



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda

- A. Financial Report for September 2006
- B. Change the Date for Second City Council Meeting in December
- C. 2007 Traffic Signal Maintenance Contract
- D. 2007 Citywide Street Sweeping Services Contract
- E. 2007 Wastewater Collection System Maintenance Contract Renewal
- F. 2007 Proposed Community Development Block Grant (CDBG) and HOME Projects
- G. Second Reading Councillor's Bill No. 65 re Electric Franchise with United Power, Inc.
- H. Second Reading Councillor's Bill No. 66 re CLUP Amendment for the Northern LIFE Property
- I. Second Reading Councillor's Bill No. 67 re Rezoning for the Northern LIFE Property

9. Appointments and Resignations

- A. Resolution No. 61 re New Appointment to Boards and Commissions

10. Public Hearings and Other New Business

- A. Resolution No. 62 re 2006 Jefferson County Joint Venture Grant Application
- B. Resolution No. 63 re State Income Tax Credit for Rehabilitation Costs of Historic Properties
- C. Resolution No. 64 re Supplemental HOME Funding for Growing Home
- D. Resolution No. 65 re Staffing of Community Service Coordinator Position
- E. Councillor's Bill No. 68 re Changes to the Liquor License Ordinance and Alcohol Related Offenses
- F. Councillor's Bill No. 69 re 2006 Building and Fire Codes

11. Old Business and Passage of Ordinances on Second Reading

12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session

- A. City Council

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 27, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Carla Koeltzow, Deputy City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Price moved, seconded by Dittman, to approve the minutes of the regular meeting of November 13, 2006, as written and presented. The motion passed unanimously.

CITY COUNCIL COMMENTS

Councillor Kaiser commented that he, along with several other council members, attended the Hmong New Years Celebration at the Adams County Fair Grounds. He was impressed by the speakers and a good time was had by all.

Mayor McNally invited everyone to the Holiday Lighting Ceremony next Sunday starting at 5:30 p.m. She also noted that there are several drop off locations throughout the City collecting toys, coats and clothing for the Holiday Charity Drive.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the September 2006 financial report; change the date of the last regularly scheduled City Council meeting in December from December 25 to December 18; authorize the City Manager to execute a contract with Sturgeon Electric Company, Inc. in the amount of \$218,267 for traffic signal maintenance for calendar year 2007; authorize the City Manager to execute a contract for 2007 with options for two additional one-year renewals (2008 and 2009) for citywide street sweeping to the low bidder, Great American Sweeping, Inc. in the amount of \$228,925, and authorize a contingency of \$26,075; authorize the City Manager to execute a renewal of the current Wastewater Collection System Maintenance Contract with Ace Pipe Cleaning, Inc. for the 2007 calendar year in the amount of \$578,255 with a 15% contingency, bringing the total budget to \$664,993; approve the allocation of 2007 Community Development Block Grant (CDBG) and HOME funds to the projects and programs proposed by Staff; final passage of Councillors Bill No. 65 granting a twenty (20) year franchise to United Power, Inc., for the provision of electricity service to that portion of the company's service area lying within the City limits of Westminster; final passage of Councillor's Bill No. 66 approving the Comprehensive Land Use Plan amendment for the northern LIFE property changing the designation from R-3.5 Residential to Public/Quasi-Public; and final passage of Councillor's Bill No. 67 approving the rezoning of the northern LIFE property from O-1 (Open) to Planned Unit Development (PUD).

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Dittman and seconded by Councillor Major to approve the consent agenda as presented. The motion passed unanimously.

RESOLUTION NO. 61 RE NEW APPOINTMENT TO BOARDS AND COMMISSIONS

Upon a motion by Mayor Pro Tem Kauffman, seconded by Councillor Dittman, the Council voted unanimously at roll call to adopt Resolution No. 61 to fill a vacancy on the Special Permit and License Board that was created by the recent resignation of David Tracy, a regular member. Council approved the appointment of Corey Ciocchetti, the alternate member, to regular membership to fill the remainder of the unexpired term.

RESOLUTION NO. 62 RE 2006 JEFFERSON COUNTY JOINT VENTURE GRANT APPLICATION

It was moved by Councillor Major, seconded by Dittman, to adopt Resolution No. 62 authorizing the Department of Parks, Recreation and Libraries to apply for a \$150,000 Jefferson County Joint Venture Grant for the construction of a full-service restroom that will serve the west campground and day-use areas at the Standley Lake Regional Park, for the 2007 funding cycle. At roll call the motion passed unanimously.

RESOLUTION NO. 63 RE STATE TAX CREDIT FOR REHABILITATION COSTS OF HISTORIC PROPERTIES

It was moved by Councillor Lindsey, seconded by Major, to adopt Resolution No. 63 allowing local review of state income tax credit applications for qualified rehabilitation costs incurred by owners of landmarked historic homes and business properties. At roll call the motion passed unanimously.

RESOLUTION NO. 64 RE SUPPLEMENTAL HOME FUNDING FOR GROWING HOME

It was moved by Councillor Dittman, seconded by Price, to adopt Resolution No. 64 authorizing Adams County to provide \$25,000 in additional funding from the City of Westminster's HOME allocation to be applied towards rehabilitation of the Westchester Apartments located at 7240 Newton Street. At roll call the motion passed unanimously.

RESOLUTION NO. 65 RE STAFFING OF COMMUNITY SERVICE COORDINATOR POSITION

It was moved by Councillor Price, seconded by Kaiser, to adopt Resolution No. 65 approving the reclassification of the Community Service Coordinator as a non-exempt position with salary grade N-13 and authorizing the transfer of \$36,732 for salary from the 2007 Public Works and Utilities Street Division Regular Salaries account to the 2007 Police Department Investigation and Technical Services Division Regular Salaries account. At roll call the motion passed unanimously.

COUNCILLOR'S BILL NO. 68 RE LIQUOR LICENSE ORDINANCE AND ALCOHOL RELATED OFFENSES

Councillor Major moved to pass Councillor's Bill No. 68 on first reading amending the Westminster Municipal Code as it relates to various changes to the liquor licensing and alcohol-related Code sections. Councillor Kaiser seconded the motion, and it passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 69 RE 2006 BUILDING AND FIRE CODES

Councillor Lindsey moved to pass Councillor's Bill No. 69 on first reading adopting the 2006 editions of the International Building and Fire Codes. Councillor Price seconded the motion, and it passed unanimously on roll call vote.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:10 p.m.

ATTEST:

Mayor

Deputy City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Financial Report for October 2006

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

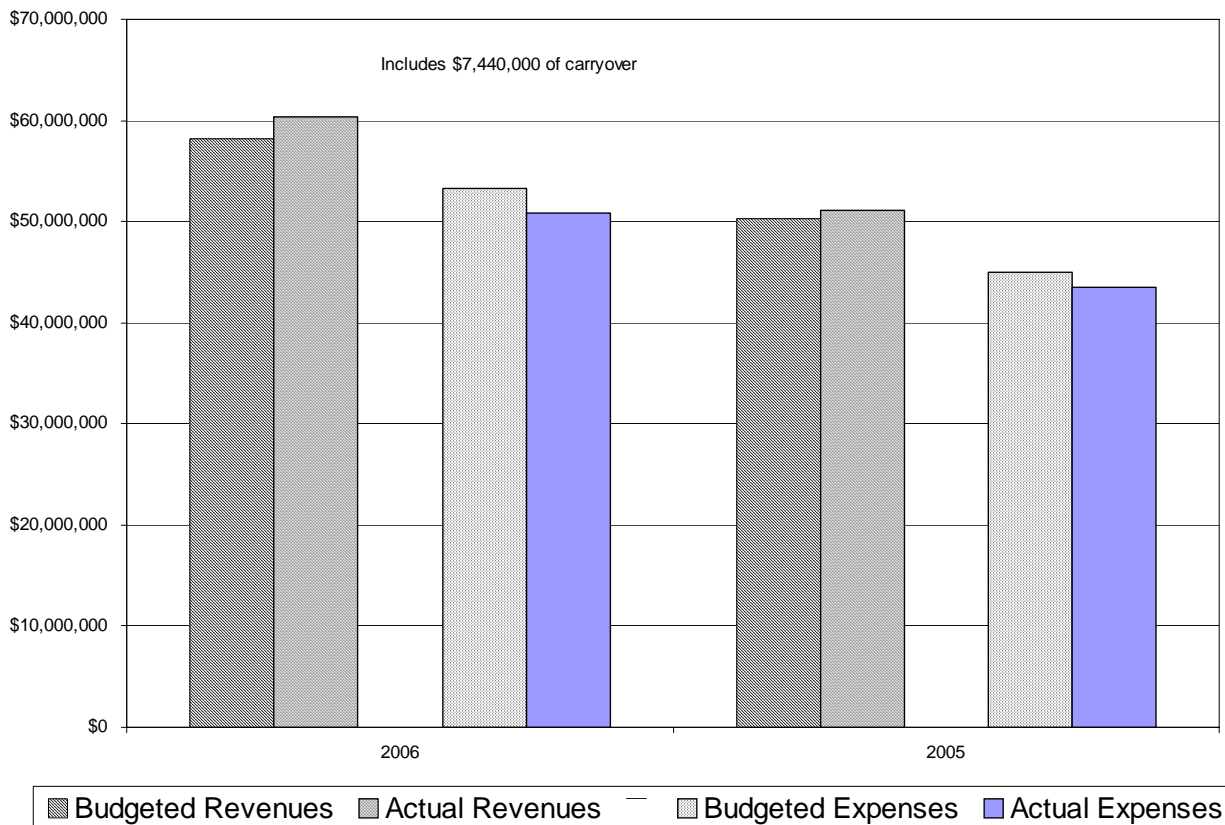
Accept the Financial Report for October as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$8,691,000. The following graph represents Budget vs. Actual for 2005 – 2006.

**General Fund
Budget vs Actual**

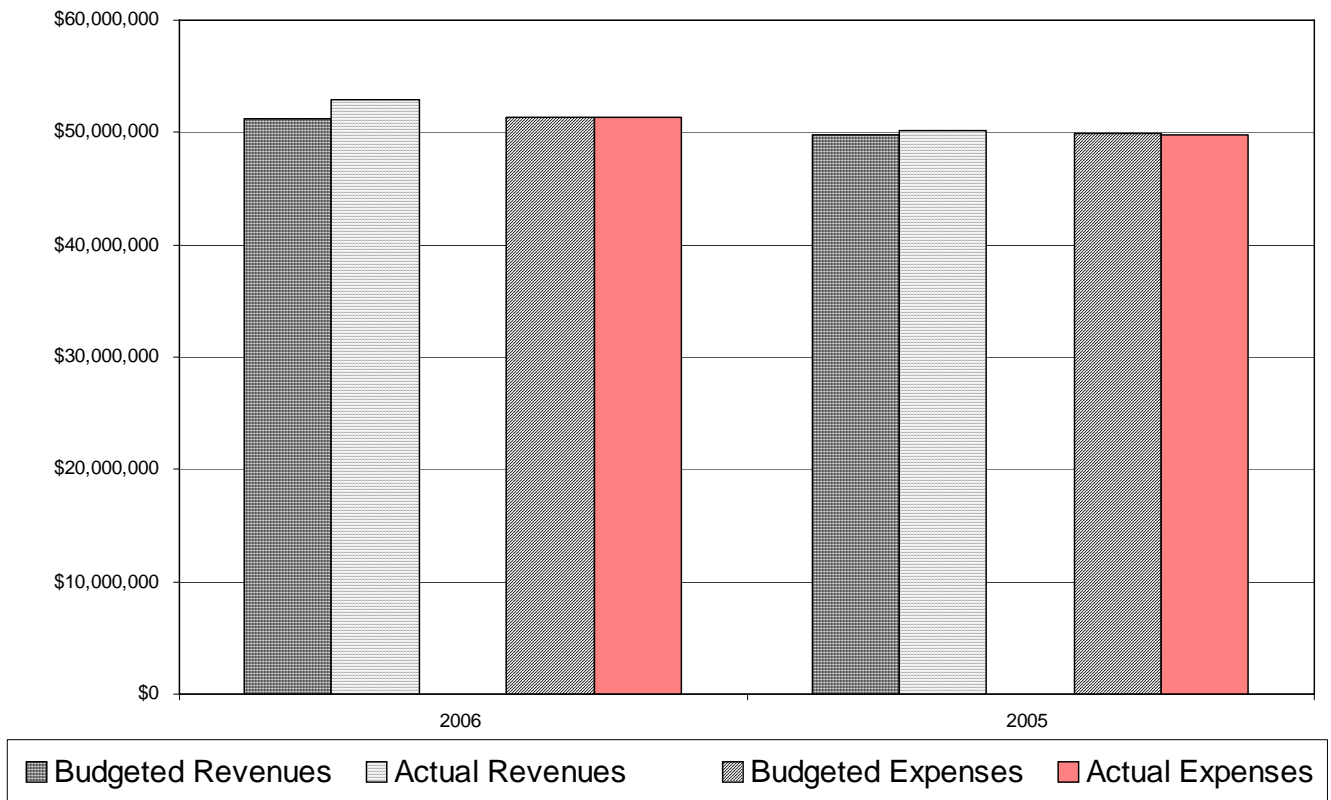


The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,645,000

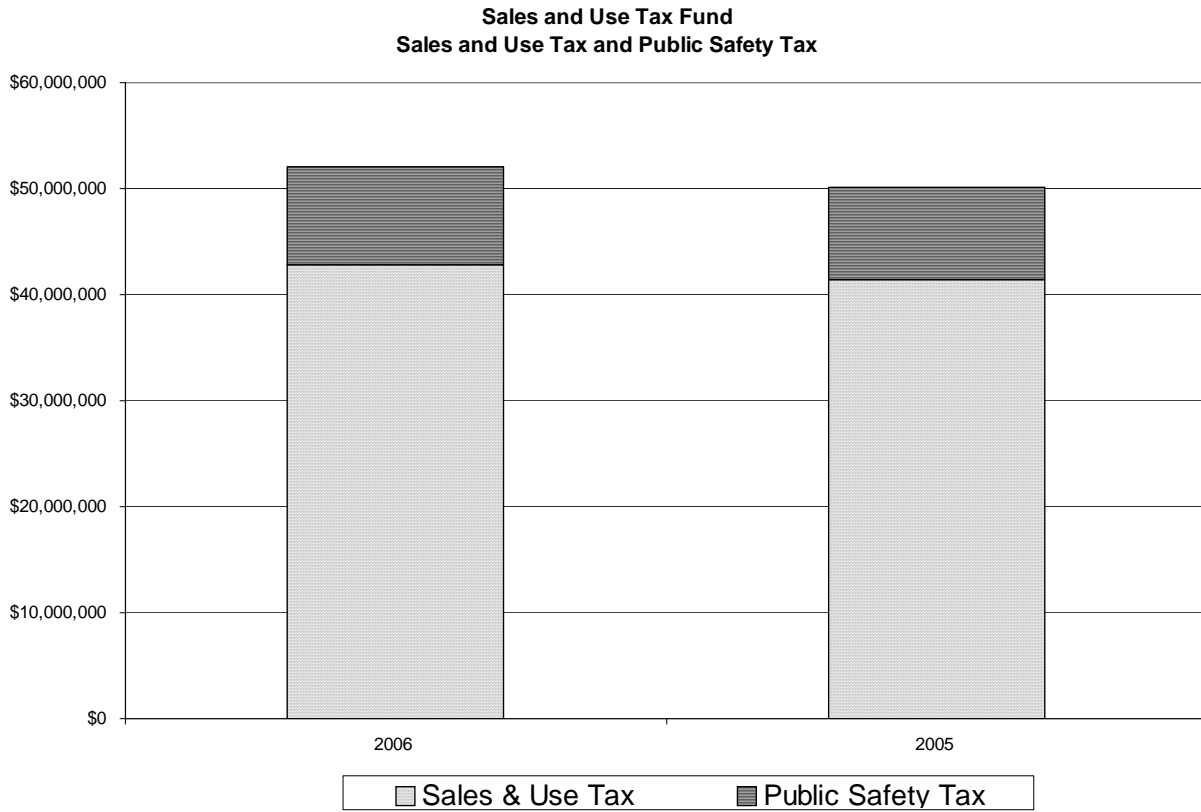
- On a year-to-date basis, sales & use tax returns are up 2.5%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 2.5% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are up 1.0%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 3.7% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8% on a year-to-date basis.
- Building Use Tax is up 24.5% year-to-date over 2005.

The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales taxpayers.

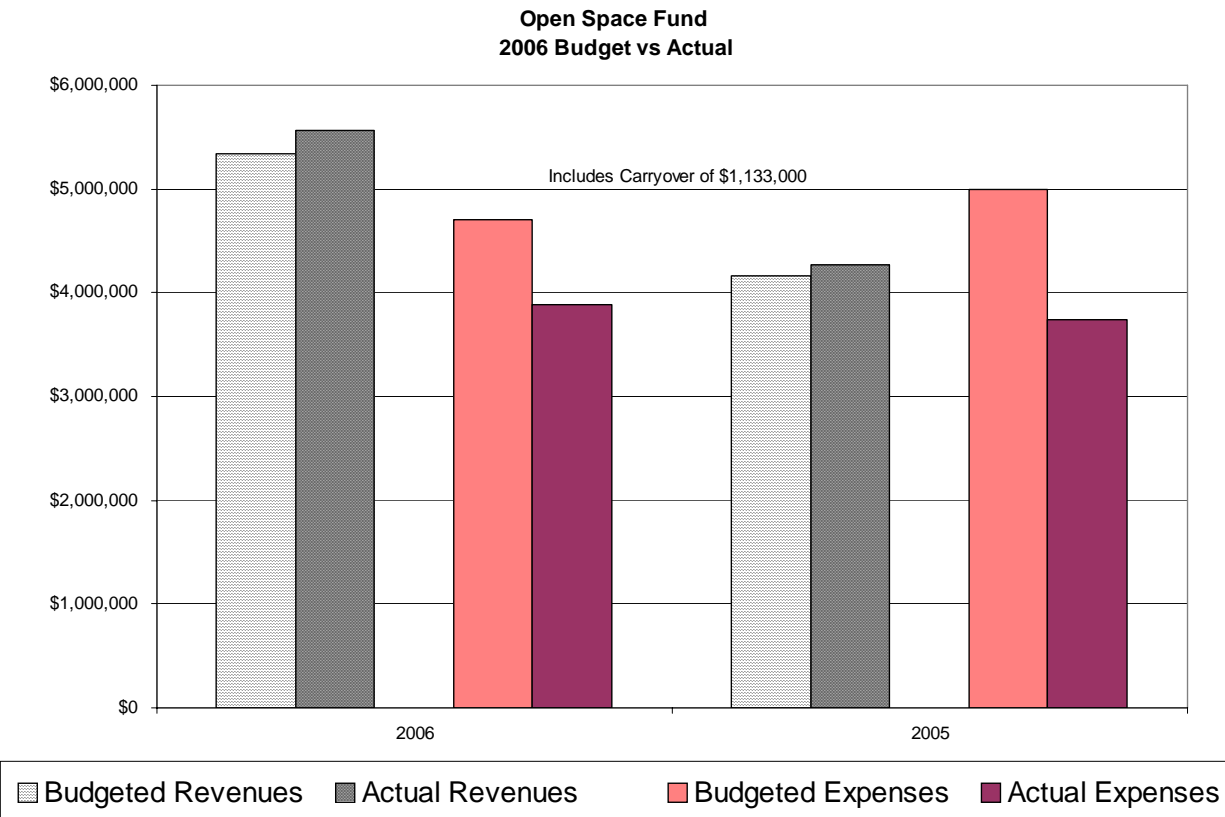
**Sales & Use Tax Fund
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

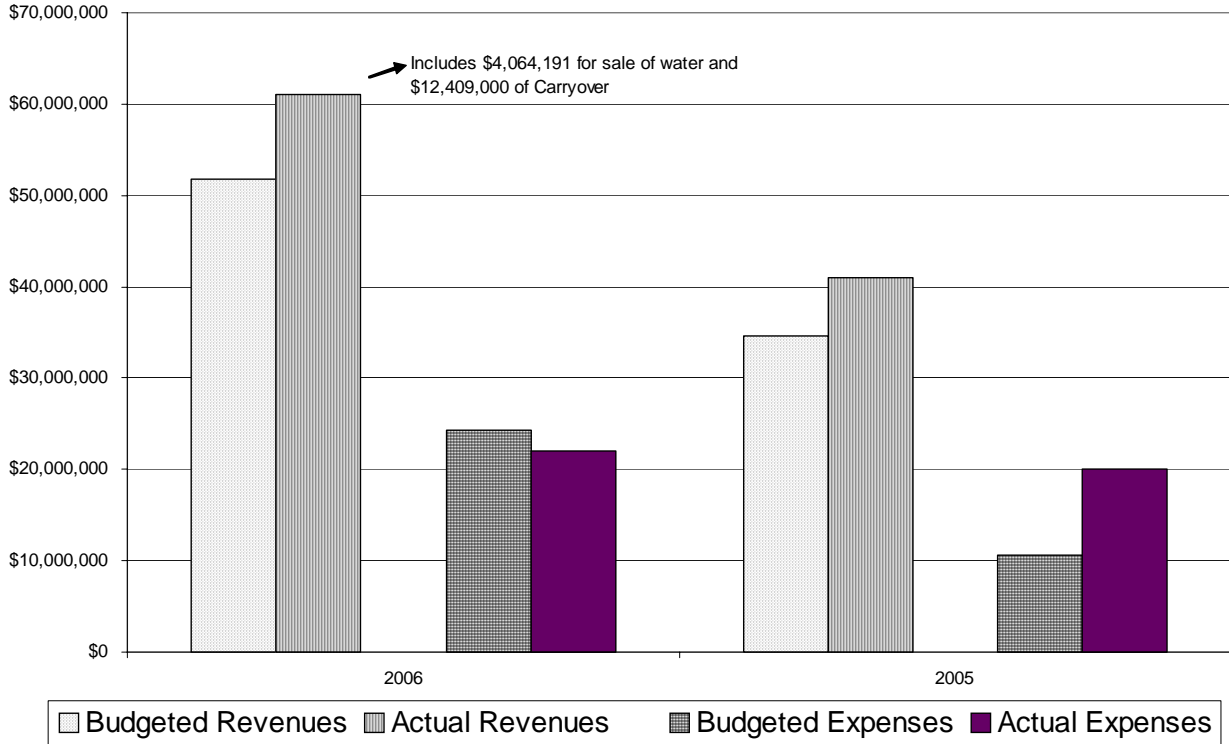


The Open Space Fund revenues exceed expenditures by \$1,682,000.



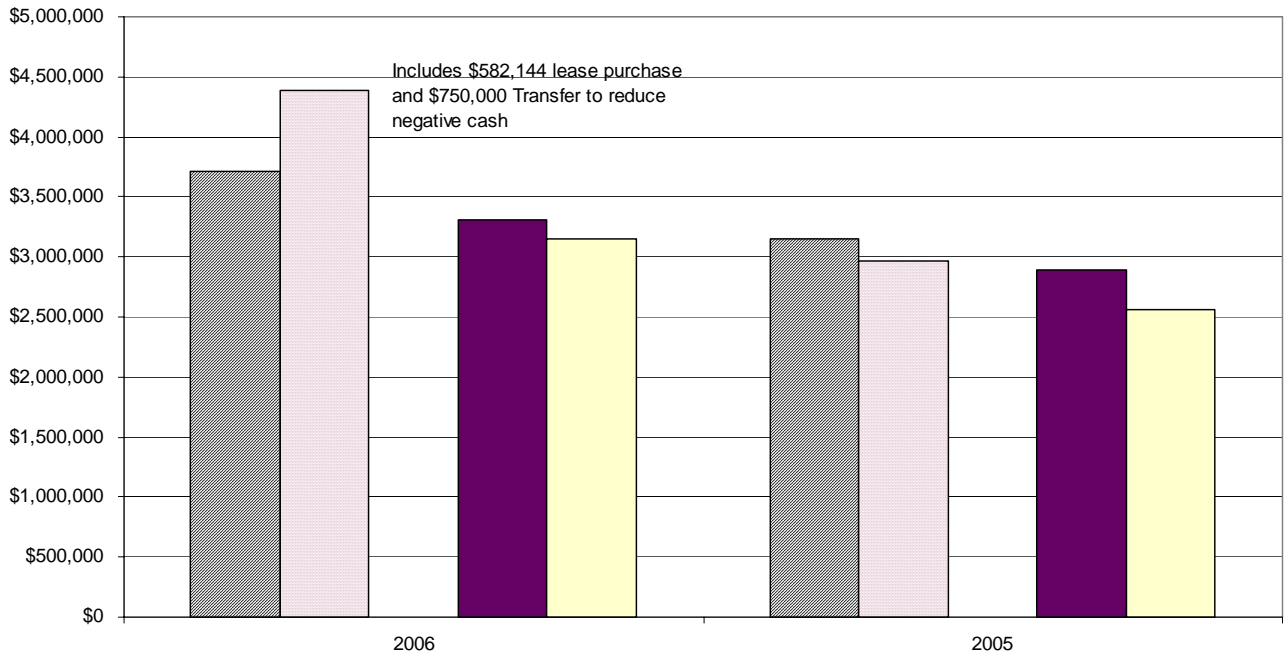
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$39,090,000. \$24,001,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,064,000 in March. Central charges reflect a larger positive variance due to contingency funds. Tap Fees are currently \$4,105,000 over budget.

**Combined Water and Wastewater Funds
Budget vs Actual**



The combined Golf Course Funds' revenues exceed expenditures by \$1,244,000. This number includes a transfer of \$750,000 from the General fund to assist in decreasing the negative cash balance at year end. The \$750,000 was not budgeted in the golf course fund as it is not available to spend. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.

