

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 2019-9**

**AN AMENDMENT TO ORDINANCE 2011-1 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.

- 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.

The application shall include:

- a) A non-refundable application fee of \$100.00 for commercial construction or \$50.00 for residential construction. The Board of Trustees may amend the application fee in the future by resolution.
- b) 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.
- c) Copies of permits for the installation of plumbing, electrical, propane/natural gas and sewage as required by state statute.
- d) Copy of well permit, water court decree or other agreement for water service.

Section 4. Manufactured/Mobile Home Permit. Any person or entity intending to place a mobile home within the Town of Moffat shall make application for a Mobile Home Permit with the Board of Trustees.

The Manufactured/Mobile Home Permit shall include:

- i. A non-refundable application fee of \$50.00. The Board of Trustees may amend the application fee in the future by resolution.
- ii. A copy of the manufactured home tax certification indicating ownership and point of origin. A certificate of VIN registration shall also be included.
- iii. 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, as amended (42 U.S.C. § 5401 *et seq.*).
- e) 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.
- iv. Copies of permits for the installation of plumbing, electrical, propane/natural gas and sewage as required by state statute.
- v. Copy of well permit, water court decree or other agreement for water service.

Section 5. Posting. A copy of the permit shall be posted on the front of the structure or upon a post, board or other location that is clearly visible from the road in front of the structure.

Section 6. Variance. In the event that it is shown that strict compliance with this Ordinance will result in an 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 Ordinance.

In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements necessary, and no instance shall it conflict with other ordinances, or laws.

Variance, modification, or waiver may only be granted by the Board of Trustees. In granting a variance, modification, or waiver the Board of Trustees may require such 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 \$50.00. 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.

- d) Revocation. Failure of the applicant 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.

Section 7. Violation.

It shall be unlawful for any person or entity to build any building or structure, or move or locate any mobile home within the Town of Moffat without having obtained a permit as required in this Ordinance. It shall be unlawful to occupy any building or structure without first obtaining a permit or otherwise complying with this Ordinance.

Any person in violation of this Ordinance shall be guilty of a summary offense, and upon conviction, shall pay a fine to the Town of Moffat of Three Hundred Dollars (\$300.00), plus court costs and assessments. Each day of violation shall constitute a separate offense.

Section 8. Severability. If any portion of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. Repealer and Conflict. Resolution No. 15-1.1 is hereby repealed. All ordinances or resolutions inconsistent with this Ordinance are hereby superseded by this Ordinance.

THIS ORDINANCE IS DEEMED NECESSARY FOR THE PROTECTION OF THE HEALTH, WELFARE, AND SAFETY OF THE COMMUNITY AND SHALL BE EFFECTIVE IMMEDIATELY ON ITS PASSAGE.

FIRST INTRODUCED, and READ on this 5th day of March, 2019.

APPROVED and ADOPTED on this 12th day of March, 2019.

TOWN OF MOFFAT, COLORADO

Patricia Reigel, Mayor

ATTEST:

Sarah Van Horn, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was first introduced, and read on March 5th, 2019 and approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 12th day of March, 2019 and posted at the following locations in the Town of Moffat February 26th 2019 and March 5th, 2019:

- 1)Moffat Post Office
- 2) Moffat Town Hall
- 3)Grammy's Kitchen

Sarah Van Horn, Town Clerk