows:

- (1) Section R101.1 is amended to include the City of La Junta.
- (2) Section R301(2) (1) is amended to include Table R301.2(1), Climatic and Geographic Design Criteria. Appendix "A" attached and incorporated herein by reference replaces Table 301.2(1)

CHAPTER 15.12 Dangerous Building Code

15.12.010 REPEALED IN ITS ENTIRETY.

15.12.020 Adoption of Uniform Code for the Abatement of Dangerous Buildings.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as amended, two (2) copies of which are on file with the City Clerk, as a public record, be and is hereby adopted. This code shall provide a just, equitable and practicable method, to be cumulative with and in additions to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures within the City which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired vacated or demolished.

15.12.025 Amendments to Uniform Code for the Abatement of Dangerous Buildings.

The following sections of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, shall be subject to the following amendments, alterations, substitutions and modifications:

- (1) Change the word "Director of Public Works" wherever used to "City Engineer."

- (2) Amend Chapter 4 - NOTICES AND ORDERS OF BUILDING OFFICIAL: Wherever it states "not to exceed 60 days from the date of the order" to be changed to "not to exceed 30 days from the date of the order."
- (3) Amend Chapter 5 - APPEALS: Wherever it states "The appeal shall be filed within 30 days from the date of the service of such order or action" to be changed to "The appeal shall be filed within 15 days from the date of the service of such order or action."

15.12.030 Violation; penalty.

(a) Penalties for violation. It shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Sections 15.12.020 to 15.12.025, inclusive.

(b) Any person, firm or corporation violating any of the provisions of Sections 15.12.020 to 15.12.025, inclusive, shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of any of the provisions of these codes is committed, continued or permitted, and upon conviction of any such violations, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

CHAPTER 15.14 Existing Building Code

15.14.010 Adoption of International Existing Building Code.

A certain document, two (2) copies of which are on file in the office of the City Clerk, being marked and designated as the International Existing Building Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions deletions and changes, if any, prescribed in Section 15.12.025 of this Chapter.

15.14.020 Amendments to International Existing Building Code.

The following section is hereby revised:

- (1) Section 101.1 is amended to refer to the City of La Junta.
- (2) Section 1301.2 is repealed in its entirety.

CHAPTER 15.16 Fire Limits

15.16.010 REPEALED IN ITS ENTIRETY.

15.16.020 REPEALED IN ITS ENTIRETY.

15.16.030 REPEALED IN ITS ENTIRETY.

15.16.040 REPEALED IN ITS ENTIRETY.

CHAPTER 15.20 Mechanical Code

15.20.010 REPEALED IN ITS ENTIRETY.

15.20.020 Adoption of International Mechanical Code.

A certain document, two (2) copies of which are on file in the office of the City Clerk, being marked and designated as the International Mechanical Code, 2018 edition, including Appendix Chapters (see International Mechanical Code Section 101.2.1, 2018 edition), as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City, regulating and governing the design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of or maintenance of mechanical systems in the City; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any.

15.20.025 REPEALED IN ITS ENTIRETY.

15.20.030 Violation; penalty.

- (a) Penalties for violation. It shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Section 15.20.020.
- (b) Any person, firm or corporation violating any of the provisions of Section 15.20.020 shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

CHAPTER 15.24 Housing Code

15.24.010 Reserved.

15.24.020 Adoption of Uniform Housing Code.

The Uniform Housing Code, 1997 edition, as may be amended, two (2) copies of which are on file with the City Clerk, as a public record, be and is hereby adopted. This code shall provide minimum requirements for the protection of life, limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the City.

Housing Code.

The following sections of the Uniform Housing Code, 1997 edition, shall be subject to the following amendments, alterations, substitutions and modifications:

- (1) Amend Chapter 11 - NOTICES AND ORDERS OF THE BUILDING OFFICIAL: Wherever it states "not to exceed 60 days from the date of the order" to be changed to "not to exceed 30 days from the date of the order."
- (2) Amend Chapter 12 - APPEALS: Wherever it states "The appeal shall be filed within 30 days from the date of the service of such order or action" to be changed to "The appeal shall be filed within 15 days from the date of the service of such order or action."

15.24.030 Violation; penalty.

- (a) Penalties for violation. It shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Sections 15.24.020 to 15.24.025, inclusive.
- (b) Any person, firm or corporation violating any of the provisions of Sections 15.24.020 to 15.24.025, inclusive, shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

15.24.040 Health Officer means the same as Building Official.

For the purposes of this Chapter, wherever the term Health Officer appears in this Code it shall be taken and construed as meaning the Building Official as defined by this Code.