**Golf Course Enterprise
2006 Budget vs Actual**



■ Budgeted Revenues ■ Actual Revenues | ■ Budgeted Expenses ■ Actual Expenses

Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

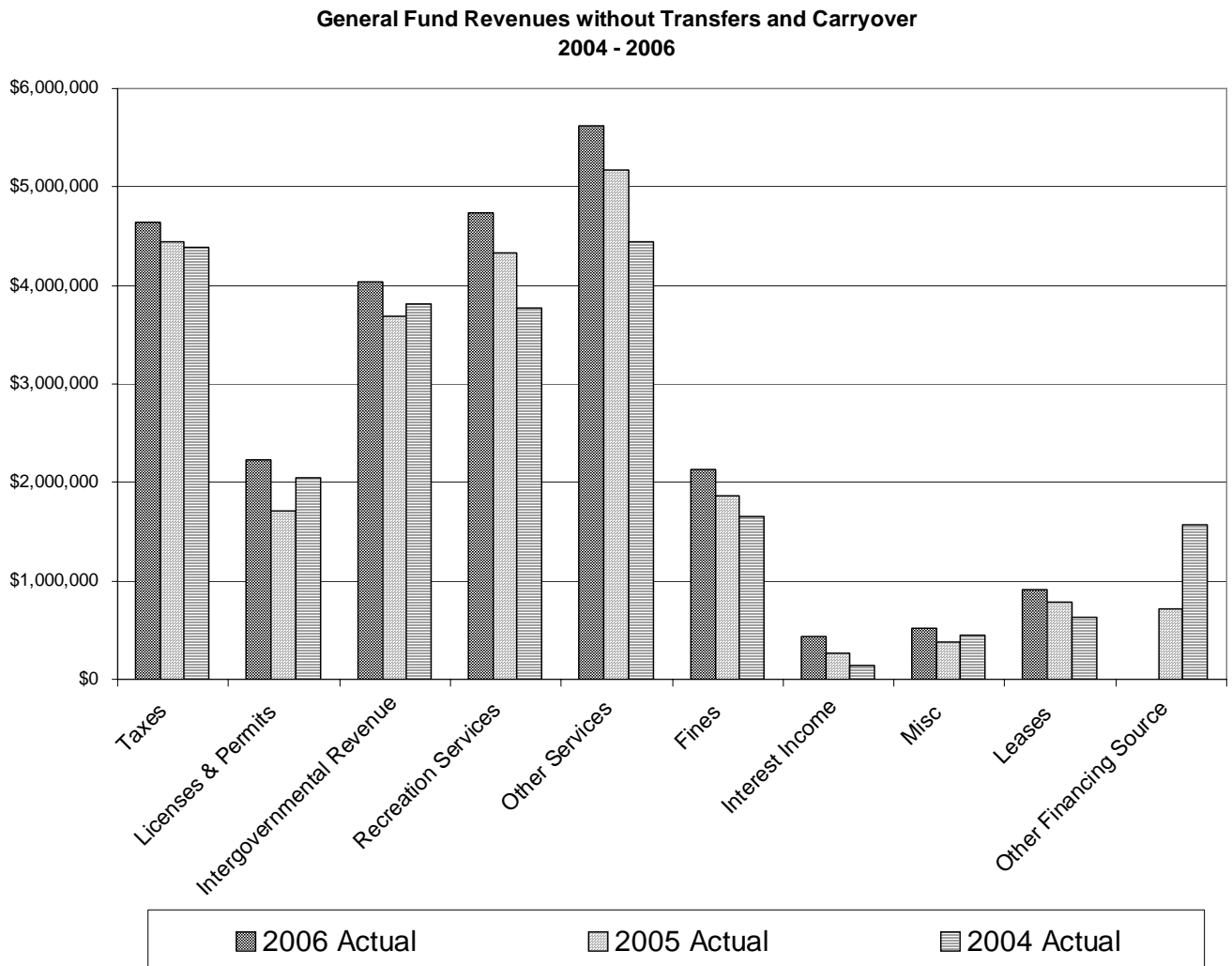
Background Information

This section includes a discussion of highlights of each fund presented.

General Fund

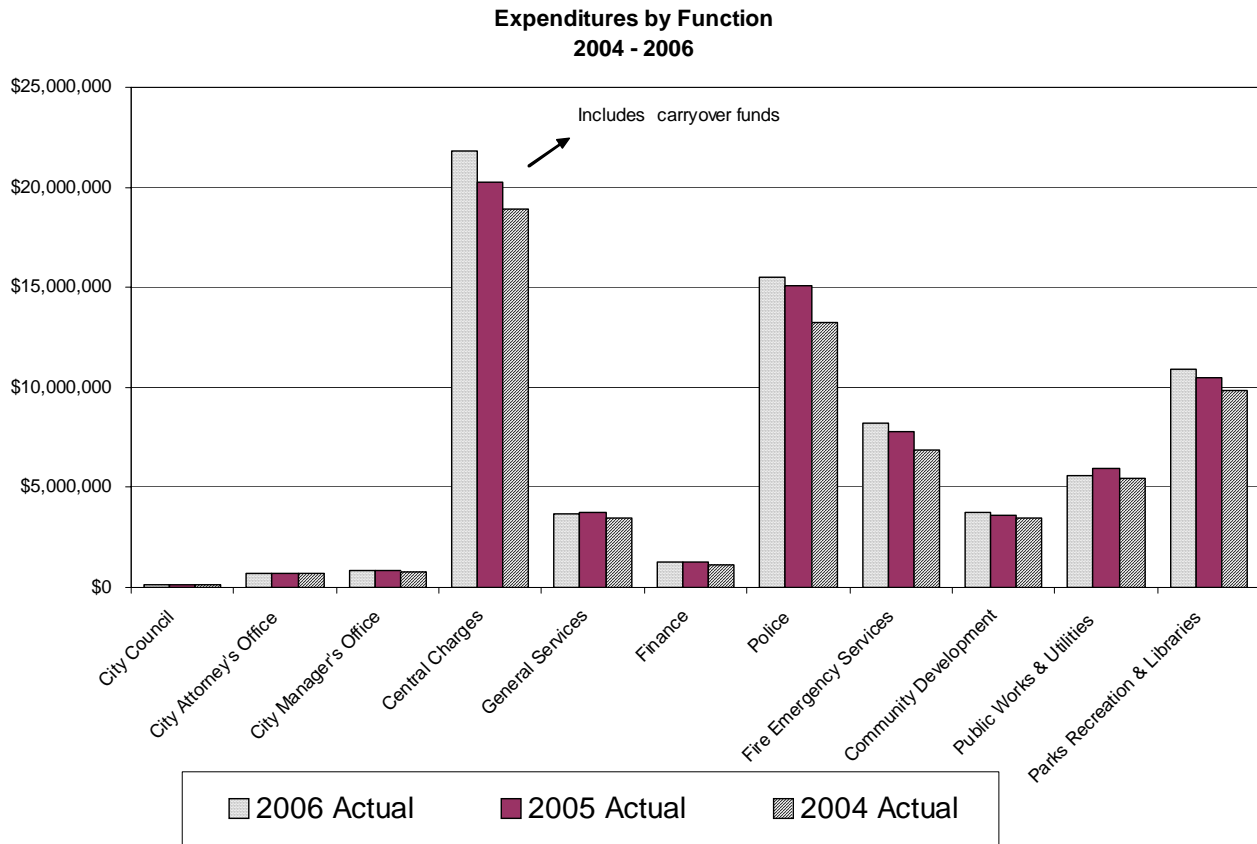
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers. The 2004 Other Financing Source is computer lease proceeds and interfund borrowing.

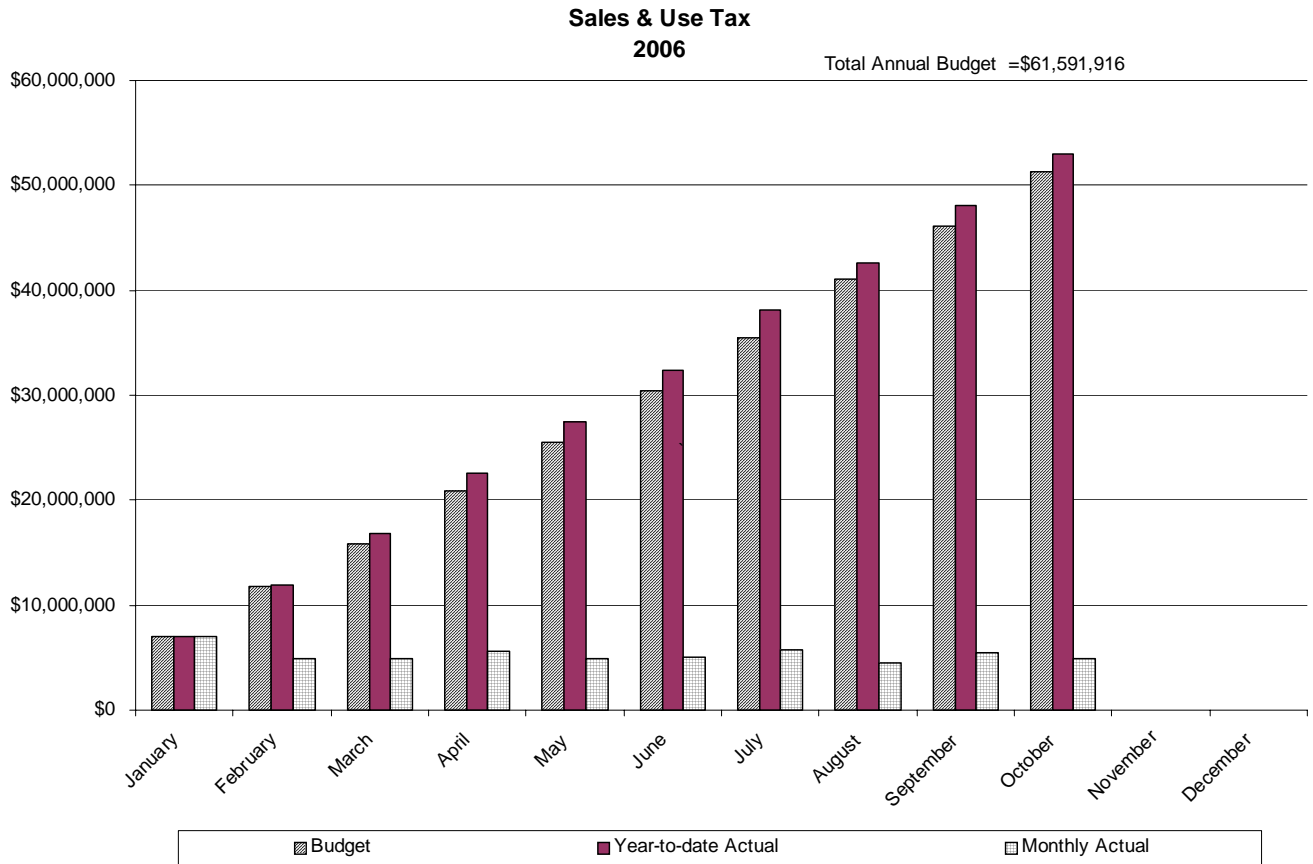
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

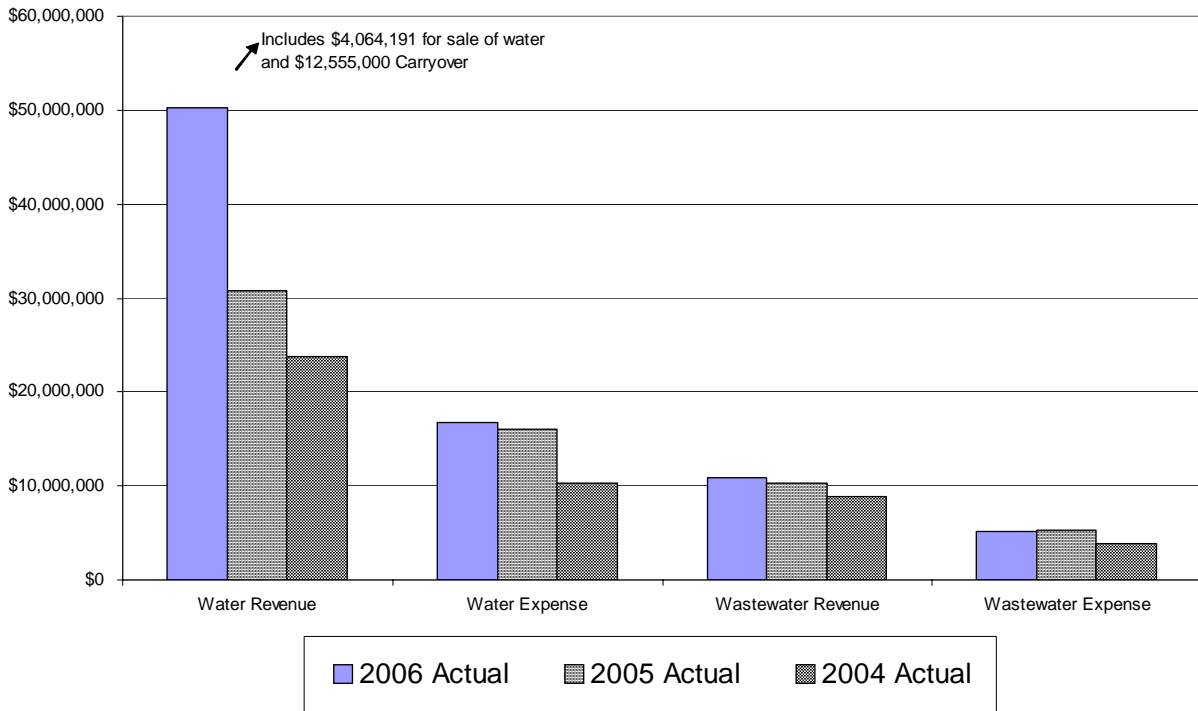


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

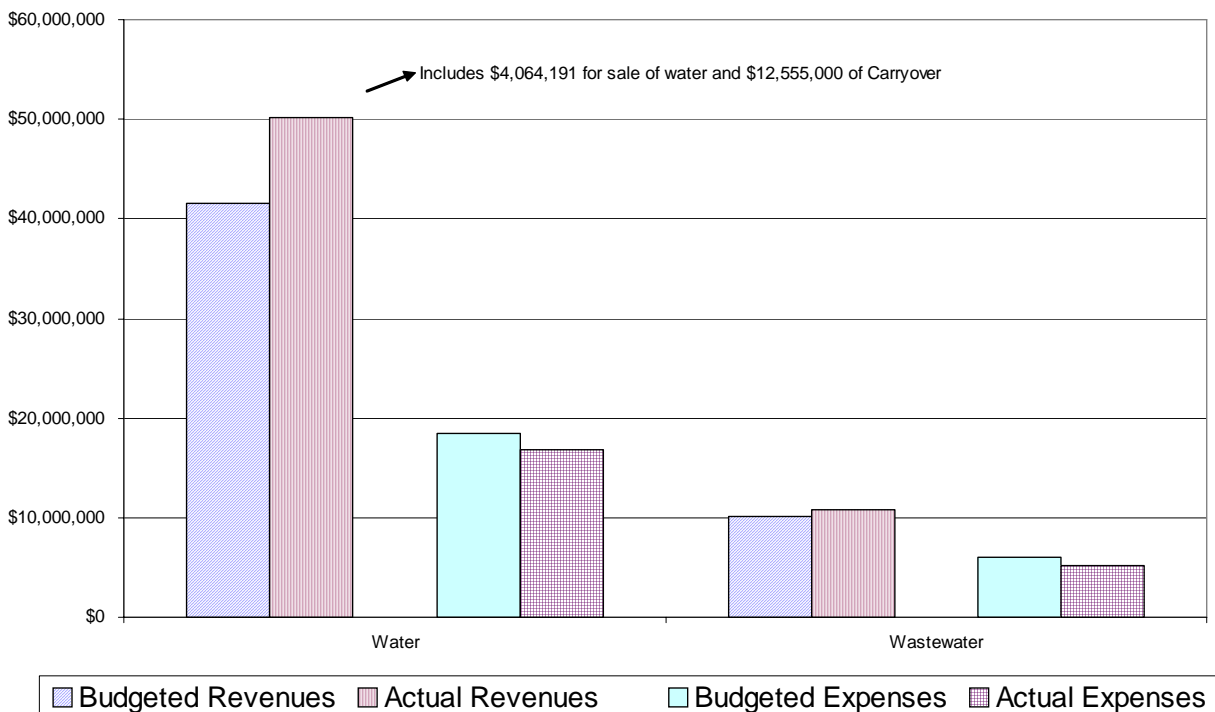
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Revenue and Operating Expenses 2004-2006**



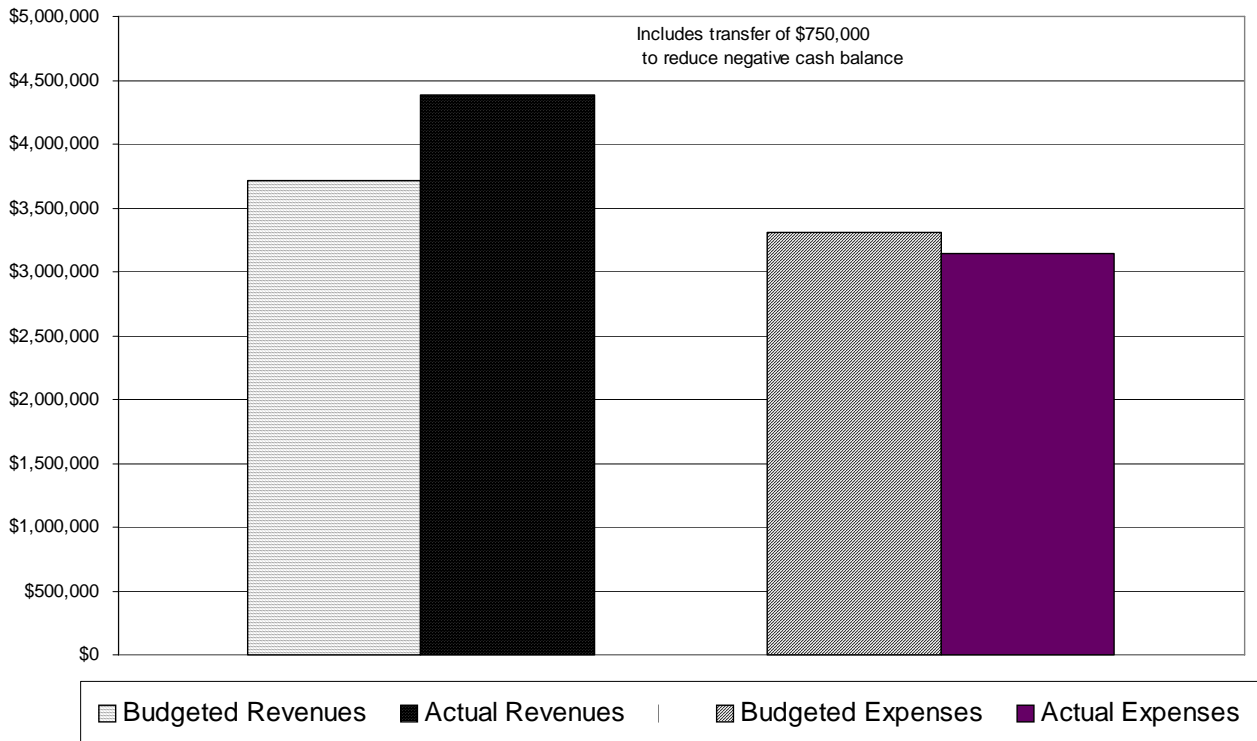
**Water and Wastewater Funds
2006 Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

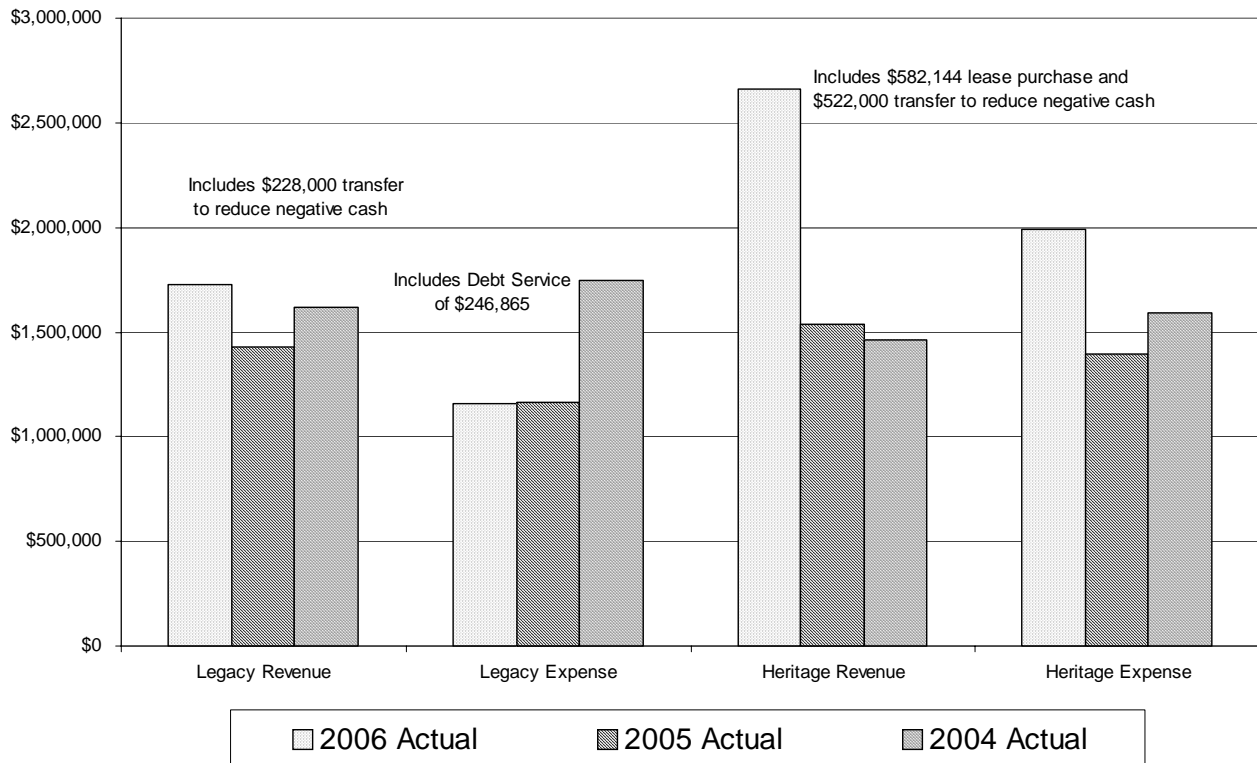
This enterprise reflects the operations of the City's two municipal golf courses.

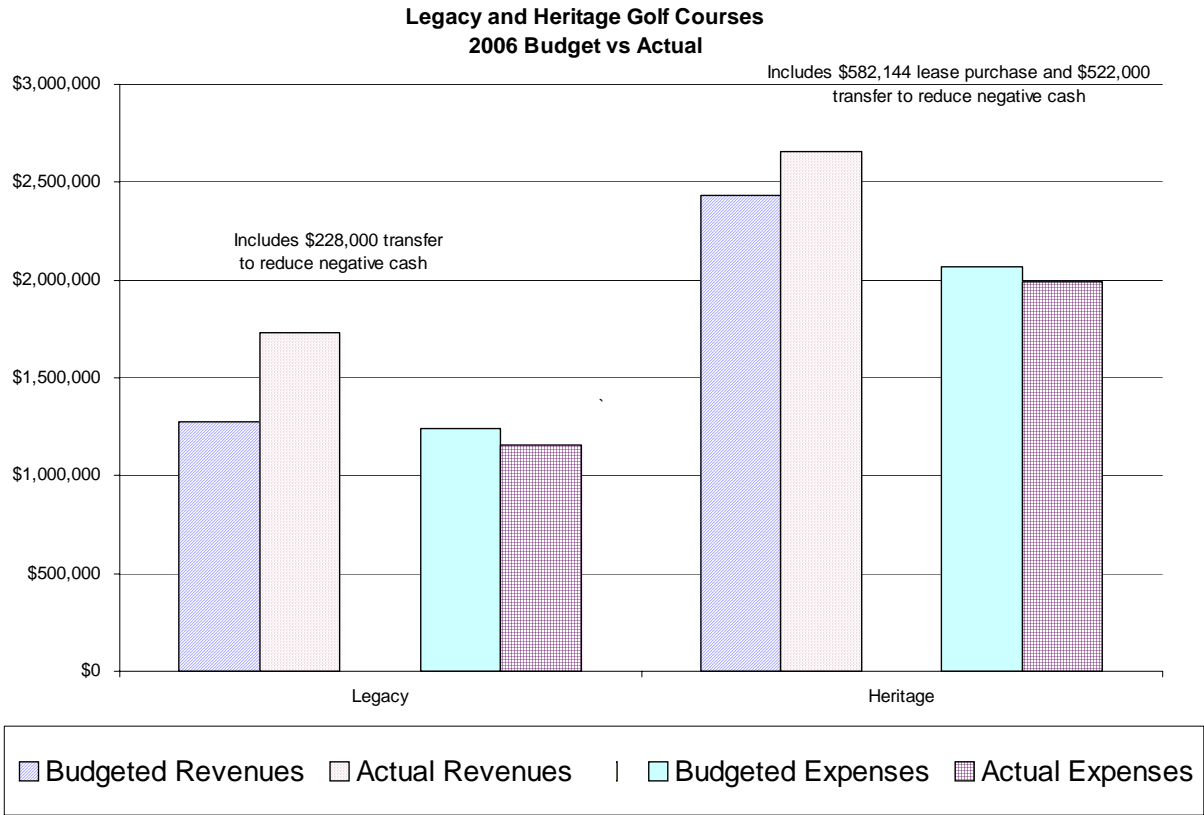
**Combined Golf Courses
2006 Budget vs Actual**



The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2004 - 2006**





Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Statement
Tax Reports

**City of Westminster
Financial Report
For the Ten Months Ending October 31, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	4,873,125	4,755,680		4,641,657	(114,023)	97.6%
Licenses & Permits	1,838,000	1,599,026		2,233,390	634,364	139.7%
Intergovernmental Revenue	4,875,818	3,901,688		4,043,857	142,169	103.6%
Charges for Services						
Recreation Services	5,324,515	4,051,860		4,743,656	691,796	117.1%
Other Services	6,511,616	5,118,913		5,615,513	496,600	109.7%
Fines	2,050,000	1,715,850		2,136,452	420,602	124.5%
Interest Income	308,163	256,803		430,316	173,513	167.6%
Misc	367,508	306,257		525,539	219,282	171.6%
Leases	1,175,000	881,250		906,250	25,000	102.8%
Refunds	(70,000)	(58,333)		-	58,333	N/A
Interfund Transfers	58,224,502	48,520,418		48,520,418	-	100.0%
Sub-total Revenues	<u>85,478,247</u>	<u>71,049,412</u>		<u>73,797,048</u>	<u>2,747,636</u>	<u>103.9%</u>
Carryover	7,439,910	7,439,910		7,439,910	-	100.0%
Revenues and Carryover	<u>92,918,157</u>	<u>78,489,322</u>		<u>81,236,958</u>	<u>2,747,636</u>	<u>103.5%</u>
Expenditures						
City Council	205,023	170,718		145,945	(24,773)	85.5%
City Attorney's Office	913,667	737,230		741,703	4,473	100.6%
City Manager's Office	1,110,469	895,510		818,794	(76,716)	91.4%
Central Charges	28,978,236	23,102,469		21,834,432	(1,268,037)	94.5%
General Services	5,009,076	4,031,907		3,713,522	(318,385)	92.1%
Finance	1,721,619	1,391,535		1,296,838	(94,697)	93.2%
Police	19,360,711	15,663,700		15,483,538	(180,162)	98.8%
Fire Emergency Services	10,152,513	8,188,090		8,201,478	13,388	100.2%
Community Development	4,653,528	3,739,055		3,773,524	34,469	100.9%
Public Works & Utilities	7,400,025	6,368,551		5,611,812	(756,739)	88.1%
Parks, Recreation & Libraries	13,413,290	10,985,890		10,924,423	(61,467)	99.4%
Total Expenditures	<u>92,918,157</u>	<u>75,274,655</u>		<u>72,546,009</u>	<u>(2,728,646)</u>	<u>96.4%</u>
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>3,214,667</u>		<u>8,690,949</u>	<u>5,476,282</u>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC) MONTH OF OCTOBER 2006

