

15-1.1

**RESOLUTION ESTABLISHING A BUILDING PERMIT SYSTEM  
WITHIN THE INCORPORATED AREA OF THE TOWN OF MOFFAT,  
SAGUACHE COUNTY, COLORADO.**

**RESOLUTION NO. 151.1**

WHEREAS, it has been determined that growth within the incorporated area can not go unregulated without jeopardizing the health, safety and welfare of the town's residents, it has been deemed by the Town of Moffat Board of Trustees that it is in the best interest of the public to develop a building permit system for residential / commercial structures, and

WHEREAS, after research and consideration, the Town of Moffat Board of Trustees did meet on August 4, 1998, and did recommend for adoption the draft of Residential / Commercial Structures of the Town of Moffat.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees that the attached document, Town of Moffat Land Use Development Code, entitled Residential / Commercial Structures, be officially adopted.

IN ADDITION, BE IT RESOLVED, that commencing upon October 7, 1998, any and all structures intended for human habitation which are to be constructed or located within the incorporated Town of Moffat be required to obtain a permit to comply with the Residential/Commercial Structures of the Town of Moffat.

INTRODUCED, READ AND ADOPTED THIS 4<sup>th</sup> DAY OF AUGUST, 1998.

TOWN OF MOFFAT  
BOARD OF TRUSTEES

BY Mike Compton  
Mike Compton, Mayor

ATTEST:

Amanda Stagner  
Amanda Stagner, Town Clerk

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I hereby certify that this copy is a true and accurate copy of Resolution No. \_\_\_\_\_ as recorded in the records of the Town of Moffat, State of Colorado.

[SEAL]

Amanda Stagner  
Town Clerk

**Title 15**  
**BUILDINGS AND CONSTRUCTION**

Chapters:

- 15-1 Building Code.
- 15-2 Electrical Code.
- 15-3 Plumbing Code.
- 15-4 Heating Code.
- 15-5 Fire Code.
- 15-6 Mobile Homes.

Chapter 15-1.

**BUILDING CODE**

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Mike Compton, Mayor

ATTEST:

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Amanda Stagner, Town Clerk

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[SEAL]

\_\_\_\_\_  
Town Clerk

**TOWN OF MOFFAT**  
**RESIDENTIAL/COMMERCIAL STRUCTURES**  
**FINAL DRAFT - ADOPTED AUGUST 4, 1998**

**GENERAL PROVISIONS**

**15-1.1 Purpose**

These regulations are designed and enacted for the purpose of protecting the health, safety and welfare of present and future inhabitants of the Town of Moffat, Colorado, by insuring that all new dwellings conform to the State electrical, plumbing, gas, and sewage regulations.

The Board of Trustees recognize the need to protect the public while maintaining an environment that encourages the development of diverse building styles and methods. It is also understood that it is in the best interest of the Town as a whole to preserve a diverse economic structure in which all residents can obtain suitable housing.

**15- 1.2 Authority**

The authority to establish the following regulations is provided for, without exclusion, in Article 20 of Title 29 C.R.S., Local Government Land Use Control Enabling Act.

**2. APPLICATION**

This article shall apply to residential / commercial structures or dwellings constructed with in the incorporated Town of Moffat. It shall also apply to all types of manufactured housing, including mobile homes, brought into the Town from Saguache County or any other counties, or states, or relocated within the Town of Moffat after the date of it's adoption.

This article does not apply to barns, storage facilities or other structures which are not intended for human occupancy.



## **PERMITTING**

### **3.1 Structures**

Any person intending to construct or locate a residential structure or dwelling within the incorporated Town of Moffat shall make application to the Town Board of Trustees for a Construction Permit. The application shall include:

- 3.1.1 A non-refundable application fee to cover the cost of processing.
- 3.1.2 Proof of ownership of the land on which the structure is to be located, or a letter from the owner acknowledging their approval of the structures placement.
- 3.1.3 Copy of Independent Sewage Disposal System Permit application.
- 3.1.4 Copy of well permit, water court decree or other agreement providing for water service, if required.