15.24.050 Housing code includes outline, index and appendix.

Except as provided in Section 15.04.040, said code is adopted in full, including the outline of contents, index and appendix contained therein.

15.24.060 Statutory provisions for adoption by reference.

This code is adopted by reference pursuant to the provisions of Section 31-12-401, et seq., C.R.S.

CHAPTER 15.28 Fire Code

15.28.010 Adoption of International Fire Code.

A certain document, two (2) copies of which are on file in the office of the City Clerk, being marked and designated as the International Fire Code, 2018 edition, as published by the International Code Council together with Appendix B, Appendix C, Appendix D, Appendix F and Appendix G, be and is hereby adopted as the Fire Code of the City, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.28.066 of this Chapter.

15.28.020 Definitions.

- (a) Wherever the word *jurisdiction* is used in the International Fire Code, it is City of La Junta.
- (b) Wherever the words *Chief of the Bureau of Fire Prevention* are used, they shall be held to mean *Fire Marshal*.

15.28.021 Implementation by Fire Official.

The provisions of Sections 506.1 and 506.2 of the International Fire Code shall be implemented by the Fire Official only with the written consent of the premises owner, with the notice stating the premises owner's willingness to voluntarily participate in the program.

15.28.030 Establishment and duties of Bureau of Fire Prevention.

- (a) The International Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Director of Public Safety.
- (b) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention shall be appointed by the Director of Public Safety on the basis of examination to determine his or her qualifications.

- (c) The Director of Public Safety may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Director of Public Safety shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department and appointments made after examination shall be for an indefinite term with removal only for cause.

15.28.040 REPEALED IN ITS ENTIRETY.

15.28.050 NFPA 13R – Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies Scope

1.1* Scope.

This standard shall cover the design and installation of automatic sprinkler systems for protection against fire hazards in residential occupancies up to and including four stories in height that are located in buildings not exceeding 60 ft (18 m) in height above grade plan.

1.1.1

This standard shall be based on the concept that the sprinkler system is designed to protect against a fire originating from a single ignition location.

1.1.2

This standard shall not provide requirements for the design or installation of water mist fire protection systems, which are not considered fire sprinkler systems and are addressed by NFPA 750.

15.28.060 Appeals.

Whenever the Director of Public Safety disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Director of Public Safety to the City Manager within thirty (30) days from the date of the decision appealed.

15.28.065 New materials, processes or occupancies which may require permits.

The City Manager, the Director of Public Safety and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

15.28.066 Amendments to International Fire Code.

The following sections are hereby revised:

- (1) Section 101.1 is amended by inserting the term "City of La Junta."
- (2) Section 109.3 repealed in its entirety.
- (3) Section 1.01.4 repealed in its entirety.

15.28.070 Penalties.

- (a) Penalties for violation. It shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Sections 15.28.010 to 15.28.066, inclusive.
- (b) Any person, firm or corporation violating any of the provisions of Sections 15.28.010 to 15.28.066, inclusive, shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

CHAPTER 15.30 Fuel Gas Code

15.30.010 Adoption of International Fuel Gas Code.

A certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the International Fuel Gas Code, 2018 edition as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City, regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.30.020 of this Chapter.

15.30.020 Amendments to International Fuel Gas Code.

- (a) Section A is repealed in its entirety.
- (b) Appendix B is adopted in its entirety.

CHAPTER 15.32 Gas Service and Appliances

15.32.010 Gas connection must be made by rigid metal pipes.

Gas connections to gas appliances shall be made by rigid metal pipes. For small portable gas-heating devices, flexible metal tubing may be used; provided that there is no valve or other shutoff on the device.

15.32.020 Stopcocks required.

- (a) All gas services shall be provided with a stopcock outside of the building located six (6) inches from the property line where practicable, otherwise to be located under the direction of the City Engineer.
- (b) The stopcock shall be protected by an iron stop box, the top of which shall be marked "gas" and shall be three (3) inches above the level of the ground. They shall be kept visible and repaired by the owner of the premises so that the stopcock can be used at any time by firemen in shutting off the gas.

15.32.030 Testing of gas service pipes and connections within buildings.

All gas service pipes and connections within any building shall be tested under a five-pound pressure before the admission of gas to such building.