Center Location Major Tenant	YTD 2006 General Sales	YTD 2006 General Use	Total	YTD 2005 General Sales	YTD 2005 General Use	Total Sales	%Change	Use Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	4,028,525	56,418	4,084,942	3,140,762	71,541	3,212,303	28	-21
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	3,980,568	62,597	4,043,165	4,357,350	41,896	4,399,247	-9	49
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,308,181	6,104	2,314,286	2,140,770	3,983	2,144,753	8	53
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	2,294,411	18,336	2,312,747	2,274,284	10,714	2,284,998	1	71
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,928,004	17,829	1,945,833	1,953,725	43,903	1,997,628	-1	-59
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,690,894	17,074	1,707,968	1,649,484	31,381	1,680,865	3	-46
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,419,049	37,261	1,456,310	1,021,000	21,307	1,042,306	39	75
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,354,529	193,102	1,547,631	1,250,893	263,817	1,514,710	8	-27
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	998,754	11,611	1,010,365	972,055	45,505	1,017,560	3	-74
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	935,245	3,071	938,316	946,341	6,618	952,960	-1	-54
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	687,578	3,799	691,377	776,425	5,794	782,219	-11	-34
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	605,314	3,780	609,094	620,344	6,087	626,431	-2	-38
WILLOW RUN 128TH & ZUNI SAFEBAY	593,544	2,169	595,714	600,835	12,329	613,164	-1	-82
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEBAY	558,351	1,763	560,114	597,787	2,405	600,193	-7	-27
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	527,441	6,433	533,873	549,706	7,536	557,243	-4	-15

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF OCTOBER 2006

Center Location Major Tenant	YTD 2006 General Sales	YTD 2006 General Use	Total	YTD 2005 General Sales	YTD 2005 General Use	Total Sales	Use Total	%Change
SAFEWAY	427,496	9,645	437,141	421,619	3,569	425,188	1 170	3
VILLAGE AT PARK CENTRE								
NW CORNER 120TH & HURON								
CB & POTTS								
NORTHVIEW	423,737	5,425	429,162	447,033	5,111	452,143	-5 6	-5
S SIDE 92ND YATES-SHER								
ALBERTSONS								
MISSION COMMONS	344,276	2,732	347,008	515,786	5,949	521,735	-33 -54	-33
W SIDE WADSWORTH 88-90TH								
BIG 5 SPORTS								
HIDDEN LAKE	299,328	3,675	303,003	333,043	3,128	336,171	-10 17	-10
NE CORNER 72 & SHERIDAN								
ALBERTSONS								
ELWAY/DOUGLAS CORRIDOR	296,636	7,402	304,038	263,606	14,671	278,277	13 -50	9
NE CORNER 104TH & FED								
ELWAY MOTORS								
WESTMINSTER SQUARE	258,160	4,903	263,063	248,402	7,969	256,371	4 -38	3
NW CORNER 74TH & FED								
ARC THRIFT STORE								
STANDLEY PLAZA	247,624	7,417	255,041	255,784	12,499	268,283	-3 -41	-5
SW CORNER 88TH & WADS								
WALGREENS								
FEDERAL STRIP	240,964	6,789	247,753	201,843	292	202,135	19 2227	23
W SIDE FEDERAL 68TH-72ND								
BOVAS								
BROOKHILL IV	223,277	2,151	225,428	314,861	3,109	317,971	-29 -31	-29
E SIDE WADS 90TH-92ND								
HANCOCK FABRICS								
SUMMIT SQUARE	218,741	1,498	220,239	233,590	1,512	235,102	-6 -1	-6
NE CORNER 84TH & FED								
SAFEWAY								
	26,890,627	492,984	27,383,611	26,087,330	632,625	26,719,955	3 -22	2



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Change the Date for Second City Council Meeting in December

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the last regularly scheduled City Council meeting in December from December 25 to December 18.

Summary Statement

- Because the fourth Monday of December is Christmas Day and a legal holiday, it is suggested that Council reschedule the December 25 meeting to December 18.
- If approved, City Council will meet in study session on December 4 and in regular session on December 11 and 18.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to conduct its last meeting in December on a different date.

Background Information

Historically, City Council has changed the date of the last meeting in December due to the fourth Monday's proximity to Christmas Day. Since study sessions and regular meetings normally are conducted on different Mondays of the month, changing the date of the last meeting in December to December 18 will eliminate the second study session of that month.

The public is aware that regular Council meetings and study sessions are held on Mondays, and it is logical, therefore, to reschedule meetings to a different Monday of the month when conflicts arise.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: 2007 Traffic Signal Maintenance Contract

Prepared By: Greg Olson, Transportation Systems Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Sturgeon Electric Company, Inc. in the amount of \$218,267 for traffic signal maintenance for calendar year 2007.

Summary Statement

- The City utilizes the services of a private contractor to perform maintenance of the City's traffic signals. The current contract expires on December 31, 2006.
- A total of three bids were received on November 9, 2006 for the contract for signal maintenance in 2007. City Council action is requested to award the 2007 traffic signal maintenance contract to the lowest bidder, Sturgeon Electric Company, Inc.
- The contract amount is within the amount budgeted in the 2007 operating budget of the Department of Community Development for traffic signal maintenance activities.

Expenditure Required: \$218,267

Source of Funds: 2007 General Fund -
Department of Community Development Operating Budget

Policy Issue

Should the City continue the practice of outsourcing traffic signal maintenance to a private contractor?

Alternative

One alternative is to not enlist the full-time services of a private contractor. This alternative would require the City to hire a minimum of one full-time employee and invest in the equipment necessary to perform basic traffic signal maintenance. The part time services of a contractor would still be required to perform assistance for major emergencies and repairs and share with the after-hours maintenance responsibility. At this point in time, City Staff does not recommend performing the traffic signal maintenance “in-house.”

Background Information

The City utilizes the services of a traffic signal maintenance contractor to perform maintenance on traffic signals at 94 intersections and on eight pedestrian crossing signals (total of 102 installations). The 2006 traffic signal maintenance contract, which was awarded to Integrated Electric, Inc. in November 2005, expires December 31, 2006.

City Staff requested and received formal bids from three qualified contractors for the 2007 traffic signal maintenance. The results of the November 9th bid opening are as follows:

Contractor	Bid Amount
Sturgeon Electric, Inc.	\$218,267
Integrated Electric, Inc.	\$218,820
W. L. Contractors, Inc.	\$228,770

The low bidder, Sturgeon Electric Company, Inc., has not previously provided traffic signal maintenance for the City. City Staff conducted a thorough evaluation of Sturgeon’s facilities, equipment and staff qualifications and believes that in 2007, the contractor will be able to provide the high level of service that the City expects for traffic signal maintenance activities.

The 2007 bid documents utilize a conservative, estimated annual amount of labor, equipment hours, and materials for performance of all traffic signal maintenance functions. There are two general categories of work activities that provide the basis for the estimated hours of equipment and labor unit prices in the traffic signal maintenance contract: annual preventive (routine) maintenance and additional traffic signal (occasional) maintenance.

Annual preventive maintenance: The first section of the contract addresses annual preventive maintenance at each of the traffic signal locations. The components of annual preventive maintenance include the following:

1. Clean signal controller cabinets and components.
2. Check all field wiring for inadequacies (i.e., proper grounding etc.).
3. Check critical controller settings (i.e., amber time) with a stopwatch to insure adequate operation.
4. Check for adequate power levels in the communications cable, which links the signals in the computerized signal system.

5. Check and calibrate vehicle loop detectors to insure proper operation. (Vehicle loop detectors are wires embedded in the roadway, that detect the presence of a vehicle and trigger a change in the traffic signal.)
6. Check signal heads, signal poles and associated hardware for damage and make repairs as necessary.
7. Check and record incoming voltage at all intersections to prevent excessive wear on the signal control equipment.
8. Quarterly inspection at each signal location.
9. "Troubleshoot" and maintain the computerized signal system components to insure proper operation.
10. Maintain emergency vehicle preemption equipment (Opticom) to insure proper operation. (Emergency vehicle preemption equipment consists of an electric component, which preempts the traffic signal to allow a green signal indicator for fire equipment.)
11. Based on the activities listed above; provide the City with a prioritized list of items in need of repair.

Additional Traffic Signal Maintenance Items: The remaining section of the contract reflects estimated labor, equipment, and materials costs for additional traffic signal maintenance items. Additional traffic signal maintenance items include emergency trouble calls, unscheduled maintenance items and an estimated cost for loop detector replacements. The contract assures the City that the contractor will be available to perform emergency or other repairs as required. It is necessary that the City have a contractor available seven days a week, 24 hours a day to respond to any emergency signal work that may arise.

The bid documents were based on a conservative, estimated amount of labor, equipment, and materials so that each bidder could provide unit prices based upon the same assumption. Staff typically estimates on the low side the number of labor and equipment hours that will be necessary so that the contractor will not rely on a higher workload than may be experienced.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: 2007 Citywide Street Sweeping Services Contract

Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a contract for 2007 with options for two additional one-year renewals (2008 and 2009) for citywide street sweeping to the low bidder, Great American Sweeping, Inc. in the amount of \$228,925, and authorize a contingency of \$26,075.

Summary Statement

- The City utilizes the services of a private contractor to perform citywide street sweeping of the City's streets. The current 2006 contract was bid for calendar year 2004 and renewed for two additional years, 2005 and 2006.
- As proposed, annual contract renewals for 2008 and 2009 will require agreement by both parties and any price adjustments will be based on the Consumer Price Index for all urban customers.
- City Council approved funds in the 2007 and 2008 Street Operations Division budget for citywide street sweeping services.
- A three year contract has proven to secure the lowest bid price possible over the past 20 years given the investment required to provide the service by private contractors.
- The contract amount for annual citywide street sweeping of 7,500 curb miles is within the amount budgeted for this expense in the 2007 budget.
- Formal bids were solicited from seven contractors with three contractors responding.
- The low bidder, Great American Sweeping, Inc. meets all of the City bid requirements and has successfully performed citywide street sweeping services in Westminster over the past three years.
- A contingency is included here for potential additional sweeping during the winter months to assure that the City can meet PM-10 air quality regulations.

Expenditure Required: \$ 255,000

Source of Funds: 2007 General Fund – Street Operations Division Budget

Policy Issue

Should the City award this contract for citywide sweeping services to the low bidder, Great American Sweeping, Inc. for 2007, with two one year extensions in 2008 and 2009.

Alternative

One alternative is to discontinue the full-time services of a private contractor. This alternative would require the City to hire full-time employees and invest in the equipment necessary to perform citywide street sweeping. City Staff does not recommend performing citywide street sweeping “in-house.” Initial equipment outlay would be substantial, in addition, ongoing FTE, equipment maintenance, and equipment replacement expenses would not be cost effective.

Background Information

The City has utilized the services of a street sweeping contractor since 1985. The 2007 low bid for street sweeping is \$30.39 per curb mile. The 2007 bid is lower than the 2004 calendar year bid of \$31.35 per curb mile. The reduced price is indicative of the highly competitive market for sweeping contractors.

With new subdivisions and a fairly substantial increase in roadway lanes in the northern corridor coming on line in 2007, City staff projects monthly sweeping of city streets to increase from 7,400 to 7,500 curb miles for the year at the following frequency:

- Arterial streets once per month, 12 months per year.
- Collector and residential streets once per month, 10 months per year.

The following bids were received:

Great American Sweeping, Inc.	\$228,925
Allstate Sweeping, LLC	\$232,585
Armstrong Sweeping, Inc.	\$341,710
Estimate	\$252,326

The low bidder, Great American Sweeping, Inc. is the City’s current citywide street sweeping contractor. City staff believes that in 2007 Great American Sweeping, Inc. will continue to provide the high level of service performed by the contractor the past three years.

The contract sum for renewal periods 2008 and 2009 shall be negotiated and agreed to by both parties. Any adjustment shall not exceed the annual percent of change of the Denver-Boulder-Greeley Consumer Price Index for all urban consumers.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: 2007 Wastewater Collection System Maintenance Contract Renewal

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a renewal of the current Wastewater Collection System Maintenance Contract with Ace Pipe Cleaning, Inc. for the 2007 calendar year in the amount of \$578,255 with a 15% contingency, bringing the total budget to \$664,993.

Summary Statement

- Funds have been approved and allocated in the 2007 Utilities Division Operating Budget for the wastewater collection system maintenance contract. The contract for 2007 would be for \$578,255, plus a contingency of \$87,738 for a total of \$664,993. The total budgeted for this project in 2007 is \$670,000.
- In February 2005, City Council approved the current wastewater collection system maintenance contract with Ace Pipe Cleaning, Inc., with the option of renewing the contract for two additional years.
- Staff has met with the current contractor, Ace Pipe Cleaning, concerning the possibility of extending this contract for a third year as specified in the contract. Ace Pipe Cleaning has indicated that their company would be willing to continue to perform maintenance activities in 2007 for the same unit costs as where charged in 2005 and 2006.
- Given the positive experience working with Ace Pipe Cleaning on the wastewater collection system maintenance program and their willingness to keep the same unit pricing for next year, City staff is recommending the extension of the current contract for one additional year.

Expenditure Required: \$664,993

Source of Funds: Utility Fund - 2007 Utilities Division Operating Budget

Policy Issue

Should the City extend the current wastewater collection system maintenance contract with Ace Pipe Cleaning for 2007 services or open this project to outside competitive bids?

Alternative

Prepare bid documents and project specifications and advertise the 2007 maintenance contract for competitive bid submittals. Staff does not recommend this alternative. The 2005 maintenance contract was bid competitively and specifically was approved for renewal in 2006 and 2007. Ace Pipe Cleaning provided a very competitive bid and has not requested an increase over 2005, despite increases in fuel and other costs. Another round of bidding is unlikely to result in any savings to the City and could possibly increase the City's costs. The experience with Ace Pipe Cleaning has been a positive one and there are no changes (other than quantities) needed in the contract.

Background Information

In late 2004, Utilities Division staff prepared bid documents and specifications for the wastewater collection system maintenance program, which includes sewer system maintenance being completed in approximately one-third of the area in the city over a one year period. The overall program allows for maintenance to be done on the entire wastewater collection system in the city within a three year period.

The approved competitive bid for the 2005 Wastewater Collection System Maintenance program was awarded to Ace Pipe Cleaning Inc. in the amount of \$576,874. The contract with Ace Pipe Cleaning was approved by City Council early in 2005, with maintenance work commencing in February. As part of the maintenance contract, the city has the option of extending this contract an additional two years and allowed price increases up to the annual CPI (consumer price index). City Council approved the first renewal of this contract in December of 2005, which covered work to be performed in 2006.

Staff has met with Ace Pipe Cleaning representatives concerning the possibility of extending the current contract an additional year. Through meetings, Ace Pipe Cleaning representatives indicated that their company would be willing to perform maintenance work in 2007 for the same unit pricing as in 2005 and 2006. Staff has been satisfied with the work of Ace Pipe Cleaning over the past two years. Since Ace Pipe Cleaning is willing to continue this work in 2007 for the same unit price, Staff is recommending City Council approve an extension of the current contract for the 2007 maintenance program. This will be the final year for a renewal of the wastewater collection system maintenance contract. Staff will put this program out for competitive bids in 2007 for the 2008 contract.

The area of scheduled maintenance to be completed in 2007 is the western portion of the City, in the Big Dry Creek – West basin. This area represents approximately one-third of the total sewer collection system.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: 2007 Proposed Community Development Block Grant (CDBG) and HOME Projects

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Approve the allocation of 2007 Community Development Block Grant (CDBG) and HOME funds to the projects and programs proposed by Staff.

Summary Statement

- The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD);
- The 2007 CDBG allocation is anticipated to be approximately \$520,424 (10% projected decrease from 2006 funding).
- The funds must be used towards programs and projects meeting eligibility requirements established by HUD that primarily benefit low to moderate income populations and areas. The City may use up to 20% of the allocation towards CDBG-related administration.
- The City’s Human Service Board recommended \$75,000 in CDBG funding be allocated in 2007 to the following agencies: Adams 50 School District Health Centers, Adams County Housing Authority, Colorado Homeless Families, Family Tree, Inc., Senior Hub, Clinica Campesina Family Health Services, Inc. and Jefferson Center for Mental Health. Funding of human services organizations is limited to no more than 15% of the City’s annual CDBG allocation.
- The balance of 2007 CDBG funds in the amount of an estimated \$341,349 is proposed to be used for two purposes: (1) \$296,339 to complete Lowell Boulevard “streetscape” improvements from 75th to 78th Avenues, and (2) to provide a \$45,000 cash match so that grant funding can be sought to complete an exterior restoration of the 1880 Semper Farmhouse, located at 92nd Ave. and Pierce St.
- As a member of the Adams County HOME consortium, a HUD-approved funding entity, the City receives an annual allocation of about \$220,000 through the County to be used on affordable housing projects and programs. These proceeds have previously been used to provide down payment assistance to low- and moderate-income households looking to purchase a home and the county housing rehabilitation program providing low interest loans to income eligible households.
- Staff is recommending that the HOME funds be allocated as follows:

County Administration	\$ 20,000
Down Payment Assistance	\$130,000
Housing Rehabilitation	\$ 70,000

Expenditure Required: \$520,434
\$220,000

Source of Funds: HUD CDBG Program
HUD HOME Program

Policy Issue

Should the City accept the CDBG and HOME funds knowing that expenditure of funds must adhere to federal requirements and conditions?

Alternative

The Council may choose to not accept the funds. Staff recommends that such an alternative not be considered as the CDBG and HOME funds have provided benefits to Westminster residents and have provided needed funds for capital projects and non-profit human services organizations.

Background Information

The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD). The 2007 CDBG allocation is anticipated to be about \$520,434, which is 10% less than the 2006 allocation of \$578,260. This estimate is based on the reductions that have occurred for the past three years and verbal warnings from HUD staff that reductions may be in the range of 10%. These annual allocations have been decreasing annually since 2003, when the largest grant to date of \$696,000 was allocated to the City.

The CDBG funds are to be used for projects and programs that primarily benefit the City's low to moderate-income populations and address blight conditions. Eligible project activities may include economic development/redevelopment, public facility and infrastructure improvements, and affordable housing activities. Historic preservation projects are encouraged by HUD and may fall under either the low-income objective or alleviating blight. Based upon eligibility criteria and the limited level of funding, Staff recommends that the following projects be funded in 2006:

2007 CDBG Program Administration (20% of total grant)	\$104,085
Lowell Boulevard Enhancements	\$296,339
Cash Match for Semper Farmhouse Grant Application	\$ 45,000
Human Service Advisory Board Recommendations	<u>\$ 75,000</u>
TOTAL:	\$520,424

The proposed 2007 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and non-profit human services organizations that provide services to City residents. Public notices and two administrative public hearings were used to solicit community input on the development of the 2007 CDBG Action Plan. Requests for funding were received as follows:

1. Continue northward with improvements to Lowell Boulevard from 75th Avenue to 78th Avenue. Planned improvements include continuation of the street-lawn area improvements, landscaping, undergrounding of overhead utilities, decorative lighting, new sidewalk/bicycle trail construction, and repaving the street (City staff).
2. Allocate \$45,000 as a cash match for grants funds to complete the exterior restoration of the historic Semper Farmhouse, a project cost estimated at \$173,000 (City staff).
3. Assist with preservation of Shoenberg Farm (from Historic Landmark Board vice-chair Kaaren Hardy).
4. Streetscape improvements around 78th and Zenobia (from residents Joe Sloan, Teresa Beach and others)
5. Streetscape improvements near 116th and Main (from Debora and Gary McGrath)
6. Improve traffic safety and enforcement in residential areas (from Vance Pollock).

Based on these proposals for use of 2007 CDBG funding, the programs described below are recommended for adoption by City Council.

Program Administration

HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. In the past, this portion has been sufficient to pay for the salaries of the Community Development Programs Coordinator and one full-time Secretary, as well as other costs of administration. The CDBG funding has fallen below the amount sufficient to cover the two salaries. This financial gap is being paid out of City General Fund revenues. No other costs of administration can be paid for with CDBG funding.

Lowell Boulevard Enhancements

Lowell Boulevard is a collector street through the heart of south Westminster, a low-income area. Due to lack of sufficient funding to complete the entire 73rd to 78th stretch in one project, rebuilding Lowell has been done in phases. This project can be completed in 2007 up to 78th Avenue, using CDBG funding along with City General Fund money earmarked for Lowell Boulevard improvements. The project will not be carried further north at this time due to possible impacts from future U.S. 36 widening improvements. It is recommended that CDBG funding be used to finish this long-term project, including street-lawn area improvements, landscaping, undergrounding of overhead utilities, decorative lighting, new sidewalk/bicycle trail construction, and repaving the street.

Semper Farmhouse Exterior Restoration

Staff has been working on enhancements to the historic Semper-Allison Farm open space at West 92nd Avenue and Pierce Street. A site plan, parking lot, community garden and driveway were completed in 2006, using mostly volunteer resources and about \$7,000 in City funds. A \$9,900 grant was awarded by the State Historical Fund to complete structure assessments and develop budgets for phased rehabilitation of the structures. The first proposed phase is the exterior restoration of the 1880 farmhouse. Since City funds are not available at this time for historic preservation projects, it is recommended that CDBG funds be used for the cash match required by the State Historical Fund to obtain further grant funding to complete the exterior restoration project. This project would be a major step forward in the rehabilitation of this historic farm site. Historic preservation projects are eligible for CDBG funding regardless of the income level of the neighborhood.

Other Proposals from Residents

Below are the responses to other proposals submitted for use of CDBG funds. Some of the proposals did not qualify as CDBG-eligible activities because of the proposed locations.

1. Shoenberg Farm may be a good candidate for a future CDBG project, but is not at a point to use such funding in 2007.
2. The 78th & Zenobia neighborhood concerns are being addressed by Community Development and Code Enforcement staff.
3. The 116th and Main concerns have been referred to the Parks Division for review.
4. The traffic safety and enforcement in residential areas are matters best handled in the Police Department.

Variations in Ultimate CDBG Allocation in 2007

The actual amount allocated to the City is never known until about half-way into a calendar year. If the actual 2007 CDBG allocation varies from the amounts stated herein, adjustments to the projects will need to be made.

Human Service Advisory Board Recommendation

The City's Human Services Board Members recommended that the following seven human services organizations be provided CDBG funds totaling \$70,000, and these recommendations were previously approved by City Council during the adoption of the 2007 City budget process.

Adams 50 School District Health Centers \$12,000
Community Health Services provides Adams County School District No. 50 with extended health care services for students and families receiving free or reduced-cost lunch.

Adams County Housing Authority \$12,000
Adams County Housing Authority offers programs for households in Adams County that provide housing, personal development opportunities, counseling, financial assistance and educational services through networking and collaboration. The Housing Authority creates an environment conducive to growth and development in order to promote self-sufficiency.

Colorado Homeless Families \$11,000
CHF provides transitional housing and supportive services for homeless families with children, which a goal of helping them to become self-sufficient within eighteen months to two years.

Family Tree, Inc. \$12,000
Family Tree offers services to help people be safe, strong, and self-reliant. Services include emergency shelter and support services for victims of domestic abuse, comprehensive supportive housing assistance for homeless families and individuals, emergency shelter and outreach services for youth in crisis, and out-client services for families experiencing abuse, divorce, or separation.

The Senior Hub \$12,000
The Senior Hub provides the Meals on Wheels program, which delivers hot or frozen meals to homebound residents who are unable to prepare nutritious meals themselves, are unable to travel independently to a senior center or restaurant to obtain a balanced meal, and are unable to afford the purchase of meals. Senior Hub also provides respite and in-home supportive services to assist those living at home alone with simple, non-medical assistance.

Clinica Campesina Family Health Services, Inc. \$11,000
Clinica Campesina provides medical care and health-promoting services to medically underserved, low-income households on a sliding fee scale basis.

Jefferson Center for Mental Health \$ 5,000
The Jefferson Center for Mental Health promotes mental health and provides quality mental health services to persons with emotional problems and/or serious mental illness. (City Council awarded a total of \$7,000 to the Jefferson Center for Mental Health based on the Human Service Board recommending \$2,000 will be paid for by the General Fund in 2007.)

In addition to the CDBG allocation, the City is scheduled to receive \$220,000 in HOME program dollars from HUD. HOME funds are distributed to eligible communities to assist in the development and provision of housing to low-income households and targeted populations (e.g. seniors, persons having disabilities, homeless, etc.) The City of Westminster alone does not meet the minimum population requirements to receive the funds as an entitlement. However, by having joined the HUD-authorized Adams County HOME Program Consortium, the City receives an allocation of about \$220,000 annually providing funding for such eligible affordable housing endeavors.

Pursuant to an existing agreement with Adams County, the proceeds have been appropriated to administration, housing rehabilitation and homeowner down-payment assistance. While funds have been allocated to support these endeavors, the agreement permits the City to redirect funds as necessary to support other HOME eligible programs and projects, such as affordable housing projects and programs. Given past assignments and having the flexibility to redirect funds as necessary, Staff is recommending the 2007 HOME funds be used as follows:

Housing Rehabilitation Program \$70,000

The program provides low-interest loans to income-qualified Westminster homeowners to address infrastructure improvements and mitigate health, safety and sanitary issues. The program is set up to provide funds to fix or improve a home so as to protect the health and safety of the household. The loans are typically for furnaces, water heaters, roofs, and foundation stabilization. Typical maintenance items such as paint or siding are not eligible for funding. Applicants must meet low-income thresholds established by HUD, and repayment terms are based upon income. Some loans may be completely forgiven in the event of extremely low-incomes and the household's length of residence in the home following the rehabilitation work.

