

TOWN OF MOFFAT, COLORADO

ORDINANCE NO. 2011-1

AN ORDINANCE REQUIRING BUILDING PERMITS IN THE TOWN OF MOFFAT, COLORADO, AND ESTABLISHING OTHER REGULATIONS RELATING TO BUILDING PERMITS

WHEREAS, the Board of Trustees previously adopted Resolution No. 15-1.1 on August 4, 1998 that established a policy for issuing permits; and

WHEREAS, the Town has followed that policy since its enactment but now wishes to enact an ordinance to govern the matters set forth in its building permit policy; and

WHEREAS, the Board of Trustees has the authority to enact, govern and require the issuance of building pursuant C.R.S. § 31-15-401;

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

Section 1. Intent. 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, by insuring that all new dwellings conform to the State electrical, plumbing, gas and sewage regulations.

The Board of Trustees recognizes 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.

Section 2. Application and Permits. This Ordinance shall apply to residential/commercial structures or dwellings constructed within the Town of Moffat. It shall also apply to all types of manufactured housing, including mobile homes, brought into the Town or relocated within the Town of Moffat after the date of adoption.

This Ordinance does not apply to barns, storage facilities or structures which are not intended for human occupancy or commercial use.

- a) **Permits.** Permits will be issued upon receipt of a completed permit application and application fee as set forth in this Ordinance and other applicable rules and regulations. Incomplete applications will not be accepted for processing.

Section 3. Construction Permit. Any person or entity intending to construct or locate a residential structure or dwelling within the Town of Moffat shall apply to the Board of Trustees, or their designated agent, for a Construction Permit.

conditions as will 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 (60) days of the receipt of written request for said variance, provided that notification of adjacent property owners has not been required.

- a) Cause for Variance. Variance of these regulations shall consist of 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:
 - i. The retrofitting of a pre-1976 mobile home to meet the requirements of the National Manufactured Housing Construction and Safety Act of 1974, as amended (42 U.S.C. § 5401 *et seq.*).
 - ii. Waiver of the requirement for the provision of utilities, if the structure is not occupied until a date six months or more from the time of the applications. The occupancy of said structure property prior to meeting the requirements for utilities shall be considered grounds for permit revocation. If a permit is revoked no person shall be allowed to occupy or the building or structure for which the permit was issued until such time as that person or entity complies with this Ordinance or other applicable law.
- b) Application for Variance. Application for variance shall be made the Board of Trustees along with a completed permit variance application.

The application shall include:

 - i. A non-refundable application fee of \$25.00. The Board of Trustees may amend the application fee in the future by resolution.
 - ii. 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 structure's placement with the owner's notarized signature.
 - iii. Copies of permits for the installation of plumbing, electrical, propane/natural gas and sewage as required by state statute.
- c) Approval Procedures.
 - i. The Town Clerk shall review the application to insure that it is complete and eligible for consideration by the Board of Trustees.
 - ii. Within 30 days after the Board of Trustees receives the completed application: 1) notification shall be given to the owners that their application has been filed and forwarded to the Board of Trustees for review; 2) the Board of Trustees shall consider a completed application within 30 days after receipt, at its next regular meeting, or at such time as agreed by the Town and the applicant; and 3) the Board of Trustees shall recommend approval, approval with conditions, or denial of the application. Applicants will be notified of the decision.



TOWN OF MOFFAT, COLORADO

Earl LeRoy

Earl LeRoy, Mayor

ATTEST:

Debbie Canada

Debbie Canada, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was first introduced, and read on May 3, 2011, and approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 7 day of June, 2011 and posted at the following locations in the Town of Moffat:

- 1) *USPO*
- 2) *Credit Union*
- 3) *Community Center*

Debbie Canada

Debbie Canada, Town Clerk