15.32.040 Duty of City Engineer in enforcement of Chapter and removal of defective pipes.

- (a) It shall be the duty of the City Engineer to see that the provisions of this Chapter are complied with and to remove or cause to be removed any defective pipes or connections.
- (b) He or she shall disconnect and remove any service pipe not supplied with outside stopcocks, as required by Section 15.32.020.

CHAPTER 15.36 Plumbing

15.36.010 REPEALED IN ITS ENTIRETY.

15.36.020 REPEALED IN ITS ENTIRETY.

15.36.030 REPEALED IN ITS ENTIRETY.

15.36.040 REPEALED IN ITS ENTIRETY.

15.36.050 REPEALED IN ITS ENTIRETY.

15.36.060 REPEALED IN ITS ENTIRETY.

15.36.070 REPEALED IN ITS ENTIRETY.

CHAPTER 15.40 Trailers and Trailer Parks

General Provisions

15.40.010 Definitions.

For the purposes of the provisions of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Automobile trailer means:

- a. Any vehicle or structure designed and constructed to permit occupancy thereof as living or sleeping quarters for one (1) or more persons or the conducting of any business or profession, occupation or trade and designed so that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting devices used exclusively upon stationary rails or tracks;
- b. Any self-contained vehicle licensed under any state as a *recreational vehicle*;
- c. Any vehicle which is self-propelled and is designed as a self-contained motorized unit with sleeping, cooking or sitting accommodations whose sleeping, cooking or sitting accommodations are contained within the same assembly as the driver's section; and
- d. Any trailer designed as a *pull-behind* trailer where the trailer is designed to provide sleeping, cooking or sitting accommodations.

Trailer camp means any park, trailer park, trailer court, campsite, lot or other parcel of land used for the purpose of supplying a location or accommodations for two (2) or more automobile trailers and which includes all buildings used or intended for use as part of the equipment thereof, where a charge or fee is levied by the owner or occupier of the lands which is imposed for the use of a portion of the location for overnight parking purposes or for use of any of its facilities; however the definition shall not include automobile trailer lots on which trailers are parked for the sole purpose of retail sale to the public.

15.40.020 Enforcement.

- (a) The Police Department shall enforce all provisions of this Chapter. In securing enforcement, members of the Police Department shall have the right and are empowered to enter upon any premises upon which any automobile trailer is located or which is about to be located and inspect the same and all accommodations located therewith.
- (b) All orders granting, renewing and revoking licenses shall be by action of the City Council.

15.40.030 Trailers; parking regulations.

- (a) It is unlawful, within the city, for any person to park any trailer, automobile trailer, recreational vehicle or camper trailer on any public street, public alley, public highway or other public conveyance, except as provided in Subsection (e) below.
- (b) It is unlawful, within the City, for any person to park any trailer, automobile trailer, recreational vehicle or camper trailer on any private property without the consent of the landowner or leaseholder of that real property.
- (c) Parking of trailers, automobile trailers, recreational vehicles and camper trailers on private property zoned within any residential zone (defined as R-S, R-1A, R-1, R-2 or R-3) shall be permitted as follows: (1) in a properly zoned trailer camp or trailer park; (2) on privately owned property whereby the landowner or leaseholder consents to said parking; (3) in a rear yard in any district not regulated by private restrictions to the contrary; or (4) storage in any fully enclosed private parking area.
- (d) Parking of trailers, automobile trailers, recreational vehicles and camper trailers on private property zoned within any commercial, agricultural or industrial zone shall be permitted where the landowner or leaseholder consents to the parking thereon. This allowance shall apply only to those lands whereupon parking is permitted by the landowner or leaseholder but only where there is no fee, charge or assessment imposed for the privilege of parking thereon.
- (e) Emergency or temporary stopping or parking shall be permitted on any street, alley, highway or public conveyance for a period not to exceed forty-eight (48) hours in duration, subject to the provisions of other regulations, ordinances or provisions of this Code as to streets, alleys or highways.
- (f) Under the terms of Subsections (c) and (d), no living quarters shall be maintained in such trailer, automobile trailers, recreational vehicle or camper trailer for a period in excess of forty-eight (48) hours while such trailer is so parked or stored, except in a properly zoned trailer camp or trailer park.

Trailer Camps

15.40.040 REPEALED IN ITS ENTIRETY.

15.40.050 REPEALED IN ITS ENTIRETY.

15.40.060 REPEALED IN ITS ENTIRETY.

15.40.070 REPEALED IN ITS ENTIRETY.

15.40.080 REPEALED IN ITS ENTIRETY.

15.40.090 Water and sewage connection requirements.

No trailer camp shall be located within the City unless City water and sewage connections are available.