Homebuyer Down-Payment Assistance Programs \$130,000

The program provides down payment assistance grants and loans to income qualified prospective homebuyers purchasing a home in Westminster. Income eligible homebuyers and first-time buyers are eligible to receive up to \$15,000 in down-payment assistance.

HOME Program Administration \$20,000

This allocation is used to pay Adams County employees for administrative costs incurred by the Adams County Office of Community Development relative to implementation of the HOME programs.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Second Reading of Councillor's Bill No. 65 re Electric Franchise with United Power, Inc.

Prepared By: Dave Downing, City Engineer
Jane W. Greenfield, Assistant City Attorney

Recommended City Council Action

Pass Councillors Bill No. 65 on second reading granting a twenty (20) year franchise to United Power, Inc., for the provision of electricity service to that portion of the company's service area lying within the City limits of Westminster.

Summary Statement

- The City currently has a franchise for electric power with United Power, Inc., to serve a small portion of the City in the extreme northeast quadrant. The franchise has been in effect since February, 1993, and it expires on December 31, 2006.
- United Power, Inc. has applied for a renewal of that franchise for a twenty year period commencing January 1, 2007, under substantially similar terms and conditions as currently provided for in Chapter 16-5, W.M.C.
- United Power will continue to pay the City a three percent (3%) franchise fee and will increase its fund for overhead conversion from one percent (1%) of its revenues to one and one-half percent (1 ½%).
- A public hearing was held on November 13, 2006, after which Council passed this bill on first reading.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment CB 65

BY AUTHORITY

ORDINANCE NO. **3322**

COUNCILLOR'S BILL NO. **65**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Kauffman

A BILL

FOR AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE WITH UNITED POWER, INC., FOR A TERM OF TWENTY YEARS AND REVISING THE OFFICIAL CODE OF THE CITY OF WESTMINSTER, BY AMENDING CERTAIN SECTIONS OF CHAPTER 5 OF TITLE XVI, W.M.C. ENTITLED "FRANCHISE FOR ELECTRICITY"

WHEREAS, the City has received an application from United Power, Inc. to renew its existing franchise to provide electric power to a portion of the City; and

WHEREAS, the City has received from the applicant proof of compliance with the notice and publication requirements of §31-32-102, C.R.S.; and

WHEREAS, the City has determined it is in the best interests of the citizens of Westminster to grant a franchise to United Power, Inc. for a period of twenty years commencing January 1, 2007, subject to all requirements of Chapter XV of the Westminster Charter;

NOW, THEREFORE,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. A public utility franchise to serve electricity to customers in a portion of the City, depicted on the map attached as Exhibit A hereto, is hereby granted to United Power, Inc. for a period of twenty (20) years, commencing on the first day of January in 2007.

Section 2. Section 16-5-4, W.M.C., is hereby AMENDED as follows:

16-5-4: TERM OF FRANCHISE:

(A) The term of this franchise shall be for ~~approximately fourteen (14)~~ TWENTY (20) years, beginning on ~~the effective date of this Ordinance~~ JANUARY 1, 2007 and expiring on December 31, ~~2006~~ 2026.

Section 3. Section 16-5-36, W.M.C., is hereby AMENDED as follows:

16-5-36: OVERHEAD CONVERSION AT EXPENSE OF COMPANY:

(A) As and when requested by the City, the Company shall spend one AND ONE-HALF percent (1½ %) of the preceding calendar year's electric revenues DERIVED FROM CUSTOMERS LOCATED WITHIN THE CITY to move THE COMPANY'S electric distribution lines located on public streets and public easements underground, provided that the undergrounding shall extend for a minimum distance of one block or 750 feet.

(B) Any unexpended portion of the one AND ONE-HALF percent (1½ %) of electric revenue shall be carried over to succeeding years and, in addition, upon request by the City, the Company shall anticipate amounts to be available for up to three years in advance. Any amounts advanced shall be credited against amounts to be expended in succeeding years until such advance is eliminated.

(C) The City and the Company shall consult and plan together regarding projects to be undertaken pursuant to this section. The Company shall provide nonbinding "ball park" cost estimates for planning purposes at no cost to the City. The final decision as to which projects are selected rests with the City,

subject to the provisions of this section. The specific scheduling of projects rests with the Company, which shall make every reasonable effort to complete such projects within the time requested by the City.

(D) If the PUC authorizes a system-wide program or programs of undergrounding electric distribution facilities, the Company will allocate to the program of undergrounding in the City such amount as is authorized by the PUC, but in no case less than one AND ONE-HALF percent (1½ %) of annual electric revenues DERIVED FROM CUSTOMERS LOCATED WITHIN THE CITY.

(E) In no event shall any overhead conversion expense be charged against the one AND ONE-HALF percent (1½ %) fund herein provided for unless the project to be so funded has been approved by the City to be funded pursuant to this section.

(F) No relocation expenses which the Company is required to expend pursuant to Section 16-5-13 shall be charged to this allocation.

(G) In addition to the provisions of this section, the City may require additional facilities to be moved underground at the City's expense.

(H) The establishment of this undergrounding program creates no vested right in the City to the undergrounding monies. Further, if such monies are not expended pursuant to the conditions hereof, the undergrounding monies are not convertible to cash or available for any other purposes.

Section 4. Section 16-5-55, W.M.C., is hereby AMENDED as follows:

16-5-55: REPRESENTATIVES:

(A) Upon request by the City, the Company shall provide annually to the City a current chain of command chart showing all managers and supervisors, along with their names, titles, telephone numbers, up to the Chief Executive Officer of the Company, who have responsibility for providing services within the City.

(B) Both parties shall designate from time to time in writing representatives for the Company and the City who will be the persons to whom notices shall be sent regarding any action to be taken under this ordinance. Notice shall be in writing and forwarded by certified mail or hand delivery to the persons and addresses as hereinafter stated, unless the names and addresses are changed at the written request of either party, delivered in person or by certified mail. Until any such change shall hereinafter be made, notices shall be sent to the City Manager and to the Company's ~~General Manager~~ CHIEF EXECUTIVE OFFICER. Currently, AS OF THE DATE OF THE COMMENCEMENT OF THIS FRANCHISE, the names and addresses are as follows:

For the City:

~~William M. Christopher~~
J. BRENT MCFALL
City Manager
City of Westminster
4800 W. 92nd Avenue
Westminster, CO ~~80030~~ 80031

For the Company:

~~David I. Dunnell~~
ROBERT BRODERICK
~~General Manager~~ CHIEF EXECUTIVE OFFICER
~~18551 East 160th Avenue~~ P.O. BOX 929
Brighton, CO 80601

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of November, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

CERTIFICATION OF CITY CLERK

I, Linda Yeager, City Clerk, hereby certify and attest that this ordinance was published in the Westminster Window, a weekly newspaper of general circulation in the City, on _____, 2006 and on _____, 2006.

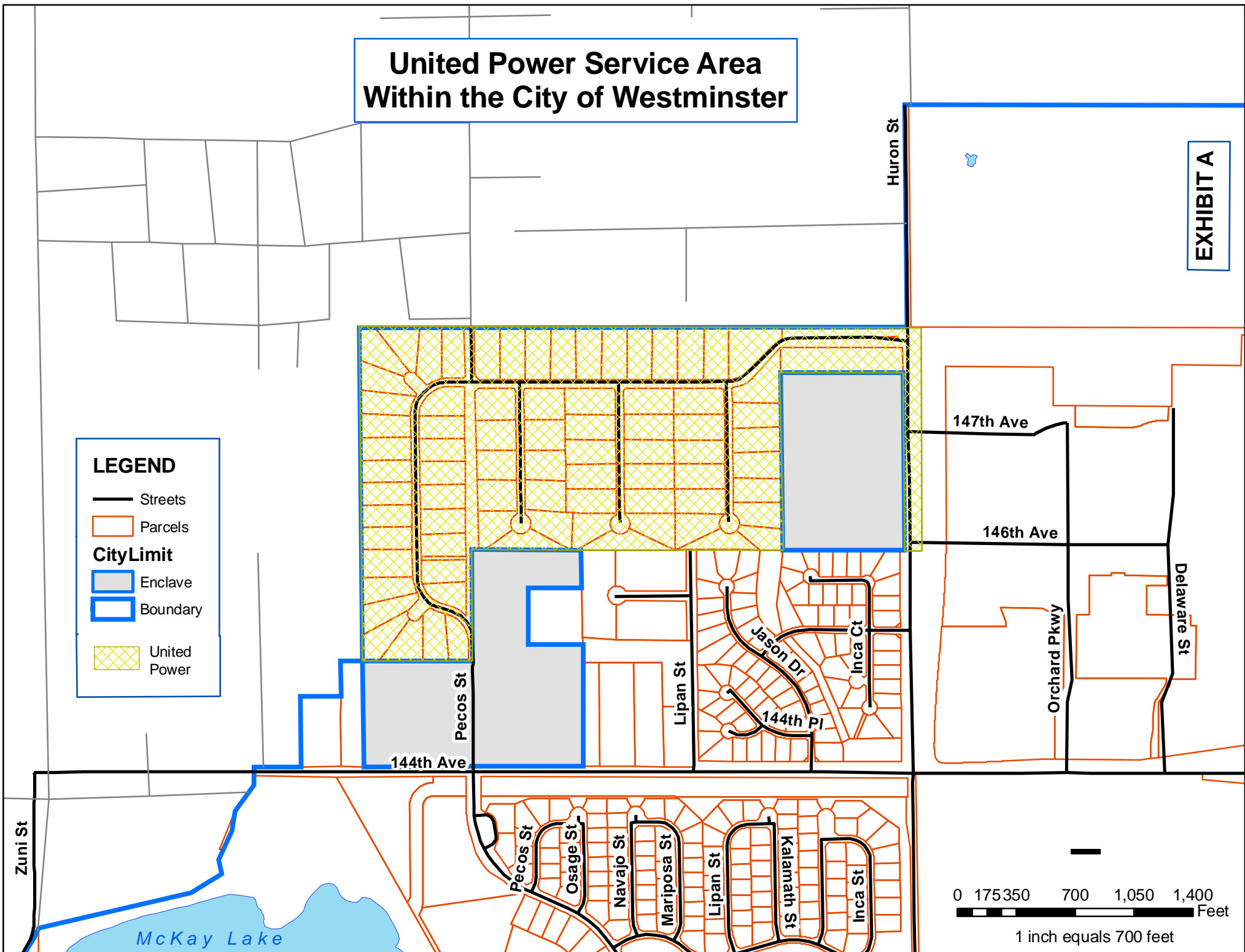
City Clerk

United Power Service Area Within the City of Westminster

EXHIBIT A

LEGEND

- Streets
- ▭ Parcels
- CityLimit**
- ▭ Enclave
- ▭ Boundary
- ▨ United Power



0 175 350 700 1,050 1,400 Feet
1 inch equals 700 feet



Agenda Item 8 H & I

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Second Reading of Councillor’s Bill No. 66 re the Comprehensive Land Use Plan Amendment and Councillor’s Bill No. 67 re the Rezoning for the Northern LIFE Property

Prepared By: Michele McLoughlin, Planner III

Recommended City Council Action

1. Pass Councillor’s Bill No. 66 on second reading approving the Comprehensive Land Use Plan (CLUP) amendment for the northern LIFE property changing the designation from R-3.5 Residential to Public/Quasi-Public. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
2. Pass Councillor’s Bill No. 67 on second reading approving the rezoning of the northern LIFE property from O-1 (Open) to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement

- Councillor’s Bill Nos. 66 and 67 were passed on first reading by City Council on November 13, 2006.
- The existing LIFE PUD is located at 115th Avenue and Sheridan Boulevard and contains approximately 14.79 acres. The church itself is located at the northwest corner of Wolff Street and 115th Avenue.
- The church has purchased an additional 4.98 acre parcel directly to the north, 11570 Sheridan Boulevard, which is currently zoned O-1 (Open) and has a CLUP designation of R-3.5 Residential. The parcel was purchased for future expansion of the church.
- The CLUP amendment proposes to change the northern parcel from R-3.5 Residential to Public/Quasi-Public and the Amended PDP will include this parcel as part of the LIFE PUD.
- The ODP proposes a 45,000 square foot addition to include a new worship center, restrooms, and a café/fellowship area. It will also include a small area of balcony seating, to be expanded with the next phase.
- The site will be landscaped and will also include adequate parking for the new worship center.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3323**

COUNCILLOR'S BILL NO. **66**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Major

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner of the property described below, incorporated herein by reference,

BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS.

requesting a change in the land use designation from "R-3.5 Residential" to "Public/Quasi Public" for the property located at 11570 Sheridan Blvd, City of Westminster, County of Adams, State of Colorado, containing 4.98 acres, more or less.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on October 24, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly that the parcel would become the future expansion area for the existing LIFE Fellowship church, which provides a general community service.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the property more particularly described as follows:

BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS

to "Public/Quasi Public," as depicted on the map attached as Exhibit A.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of November, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3324**

COUNCILLOR'S BILL NO. **67**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Major

**A BILL
FOR AN ORDINANCE AMENDING THE ZONING OF 11570
SHERIDAN BLVD, WESTMINSTER, ADAMS COUNTY,
COLORADO FROM O-1 TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the rezoning of the property generally located at 11570 Sheridan Blvd, as described below, from the O-1 zone to the PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on October 24, 2006 and has recommended approval of the requested amendment.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as: BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS.

from the O-1 (Open) zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of NOVEMBER, 2006.

ATTEST:

City Clerk

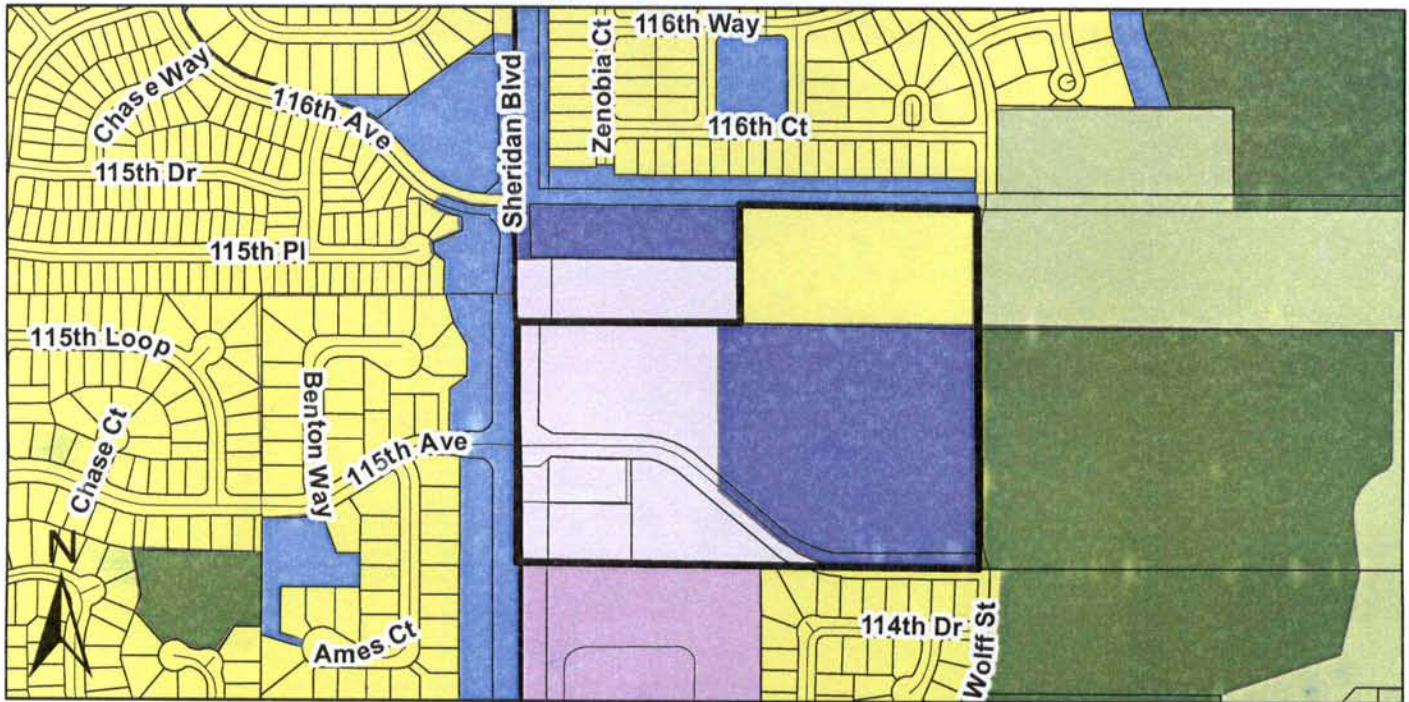
Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

LIFE Fellowship CLUP Designation

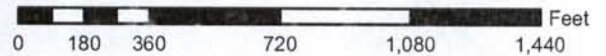
Exhibit A



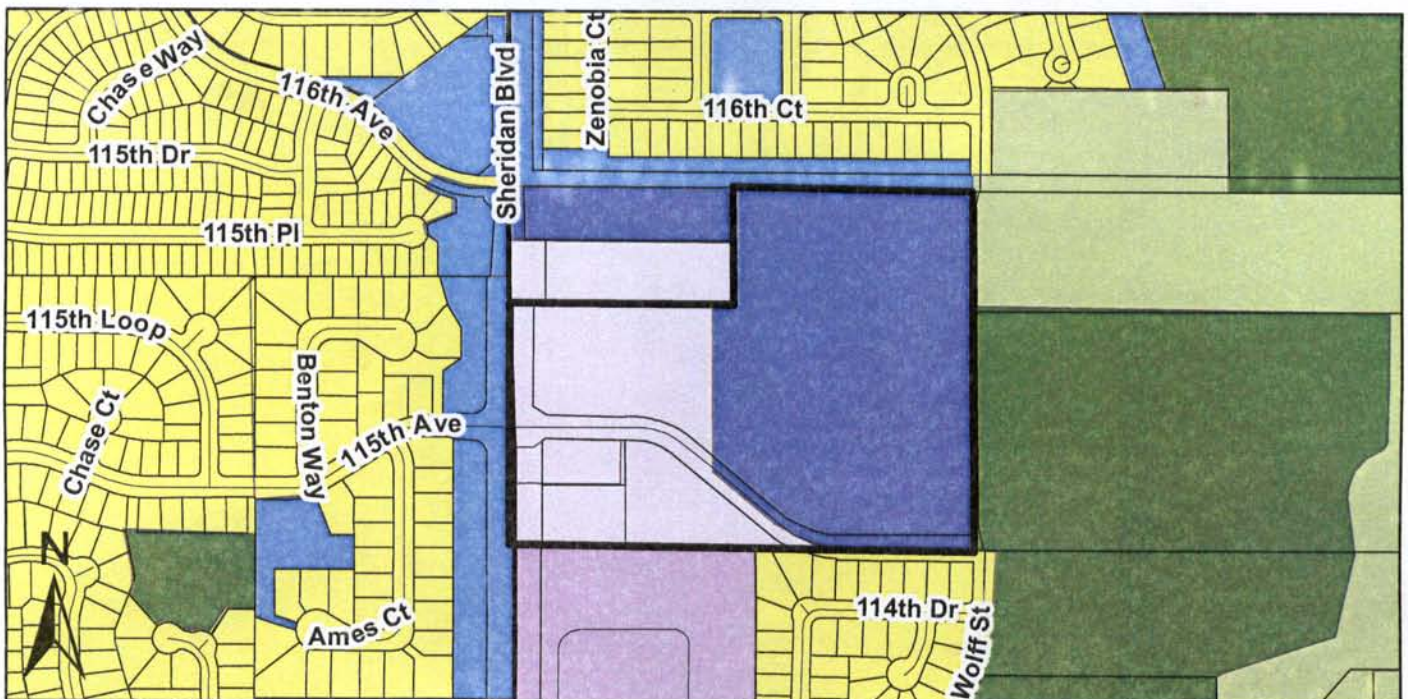
LEGEND

R-1	R-18	Office/Residential	Private Parks/Open Space
R-2.5	Retail Commercial	District Center	Golf Courses
R-3.5	Office	Traditional Mixed Use	Public/Quasi Public
R-5	Industrial	City Owned Open Space	N.E. Comprehensive Dev. Plan
R-8	Business Park	Public Parks	Major Creek Corridor Non Public

Description of Change: R-3.5 to Public/Quasi Public

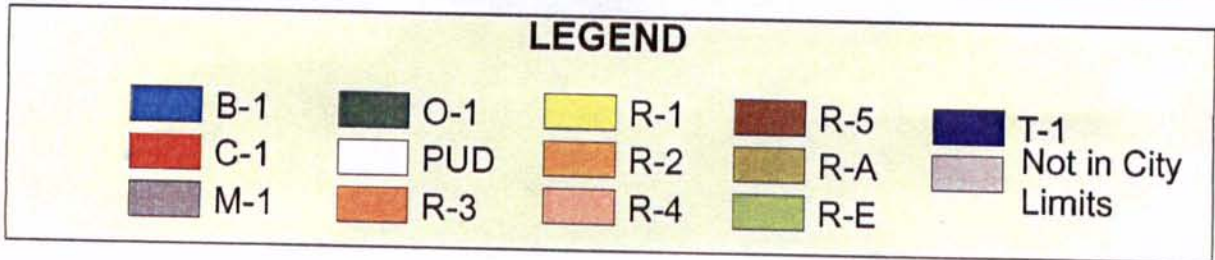


LIFE Fellowship New CLUP Designation



LIFE Fellowship Zoning Designation

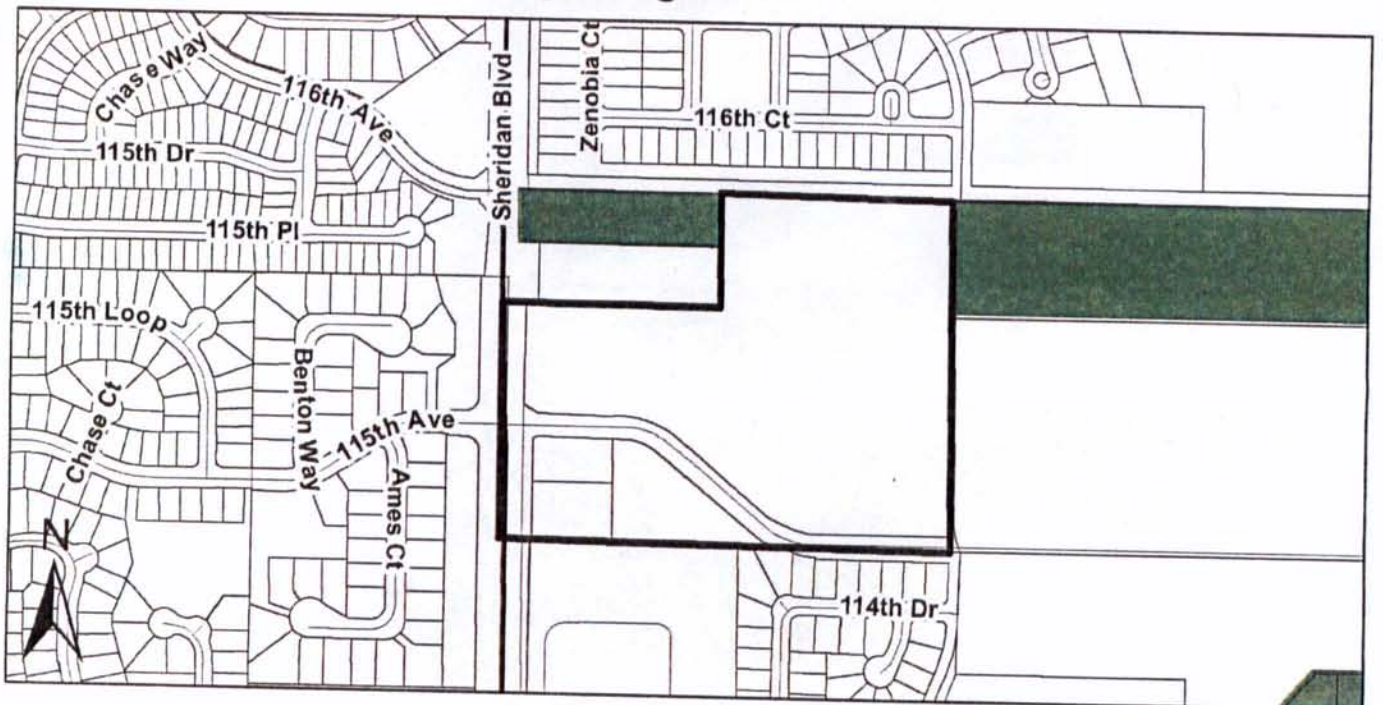
Exhibit A



Description of Change: O-1 to PUD



LIFE Fellowship New Zoning Designation





Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Resolution No. 61 re New Appointment to Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 61 to fill a vacancy on the Special Permit and License Board.

Summary Statement

- City Council action is requested to fill a vacancy on the Special Permit and License Board that was created by the recent resignation of David Tracy, a regular member.
- The term of this appointment will expire on December 31, 2006.
- If Council approves the recommended appointment, Corey Ciocchetti, the alternate member, will be appointed to regular membership to fill the remainder of the unexpired term.
- Mr. Ciocchetti's appointment will create a vacancy in the alternate membership to the Board that will be filled at a later date.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to fill a vacancy on the Special Permit and License Board so the Board has benefit of a full complement of regular members?

Alternative

No alternatives identified

Background Information

The recent resignation of David Tracy has created a vacancy on the Special Permit and License Board. Mr. Tracy served as a member of this Board for 11 years, and his unexpired term of office ends on December 31, 2006.

If the attached resolution is adopted, Corey Ciocchetti, the alternate member, will be appointed as a regular member to complete the remainder of Mr. Tracy's term.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **61**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

CITY OF WESTMINSTER BOARD AND COMMISSION NEW APPOINTMENT

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, The City Council has received the resignation of David Tracy, a regular member of the Special Permit and License Board; and

WHEREAS, An eligible citizen of Westminster who is serving as the alternate member to the Special Permit and License Board has voiced interest in being appointed to regular membership to fill the vacancy created by Mr. Tracy's resignation.

NOW THEREFORE, the City Council of the City of Westminster does hereby resolve that:

Section 1. Corey A. Ciocchetti is hereby appointed to regular membership on the Special Permit and License Board, term to expire December 31, 2006, to fill the vacancy created by the resignation of David Tracy.