### **3.2 Mobile Homes**

Any person intending to place a "Mobile Home" within the Town of Moffat shall make application for a Mobile Home Permit with the Town of Moffat Board of Trustees. The application shall include:

- 3.2.1 A non-refundable application fee to cover the cost of processing.
- 3.2.2 A copy of the manufactured home tax certification indicating ownership and point of origin. A certificate of VIN registration shall also be included.
- 3.2.3 A photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. Seq., as amended, (commonly known as the HUD Act, effective June 1976).
- 3.2.4 Proof of ownership of the land on which the structure is to be located, or a letter from the owner acknowledging their approval of the structures placement.
- 3.2.5 Copies of permits for the installation of plumbing, electrical, propane/natural gas and sewage required by the state statute, if applicable.
- 3.2.6 Copy of well permit, water court decree or other agreement providing for water service, if required.

### **3.3 PERMITS**

Permits will be issued upon the receipt of a completed permit application along with the required fee. Incomplete applications will not be accepted for processing.

### **3.4 POSTING**

A copy of the permit shall be posted on the front of the structure or upon a post or board in a location visible from the road.

## **4. VARIANCE**

In the event that it may be shown that strict compliance with this code will result in extraordinary hardship, the Board of Trustees may vary, modify or waive the requirements such that any variance, modification, or waiver shall not have the effect of nullifying the intent and purpose of this code.

In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements and in no instance shall it conflict with any existing resolutions.

Such variances, modifications, or waivers may be only granted by the Town of Moffat Board of Trustees. In granting variances, modifications, or waivers the Board of Trustees may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements affected. The applicant requesting the variance shall be notified of the Board's determination within sixty days of the receipt of written request for said variance, provided that notification of adjacent property owners has not been required.

### **4.3.1 Cause for variance**

Variance to these regulations shall consist of a minimal easing of the requirements to prevent unnecessary hardship. Any application for variance shall include the cause for such request. Justifiable causes for variance include, but are not limited to:

- a.) The retrofitting of a pre-1976 Mobile Home to meet the requirements of the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seq. as amended, (commonly known as the HUD Act, effective June 1976).
- b.) Waiver of the requirement for the provision of utilities, if the structure is not to be occupied until a date six months or more from the time of application. The occupancy of said structure prior to meeting the requirements for utilities shall be considered as grounds for permit revocation.

### **4.3.2 Application for Variance**

Application for variance shall be made to the Town of Moffat Board of Trustees along with a completed Building Regulation Variance application, indicating the need for variance requested. The application shall include the following:



4.3.2.1 Proof of ownership of the land on which the structure is to be located, or a letter from the owner acknowledging their approval of the structures placement and the requested variance.

4.3.2.2 Indicated provisions for utilities.

#### **4.3.3 Approval Procedures**

4.3.3.1 The Mayor shall review the application to insure that it is complete and eligible for consideration by the Board of Trustees.

4.3.3.2 Within thirty (30) days of the receipt of the completed application, notification shall be given to the owners that their application has been filed and forwarded to the Board of Trustees for review.

4.3.3.3 Within thirty (30) days after the Board of Trustees receives a completed application at it's regular meeting or within such time as agreed upon by the Board of Trustees and the applicant, the Board of Trustees shall make it's recommendation. The Board of Trustees may recommend approval as submitted, approval with modification, or denial. Applicants will be notified of the decision.

#### **4.3.4 Revocation**

Failure on the applicant's part to comply with the conditions of the variance shall be considered as grounds for permit revocation. If the application is for a mobile home, such revocation may ultimately result in the removal of the mobile home from the Town of Moffat at the owner's expense.

### **5. CONFLICT**

In the event of a conflict between these regulations and any other Property Owners Association, County, State or Federal Regulation, the more restrictive shall apply.

Chapter 15-2

## **ELECTRICAL CODE**

(RESERVED)

Chapter 15-3

**PLUMBING CODE**

(RESERVED)

Chapter 15-4

**HEATING CODE**

(RESERVED)

Chapter 15-5

**FIRE CODE**

(RESERVED)

Chapter 15-6

**MOBILE HOMES**

(RESERVED)