15.40.100 Sanitation requirements.

- (a) Every trailer camp containing trailers without bath and toilet facilities shall have erected thereon a suitable building for housing toilets and showers. Such buildings to be known as *service buildings*.
- (b) There shall be provided separate toilet rooms for each sex in the ratio of one (1) toilet for each eight (8) automobile trailers or fractions thereof.
- (c) Separate bathing facilities for each sex shall be provided, with one (1) shower enclosed in a compartment at least four (4) feet square for each eight (8) automobile trailers or fractions thereof. Each shower compartment to be supplemented by an individual dressing compartment of at least twelve (12) square feet.
- (d) Floors of toilets, showers and laundry facilities shall be of concrete, tile or similar material and pitched to a floor drain.

15.40.110 Garbage disposal requirements.

- (a) All trailers and all trailer camps must utilize the garbage collection service of the City.
- (b) Every automobile trailer shall provide or be provided with a substantial fly-tight metal garbage depository, from which the contents shall be removed by the City garbage collection service.

15.40.120 Plumbing, electrical or building work to comply with Code.

All plumbing, electrical, building and other work on or at any licensed trailer camp shall be in accordance with the provisions of this Code or other ordinances of the City.

CHAPTER 15.52 Flood Damage Prevention

Findings of Fact, Purpose and Objectives

15.52.010 Findings of fact.

- (a) The flood hazard areas of the City are subject to periodic inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from damage also contribute to the flood loss.

15.52.020 Statement of purpose.

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

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

15.52.030 Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Definitions

15.52.040 Generally.

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

15.52.050 Appeal.

Appeal means a request for a review of the City Engineer's interpretation of any provisions of this Chapter or a request for a variance.

15.52.060 Area of special flood hazard.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

15.52.070 Base flood.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

15.52.080 Development.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

15.52.090 Existing manufactured home park or subdivision.

Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before the effective date of this Chapter.

15.52.100 Expansion to an existing manufactured home park or subdivision.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads or the construction of streets).

15.52.110 Flood or flooding.

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

- (1) The overflow of inland or tidal waters; and/or

- (2) The unusual and rapid accumulations or runoff of surface waters from any source.

15.52.120 Flood Insurance Rate Map (FIRM).

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

15.52.130 Flood Insurance Study.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

15.52.140 Floodway.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

15.52.150 Lowest floor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this Chapter.

15.52.160 Manufactured home.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

15.52.170 Manufactured home park or subdivision.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

15.52.180 New construction.

New construction means structures for which the start of construction commenced on or after the effective date of this Chapter.

15.52.181 New manufactured home park or subdivision.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

15.52.187 Recreational vehicle.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

15.52.190 Start of construction.

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

15.52.200 Structure.

Structure means a walled and roofed building or manufactured home that is principally above ground.

15.52.208 Substantial damage.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

15.52.210 Substantial improvement.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (3) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15.52.220 Variance.

Variance means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

General Provisions

15.52.230 Lands to which this Chapter applies.

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

15.52.240 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of La Junta", dated June 1, 1982, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM shall be kept on file at the office of the City Engineer.

15.52.250 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

15.52.260 Abrogation and greater restrictions.

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

15.52.270 Interpretation.

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any of the powers granted under state statutes.

15.52.280 Warning and disclaimer of liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Administration

15.52.290 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.52.240. Application for a development permit shall be made on forms furnished by the City Engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Paragraph 15.52.340(2); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.52.300 Designation of the City Engineer.

The City Engineer is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

15.52.310 Duties and responsibilities of the City Engineer.

Duties of the City Engineer shall include, but not be limited to:

- (1) Permit review.
 - a. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

- b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Paragraph 15.52.350(1) are met.
- (2) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 15.52.240, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 15.52.340.
- (3) Information to be obtained and maintained.
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest flood (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - 2. Maintain the floodproofing certifications required in Paragraph 15.52.290(3).
 - c. Maintain for public inspection all records pertaining to the provisions of this Chapter.
- (4) Alteration of watercourses.
 - a. Notify adjacent communities and the State Coordinating Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.52.320.

15.52.320 Variance procedure.

- (a) Appeal card.