PASSED AND ADOPTED this 27th day of November, 2006.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Resolution No. 62 re 2006 Jefferson County Joint Venture Grant Application

Prepared By: Ken Watson, Regional Parks & Golf Manager
Mark Reddinger, Lake Operations Coordinator

Recommended City Council Action

Adopt Resolution No. 62 authorizing the Department of Parks, Recreation and Libraries to apply for a \$150,000 Jefferson County Joint Venture Grant for the 2007 funding cycle.

Summary Statement

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from the Jefferson County Joint Venture Grant Program for the construction of a full-service restroom that will serve the west campground and day-use areas at the Standley Lake Regional Park.
- Staff recommends requesting a \$150,000 grant for the construction of the structure and utilities.
- The Department of Parks, Recreation and Libraries has approximately \$150,000 in budgeted funds to meet the estimated \$300,000 project cost for the restroom building.
- The addition of the 78 camp sites in 2004 has generated a need for permanent restrooms near the western portion of the campground and the day-use areas. This area is currently served with porta-johns.
- The Standley Lake Operating Committee and the Standley Lake Park Intergovernmental Agreement signed in 1994 by the Cities of Northglenn, Thornton, Westminster and the Farmer's Reservoir and Irrigation Company recommends fully plumbed toilets and wash basins for toilet facilities in the park.
- The City's matching funds of \$150,000 will come from 2006 and 2007 capital budgets.

Expenditure Required: \$300,000

Source of Funds: Grant Funds and General Capital Improvement Fund –
Standley Lake Regional Park.

Policy Issue

Should the City move forward with constructing a restroom facility to serve the Standley Lake Campground and day-use areas by pursuing grant monies from the Jefferson County Joint Venture Grant Program?

Alternatives

1. Council could choose not to pursue additional funding for the restroom project and require the campground guests to use the porta-johns or walk approximately 1/3 mile to the existing restroom structure that serves the eastern campground and boat ramp. Staff recommends this grant opportunity in the interest of providing quality service to our campground and park guests.
2. Council could choose to pursue another project for the 2007 Jefferson County Joint Venture Grant Program.
3. Council could choose to not pursue additional funding and allow more time to build up the Standley Lake Capital Improvement Program account to fully fund this project in future years.

Background Information

Standley Lake Regional Park completed a new 78-site campground in 2004. Due to the construction of the new spillway, the campground was moved farther to the west of the existing restroom facility. Because of this, there is no permanent restroom within 1/3 mile of the new campground. Campers and other day-use guests are required to walk or drive to the existing restroom facility. The Standley Lake Park Intergovernmental Agreement requests that any new restroom facilities provide full flush toilets with water and sewer hookup.

This additional restroom project is currently a “phased” project in the Standley Lake Regional Park CIP budget. This grant would allow the project to begin much sooner. If this request is approved and the grant request is successful, Staff would schedule construction as early in 2007 as possible. The new structure would resemble the design of the existing restroom facility located near the boat ramp.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **62**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

GRANT REQUESTS FOR THE 2007 JEFFERSON COUNTY JOINT VENTURE GRANT PROGRAM

WHEREAS, Jefferson County has established a local government grant application process to assist municipalities and special districts within the County with the development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for phased construction for an additional Restroom Structure at Standley Lake Regional Park;

WHEREAS, grant money received from Jefferson County would be necessary to pursue the restroom project sooner than the current funding will allow;

WHEREAS, it is the desire of the Standley Lake Operating Committee and the Standley Lake Park Intergovernmental Agreement signed in 1994 by the Cities of Northglenn, Thornton, Westminster, and the Farmers' Reservoir and Irrigation Company to assist with water quality and environmental protection by providing additional full-service water and sewer connected restrooms at the Standley Lake Regional Park.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a grant application to the Jefferson County Joint Venture Grant program for 2007, requesting funding in the amount of \$150,000 to construct a restroom facility at Standley Lake Park.

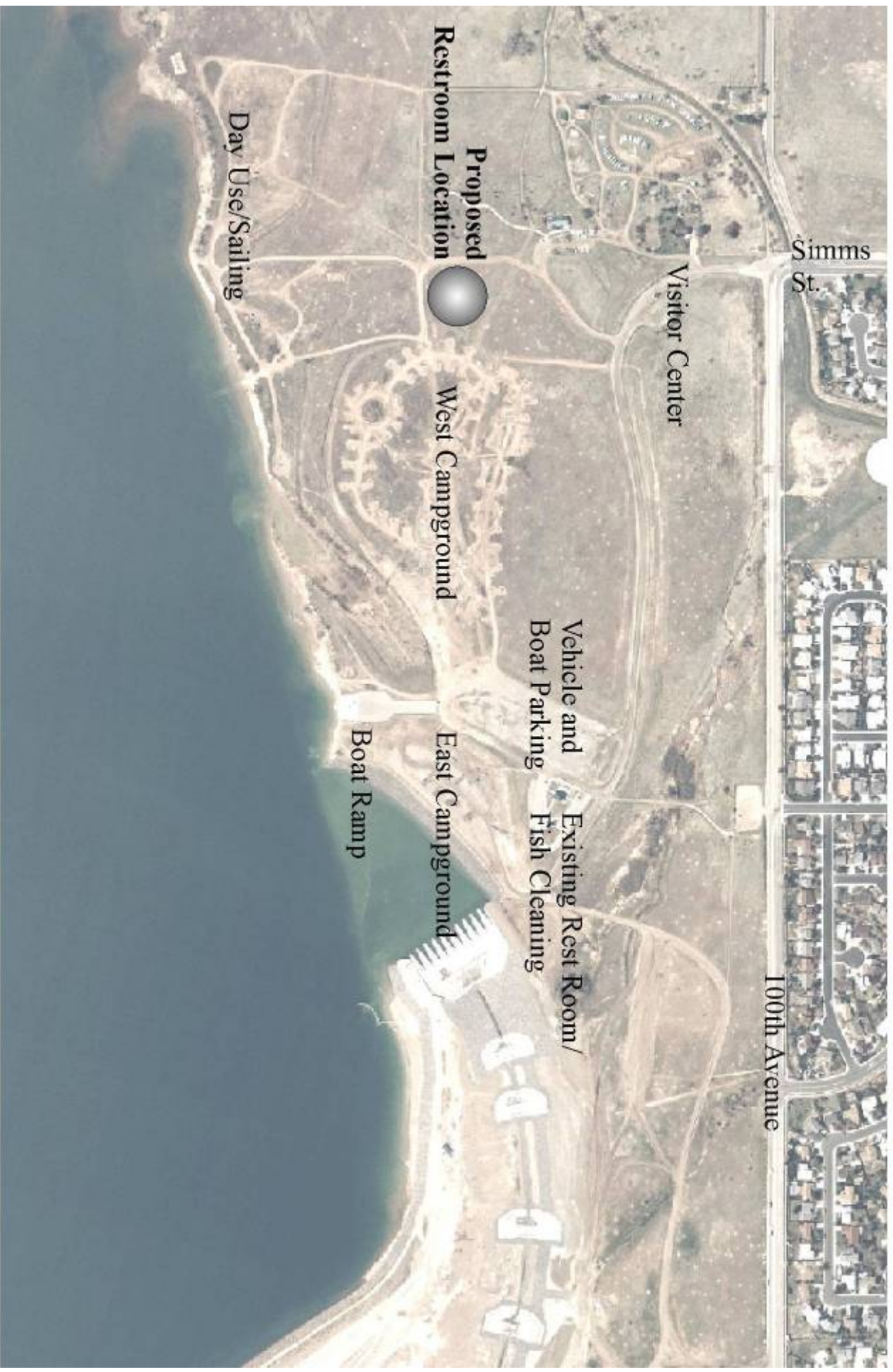
PASSED AND ADOPTED this 27th day of November 2006.

ATTEST

Mayor

City Clerk

Standley Lake Regional Park - Restroom Project



Vicinity and Location Map



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Resolution No. 63 re Allowing Local Review of State Income Tax Credit Applications for Qualified Rehabilitation Costs Incurred By Owners of Landmarked Historic Properties

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 63 allowing local review of state income tax credit applications for qualified rehabilitation costs incurred by owners of landmarked historic homes and business properties.

Summary Statement

State law permits a certified local government (CLG) to review applications for state tax credits related to rehabilitation costs incurred with respect to locally landmarked historic homes and business properties. State law requires the CLG governing body to pass a resolution annually allowing the Historic Landmark Board to review these applications.

Expenditure Required: Not determined at this time

Source of Funds: Application fees will be charged to help defray any extra expenses.

Policy Issue

Should the City Council allow the Historic Landmark Board to review applications from owners of locally landmarked historic homes and business properties for state income tax credits for qualified expenditures incurred to rehabilitate their properties?

Alternative

Do not allow the Historic Landmark Board to perform this function. This alternative is not recommended because it would remove the possibility of a convenient local forum for a landowner to seek approval of state income tax credits.

Background Information

The City Council passed the historic preservation ordinance in 2003, which authorized appointment of the Historic Landmark Board. The Board was created and has received training to support its various duties, including the review of state income tax credit applications.

The City achieved certified local government (CLG) status under state historic preservation law in 2004. The CLG status allows the Board to review state tax credit applications submitted by owners who are working on approved rehabilitation projects on locally landmarked historic homes and business properties. Landowners are not able to apply for this tax credit for locally landmarked historic properties unless the property is located in a CLG jurisdiction, so this is a special financial benefit that the City can provide to its citizens that would not otherwise be available without the CLG program.

In order to allow Board review of these applications, the City Council is required by state law to pass a resolution each year stating whether review of state tax credit applications is authorized for the upcoming year. Approval of this resolution would allow the Board to accept and review these applications in 2007.

The tax credit program may be implemented by a landowner by applying to landmark his/her home or business property pursuant to the landmarking criteria set out in W.M.C. § 11-13-5. The landmark designation application is reviewed and a decision made by the Historic Landmark Board. After landmarking, the owner must apply for a Certificate of Historic Appropriateness before making changes to the exterior of the building other than normal maintenance and repair. The proposed changes are reviewed by the Board in order to determine that the work would not detrimentally alter, destroy, or adversely affect any feature that was found by the board in the original designation to contribute to the designation of the property as a landmark. Similar criteria are applied to the review of a state tax credit application, so the certificate of appropriateness and the tax credit application can be processed and reviewed together by the Board.

If approved, the state income tax credit is equal to 20 percent of the qualified expenditures to rehabilitate the home. The rehabilitation expenses may include interior as well as exterior work and are not limited only to restoration expenses. This is true for tax credit applications even though the Board does not review interior work for historic appropriateness. For example, replacement of an antiquated heating system with a modern HVAC system may be a qualified expense for purposes of the tax credit. The tax credit may not exceed \$50,000 on one property (a total of \$250,000 in qualified rehabilitation expenses), and an application may not be filed for projects costing less than \$5,000 in qualified expenses. Each tax credit application may cover work to be done within a two-year period, so multiple applications may be filed over time until the maximum tax credit has been used by the owner. State law mandates a \$250 application fee, which is required to be put into a "preservation fund" to be used for the Board's expenses in reviewing the applications.

The state income tax credit may be carried forward for ten years. For example, if the total amount of qualified rehabilitation costs is \$45,000:

- Available credit = 20% of \$45,000 = \$9,000
- Taxpayer owes \$1,700 in state income taxes each year
- Therefore, taxpayer pays no state income taxes for five years, and takes a \$500 tax credit in the sixth year.

Landmarking a historic building adds some complexity to the review of construction projects. Not only are appropriate building permits required, but Board review of the historic appropriateness of the work is also mandated. The rewards of the program, however, are the tangible and intangible benefits to land value and neighborhood architectural integrity as well as the significant tax benefits available to the owner if he or she chooses to participate in the City's historic preservation program.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **63**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**A RESOLUTION OF THE WESTMINSTER CITY COUNCIL AGREEING TO ACT AS A
REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR
QUALIFYING REHABILITATION PROJECTS UNDER COLORADO HOUSE BILL 90-1033
(C.R.S. § 39-22-514, AS AMENDED)**

WHEREAS, the Westminster Historic Landmark Board and the City Council support the creation of incentives to assist in the preservation and protection of historically significant resources; and

WHEREAS, Colorado House Bill 90-1033 (C.R.S. § 39-22-514, as amended) was signed into law April 20, 1990, establishing tax credits for historic structures throughout the state; and

WHEREAS, the City of Westminster, as a Certified Local Government, pursuant to the provisions of 16 U.S.C. § 470 (a) (C) (1), as amended, is eligible to review such rehabilitation tax credit projects as a reviewing entity as defined by C.R.S. § 39-22-514 (12) (1); and

WHEREAS, the provisions of C.R.S. § 39-22-514 (10) (a) require that each Certified Local Government adopt annually a resolution stating whether such Certified Local Government will act as a reviewing entity during the following twelve (12) months; and

WHEREAS, the Historic Landmark Board, as the City of Westminster's official review board for historic resources, endorses rehabilitation project reviews at the local level, which provide an increased level of preservation service to our community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO:

The City of Westminster, through its Historic Landmark Board, hereby agrees to act as a reviewing entity for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2007. The City will maintain the "preservation fund" as required by C.R.S. § 39-22-514 (11) (a), for use in administering the program and to provide information and education to the community within the context of historic preservation.

PASSED AND ADOPTED this 27th day of November, 2006.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Resolution No.64 re Supplemental HOME Funding for Growing Home

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Adopt Resolution No. 64 authorizing Adams County to provide \$25,000 in additional funding from the City of Westminster's HOME allocation to be applied towards rehabilitation of the Westchester Apartments located at 7240 Newton Street, Westminster, Colorado.

Summary Statement

- Growing Home is a non-profit agency dedicated to providing housing for disadvantaged households, including those characterized as being "homeless."
- Growing Home partnered with a private donor, Adams County, the State of Colorado Division of Housing, the City and other sources to acquire and rehabilitate a 20-unit apartment building at 7240 Newton Street (Westchester Apartments) in south Westminster to provide affordable housing for low to moderate income and homeless families.
- Growing Home initially estimated proposed rehabilitation at \$434,382, of which the City contributed \$200,000 in HOME funds to be applied towards improvements.
- The City receives about \$220,000 of HOME funds annually from the U.S. Department of Housing and Urban Development specifically for the purpose of supporting and providing affordable home initiatives, and currently has an available balance of about \$400,000 with another allocation expected in 2007.
- During the building permitting process, it was determined by City staff that the electrical system must be upgraded to be consistent with current code requirements. This additional cost, estimated at about \$50,000, was not included in the initial improvement assessment and corresponding cost estimate.
- Growing Home is requesting the Council give consideration to providing a supplemental allocation of \$25,000 in HOME funds to assist in covering this unanticipated cost. Adams County has agreed to provide the other \$25,000 as a match to a City contribution.
- Should Growing Home fail to secure the additional funds from the City, the electrical improvements would proceed and other originally scheduled improvements such as boiler work would be deferred.

Expenditure Required: \$25,000

Source of Funds: HOME fund administered by Adams County

Policy Issue

Should the City give consideration to additional funding to the Westchester Apartment project given the applicant has already received a \$200,000 contribution from the City for the same project?

Alternative

The City Council could choose not to provide any funds towards the project. This alternative would have the effect of requiring the applicant to secure funding from elsewhere or deferring other improvements to the property until such time as adequate funding can be secured.

Background Information

In the later part of 2004, the City of Westminster was approached by representatives of Growing Home (formerly Adams County Interfaith Hospitality Network) to discuss the possibility of partnering to provide transitional housing directed towards “homeless” families. Growing Home’s interest in this project was spurred on by the prospect of a private donor offering a substantial sum of money towards establishing such a facility in Westminster. Upon evaluating its options relative to providing transitional housing, Growing Home chose to pursue acquisition of an existing apartment building of 10-20 units that could provide rental units at affordable levels, while also setting aside 3 to 4 of the units as transitional housing units.

Growing Home entered into a contract to purchase a 20 unit apartment building (Westchester Apartments) at 7240 Newton Street in south Westminster at a purchase price of \$1,092,000. Based upon a walk-thru with City Building Division staff the following major areas of concern were noted and incorporated into costs estimates to rehabilitate the units.

- Replacement or repair of heating boiler;
- Replacement of all kitchen and bath fixtures and cabinets;
- Replacement of door jambs;
- Replacement of air conditioning units; and,
- Replacement of floor decking that may have been damaged by moisture. This would require replacement of all carpeting and floor coverings.

The electrical system was not included in the list of concerns at that time as it was not fully understood what the electrical demands would be based on the improvements. It was determined that the electrical system was of sufficient capacity to support the existing demands. Based on City recommendations and an analysis performed by Growing Home’s contractor, the rehabilitation cost was estimated at \$434,382, not including electrical upgrades.

Based on the purchase price, estimated rehabilitation cost, and pledged-funding (including City funding of \$200,000), Growing Home purchased the building and proceeded to make improvements as planned. Growing Home’s contractor proceeded to pull the necessary building permits for the improvements. Upon requesting an electrical permit, City staff determined that some of the proposed improvements and appliance installations increased the electrical demand requirements to a point that the electrical service for the entire building needed to be upgraded. Accordingly, Growing Home proceeded to get an estimate to upgrade the service for \$50,000, and is requesting the City provided a supplemental grant of \$25,000 in HOME funds towards the project. Adams County has agreed to provide the other \$25,000 pending the City’s decision to provide the match.

The City currently has a balance of about \$400,000 in HOME funds available to assist initiatives for low to moderate income housing. The City receives an allocation of about \$220,000 annually in HOME funds from the U.S. Department of Housing and Urban Development (HUD). The funds are made available to provide and support housing endeavors related to low-income and special needs populations. As such, use of the funds in support of the proposed improvement is permitted. HOME has traditionally been used by the City to fund its low-income housing rehabilitation program and first-time homebuyer program. Historically, each of these programs has expended less than \$100,000 annually. Should the City fund Growing Home, a balance of about \$375,000 would remain available for these existing programs. The City is expected to receive another allocation of about \$240,000 in March, 2007, which would bring the HOME balance back up to about \$615,000.

Should the City Council choose not to provide the supplemental funding, Growing Home would evaluate other remaining improvements and defer some of them as needed until such time as additional funding can be secured. The most likely candidate for deferred improvement is enhancement of the water boiler, which, while on the original list of improvements, does not need to be improved per City building code.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **64**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

AWARDING GROWING HOME A SUPPLEMENTAL ALLOCATION OF \$25,000 IN "HOME" FUNDS FOR REHABILITATION OF THE WESTCHESTER APARTMENTS

WHEREAS, Growing Home, a non-profit corporation did purchase the 20-unit Westchester Apartments at 7240 Newton Street, Westminster, Colorado, hereafter known as the Project, with the intent of providing affordable and transitional housing serving low-income and homeless families; and

WHEREAS, Growing Home received an initial allocation of \$200,000 in HOME funds from the City to assist in making substantial improvements to the residential units within the Project; and,

WHEREAS, circumstances beyond the control of Growing Home have increased the cost of adequately rehabilitating the units beyond the original budget and funding in place; and,

WHEREAS, Growing Home is requesting a supplemental allocation of \$25,000 in HOME funds from the City to assist in covering the funding shortage; and,

WHEREAS, the City of Westminster has sufficient HOME funds on deposit with Adams County, as designated administrator of the funds, that are readily available to provide the funding for the Project as requested; and,

WHEREAS, the Project meets federal eligibility requirements relative to the use of such funds; and,

WHEREAS, the City Council finds that the Project as proposed meets the goals and objectives of the South Westminster Strategic Revitalization Plan related to providing a diverse range of livable housing options and will contribute to improving the livability of the south Westminster neighborhood.

NOW, THEREFORE, the Westminster City Council hereby resolves that the City of Westminster awards a supplemental grant of \$25,000 of its HOME funds, currently on deposit with and administered by the Adams County Office of Community Development, to Growing Home relative to the Westchester Apartment Project located at 7240 Newton Street, in the City of Westminster, Adams County, Colorado, and that such funds shall be applied towards costs incurred relative to rehabilitation of the residences.

PASSED AND ADOPTED this 27th day of November, 2006.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Resolution No. 65 re Staffing of Community Service Coordinator Position

Prepared By: Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Adopt Resolution No. 65 approving the reclassification of the Community Service Coordinator as a non-exempt position with salary grade N-13 and authorizing the transfer of \$36,732 for salary from the 2007 Public Works and Utilities Street Division Regular Salaries account to the 2007 Police Department Investigation and Technical Services Division Regular Salaries account.

Summary Statement

- Staff presented a proposal to City Council October 6, 2006 concerning a comprehensive graffiti strategy. Part of the graffiti strategy included re-staffing the existing vacant Community Services Coordinator position.
- After receiving Council's support for the graffiti strategy concept, staff completed an evaluation of the existing Community Service Coordinator job description and has made changes that include in this employee's job duties management of the graffiti program. The current salary grade for the Community Service Coordinator is N-11. Staff believes an increase to N-13 is warranted due to the additional responsibilities and program management.
- Staff is also recommending the transfer of this position from Public Works and Utilities to the Police Department. This move would enhance coordination of efforts with the Municipal Court, Code Enforcement, the Police Department's SET team for reporting and tracking incidents of graffiti, and the Police Department's School Resource Officers for providing education for students.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the salary grade of the Community Service Coordinator be increased from N-11 to N-13 and should the position be transferred from Public Works and Utilities to the Police Department?

Alternatives

1. Do not increase the salary to the recommended grade. Staff does not recommend this alternative as the new job duties for the Community Service Coordinator add the responsibilities for the graffiti program and as such merit an increase.
2. Do not transfer the position from Public Works and Utilities to the Police Department. This alternative is not recommended as staff from both departments are in agreement with this transfer and believe that the move to the Police Department will consolidate the City's efforts towards making a more unified attack on the graffiti problem.

Background Information

At the October 6, 2006 City Council Study Session meeting, Staff presented a proposal outlining steps to address the graffiti problem in the City. That proposal consisted of an initiative that would include community involvement, enforcement and eradication. It was proposed that the City re-staff the Community Service Coordinator position that has been frozen since late 2003. This employee would continue to function as the City facilitator for community service recipients and would be charged with the responsibility of management of the graffiti program.

Additionally, it was recommended to City Council that this position be transferred from Public Works and Utilities Street Division to the Police Department Investigation and Technical Services Division, Neighborhood Services Section. Staff believes that this will consolidate activities dealing with graffiti and enhance coordination of efforts between Code Enforcement, the Police Department's Special Enforcement Team, the School Resource Officers and the Municipal Court.

Staff made changes to the existing job description for the Community Service Coordinator to add the responsibility for the program management. Human Resources evaluated the new position requirements and in conjunction with Police Department Staff are recommending that the position continue as a non-exempt and that the salary be increased from N-11 (\$34,922-\$44,703) to N-13 (\$37,541-\$48,056). The difference between the N-11 and the proposed N-13 salary grade will be absorbed within the Police Department operational budget for 2007 and 2008.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **65**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

COMMUNITY SERVICE COORDINATOR POSITION

WHEREAS, Section 1-24-1 and 1-24-4 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the pay plan for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2007 Pay Plan as part of the amended FY2006 City of Westminster budget adopted on October 23, 2006; and

WHEREAS, as a result of a change in job duties for the Community Service Coordinator position, the salary range has been changed from non-exempt N11 to non-exempt N13 and funds are available in the FY2007 budget; and

WHEREAS, the 1.0 full time equivalent (FTE) position is to be transferred from Public Works Street Division to Police Department Investigation and Technical Services Division.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the FY2007 Pay Plan be amended to reflect the Community Service Coordinator 1.0 FTE position at salary grade N13 and the position transferred from Public Works Street Division to Police Department Investigation and Technical Services Division effective on January 1, 2007.

PASSED AND ADOPTED this 27th day of November, 2006.

ATTEST:

City Clerk

Mayor

<u>Position Title</u>	<u>2006 Amended Midyear</u>	<u>2007 Proposed</u>	<u>2008 Proposed</u>
Neighborhood Services Section			
Business Unit: 100203000342			
Neighborhood Services			
Administrator	1.000	1.000	1.000
Community Services			
Coordinator	0.000	1.000	1.000
Code Enforcement Officer	5.000	5.500	5.500
<i>Lead Code Enforcement Officer</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Code Enforcement Supervisor	0.000	1.000	1.000
Code Enforcement Technician	1.000	1.000	1.000
Animal Management Supervisor	1.000	1.000	1.000
Animal Management Officer	<u>4.500</u>	<u>4.500</u>	<u>4.500</u>
I.T.S. - Neighborhood Services	13.500	15.000	15.000

Public Works & Utilities

Department

Street Maintenance Division

Business Unit: 10035450

Street Operations Manager	1.000	1.000	1.000
Street Supervisor	2.000	2.000	2.000
Street Inspector	3.000	3.000	3.000
Equipment Operator I	4.000	4.000	4.000
Equipment Operator II	3.000	3.000	3.000
<i>Crewleader</i>	<i>3.000</i>	<i>0.000</i>	<i>0.000</i>
Lead Street Operator	0.000	3.000	3.000
Maintenanceworker/Senior			
Maintenanceworker	9.000	9.000	9.000
Secretary	1.500	1.000	1.000
<i>Community Services Coordinator</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Streets Subtotal	27.500	26.000	26.000

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
N11	Accounting Technician	4515
N11	Animal Management Officer	6229
N14	Animal Management Supervisor	6230
N14	Applications Specialist	4312
N15	Assistant Building Plans Analyst	3422
N8	Assistant Pool Manager	5406
N14	Benefits Specialist	3711
N14	Benefits Specialist, Pension	3712

N18	Building Inspection Supervisor	3403	
N18	Building Plans Analyst	3404	
N11	Building Permit Technician	3425	New
N11	Building Repairworker	5108	
N11	CDBG Technician	3813	New
N15	Capital Projects Inspector	3418	
N13	Carpenter	5103	
N16	City Forester	5304	
N5	Clerk Typist I	4208	
N8	Clerk Typist II	4204	
N13	Code Enforcement Officer	3410	
N15	Code Enforcement Supervisor	3426	New
N11	Code Enforcement Technician	3419	
N10	Communications Specialist I	4104	
N12	Communications Specialist II	4103	
N16	Communications Supervisor	4102	
N13	Community Services Coordinator	7103	Change
N10	Community Service Officer	6221	
N11	Crewleader - Custodial	5105	
N13	Crewleader	5716	
N13	Criminalist	6209	
N14	CSO Supervisor	6232	New
N7	Custodian	5111	
N13	Deputy City Clerk	4407	
N10	Deputy Court Clerk	4412	
N12	Economic Development Aide	7135	
N15	Electrical Inspector	3406	
N15	Electromechanic Specialist	5702	
N18	EMS Coordinator	6118	
NF17	EMS Field Coordinator	6122	
N14	Engineering Construction Inspector	3409	
N13	Engineering Technician	3332	
N14	Environmental Analyst	7134	
N11	Equipment Mechanic	5711	
N12	Equipment Operator I	5717	
N13	Equipment Operator II	5718	
N9	Equipment Services Assistant	6212	
N12	Facility Assistant	5404	
NF18	Fire Captain	6106	
N18	Fire Captain - Field Training Officer	6119	
NF16	Fire Engineer	6109	
NF17	Fire Lieutenant	6108	
N17	Fire Lieutenant - Fire Investigator	6121	
	Fire Lieutenant - Fire Prevention		
N17	Specialist	6113	
	Fire Lieutenant - Technical Services		
N17	Coordinator	6120	
NF16	Fire Paramedic	6110	
N17	Fire Plans Examiner/Inspector	6117	
NF11	Firefighter I	6112	
NF15	Firefighter II	6111	
N13	Fleet Specialist	5722	New
N16	Foreman	5719	
N15	General Building Inspector	3407	
N15	GIS Specialist	4308	
N11	GIS Technician	4313	
N12	Golf Irrigator	3919	

N10	Golf Worker	3920	
N5	Guest Relations Clerk I	4206	
N7	Guest Relations Clerk II	4209	
N11	Help Desk Technician	4311	
N12	Horticultural Specialist	5319	
N15	Housing Inspector	3417	
N11	Human Resources Technician	3706	
N13	HVAC Specialist	5708	
N12	HVAC Technician	5712	
N15	(I) Assistant Building Plans Analyst	3420	
N13	(I) Crewleader	5720	
N7	(I) Custodian	5112	
N15	(I) Electrical Inspector	3416	
	(I) Engineering Construction		
N14	Inspector	3414	
N12	(I) Facility Assistant	5415	
N15	(I) General Building Inspector	3413	
N5	(I) Guest Relations Clerk I	4213	
N7	(I) Guest Relations Clerk II	4214	
N15	(I) Housing Inspector	3421	
N9	(I) Maintenanceworker	5613	
N16	(I) Operations Coordinator	5327	
N9	(I) Parksworker I	5323	
N11	(I) Parksworker II	5324	
N14	(I) Police Officer	6208	
N10	(I) Secretary	4212	
N16	(I) Senior Police Officer	6217	
N7	Intern	7133	
N11	Irrigator I	5309	
N12	Irrigator II	5307	
N10	Laboratory Aide	3337	
N15	Laboratory Analyst	3319	
N15	Laboratory Services Coordinator	3327	
N16	Lead Housing Inspector	3424	
N13	Lead Meter Repairworker	5615	
N16	Lead Plant Operator	3314	
N12	Lead Police Records Technician	4415	New
N14	Lead Street Operator	5520	New
N8	Library Associate I	3606	
N10	Library Associate II	3609	
N5	Library Clerk I	3607	
N6	Library Clerk II	3610	
N2	Library Page	3608	
N11	Library Specialist	3616	
N4	Lifeguard / Lead Lifeguard	5414	Change
N13	Liquor Investigations Officer	6224	
N9	Maintenanceworker	5511	
N11	Management Intern I	7110	
N12	Mechanic I	5709	
N13	Mechanic II	5707	
N8	Messenger	4205	
N10	Meter Repairworker	5606	
N13	Meter Technician	5605	
N13	Official Development Plan Inspector	3408	
N13	Open Space Technician	3812	
N10	Park Ranger	5330	
N9	Parksworker I	5311	

N11	Parkswoker II	5308	
N12	Planning Technician	3805	
N11	Plant Operator I	3324	
N12	Plant Operator II	3322	
N13	Plant Operator III	3320	
N14	Plant Operator IV	3316	
N9	Plant Operator Trainee	3346	
N14	Police Officer	6207	
N11	Police Officer Trainee	6218	
N15	Police Records Supervisor	4416	New
N10	Police Records Technician	4417	New
N8	Press Operator Assistant	5714	
N11	Print Shop Coordinator	5721	
N12	Probation Officer	3509	
N11	Property Evidence Technician	6226	
N11	Records Management Technician	3333	
N6	Recreation Aide	5407	
N11	Report Specialist	6213	
N10	Revenue Services Representative	4514	
N14	Risk Management Specialist	3704	
N11	Risk Management Technician	3715	
N11	Sales Tax Technician	4504	
N12	Second Assistant Golf Professional	3913	
N13	Second Assistant Golf Superintendent	3921	
N10	Secretary	4202	
N5	Security Officer	5109	
N16	Senior Criminalist	6205	
N11	Senior Maintenanceworker	5510	
N13	Senior Park Ranger	5318	
N16	Senior Police Officer	6206	
N19	Sergeant	6204	
N14	Street Inspector	5517	
N7	Switchboard Operator	4207	
N14	Traffic Accident Investigator	6215	
N12	Traffic Enforcement Technician	6231	
N19	Training Captain	6115	
N14	Utilities Specialist	5614	
N15	Utilities Systems Specialist	5512	
N13	Utilities Technician	5604	
N12	Victim Advocate	3506	
N12	Water Resources Technician	3334	



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Councillor’s Bill No. 68 re Changes to the Liquor License Ordinance and Alcohol-Related Offenses

Prepared By: Janice Kraft, Neighborhood Services Administrator
Eugene Mei, Assistant City Attorney

Recommended City Council Action

Pass Councillor’s Bill No. 68 on first reading amending the Westminster Municipal Code as it relates to various changes to the liquor licensing and alcohol-related Code sections.

Summary Statement

- Staff presented information to City Council at a study session meeting October 2, 2006 concerning the adoption of various changes to the liquor licensing and alcohol-related Code sections.
- It was Staff’s recommendation that Council adopt the following changes:
 - Adopt a new class of liquor license, a “vintner’s restaurant license,” which was established by recent state legislation. This new classification applies to medium and small scale wineries that serve meals. The proposed ordinance would allow the Westminster Special Permit and License Board to issue this type of license.
 - Adopt an amendment needed to resolve a conflict between the City’s ordinance and recent changes in state law regarding open alcoholic beverages in motor vehicles. The proposed ordinance would amend the City’s ordinance to be consistent with state law, thereby allowing opened containers to be stored in a vehicle’s trunk area and to be present in certain classes of vehicles, e.g., vehicles for hire.
 - Adopt an amendment that will expand the classes of liquor licensees that are permitted to “cork” the remaining portion of a single container of vinous liquor and allow customers to take that container with them. The proposed ordinance would amend the City’s ordinance to be consistent with the state corking law.
 - Adopt three sections of state law that require a licensed establishment to post signage stating that it is illegal to sell alcohol to a person under the age of twenty-one or for a person under twenty-one to possess or attempt to purchase alcohol; makes it unlawful to possess an alcohol beverage, the sale of which is not permitted by the licensee’s existing license, and, makes it unlawful to provide alcohol to a visibly intoxicated person or habitual drunkard by selling, permitting the sale of, or serving alcohol to that person.
- Council concurred with these recommendations at the study session, and directed Staff to return with proposed amendments to the City Code.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council adopt an ordinance amending the City's Code to be consistent with recently enacted state laws concerning liquor license classifications, open alcoholic beverages in motor vehicles, and the removal of resealed bottles of vinous liquors by customers from the premises of certain alcoholic beverage licensees? In addition, should City Council adopt state law requirements that regulate posting of signage prohibiting the sale of alcohol to any person under twenty-one years of age, possessing an alcoholic beverage that is not permitted by the class of license, and providing alcohol to a visibly intoxicated person or habitual drunkard?

Alternative

Do not adopt the ordinance. This alternative is not recommended because it would result in conflicts between the City's ordinance and state law, and would not facilitate enforcement by the Liquor Investigations Officer of several important liquor requirements.

Background Information

The state legislature enacted new laws regarding vintner's restaurant licenses, open alcohol containers, and "corking" as follows:

Vintner's Restaurant License – HB 04-1357 (C.R.S. sections 12-47-103(39.5), 12-47-309, 12-47-420, and other relevant sections): This law creates a new class of liquor license known as the "vintner's restaurant license." A "vintner's restaurant" is defined as a retail establishment that sells food on the premises and manufactures not more than 250,000 gallons of wine per year. The law authorizes a local liquor licensing authority to issue this type of license. The proposed ordinance would enable the Westminster Special Permit and License Board to issue such licenses.

Open Container Law – HB 05-1122 (C.R.S. section 42-4-1305): This law generally prohibits open containers in the passenger area of motor vehicles on a public highway. The corollary to the "passenger area" prohibition is that open containers are permitted in the trunk of a car, or the bed of a pickup truck. The law contains exemptions for motor homes, mobile trailers, and passengers in vehicles designed for transportation of persons for compensation (taxis, limos, etc.). Finally, the law expressly states that home rule cities can adopt ordinances no less restrictive than the state open container law.

Westminster's current open container ordinance prohibits an open liquor container anywhere in a vehicle located in any public place within the City. (W.M.C. sections 6-9-3(A) and (B)). Therefore, in contrast to the new state law, the City's open container ordinance 1) is not restricted to the passenger area of a vehicle, but instead applies to the entire vehicle; and 2) applies to all vehicles with no exceptions for taxis, motor homes, etc.

If adopted, the proposed ordinance would limit the City's open container prohibition to just the passenger areas of vehicles; therefore, "corked" containers no longer need to be exempted from the City's open container ordinance as currently provided for in W.M.C. section 6-9-3(C). Furthermore, the proposed ordinance provides for exemptions for motor homes, mobile trailers and vehicles for hire in conformance with state statute.

Corking Law – SB 05-058 (C.R.S. section 12-47-421): This law operates to expand the classes of liquor licensees that are permitted to "cork" the remaining portion of a single container of vinous liquor and allow customers to take that container with them. Previously, C.R.S. section 12-47-411(3.5) allowed only hotel or restaurant licensees to cork. The new state law now expands that list to include the following licensees that serve meals: manufacturer, limited winery, beer and wine, tavern, brew pub and vintner's restaurant.

W.M.C. section 6-9-3(C) was amended in 2004 to permit hotel or restaurant licensees to "cork." The proposed ordinance would amend the Code again to be consistent with the expanded classes of liquor licensees that are permitted to "cork" under state law.

State liquor law contains three requirements that Staff believes to be important for adoption as part of the City's ordinance to facilitate local liquor enforcement efforts. Enforcement of these three regulations currently requires a commissioned Police Officer to issue a state summons to the violator. When a state summons is issued, the issuing Police Officer is required to appear in county court located in Golden or Brighton. Adopting these three requirements as part of the City's liquor ordinance would facilitate local liquor enforcement efforts because they would become charges that could be written to Municipal Court by the Liquor Investigations Officer. The Liquor Investigations Officer is a civilian position with limited authority to issue municipal summonses for specific violations of the City Code.

The Liquor Investigations Officer performs routine inspections at establishments that currently hold a City liquor license. Two of the state law requirements that Staff proposes for adoption are commonly encountered by the Liquor Investigations Officer during these routine inspections. The first is a requirement that a sign be posted at the premises that warns underage persons that it is illegal to attempt to purchase alcohol beverages, and warns the Licensee and patrons that it is illegal to sell, serve or provide alcohol to any person under the age twenty-one. The second prohibits a Licensee from being in possession of liquor, the sale of which is not permitted by said license. An example of a violation of this section would be a Licensee holding a Beer and Wine Liquor License but serving spirituous liquor such as tequila or vodka.

Staff is also recommending adoption of language contained in the State code that makes it unlawful to sell, serve or permit the sale or serving of any alcohol beverages to a visibly intoxicated person or to a known habitual drunkard. When the Police Department receives a call for service for a fight at a bar or tavern, the first responders are police officers whose primary purpose is to stop the disturbance and make the premises safe. There may or may not be a resulting arrest, but the police officer will report the incident to the Liquor Investigations Officer for follow-up and for creation of a record for consideration during the licensee's liquor license renewal. During this follow-up, if the Liquor Investigations Officer is able to determine that the Licensee did in fact serve alcohol to an intoxicated person, a municipal summons would be served.

The proposed ordinance amendment also accomplishes some housekeeping items and corrects outdated references to the Colorado Revised Statutes.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
MUNICIPAL CODE CONCERNING LIQUOR LICENSING PROVISIONS
AND ALCOHOL-RELATED POLICE REGULATIONS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-14-4, subsection (A), is hereby AMENDED to read as follows:

5-14-4: LICENSE APPLICATIONS:

(A) The following licenses may be issued by the Licensing Authority under this Chapter:

1. Fermented malt beverages:
 - (a) For consumption off the premises of the licensee;
 - (b) For consumption on the premises of the licensee;
 - (c) For consumption both on and off the premises of the licensee;
 - (d) Temporary Permit, for the continuance of the sale of fermented malt beverages by a transferee pending the transfer of the permanent license;
 - (e) Temporary License for the continuance of the sale of fermented malt beverages by a licensee whose license has expired where the licensee has applied for a permanent license.
2. Retail liquor store;
3. Liquor-licensed drugstore;
4. Beer and wine;
5. Hotel and restaurant;
6. Hotel and restaurant with optional premises;
7. Tavern;
8. Club;
9. Arts;
10. Racetrack; ~~and~~
11. Temporary Permit for the continuance of the sale of alcoholic beverages by a transferee pending the transfer of the permanent license;
12. Temporary License for the continuance of the sale of alcoholic beverages by a licensee whose license has expired where the licensee has applied for a permanent license;
13. Special events permit;
14. Brew Pub License; ~~and~~
15. Bed and Breakfast Permit; AND
16. VINTNER'S RESTAURANT LICENSE.

Section 2. Section 5-14-5, subsection (B), W.M.C., is hereby AMENDED to read as follows:

5-14-5: FEES:

(B) The local license fees prescribed by C.R.S. Section ~~12-46-117~~ 12-46-107 and ~~12-47-139~~ 12-47-505, as amended, shall be paid to the City annually in advance by the licensee. Such fees shall not be rebated or discounted on a proportionate basis for any license in existence or issued for less than a year. These fees shall be in addition to any license fees required to be paid directly to the State.

Section 3. Section 5-14-7, subsection (F), W.M.C., is hereby AMENDED to read as follows:

5-14-7: LICENSE DENIAL, SUSPENSION OR REVOCATION:

(F) If the Authority suspends a retail license, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having its license suspended for all or part of the suspension period. The Authority may grant the petition if the criteria and conditions of Section ~~12-47-110(3)~~ 12-47-601(3)(a) and Section 5-1-7(B), W.M.C., are met.

Section 4. Section 5-14-14, subsection (A), W.M.C., is hereby AMENDED to read as follows:

5-14-14: DISTANCE RESTRICTION ELIMINATED FOR CERTAIN SCHOOLS:

(A) The distance restriction imposed by Section ~~12-47-138(1)(d)~~ 12-47-313(1)(d), C.R.S., for hotel-restaurant licenses is hereby eliminated for institutions or facilities which serve children ~~preceeding~~ PRECEDING their entrance to the first grade in public, private or parochial schools. Such institutions or facilities include, but are not limited to, those described or known as day schools, preschools, child care centers, day care centers, day nurseries, nursery schools, kindergartens, play groups, day camps, summer camps, learning centers, child development centers, religious training programs such as Sunday schools or vacation bible schools and centers for developmentally disabled children.

Section 5. Title V, Chapter 14, W.M.C., AND THE TABLE OF CONTENTS THEREFOR is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

5-14-16: REMOVAL OF VINOUS LIQUOR FROM LICENSED PREMISES:

(A) NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, A LICENSEE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY PERMIT A CUSTOMER OF THE LICENSEE TO RESEAL AND REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR PURCHASED ON THE PREMISES SO LONG AS THE ORIGINALLY SEALED CONTAINER DID NOT CONTAIN MORE THAN 750 MILLILITERS OF VINOUS LIQUOR.

(B) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A LICENSEE:

1. THAT IS DULY LICENSED AS A MANUFACTURER'S LICENSEE UNDER SECTION 12-47-402, C.R.S., A LIMITED WINERY LICENSEE UNDER SECTION 12-47-403, C.R.S., A BEER AND WINE LICENSEE, A HOTEL AND RESTAURANT LICENSEE, A TAVERN LICENSEE, A BREW PUB LICENSEE, OR A VINTNER'S RESTAURANT LICENSEE UNDER SECTION 5-14-4, W.M.C.; AND

2. THAT HAS MEALS, AS DEFINED IN SECTION 12-47-103(20), C.R.S., AVAILABLE FOR CONSUMPTION ON THE LICENSED PREMISES.

Section 6. Section 6-9-1, W.M.C., is hereby AMENDED to read as follows:

6-9-1: DEFINITIONS: As used in this Chapter, the following words and phrases shall have the following meanings:

(A) "Public Place" shall mean any street, alley, road, highway, parking lot, public or community building, public park or sidewalk adjoining a public park; any private property open to the general public, or any place used by persons other than the owner, or owner's agent, without a special permit.

(B) "Container" shall mean any enclosing structure or vessel, including, but not limited to, a decanter, flask, bottle, jar, thermos bottle, cup, can or jug.

(C) "Seal" shall mean the regular and original seal applied by the United States government over the cap of a beer, malt, vinous or spirituous liquor.

(D) "Alcoholic Beverages" shall mean any fermented malt beverages (3.2% alcohol by weight, or less), malt vinous or spirituous liquors (3.2% alcohol by weight, or more), as defined by State law.

(E) "Open ALCOHOLIC BEVERAGE Container" shall mean any container CONTAINING ANY AMOUNT OF ALCOHOLIC BEVERAGE that is open and would allow consumption OR THE CONTENTS OF WHICH ARE PARTIALLY REMOVED, or a container of which the seal has been broken, EXCEPT FOR A CONTAINER RESEALED PURSUANT TO W.M.C. SECTION 5-14-16.

(F) "MOTOR VEHICLE" MEANS A VEHICLE DRIVEN OR DRAWN BY MECHANICAL POWER AND MANUFACTURED PRIMARILY FOR USE ON PUBLIC HIGHWAYS, BUT DOES NOT INCLUDE A VEHICLE OPERATED EXCLUSIVELY ON A RAIL OR RAILS.

(G) "PASSENGER AREA" MEANS THE AREA DESIGNED TO SEAT THE DRIVER AND PASSENGERS WHILE A MOTOR VEHICLE IS IN OPERATION AND ANY AREA THAT IS READILY ACCESSIBLE TO THE DRIVER OR A PASSENGER WHILE IN HIS OR HER SEATING POSITION, INCLUDING, BUT NOT LIMITED TO, THE GLOVE COMPARTMENT.

Section 7. Section 6-9-3, W.M.C., is hereby AMENDED to read as follows:

6-9-3: OPEN CONTAINERS OF ALCOHOLIC BEVERAGES:

(A) It shall be unlawful for any person to drink, possess or have under his control, any alcoholic beverage in an open ALCOHOLIC BEVERAGE container, ~~or in a container, the seal of which is broken,~~ in any public place within the City'S JURISDICTION, ~~or in any vehicle in a public place.~~

(B) ~~It shall be unlawful for any person, while operating a vehicle in any public place within the City, to drink, possess, have under his control or allow any alcoholic beverage within the vehicle, in any open container, or in a container, the seal of which is broken.~~ MOTOR VEHICLES:

1. EXCEPT AS OTHERWISE PERMITTED IN PARAGRAPH 2. OF THIS SUBSECTION (B), A PERSON WHILE IN THE PASSENGER AREA OF A MOTOR VEHICLE THAT IS ON A PUBLIC HIGHWAY WITHIN THE CITY'S JURISDICTION OR THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY WITHIN THE CITY'S JURISDICTION MAY NOT KNOWINGLY:

- (a) DRINK AN ALCOHOLIC BEVERAGE; OR
- (b) HAVE IN HIS OR HER POSSESSION AN OPEN ALCOHOLIC BEVERAGE CONTAINER.

2. THE PROVISIONS OF THIS SUBSECTION (B) SHALL NOT APPLY TO:

- (a) PASSENGERS, OTHER THAN THE DRIVER OR A FRONT SEAT PASSENGER, LOCATED IN THE PASSENGER AREA OF A MOTOR VEHICLE DESIGNED, MAINTAINED, OR USED PRIMARILY FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION.
- (b) THE POSSESSION BY A PASSENGER, OTHER THAN THE DRIVER OR A FRONT SEAT PASSENGER, OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER IN THE LIVING QUARTERS OF A HOUSE COACH, HOUSE TRAILER, MOTOR HOME, AS DEFINED IN SECTION 42-1-102(57), C.R.S., OR TRAILER COACH, AS DEFINED IN SECTION 42-1-102(106)(a), C.R.S.
- (c) THE POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER IN THE AREA BEHIND THE LAST UPRIGHT SEAT OF A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH A TRUNK; OR
- (d) THE POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER IN AN AREA NOT NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER IN A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH A TRUNK.

~~(C) Exception: Subsections (A) and (B) above shall not apply to the possession or control of one opened container of vinous liquor purchased and removed from a liquor licensed hotel or restaurant, pursuant to the provisions of Section 12-47-411(3.5), C.R.S., so long as the original container did not contain more than 750 milliliters.~~

~~(D)~~ (C) Nothing in this Section shall prohibit drinking or having open containers of alcoholic beverages:

1. In public areas where authorized by a properly issued special event permit.
2. Pursuant to a permit issued by the Department of Parks, Recreation and Libraries.
3. On private property authorized by the owner of such property or the guests of such owner.

~~(E)~~ (D) ~~Notwithstanding the foregoing provisions~~ EXCEPT AS OTHERWISE PERMITTED IN PARAGRAPH 2 OF SUBSECTION (B) ABOVE, drinking alcoholic beverages in any MOTOR vehicle is hereby prohibited.

~~(F)~~ (E) A violation of this section is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

Section 8. Section 6-9-4, subsections (B) and (C), W.M.C., are hereby amended BY THE ADDITION OF NEW SUBSECTIONS as follows:

6-9-4: CONDUCT PROHIBITED IN LIQUOR AND BEER ESTABLISHMENTS:

(B) Prohibited Acts:

9. IT SHALL BE UNLAWFUL FOR ANY LICENSEE, MANAGER OR AGENT TO SELL, SERVE, GIVE AWAY, DISPOSE OF, EXCHANGE, OR DELIVER, OR PERMIT THE SALE, SERVING, GIVING, OR PROCURING OF, ANY ALCOHOL BEVERAGE TO A VISIBLY INTOXICATED PERSON OR TO A KNOWN HABITUAL DRUNKARD.

10. IT SHALL BE UNLAWFUL FOR ANY LICENSEE, MANAGER, OR AGENT TO HAVE IN POSSESSION OR UPON THE LICENSED PREMISES ANY ALCOHOL BEVERAGE, THE SALE OF WHICH IS NOT PERMITTED BY SAID LICENSE.

(C) Requirements and Regulations: It shall be unlawful for any licensee to fail to comply with the following requirements and regulations:

3. EACH LICENSEE SHALL DISPLAY AT ALL TIMES IN A PROMINENT PLACE A PRINTED CARD WITH A MINIMUM HEIGHT OF FOURTEEN (14) INCHES AND A WIDTH OF ELEVEN (11) INCHES WITH EACH LETTER TO BE A MINIMUM OF ONE-HALF (1/2) INCH IN HEIGHT, WHICH SHALL READ AS FOLLOWS:

WARNING

IT IS ILLEGAL TO SELL LIQUOR, WINE, OR BEER TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

IT IS ILLEGAL IF YOU ARE TWENTY-ONE YEARS OF AGE OR OLDER FOR YOU TO PURCHASE LIQUOR, WINE, OR BEER FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE.

FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.

Section 9. This ordinance shall take effect upon its passage after second reading.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of December, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 27, 2006



SUBJECT: Councillor's Bill No. 69 re Adoption of the 2006 International Building and Fire Codes

Prepared By: Dave Horras, Chief Building Official
Doug Hall, Deputy Fire Marshal

Recommended City Council Action

Pass Councillor's Bill No. 69 on first reading adopting the 2006 editions of the International Building and Fire Codes.

Summary Statement

- Staff is recommending that City Council to adopt, by reference, the 2006 editions of the International Building Codes developed and published by the International Code Council (ICC) as the building and fire codes for the City of Westminster. These codes would replace the 2000 edition of the International Codes that have been adopted as the City's building and fire codes since 2002.
- Staff is proposing the adoption of the following codes published by the International Code Council:
 - The International Building Code, 2006 edition
 - The International Fire Code, 2006 edition
 - The International Residential Code, 2006 edition
 - The International Plumbing Code, 2006 edition
 - The International Mechanical Code, 2006 edition
 - The International Fuel Gas Code, 2006 edition
 - The International Energy Conservation Code, 2006 edition
 - The International Existing Buildings Code, 2006 edition
- In addition to the above referenced codes, staff is also proposing the adoption of the 2005 edition of the National Electrical Code (NEC). The 2005 NEC is published by the National Fire Protection Association and is the latest edition of the electrical code.
- Staff is also proposing revisions to some of the administrative provisions of the current code, including recommended changes to the unsafe building provisions based on past experiences with the Holly Park project and other problem projects.

Expenditure Required: Approximately \$5,000 for code books and new handout materials

Source of Funds: General Fund - Building Division and Fire Prevention Operating Budgets

Policy Issue

Should the City of Westminster adopt, by reference, the most current editions of the International Codes as the building and fire codes for the City?

Alternative

Continue with the currently adopted 2000 edition of the International Codes. This alternative would allow staff to continue to enforce codes with which they are very familiar. This alternative would also not require the purchase of new code books. However, the building and fire code development process is designed to evolve along with constantly changing building processes. This alternative would not keep the adopted building and fire codes current with the latest technologies or provide for the use of advancements in building construction techniques or materials. This could discourage owners and developers from building in Westminster. Westminster would soon become an exception as other jurisdictions adopted the most current versions of the codes.

Background Information

Since 1951 the City of Westminster has adopted a model building code, the Uniform Building Code published by the International Conference of Building Officials (ICBO), as the minimum building and safety standards for the city. The first fire code for the City of Westminster was adopted in the mid-1970's. In 1994, the three national model code organizations, consisting of the Southern Building Code Congress International (SBCCI), Building Officials Code Administration (BOCA), and ICBO joined forces to form the International Code Council (ICC) with the goal to develop a single national set of codes that could be used across the country.

Many in the building trades, including designers, builders, manufactures and suppliers, requested a single set of building codes to aid them in the delivery of services and products more efficiently nationwide. The ICC was formed and the International codes were developed in an effort to provide a complete set of consistent, comprehensive, correlated code regulations nationwide.