- (1) The Variance Board, as established by the City, shall hear and decide appeals and require for variances from the requirements of this Chapter.
- (2) The Variance Board shall hear and decide appeals when it is alleged there is an error in any requirement, decisions or determination made by the City Engineer in the enforcement or administration of this Chapter.
- (3) Those aggrieved by the decisions of the Variance Board or any taxpayer, may appeal such decisions to the District Court as provided in Rule 106 of the Colorado Rules of Civil Procedure.
- (4) In passing upon such applications, the Variance Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

- (5) Upon consideration of the factors of Paragraph (4) above and the purposes of this Chapter, the Variance Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
 - (6) The City Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.
- (b) Conditions for variances.
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items a—k in Paragraph (a)(4) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justifications required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Paragraph (4) above or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

Provisions for Flood Hazard Reduction

15.52.330 General standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - 1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - 4. Any additions to the manufactured home be similarly anchored.

(2) Construction materials and methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

15.52.340 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.52.240 or Paragraph 15.52.310(2), the following provisions are required:

- (1) Residential construction.
- a. New construction and substantial improvement of any residential structure shall comply with FEMA Flood Elevation Standards.
 - b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - 1. Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Paragraph. Such

certifications shall be provided to the official as set forth in Sections 15.52.250 and 15.52.290(2) and (3).

- (2) Openings in enclosures below the lowest floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade;
 - c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (3) Manufactured homes.
 - a. Manufactured homes shall be anchored in accordance with Subparagraph 15.52.330(1)b.
 - b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
 1. Require that manufactured homes that are placed or substantially improved on a site (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 2. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subparagraph (3)a. above be elevated so that either (a) the lowest floor of the manufactured home is at or above the base flood elevation, or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

15.52.341 Recreational vehicles.

Recreational vehicles shall either (1) be on the site for fewer than one hundred eighty (180) consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

15.52.350 Floodways.

Located within areas of special flood hazard established in Section 15.52.240 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in an increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 15.52.240 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.

15.52.360 REPEALED IN ITS ENTIRETY.

CHAPTER 15.56 Electrical Code

15.56.010 REPEALED IN ITS ENTIRETY.

15.56.020 REPEALED IN ITS ENTIRETY.

15.56.030 Violation; penalty.

It is unlawful for any person, firm or corporation to construct, enlarge, alter, repair, use, occupy or maintain any building or structure in the City or cause the same to be done in contrary to or in violation of any of the provisions of this code. Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and each such expression shall be deemed guilty of a separate violation for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

CHAPTER 15.60 Administrative Code

15.60.020 REPEALED IN ITS ENTIRETY.

CHAPTER 15.70 Title 15 - Violations and Penalties

15.70.101 Violations; penalties.

- (a) As to all provisions of Title 15 it shall be unlawful for any person, firm or corporation to erect, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of Sections 15.52.010 to 15.52.350, inclusive.
- (b) Any person, firm or corporation violating any of the provisions of Title 15 inclusive, shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), or imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment.
- (c) Any person initiating construction or remodel of a premises prior to obtaining the necessary permits shall be in violation of this chapter.

APPENDIX "A"

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ¹	WIND DESIGN			SEISMIC DESIGN CATEGORY ²	SUBJECT TO DAMAGE FROM		WINTER DESIGN TEMP ³	ICE BARRIER UNDERLAYMENT REQUIRED ⁴	FLOOD HAZARDS ⁵	AIR FREEZING INDEX ⁶	MEAN ANNUAL TEMP ⁷
	Speed ⁸ (mph)	Topographic effects ⁹	Special wind region ¹⁰		Weathering ¹¹	Frost line depth ¹²					
15 5000 10	115 51	No	No	B	Severe	26"	Moderate-Heavy	No	1982	848	54
MANUAL J DESIGN CRITERIA ¹³											
Elevation			Latitude		Winter heating		Altitude correction factor		Indoor design temperature	Design temperature cooling	Heating temperature difference
	-		-		-		-		-	-	-
Cooling temperature difference			Wind velocity heating		Wind velocity cooling		Daily range		Winter humidity	Summer humidity	
			-		-		-		-	-	-

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost lined depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry unit shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- Where the frost line depth requires deeper footings than indicated in Figure R403.1(f), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official [Also see Figure R301.2(1)].
- The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirement. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- The jurisdiction shall fill in this section of the table using the Ground Snow Load in Figure R301.2(6).

APPENDIX L PERMIT FEES

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

TOTAL VALUATION	FEE
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, up to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof

Plan Review

Commercial New \$100.00

Commercial Remodel \$50.00

Signs \$25.00

Residential New \$75.00

Residential remodel, garage, shed, etc. \$25.00

Fire Alarms

Fire Alarm Review \$250.00

Sprinkler System Review \$350.00

*Double the permit fee for work with no permit