The International Code Council's development of the International Codes, known as the I-Codes, has helped create a more attractive climate for businesses nationwide now that a single set of minimum design requirements apply from coast-to-coast. The City of Westminster adopted the first complete set of the I-Codes when the 2000 I-Codes were adopted in September of 2002.

The 2006 edition of the International Codes represent the most current, comprehensive, integrated set of building and fire safety code regulations. The International Codes are an all-inclusive set of building construction codes covering all aspects of construction, including fire protection, mechanical, plumbing, energy conservation, and accessibility. The International Codes incorporate elements of each of the previous model codes and apply to new construction or alteration of existing structures.

The adoption of the full family of International Codes is fully endorsed by many prominent national organizations. Some of the organizations that have formally shown support for the International Codes include:

- The American Institute of Architects (AIA)
- The National Home Builders Association (NAHB)
- The Federal Emergency Management Agency (FEMA)
- The American Gas Association (AGA)
- The Building Owners and Managers Association (BOMA)
- The Federal Housing and Urban Development Agency (HUD)
- The Department of Energy (DOE)
- The International City/County Management Association (ICMA)

Building code and fire protection technology is constantly evolving and codes and standards require continual updating to keep pace with new ideas and products. The City of Westminster needs to update the adopted building and fire codes so that owners, designers and contractors will not be restricted from taking advantage of new technologies and building practices. The I-Codes are currently the only published set of codes available to adopt as a correlated, contemporary set of building code regulations and represent the most up-to-date set of codes governing building construction.

At last count there were about 200 Colorado jurisdictions, authorities, or special districts that have adopted one or more of the International Codes. Locally, most jurisdictions, including Arvada, Thornton, Broomfield and Jefferson County are either in the process, or have already have, updated to the 2006 editions of the I-Codes.

It is proposed to adopt the I-Codes by reference that will result in hundreds of changes in the minimum standards. The great majority of these changes will not be noticeable to the general public, however, some provisions that are new to the 2006 International Codes are:

- Increased fire separation distance from 3' to 5' for residential construction
- Window guards on operable windows where the window sill is within 24" of the floor
- Reroofing provisions that will require the removal of existing roofing materials prior to installation of a new roof
- New requirements for residential roofing materials based on the local wind speeds in Westminster

Efforts will be made to notify contractors and owners of these new provisions, especially for the new roofing requirements, through the use of handout materials, City Edition and other available means.

In addition, Staff has proposed a limited number of amendments to the proposed Codes. All of the proposed amendments fall into one of the following categories:

- Amendments to "fill in the blanks" in the model codes to localize them to the City of Westminster based on weather factors and soil conditions
- Amendments unique to the City of Westminster such as Westminster's restriction on the installation of solid fuel burning devices to address air quality issues or the allowing of State "permissible fireworks" for a limited number of days
- Amendments retaining previously adopted building codes that proved effective and are no longer included as part of the current International Codes

As with almost all new code provisions, new code requirements will only apply to new buildings or buildings that are undergoing a renovation. New provisions do not retroactively apply to existing buildings approved under a previous version of the codes. The fire code is used to maintain existing buildings from a building and fire safety perspective.

Staff has also been working with the City Attorney's Office to revise some of the administrative provision of the building codes, specifically dealing with the unsafe building provisions. In dealing with the Holly Park project and some other problem projects, staff has identified problems in applying some of the code provisions. The proposed changes will help in enforcing the unsafe building provisions of the code.

The proposed adoption and local code amendments have been reviewed by the Westminster Board of Building Code Appeals and by the Denver Metro Home Builders Association. The Board of Appeals and the Denver Metro Home Builders Association have indicated support for the 2006 Editions of the International Codes and the proposed adoption and it is expected that the Home Builders will support the adoption as well.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. **69**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE XI, CHAPTERS 9 AND 10, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE BUILDING AND FIRE CODES AND AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 9 of Title XI, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 9

BUILDING CODES

- 11-9-1: ADOPTION OF BUILDING CODES**
- 11-9-2: ADMINISTRATIVE PROVISIONS**
- 11-9-3: PERMITS AND FEES**
- 11-9-4: INSPECTIONS**
- 11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS**
- 11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS**
- 11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS**
- 11-9-8: INTERNATIONAL PLUMBING CODE AMENDMENTS**
- 11-9-9: INTERNATIONAL MECHANICAL CODE AMENDMENTS**
- 11-9-10: INTERNATIONAL FUEL GAS CODE AMENDMENTS**
- 11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS**
- 11-9-12: INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS**
- 11-9-13: MOBILE HOMES**

11-9-1: ADOPTION OF BUILDING CODES:

(A) Intent and Findings. The intent of this chapter is to adopt by reference and with modifications the International Building Code, 2006 Edition; the International Residential Code, 2006 Edition; the National Electrical Code, 2005 Edition; the International Plumbing Code, 2006 Edition; the International Mechanical Code, 2006 Edition; the International Fuel Gas Code, 2006 Edition; the International Energy Conservation Code, 2006 Edition; and the International Existing Building Code, 2006 Edition.

Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

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

1. International Building Code. The "International Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 35 inclusive and Appendix Chapter I are hereby adopted as the Building Code of and for the City of Westminster.

2. International Residential Code. The "International Residential Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 43 inclusive and Appendix Chapters A, G, H, and K inclusive are hereby adopted as the Residential Building Code of and for the City of Westminster.

3. National Electrical Code. The "National Electrical Code, 2005 Edition", published by the National Fire Protection Association, Inc., and in particular Article 70, Chapters 1 through 9 inclusive is hereby adopted as the Electrical Code of and for the City of Westminster.

4. International Plumbing Code. The "International Plumbing Code, 2006 Edition", published by the International Code Council, Inc., in particular Chapters 2 through 13 inclusive and Appendix Chapters C, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

5. International Mechanical Code. The "International Mechanical Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive is hereby adopted as the Mechanical Code of and for the City of Westminster.

6. International Fuel Gas Code. The "International Fuel Gas Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 8 inclusive is hereby adopted as the Fuel Gas Code of and for the City of Westminster.

7. International Energy Conservation Code. The "International Energy Conservation Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 6 inclusive, is hereby adopted as the Energy Code of and for the City of Westminster.

8. International Existing Building Code. The "International Existing Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive and the Appendix B, is hereby adopted as the Existing Building Code of and for the City of Westminster.

11-9-2: ADMINISTRATIVE PROVISIONS:

(A) Purpose and Scope.

1. Purpose. The purpose of the Building Codes is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

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

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

4. The codes and standards referenced in the Building Codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the Building Codes and the referenced codes and standards, the provisions of the Building Codes shall apply.

(B) Applicability.

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

2. Other laws. The provisions of the Building Codes shall not be deemed to nullify any provision of local, state or federal law.

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

4. Partial invalidity. In the event any part or provision of the Building Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(C) Existing Structures.

1. Existing structures. The legal occupancy of any structure existing on the date of adoption of the Building Codes shall be permitted to continue without change, except as specifically covered in the Building Codes or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

a. Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

2. Maintenance. All equipment, systems, materials and appurtenances, both new and existing, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by the Building Codes shall be maintained in compliance with the code edition under which they were constructed or installed.

(D) Duties and Powers of Building Official.

1. General. The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building codes. The Building Official may delegate certain duties for the administration and authority to enforce the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice

shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made upon issuance of a search warrant by the Municipal Judge of the City.

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

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

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

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

4. Connection of service utilities. No person shall make connections from an energy, fuel, or power supply to any building or system that is regulated by the Building Codes until approved by the Building Official.

5. Authority to Disconnect Utilities in Emergencies. In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, or when a utility connection has been made without required approval, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

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

6. Alternate Materials and Methods of Construction.

a. General. The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official. The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient

evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the Building Official and shall include the reasons therefor.

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

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

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

7. Modifications. Whenever there are practical difficulties involved in complying with the provisions of the Building Codes, the Building Official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the Building Official and shall include the reasons therefor.

(E) Unsafe Buildings, Structures and Equipment.

1. Unsafe Buildings, Structures, and Equipment. Any building, structure, or equipment regulated by the Building Codes which are structurally unsafe, unsanitary or not provided with adequate egress, or not provided with adequate light and ventilation or which constitutes a fire or health hazard or is otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy is deemed unsafe.

a. Any building or structure which has any of all of the conditions or defects herein described shall be deemed to be a unsafe building, provided that such condition or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

- (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or Jurisdiction relating to the condition, location or structure of buildings.
- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty

electric wiring, gas connections or heating apparatus, the accumulation of trash, inadequate maintenance or other cause, is determined by the fire marshal to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) A vacant structure that is not secured against entry shall be deemed unsafe.

b. In addition to the above unsafe conditions, any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are deemed unsafe building appendages.

2. Abatement of Unsafe Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 11-9-2(E)3 of this Code.

a. Any building declared an unsafe building shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair. If requested, the owner shall, at the owner's expense, provide to the Building Official a remedial plan for the corrective work and information necessary to determine whether the remedial work can be completed within the time stated in the order; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry until such time as the building is demolished or repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair.

b. If the building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public and its occupants, it shall be ordered to be vacated and the Building Official may take all actions necessary to summarily abate the dangerous or unsafe condition pursuant to Section 8-4-5 of the Westminster Municipal Code.

3. Notice and Orders. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is unsafe, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

a. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and legal description of the property that the unsafe building is located.

(2) A statement that the Building Official has found the building to be unsafe with a brief and concise description of the conditions found to deem the building unsafe under the provisions of this section.

(3) A statement of action required to be taken and the time period allowed for such action.

(4) Statements advising that if the required action is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charged the costs thereof against the property or its owner.

(5) A statement advising that any person having any record title or legal interest in the building may appeal the notice and order or any action of the Building Official to the Board of Building Code Appeals, provide that the appeal is made in writing as provide in this code within 30 days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

b. Service. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the building affected by such notice. The Building Official may serve additional such notice and order on any parties that may have interest in the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings herein or relieve any person from any duty or obligation imposed by the provisions of this code.

c. Method of Service. Service of the notice and order shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by first-class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice and order.

d. Recordation of Notice and Order. If compliance is not had with the notice and order within the specified time, and no appeal has been properly filed, the Building Official may file in the office of the county recorder a certificate describing the property and certifying that the building is unsafe and the owner has been so notified.

e. Notice to Vacate. Every notice to vacate shall, in addition to being served as required in this section, be posted at or upon each exit of the building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such posting until the required repairs, demolition or removal have been completed.

4. Appeal and Procedure for Conduct of Hearing Appeals. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

a. Effects of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

b. Scope of Hearing on Appeal. Only those matters or issues raised by the appellant shall be considered in the hearing of the appeal.

c. Staying of Orders of Appeal. Except for vacation orders, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5. Enforcement of Orders. After any order of the Building Official or the Board of Building Code Appeals made pursuant to this code shall have become final, no person to whom any such order is

directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with such order is guilty of a misdemeanor.

a. **Failure to Obey Order.** If, after any order of the Building Official or the Board of Building Code Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted per section Chapter 4 of Title VIII, or (ii) institute any appropriate action to abate such building as a public nuisance.

b. **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within the specified time as required in the notice and order the Building Official may cause the building to be vacated.

c. **Extension of Time.** Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

d. **Interference with Repair or Demolition.** No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

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

a. **Costs.** The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

(F) Compliance With Building Codes.

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

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

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

4. **Notice of Violation.** Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person found in

violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(G) Board of Building Code Appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

11-9-3: PERMITS AND FEES:

(A) Permits Required.

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

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

b. Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.

2. Exempt work. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City. A building permit shall not be required for the following:

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

b. Oil derricks;

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

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

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

f. Platforms, patios, or decks associated with Group R occupancies not more than 30 inches above grade at any point and not over any basement or story below or which are not part of an accessible route;

g. Non-structural concrete slabs on grade;

h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

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

j. Window awnings supported by an exterior wall of any structure regulated by the International Residential Code or accessory thereto, when projecting not more than 54 inches beyond the plane of the wall;

k. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height;

l. Agricultural buildings as defined in Appendix Chapter C of the International Building Code;

m. Sidewalks, driveways or similar at grade concrete flatwork;

n. Swings or other playground equipment;

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

p. Portable wading pools constructed of flexible plastic, rubber, or similar materials 24 inches or less in depth;

q. The repair of broken or defective electrical receptacles, switches or lamps;

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

s. Fences not over 30" height.

3. Separate Permits. Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section.

4. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment at approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waster, vent or similar piping, electrical wiring or mechanical or work affecting public health or general safety.

5. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

(B) Contractor Registration/License Required.

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

a. Any person who intends to build and occupy a single family detached home, or a building or structure accessory thereto, may apply for a building permit without a City

contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.

b. Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own.

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

(C) Application for Permit.

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

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

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

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

d. Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant's authorized agent.

g. Give such other data and information as may be required by the Building Official.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the City's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado when required by section 11-9-3(C)3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

3. Design Professional.

a. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law or exempted below.

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

- (1) Smoke Control Systems
- (2) Elevators, escalators and moving walks
- (3) Foundation designs for all buildings or structures excluding accessory structures to buildings regulated by the International Residential Code.
- (4) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

c. The architect or engineer in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

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

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

4. Structural Observation. When special inspection and/or structural observation is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. Information on Construction Documents. Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

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

(D) Permit Issuance.

1. Issuance.

a. The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by

other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.

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

c. The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be restricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

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

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

4. Expiration of Permit.

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

b. When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or any other ordinance or regulation of the City

whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.

(E) Fees and Taxes.

1. General. A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

- a. Building use tax shall be paid in accordance with this Code.
- b. Park development fees shall be paid in accordance with this Code.
- c. Water and sanitary sewer tap fees shall be paid in accordance with this Code.
- d. School Land Dedication fees shall be paid in accordance with this code.

2. Permit Fees. A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use. Fees shall be reduced by twenty percent (20%) for building permits issued for work within the boundaries of the urban renewal area of the city.

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

3. Valuation. The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the Building Official.

4. Plan Review Fees. When plans or other data are required to be submitted by the building codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established in the "Building Permit Fee Schedule".

5. Work Commenced Without a Permit. When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than two hundred fifty dollars (\$250) for the first such offense, triple the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than five hundred dollars (\$500) for the second such offense, and the immediate revocation of the contractors license for the third such offense. These provisions shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of

fees as outlined above. Payment of such increased permit fee shall not relieve any persons from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed herein.

6. Reinspection Fees. Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the Building Official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council shall be paid by the holder of the permit to the City of Westminster before any additional inspections or reinspections may be made.

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

a. The Building Official may authorize the refund of any fee which was erroneously paid or collected.

b. The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

c. The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.

d. The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

11-9-4: INSPECTIONS:

(A) Inspection Procedures.

1. General.

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

b. Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the building code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.

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

d. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

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

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

4. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The Building Official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the Building Official.

(B) Required Inspections.

1. General. The Building Official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

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

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

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

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

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

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

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

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

3. Special Inspections. Special inspections shall be conducted as required by the building code and Building Division procedures.

(C) Certificates of Occupancy.

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

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

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

- a. The building permit number.
- b. The address and legal description of the building.
- c. The name and address of the owner.
- d. If not the entire building, a description of the portion of the building for which the certificate was issued, including the occupancy group classification.
- e. A statement that, at the time of issuance, the building or portion thereof was in compliance with the requirements of the Building Codes for the occupancy and the use for which the building is classified.
- f. The edition of the code under which the permit was issued.
- g. The type of construction.
- h. Any special stipulations and conditions of the building permit or certificate of occupancy.
- i. The date of issuance of the certificate.
- j. The signature of the Building Official or his representative.

4. Temporary Certificate. If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official shall set a time period for which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance or reissuance of a temporary certificate of occupancy as set forth in the fee schedule. The fee for the temporary certificate of occupancy shall be based upon the permit fee paid for the building or portion thereof.

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

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS:

(A) Section 406.1.4, number 1 of the International Building Code is amended to read as follows:

406.1.4. Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Door openings between the garage and the dwelling unit shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or doors in compliance with Section 715.4.3. Openings in the required separation shall be in conformance with Section 712. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) The International Building Code is amended to add Section 421 to read as follows:

Section 421 Dwelling Unit Security.

421 Dwelling unit security. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

421.1 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of Chapter 10 of this code.

421.2 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

421.3 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness, a metal door constructed with at least 18-gauge metal or similar approved material.

421.3.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

421.3.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and jamb with not less than four No. 9 by 3/4 inch wood screws or to metal doors and jambs with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

421.3.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See Chapter 10 of this code for requirements on door operation for exiting.

(C) Section 708.3 of the International Building Code is amended as follows:

Section 708.3 Fire-resistance rating. Exception No. 2 is deleted in its entirety.

(D) Section 711.3 of the International Building Code is amended as follows:

Section 711.3 Fire-resistance rating. The Exception is deleted in its entirety.

(E) Section 1608.2 of the International Building Code is amended to read as follows:

1608.2 Ground snow loads. The ground snow load to be used within the City of Westminster in determining the design snow loads for roofs is 30 pounds per square foot.

(F) Section 1609.1.2 of the International Building Code, Protection of Openings, is deleted in its entirety.

(G) Section 1609.3 of the International Building Code is amended to read as follows:

1609.3 Basic wind speed. The minimum basic wind speed, based on a 3-second gust, for any site within the limits of the City of Westminster shall be a minimum of 100 miles per hour (MPH) in areas located east of Sheridan Boulevard, 110 MPH in areas between Sheridan Boulevard and Wadsworth Parkway, and 120 MPH in areas west of Wadsworth Parkway. Exposure B shall be used unless specified as exposure C by the Building Official.

(H) Sections 1612.3 and 1612.4 of the International Building Code are amended to read as follows:

1612.3 Establishment of flood hazard areas. The flood hazard areas of the City of Westminster are as established in Article 11, Chapter 8 of the Westminster Municipal Code.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(I) Section 2111.1 of the International Building Code is amended to read as follows:

2111.1 Definition. A masonry fireplace is a fireplace constructed of concrete or masonry, hereafter referred to as masonry. Masonry fireplaces shall be constructed in accordance with this section and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(J) Section 2304.11.5 of the International Building Code is amended as follows:

Section 2304.11.5 Supporting member for permanent appurtenances. Exception is deleted in its entirety.

(K) The International Building Code is amended to add Section 3007 to read as follows:

Section 3007 Permits - Certificates of Inspection.

3007.1 Permits required. It shall be unlawful to hereafter install any new elevator or conveying system, or to make major alterations to any existing elevator or conveying system without first obtaining a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificate of inspection required. It shall be unlawful to operate any elevator or conveyance system without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of the prescribed fees and the presentation of a valid inspection report indicating

that the elevator or conveyance system is safe and that the inspections and tests have been performed in accordance with Part X of the ANSI code.

Exception: Elevators or conveyance systems within individual dwelling units.

3007.3 Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification of Inspection:
 For each elevator: \$150.00
 For each escalator or moving walk*: \$150.00
 For each commercial dumbwaiter: \$150.00

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

(L) Section 3109 of the International Building Code is amended as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence as required by Sections 3109.4.1 through 3109.4.1.7.

3109.4 Swimming pools. Swimming pools associated with structures regulated by this code shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: Delete the exception in its entirety.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

3109.4.1.7 Gates. Access gates shall comply with the requirements of section 3109.4.1.1 through 3109.4.1.6, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where egress hardware is required by Chapter 10 of this code, it shall be used instead of the required latching device. If egress hardware is used, the gate or fence shall have no openings larger than ½ inch within 18 inches of the hardware.

3109.4.1.8 Dwelling wall as a barrier. Delete this section in its entirety.

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

(A) Table R301.2(1) of the International Residential Code is amended to read:

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

Ground snow load	Wind Speed	Seismic Design Category	Subject to Damage from			Winter Design Temp	Ice Barrier Underlayment Required	Air Freezing Index	Mean Annual Temp	Accumulated Snow Level
			Weathering	Frost Depth	Termite					
30 PSF	100 – 120*	B	Severe	36"	Slight to Moderate	1°F	No	532	51.0	12 inches

* See amended IBC Section 1609.3

(B) Section R301.2.1.2 of the International Residential Code, Protection of openings, is deleted in its entirety.

(C) Section R301.2.4 of the International Residential Code is amended to read as follows:

R301.2.4 Floodplain construction. The design and construction of buildings and structures located in whole or in part in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and R324, whichever is the most restrictive.

(D) Section R305.1 of the International Residential Code is amended as follows:

R305.1 Minimum height. Exceptions:

2. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, pipes and other obstructions. The finished clear height under such beams, ducts, pipes and other obstructions may be 6 foot 6 inches.

(F) Sections R309.1, R309.1.2 and R309.2 of the International Residential Code are amended to read as follows:

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steels door not less than 1 3/8 inches thick, or 20-minute fire-rated door assembly.

R309.1.2 Other penetrations. Penetrations through the separation required in Section R309.2 shall be protected in accordance with Section R317.3.

R309.2 Separation Required. The garage shall be separated from the residence and its attic space by not less than 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Garages located less than 3 feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type "X" gypsum board on the interior side of exterior walls. Openings in these walls shall be regulated by Section R309.1.

(G) Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. Exception is deleted in its entirety.

(H) Section R310.1.4 of the International Residential Code is amended to read as follows:

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, special knowledge or removal of any part of the window assembly.

(I) Section R310.5 of the International Residential Code is amended to read as follows:

Section R310.5 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height and 36 inches in width to a yard or court.

(J) Section R311.4.3 of the International Residential Code is amended as follows:

R311.4.3 Landings at Doors. Exceptions: Exception 1 is deleted in its entirety.

(K) Section R311.5.3.1 of the International Residential Code is amended to read as follows:

R311.5.3.1 Riser height. The maximum and minimum riser height shall be 7 ¾ inches and 4 inches respectively. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

(L) Section R317.1 of the International Residential Code is amended as follows:

R317.1 Two-family dwellings. Exceptions:

1. Exception is deleted in its entirety.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 5/8 inch type X gypsum board or equivalent.

(M) Section R319.1.3 of the International Residential Code is amended to read as follows:

R319.1.3 Geographical areas. Approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joist between members. Such members shall include: (remainder of section unchanged)

(N) Section R320.1 of the International Residential Code is amended to read as follows:

R320.1 Subterranean termite control methods. In areas subject to moderate to heavy or very heavy damage as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combination of these methods: (remainder of section unchanged)

(O) The International Residential Code is amended to add Section R325 to read as follows:

R325 BUILDING SECURITY

R325.1 General. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

R325.2 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of section R311 of this code.

R325.3 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

R325.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R325.4.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

R325.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 ½ inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by ¾ inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R325.4.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least ¾ of an inch. See section R311 for requirements on door operation for exiting.

(P) Section R502.3.1, Table R502.3.1(1), and Section R502.3.2 of the International Residential Code are amended as follows:

R502.3.1 Sleeping areas and attic joist. – Section is deleted in its entirety.

Table R502.3.1(1) FLOOR JOIST SPANS FOR COMMON LUMBER SPECIES. Table is deleted in its entirety.

R502.3.2 Other floor joist. Table 502.3.1(2) shall be utilized to determine the maximum allowable span of floor joist that support all areas of the building provided that the design live load does not exceed 40 psf and the design dead load does not exceed 20 psf.

(Q) Section R801.3 of the International Residential Code is amended to read as follows:

Section 801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least five feet from the foundation walls or to an approved drainage system.

(R) The International Residential Code is amended to add Section R903.2.2 to read as follows:

R903.2.2 Drip edge. Drip edge shall be provided at eaves and gables of shingle roofs. Overlap shall be a minimum of 2". Eave drip edges shall extend .25" below sheathing and extend back on the roof a minimum of 2". Drip edge shall be mechanically fastened a maximum of 12" on center.

(S) Sections R1001.1 and R1004.1 the International Residential Code are amended to read as follows:

R1001.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(T) Section R1004.4 of the International Residential Code is amended as follows:

R1004.4 Unvented gas log heaters. Section is deleted in its entirety.

(U) The International Residential Code is amended to add Section M1416 to read as follows:

M1416 Unvented Room Heaters

M1416.1 General. Unvented room heater, fireplaces, gas logs or other similar unvented devices are prohibited.

(V) Sections M1502.2 and M1502.3 of the International Residential Code are amended to read as follows:

M1502.2 Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust ducts shall terminate not less than 3 feet in any direction from any opening into the building. Exhaust duct termination shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

M1502.3 Duct size. The minimum size of dryer duct shall be 4 inches and installed in accordance with sections M1502.4 through section M1502.6.

(W) Section M1502.6 of the International Residential Code is amended as follows:

Section M1502.6 Duct length. Exceptions: Exception 1 is deleted in its entirety.

(X) Section M1801.1 of the International Residential Code is amended to read as follows:

M1801.1 Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instructions. Venting systems shall consist of approved chimneys or vents, or venting assemblies that are integral parts of labeled appliances. Gas-fired appliance shall be vented in accordance with Chapter 24.

(Y) Section G2406.2 of the International Residential Code is amended as follows:

Section G2406.2 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(Z) Section G2407.6.2 of the International Residential Code is amended as follows:

Section G2407.6.2 One-permanent-opening method. Section is deleted in its entirety.

(A)(A) Section G2415.9 and Section G2415.9.1 of the International Residential Code are amended as follows:

G2415.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

G2415.9.1 Individual outside appliances. Section is deleted in its entirety.

(B)(B) Sections G2417.4 and G2417.4.1 of the International Residential Code are amended to read as follows:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

G2417.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(C)(C) Section G2420.5 of the International Residential Code is amended as follows:

Section G2420.5 Equipment shutoff valve. Exception is deleted in its entirety.

(D)(D) Section G2425.8 of the International Residential Code is amended as follows:

Section G2425.8 Equipment not required to be vented. Item #7 is deleted.

(E)(E) Section G2445 of the International Residential Code is amended as follows:

Section G2445 Unvented Room Heaters. Section is deleted in its entirety.

(F)(F) Section P2603.6.1 of the International Residential Code is amended to read as follows:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

(G)(G) Section P2903.8.5 of the International Residential Code is amended to read as follows:

Section P2903.8.5 Valving. Fixture valves shall be located at both the fixture and at the manifold. Valves located at the manifold shall be labeled indicating the fixture served.

(H)(H) Section P3201.5 of the International Residential Code is amended as follows:

P3201.5 Prohibited trap designs. The following types of traps are prohibited:

- 1-5. (Unchanged)
6. Running traps.

(I)(I) Table P3201.7 of the International Residential Code is amended to read as follows:

TABLE P3201.7 SIZE OF TRAPS AND TRAP ARMS FOR PLUMBING FIXTURES is amended to reflect the trap size minimum for a shower is 2 inches.

(J)(J) The General Statement of Chapter 33 and Section E3301.1 of the International Residential Code are amended to read as follows:

CHAPTER 33 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2005 National Electrical Code, copyright 2005 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3301.1 Applicability. Add the following to the section: Whenever there is a conflict between this code and the 2005 NEC, the provisions of the NEC will govern.

(K)(K) Section AG105.2 and AG105.5 of the International Residential Code are amended as follows:

Section AG 105.2 Outdoor swimming pool.

1. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remainder of section unchanged)

8. Access gates shall comply with the requirements of section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate as allowed by Section AG105.5, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

8.2 The gate and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling unit serves as part of the barrier, doors through the wall need not be equipped with self-closing or self-latching devices.

Section AG105.5 Barrier exceptions. Outdoor pools, spas and hot tubs provided with a safety cover that complies with ASTM F1346 or hot tubs provided with a locking cover shall be provided with a barrier at least 36 inches in height which complies with Section AG105.5, items 1 through 10.

(L)(L) he International Residential Code is amended to add Section AG109 to read as follows:

AG109 Testing of swimming pool piping.

AG109.1 Pressure test. Pressure piping and section piping serving permanent residential swimming pools shall be tested at 35 pound for a minimum of 15 minutes.

AG109.2 Supply water. All permanent residential swimming pools shall fill by an indirect means when supplied by potable water.

Exception. Supply piping protected in accordance with Section P2902 of the International Residential Code.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

(A) Article 230.70(A)(1) of the National Electrical Code is amended to read as follows:

230.70 (A)(1) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building unless approved by the Building Official. No service disconnecting means shall be installed inside a residential dwelling unit.

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

(B) Article 406 of the National Electrical Code is amended to read as follows:

406.8(C) Bathtub and Shower Space. Receptacles shall not be installed within or directly over a bathtub or shower stall. This area includes, but is not limited to, tub surrounds, tub decking and all wall surfaces.

(C) The National Electrical Code is amended to add Article 810 to read as follows:

810.80 Public Safety Radio Amplification Systems

810.80. Purpose. The purpose of this part is to provide minimum standards to insure a reasonable degree of reliability for emergency services communication from within certain buildings and structures within the city to and from emergency communication centers. It is the responsibility of the emergency service provider to receive the signal to and from the building or structure.

810.81. Scope. The provisions of this article shall apply to:

a. New buildings and structures of Type I, Type II, or Type III construction greater than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

b. All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

c. Existing buildings and structures of any size or construction type where the Police Chief or the Fire Chief determines that lack of adequate radio coverage for emergency services providers either

constitutes a special hazard to occupants or emergency responders or would otherwise likely result in unduly difficult conduct of emergency operations.

d. For purposes of this section, fire walls cannot be used to define separate buildings.

810.82. Radio Coverage. Except as otherwise provided in this article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

a. After a building permit has been issued, upon request by the owner or the owner's agent, the police department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

b. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this part, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

c. Adequate radio coverage for emergency services providers requires:

(1) That on each floor, 85% of valid tests conducted in accordance with Section 810.84 result in intelligible two-way communications between the appropriate dispatch center and the tester in the building; and

(2) That 100% of valid tests conducted in accordance with Section 810-84 result in intelligible two-way communications between the appropriate dispatch center and the tester within the following building spaces:

(a) Throughout vertical exit enclosures and horizontal exit passageways;

(b) Fire command centers, if provided;

(c) Police substation.

(d) FCC Authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

810.83. Enhanced Amplification Systems.

a. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 810-82, with amplification systems as needed, voting receiver system, or any other approved system.

b. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

810.84. Testing Procedures. Method to conduct the tests:

a. Measurements shall be made using the following guidelines:

(1) Each measurement shall be made using a portable radio in general use by each emergency-service-provider agency, which agencies minimally include the police department and the fire department. Any digital, non-simplex channel programmed into such radio may be used during testing; the same channel need not be used for all tests.

(2) Portable radios used in testing shall not be displaying "low battery" indications.

(3) During test transmissions, the portable radio shall be held approximately two (2) inches from the mouth of the tester, at approximately a 45-degree angle with the tester's face, with the built-in microphone and speaker directed towards the tester's mouth, and with the antenna in a vertical orientation above the radio. The antenna of each radio shall be mounted directly on the top of the radio body/case. The built-in microphone shall be used for all testing; shoulder or other attached microphones/headsets shall not be used for testing.

(4) The tester shall orient himself or herself so as to be facing towards the exterior wall of the building nearest the point of the test.

(5) Both initial and annual tests shall be conducted by persons employed by the emergency-service-provider agency. At least one tester from the police department and one tester

from the fire department shall conduct initial and annual tests, unless alternate arrangements are approved by both agencies.

(6) Each tester shall be solely responsible for determining whether or not radio messages received in the building are intelligible; the dispatcher at the emergency-agency dispatch center shall be solely responsible for determining whether or not radio messages received in the dispatch center are intelligible. An unintelligible message constitutes a failure of the test at the specific location being tested (see below).

(7) The tester in the building shall initiate each test by attempting to transmit a message to the dispatch center. Failure to receive a reply from the dispatch center constitutes a failure of the test at the specific location being tested.

(8) The tester in the building shall exercise reasonableness and discretion in the conduct of all tests. If the tester believes a particular test is not valid (e.g., is flawed by human error), then the results of that test may be discarded and the test shall be repeated.

b. Initial tests.

(1) Each floor of the structure shall be divided into 100-foot grids, and testing shall be performed at the center of each grid. In critical areas, including (but not limited to) those areas enumerated in Section 810-82(c)(2), the grids shall be reduced to 25 feet. At least one test shall be conducted at the center of every room having a use identified in Section 810-82(c)(2)b or 810-82(c)(2)c. The size of the grids may also be further reduced upon recommendation of any tester in areas where displays, equipment, stock, or any other obstruction may significantly affect communications or attenuate radio signals.

(2) A test shall be performed on every landing within vertical exit enclosures.

c. Annual tests.

(1) Annual tests will be conducted by both the fire department and the police department. If the communications appear to have degraded or if the testing fails to demonstrate adequate system performance, the owner of the building or structure shall remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the appropriate emergency service agency.

11-9-8 INTERNATIONAL PLUMBING CODE AMENDMENTS:

(A) The International Plumbing Code is amended to add Section 601.5 to read as follows:

Section 601.5 Water conservation. Water recycling systems shall be mandatory for all automatic full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for manual self-service commercial car wash facilities.

(B) Section 904.1 of the International Plumbing Code is amended to read as follows:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve inches above the roof not less than one foot from any vertical surface. Where the roof is used for any purpose other than weather protection the vent extension shall terminate at least 7 feet above the roof.

(C) Section 1002.3 of the International Plumbing Code is amended as follows:

1002.3 Prohibited traps. The following types of traps are prohibited:

- 1.-6. Unchanged
7. Running traps

(D) Section 1003.2 and section 1003.3.4.1 of the International Plumbing Code are amended to read as follows:

Section 1003.2 Approval. The size, type and location of each grease interceptor shall be designed and installed in accordance with City of Westminster specifications, the manufactures installation instructions, the requirements of this section and the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor.

Section 1003.3.4.1 Grease trap capacity. When, in the judgment of the Building Official, it would be impractical or unnecessary to install a grease interceptor due to the anticipated use of an establishment, the installation of a grease trap may be approved. Grease traps shall be sized in accordance with City specifications and have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

11-9-9 INTERNATIONAL MECHANICAL CODE AMENDMENTS:

(A) Section 504.6.1 of the International Mechanical Code is amended as follows:

504.6.1 Maximum length. Exception is deleted in its entirety.

(B) Section 506.3.10 of the International Mechanical Code is amended as follows:

Section 506.3.10 Grease duct enclosure. Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E814 and having an “F” and “T” rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall or floor to the outlet terminal with a classified and labeled material system or product specifically evaluated for such purpose, in accordance with ICC-ES AC101. Exposed duct wrap systems shall be protected where subject to physical damage.

3. Delete in its entirety.

(C) Section 903.1 and Section 903.3 of the International Mechanical Code are amended as follows:

Section 903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

Section 903.3 Unvented gas log heaters. Section is deleted in its entirety.

11-9-10 INTERNATIONAL FUEL GAS CODE AMENDMENTS:

(A) Section 303.3 of the International Fuel Gas Code is amended as follows:

Section 303.3 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(B) Section 304.6.2 of the International Fuel Gas Code is amended as follows:

Section 304.6.2 One-permanent-opening method. Section is deleted in its entirety.

(C) Section 404.9 and Section 404.9.1 of the International Fuel Gas Code are amended as follows:

404.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

404.9.1 Individual outside appliances. Section is deleted in its entirety.

(D) Section 406.4, 406.4.1 and 406.4.2 of the International Fuel Gas Code are amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

Section 406.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(E) Section 409.5 of the International Fuel Gas Code is amended as follows:

Section 409.5 Equipment shutoff valves. Exception is deleted in its entirety.

(F) Section 501.8 of the International Fuel Gas Code is amended as follows:

Section 501.8 Equipment not required to be vented. Items 8 and 10 are deleted in their entirety.

(G) Section 621 of the International Fuel Gas Code is amended as follows:

Section 621.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited. (Remainder of Section 621 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS: No changes.

11-9-12: INTERNATIONAL EXISTING BUILDINGS CODE AMENDMENTS: No changes.

11-9-13: MOBILE HOMES:

(A) Permits Required.

1. General. Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. Initial Installation. No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

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

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

(B) Installation Requirements.

1. General. The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile home shall comply with the following standards:

Non-permanent Installation: Provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 – 1994 amended.

Permanent foundation installations: Permanent foundation, Guide for Manufactured Housing, September 1996, amended; and Engineered foundation systems as designed by an architect or engineer licensed by the State of Colorado.

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

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

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

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

3. Pier Construction. Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with section 11-9-12(B)1. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado and approved by the Building Official.

4. Anchorage. Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with section 11-9-13(B)1. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

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

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

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

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

Exception: New mobile homes may have smoke detectors located per the State of Colorado, Division of Housing approval.

(C) Additions, Alterations, and Repairs to Mobile Homes.

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

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

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

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

Section 2. Chapter 10 of Title IX, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 10 FIRE CODES

11-10-1: INTENT

11-10-2: ADOPTION OF FIRE CODE

11-10-3: CHAPTER 1 AMENDMENTS-ADMINISTRATION

11-10-4: CHAPTER 5 AMENDMENTS-FIRE SERVICE FEATURES

11-10-5: CHAPTER 9 AMENDMENTS-FIRE PROTECTION SYSTEMS

11-10-6: CHAPTER 33 AMENDMENTS-EXPLOSIVES AND FIREWORKS

11-10-7: CHAPTER 38 AMENDMENTS-LIQUIFIED PETEROLEUM GASES

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, 2006 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster. The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

11-10-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the International Fire Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and, in particular Chapters 1 through 45, inclusive and Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Location And Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight And Volume Equivalents is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS:

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. The Fire Chief and his designees are hereby authorized to enforce the provisions of this ordinance as specified in Section 104.1 of the International Fire Code, 2006 Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows.

105.6 Required operational permits. An operational permit shall be obtained from the Prevention Bureau prior to engaging in the following activities, functions, operations, or practices as defined in accordance with the Fire Code, unless otherwise specified in this Code:

1. 105.6.2 Amusement buildings
2. 105.6.4 Carnivals and fairs
3. 105.6.4.1 Block parties and event street closures
4. 105.6.11 Cryogenic fluids
5. 105.6.15 Explosives, explosive materials, and fireworks
6. 105.6.17 Flammable and combustible liquids:

- a. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
 - b. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.
 - c. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
7. 105.6.20 Fumigation and thermal insecticidal fogging
 8. 105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances
 9. 105.6.21 Hazardous Materials
 10. 105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.
 11. 105.6.28 LP-gas
 12. 105.6.29 Magnesium
 13. 105.6.31 Open burning
 14. 105.6.35 Private fire hydrants
 15. 105.6.36 Pyrotechnic special effects material
 16. 105.6.43 Temporary membrane structures, tents and canopies

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 of the International Fire Code is amended to read as follows:

105.7 Required construction permits. Upon approval of required construction documents, as required by Subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this Section:

1. 105.7.1 Automatic fire-extinguishing systems
2. 105.7.2 Compressed gases
3. 105.7.3 Fire alarm and detection systems and related equipment
4. 105.7.4 Fire pumps and related equipment
5. 105.7.5 Flammable and combustible liquids
6. 105.7.6 Hazardous materials
7. 105.7.8 LP-gas
8. 105.7.9 Private fire hydrants
9. 105.7.10 Spraying and dipping
10. 105.7.11 Standpipe systems
11. 105.7.12 Temporary membrane structures, tents and canopies

(E) FEES. Section 105 of the International Fire Code is amended to add Sections 105.8 and 105.9 to read as follows:

105.8 Operational Permit Fees. The fee for operational permits required by Subsection 105.6 of this Code shall be as set forth in the fee schedule adopted by Resolution by the City Council. Fees shall be collected by the Fire Prevention Bureau. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in Subsection 105.8.

105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by Subsection 105.7 of this Code for initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the

Fire Code. These fees shall be assessed by and paid to the City of Westminster in accordance with the provisions of the fee schedule adopted by Resolution by the City Council.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code is amended as follows:

108.1 Board of appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Code Official relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

108.2 Limitations on authority. Subsection is deleted in its entirety.

108.3 Qualifications. Subsection is deleted in its entirety.

(G) VIOLATIONS. Section 109 of the International Fire Code is amended to read as follows:

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

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

specified, each day that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code is amended as follows:

111.4 Failure to comply. Subsection is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS: (2965)

(A) FIRE APPARATUS ACCESS ROADS. Section 503.1 of the International Fire Code is amended to add Section 503.1.4 to read as follows:

503.1.4 Block Parties and Street Obstructions. The Fire Department is authorized to issue operational permits for street closures intended for block parties, City of Westminster sponsored events, neighborhood events, or for similar purposes where such events will not impede delivery of emergency services and does not create an additional risk to public safety. Applicable fees may be waived for City of Westminster events and events sponsored by non-profit entities and organizations.

(B) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the Fire Code and the Uniform Traffic Control Manual.

(C) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

503.4.1. The fire code official or any of his subordinates, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(D) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the fire code official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(E) PRIVATELY OWNED HYDRANT SYSTEMS. Section 508 of the International Fire Code is amended to add Section 508.5.3.1 and 508.5.7 to read as follows:

508.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed

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

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

(F) PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS. Section 511 of the International Fire Code is amended to add Sections 511.1, 511.2 and 511.3 to read as follows:

511.1 New Construction. Buildings constructed in accordance with the criteria of Section 810.80 of the City of Westminster Electrical Code shall be required to install a radio amplification system.

511.2 Existing buildings. Buildings determined to present a hazard to public safety personnel due to inadequate radio communication capability shall be required to comply with Section 810.80.

511.3 Acceptance testing and approval. Approval and acceptance of radio amplification system installations shall require concurrent approval of the Fire Department and the Police Department.

11-10- 5: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS: (2965)

(A) AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the International Fire Code is amended to delete Section 903.3.2 and add the following new subsections to read as follows:

903.2.8.1. New Construction. Group R-2 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-2 Occupancies.

Exception: Existing R-2 buildings and occupancies constructed prior to the adoption of this code.

903.2.9.1 New Construction. Group R-4 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-4 Occupancies.

Exception: Existing R-4 buildings and occupancies constructed prior to the adoption of this code.

903.3.2 Residential automatic sprinkler heads. Where automatic sprinkler systems are required by this code, only residential automatic sprinkler heads shall be permitted in:

a. Throughout all spaces within a smoke compartment containing patient sleeping rooms in Group I-2 in accordance with the *International Building Code*.

b. Dwelling units, guestrooms, and sleeping rooms in Group R and I-1 occupancies.

903.3.2.1 Quick-response automatic sprinkler heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and quick-response automatic sprinkler heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

903.3.7.1 The fire department connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall be located at a location visible from the exterior of the main entrance door where the fire alarm annunciator is located. The FDC shall have a fire hydrant within 100 feet in a location approved by the fire department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code is amended to add the following:

905.3.1. Building Height shall be amended by adding the following exceptions:

Exception 5: Class I standpipes are allowed to be manual systems.

Exception 6: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended to add Section 907.9.3 to read as follows:

907.9.3 The fire code official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-6: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS:

(A) GENERAL. Section 3301 of the International Fire Code is amended as follows:

3301.1.3 Fireworks. Exception 1, Exception 2, and Exception 4 are deleted in their entirety and new exceptions are added to read as follows:

Exceptions:

1. State of Colorado defined “permissible fireworks” will be allowed for possession, handling, and use only during the timeframe beginning at 12:00 AM on July 3rd and ending at 12:00 PM on July 5th of any given calendar year.

2. Fireworks shall be prohibited in all City of Westminster parks and open spaces unless approved by the Director of Parks, Recreation, and Libraries and the Fire Department.

4. As provided in W.M.C. Section 6-8-3.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended to add Section 3304.1.1 to read as follows:

3304.1.1 General storage limitations. The storage of explosives and blasting agents is prohibited within all zones except PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-7: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS:

(A) Subsection 3804.2 of the International Fire Code is amended to add the following text to read as follows:

3804.2 Maximum capacity within established limits.

This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 3. Sections 6-8-2 and 6-8-3(B), W.M.C., are hereby AMENDED to read as follows:

6-8-2: PROHIBITED ACTS: It shall be unlawful for any person within the City to sell, offer for sale, or possess with intent to offer for sale, or to use or explode any fireworks or pyrotechnic special effects material, except as provided in Section 6-8-3 herein AND SECTION 11-10-6 OF THIS CODE.

6-8-3: PERMITS FOR DISPLAY:

(B) The permit shall be granted if the Fire Chief finds that the permit application, operator, and conditions meet the requirements of the ~~current Uniform~~ Fire Code as adopted by the City IN TITLE XI, CHAPTER 10, ~~and~~ other requirements of this Code, AND OTHER REASONABLE REQUIREMENTS THE FIRE CHIEF DEEMS NECESSARY TO PROTECT THE PUBLIC WELFARE.

Section 4. This ordinance shall take effect January 1, 2007.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, November 27, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the November 13, 2006 regular meeting were approved.

Council approved the following: Financial Report for September, 2006; change the date of the last meeting in December to December 18th; 2007 Traffic Signal Maintenance contract with Sturgeon Electric Co in the amount of \$218,267; 2007 Citywide street sweeping services contract with Great American Sweeping in the amount of \$228,925; 2007 Wastewater Collection System Maintenance Contract renewal with Ace Pipe Cleaning Inc in the amount of \$558,255; 2007 CDBG Grant and HOME funds; final passage of Councillor's Bill No 65 re Electric Franchise with United Power Inc; final passage of Councillor's Bill No. 66 re Comprehensive Land Use Plan Amendment; and Councillor's Bill No. 67 re Rezoning Northern LIFE property.

Council adopted the following resolutions: Res. No. 61 filling the vacancy on the Special Permit and License Board with the appointment of Corey Ciocchetti; Res. No. 62 re 2006 Jefferson County Joint Venture Grant Application; Res. No. 63 allowing local review of state income tax credit applications for qualified rehabilitation costs incurred by owners of landmarked historic properties; Res. No. 64 re supplemental HOME funding for growing home; and Res. No. 65 re staffing of Community Service Coordinator position.

Council passed the following Councillors' Bills on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LIQUOR LICENSING AND ALCOHOL-RELATED POLICE REGULATIONS. Purpose: Amending sections as it related to various changes to the liquor licensing and alcohol related code sections.

A BILL FOR AN ORDINANCE AMENDING TITLE XI, CHAPTERS 9 AND 10, OF THE WESTMINSTER MUNICIPAL CODE, CONCERNING THE BUILDING AND FIRE CODES AND AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS. Purpose: Adoption of the 2006 International Building and Fire Codes.

The meeting adjourned at 7:10 p.m.

By Order of the Westminster City Council
Carla Koeltzow, Deputy City Clerk

Published in the Westminster Window on December 7, 2006

BY AUTHORITY

ORDINANCE NO. **3322**
SERIES OF 2006

COUNCILLOR'S BILL NO. **65**
INTRODUCED BY COUNCILLORS
Dittman - Kauffman

A BILL

FOR AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE WITH UNITED POWER, INC., FOR A TERM OF TWENTY YEARS AND REVISING THE OFFICIAL CODE OF THE CITY OF WESTMINSTER, BY AMENDING CERTAIN SECTIONS OF CHAPTER 5 OF TITLE XVI, W.M.C. ENTITLED "FRANCHISE FOR ELECTRICITY"

WHEREAS, the City has received an application from United Power, Inc. to renew its existing franchise to provide electric power to a portion of the City; and

WHEREAS, the City has received from the applicant proof of compliance with the notice and publication requirements of §31-32-102, C.R.S.; and

WHEREAS, the City has determined it is in the best interests of the citizens of Westminster to grant a franchise to United Power, Inc. for a period of twenty years commencing January 1, 2007, subject to all requirements of Chapter XV of the Westminster Charter;

NOW, THEREFORE,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. A public utility franchise to serve electricity to customers in a portion of the City, depicted on the map attached as Exhibit A hereto, is hereby granted to United Power, Inc. for a period of twenty (20) years, commencing on the first day of January in 2007.

Section 2. Section 16-5-4, W.M.C., is hereby AMENDED as follows:

16-5-4: TERM OF FRANCHISE:

(A) The term of this franchise shall be for ~~approximately fourteen (14)~~ TWENTY (20) years, beginning on ~~the effective date of this Ordinance~~ JANUARY 1, 2007 and expiring on December 31, ~~2006~~ 2026.

Section 3. Section 16-5-36, W.M.C., is hereby AMENDED as follows:

16-5-36: OVERHEAD CONVERSION AT EXPENSE OF COMPANY:

(A) As and when requested by the City, the Company shall spend one AND ONE-HALF percent (1½ %) of the preceding calendar year's electric revenues DERIVED FROM CUSTOMERS LOCATED WITHIN THE CITY to move THE COMPANY'S electric distribution lines located on public streets and public easements underground, provided that the undergrounding shall extend for a minimum distance of one block or 750 feet.

(B) Any unexpended portion of the one AND ONE-HALF percent (1½ %) of electric revenue shall be carried over to succeeding years and, in addition, upon request by the City, the Company shall anticipate amounts to be available for up to three years in advance. Any amounts advanced shall be credited against amounts to be expended in succeeding years until such advance is eliminated.

(C) The City and the Company shall consult and plan together regarding projects to be undertaken pursuant to this section. The Company shall provide nonbinding "ball park" cost estimates for planning purposes at no cost to the City. The final decision as to which projects are selected rests with the City, subject to the provisions of this section. The specific scheduling of projects rests with the Company, which shall make every reasonable effort to complete such projects within the time requested by the City.

(D) If the PUC authorizes a system-wide program or programs of undergrounding electric distribution facilities, the Company will allocate to the program of undergrounding in the City such amount as is authorized by the PUC, but in no case less than one AND ONE-HALF percent (1½ %) of annual electric revenues DERIVED FROM CUSTOMERS LOCATED WITHIN THE CITY.

(E) In no event shall any overhead conversion expense be charged against the one AND ONE-HALF percent (1½ %) fund herein provided for unless the project to be so funded has been approved by the City to be funded pursuant to this section.

(F) No relocation expenses which the Company is required to expend pursuant to Section 16-5-13 shall be charged to this allocation.

(G) In addition to the provisions of this section, the City may require additional facilities to be moved underground at the City's expense.

(H) The establishment of this undergrounding program creates no vested right in the City to the undergrounding monies. Further, if such monies are not expended pursuant to the conditions hereof, the undergrounding monies are not convertible to cash or available for any other purposes.

Section 4. Section 16-5-55, W.M.C., is hereby AMENDED as follows:

16-5-55: REPRESENTATIVES:

(A) Upon request by the City, the Company shall provide annually to the City a current chain of command chart showing all managers and supervisors, along with their names, titles, telephone numbers, up to the Chief Executive Officer of the Company, who have responsibility for providing services within the City.

(B) Both parties shall designate from time to time in writing representatives for the Company and the City who will be the persons to whom notices shall be sent regarding any action to be taken under this ordinance. Notice shall be in writing and forwarded by certified mail or hand delivery to the persons and addresses as hereinafter stated, unless the names and addresses are changed at the written request of either party, delivered in person or by certified mail. Until any such change shall hereinafter be made, notices shall be sent to the City Manager and to the Company's ~~General Manager~~ CHIEF EXECUTIVE OFFICER. Currently, AS OF THE DATE OF THE COMMENCEMENT OF THIS FRANCHISE, the names and addresses are as follows:

For the City:

~~William M. Christopher~~

J. BRENT MCFALL

City Manager

City of Westminster

4800 W. 92nd Avenue

Westminster, CO ~~80030~~ 80031

For the Company:

~~David I. Dunnell~~

ROBERT BRODERICK

~~General Manager~~ CHIEF EXECUTIVE OFFICER

~~18551 East 160th Avenue~~ P.O. BOX 929

Brighton, CO 80601

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading.

The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of November, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of November, 2006.

BY AUTHORITY

ORDINANCE NO. **3323**
SERIES OF 2006

COUNCILLOR'S BILL NO. **66**
INTRODUCED BY COUNCILLORS
Dittman - Major

A BILL

**FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner of the property described below, incorporated herein by reference,

BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS.

requesting a change in the land use designation from "R-3.5 Residential" to "Public/Quasi Public" for the property located at 11570 Sheridan Blvd, City of Westminster, County of Adams, State of Colorado, containing 4.98 acres, more or less.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on October 24, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly that the parcel would become the future expansion area for the existing LIFE Fellowship church, which provides a general community service.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the property more particularly described as follows:

BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS

to "Public/Quasi Public," as depicted on the map attached as Exhibit A.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of November, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of November, 2006.

BY AUTHORITY

ORDINANCE NO. **3324**
SERIES OF 2006

COUNCILLOR'S BILL NO. **67**
INTRODUCED BY COUNCILLORS
Dittman - Major

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF 11570 SHERIDAN BLVD, WESTMINSTER,
ADAMS COUNTY, COLORADO FROM O-1 TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at 11570 Sheridan Blvd, as described below, from the O-1 zone to the PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on October 24, 2006 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as: BEGINNING AT A POINT 607.30 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN; THENCE SOUTH 330 FEET, THENCE EAST 706.70 FEET, THENCE NORTH 330 FEET, THENCE WEST 707.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.98 ACRES, MORE OR LESS.

from the O-1 (Open) zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of NOVEMBER, 2006.