

**CITY COUNCIL
OF THE CITY OF VICTOR, COLORADO**

ORDINANCE NO. 504

**AN ORDINANCE OF THE CITY OF VICTOR AMENDING CERTAIN SECTIONS OF
THE VICTOR MUNICIPAL CODE FOR PURPOSES OF CLARIFICATION**

WHEREAS, in 2016, the City of Victor codified its book of ordinances into a comprehensive municipal code;

WHEREAS, through implementing the new Code provisions, the City has identified provisions within the Code that are in need of clarification and revisions; and

WHEREAS, the City Council finds that these revisions are in the best interests of the City and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR, COLORADO:

Section 1. Sec. 1-4-20 of the Victor Municipal Code is hereby amended by the addition of a new subsections D to read as follows:

- D. In lieu of fines, the Municipal Judge may order the defendant to perform a certain number of hours of useful public service reasonably equal to the amount of fine that would be imposed. Failure to comply with an order to perform useful public service shall be subject to the Municipal Court’s contempt power pursuant to Sec. 2-4-40 of this Code.

Section 2. Sec. 7-1-10 of the Victor Municipal Code is hereby amended by the deletion of the definition of “Junk” and the addition of the definition “Rubbish” to read as follows:

Rubbish means items that are outdoors and that are broken, discarded or not reasonably useable, including but not limited to boxes, crates, salvage materials, discarded fence posts, tires, motor vehicle bodies or parts, scrap metal, bedsprings, discarded furniture and all other household goods or appliances, used lumber, household trash and other similar objects.

Section 3. The definition of “Inoperable vehicle” in Sec. 7-1-10 of the Victor Municipal Code is hereby amended to read as follows:

Inoperable vehicle means an abandoned motor vehicle, as defined in Sections 42-4-1802(1) and 42-4-2012(1), C.R.S., and further defined as a vehicle or trailer in the condition of being wrecked, wholly or partially dismantled, discarded, missing parts or equipment necessary to operate the vehicle or trailer safely and legally on a public right-of-way, including but not limited to any flat tires or any part of said vehicle being supported by jacks, blocks or other supports, or vehicle or trailer lacking properly displayed current license plates.

Section 4. Secs. 7-2-130 and 7-3-40 of the Victor Municipal Code are hereby amended by the insertion of the term “rubbish” for every use of the term “junk”, including in the title of Sec. 7-2-130.

Section 5. The definition of “Livestock” in Sec. 7-4-10 of the Victor Municipal Code is hereby amended to read as follows:

Livestock means animals associated with agricultural use, such as, but not limited to, horses, mules, burros, cows, llamas, sheep, goats, pigs, mink, roosters, ducks, geese, peacocks, turkeys and other fowl. Hens shall not be considered livestock.

Section 6. Sec. 7-4-90(A) of the Victor Municipal Code is hereby amended by the addition of a new subsection 7 to read as follows:

7. Hens: six.

Section 7. Sec. 11-3-30(B) of the Victor Municipal Code is hereby amended to read as follows:

Scope of temporary encroachments. Temporary encroachment permits are required for various items, including but not limited to barricades, construction debris, construction-related dumpsters, and tables and chairs which provide seating for customers of the adjacent business, except for merchant-related or beautification purposes such as flower pots, benches, outdoor display of merchandise. Any use of a right-of-way for this Section is subject to continuous oversight for visual appeal and/or non-obstruction of rights-of-way

Section 8. Sec. 11-3-30(E)(3) of the Victor Municipal Code is hereby amended to read as follows:

Fees. Permit fees shall be as outlined for the specific type of activity.

Section 9. Sec. 11-3-30(E)(4) of the Victor Municipal Code is hereby amended to read as follows:

Specific provisions for outdoor display of merchandise. In addition to the other limitations of this Section, outdoor displays of merchandise are subject to the following additional limitations:

- a. The merchandise may not be stacked or stored, but shall be displayed for sale.
- b. The displays may be only on the public property adjacent to the business whose merchandise is displayed.
- c. The displays may only be located in the C-1 Zone District.

Section 10. Article 5 of Chapter 11 of the Victor Municipal Code is hereby renamed “Right-of-Way and Easement Vacation”

Section 11. Sec. 11-5-10 of the Victor Municipal Code is hereby amended to read as follows:

Any person desiring to apply for the vacation of any public right-of-way or easement shall file a vacation plat with the City Clerk.

Section 12. Sec. 11-5-30(4) of the Victor Municipal Code is hereby deleted and the remaining provision renumbered accordingly.

Section 13. Sec. 11-5-30(8) of the Victor Municipal Code is hereby amended to read as follows:

A public right-of-way or easement vacation plat prepared and stamped by a licensed Colorado surveyor and suitable for filing with the County Clerk and Recorder.

- a. The public right-of-way or easement shall be marked clearly on an 8.5" x 11" or 11" x 17" sheet of paper and shall include:
 - (1) The title centered across the top of the page to reflect the request, such as "Public Right of Way (or Easement) Vacation Exhibit," followed by a legal description of the location of the public right-of-way or easement by section, township, range of the property and "Teller County, Colorado";
 - (2) Reproduction of the public right-of-way or easement to be vacated;
 - (3) North arrow;
 - (4) Written and graphic scale;
 - (5) One-half-inch margins;
 - (6) Preparation date and dates of revisions, if applicable;
 - (7) Labeling of the public right-of-way or easement to be removed with "Street, Alley or Easement Hereby Vacated".

Section 14. Sec. 11-5-30(9) of the Victor Municipal Code is hereby amended to read as follows:

Signature and notary blocks for the owners and lenders of all property involved, stating:

"The undersigned, being the owner(s) of the land described hereon, and the beneficiaries of any deeds of trust encumbering that land, hereby consent(s) to public right-of-way (or easement) vacation."

OR

"The undersigned, being the owner(s) of the land described hereon, and there being no beneficiaries of any deeds of trust encumbering that land, hereby consent(s) to this public right-of-way (or easement) vacation."

Section 15. Sec. 11-5-30(10) of the Victor Municipal Code is hereby deleted.

Section 16. Sec. 11-5-40 of the Victor Municipal Code is hereby amended to read as follows:

- A. *Hearings.* All applications for the vacation of a public right-of-way or easement shall be heard by the City Council. The City Council shall approve, conditionally approve or deny said application within 60 days of the receipt of a complete application, unless mutually continued by the applicant and the City. Notice of the date, time and place of the City Council hearing shall be provided to each adjoining property owner at least ten days prior to the hearing.
- B. *Statutory requirements.* No public right-of-way shall be vacated unless the requirements of Section 43-2-301, et seq., C.R.S., are satisfied. Vesting of title upon vacation shall be in accordance with State law.

Section 17. Sec.11-5-50 of the Victor Municipal Code is hereby amended to read as follows:

A log of right-of-way or easement vacations is attached as Appendix B to this Code.

Section 18. Sec. 13-1-140(D)(2) of the Victor Municipal Code is hereby amended to read as follows:

Such notice shall be mailed at least 15 days prior to disconnection to the billable user by regular mail, postage prepaid, reflecting the charges that are due at the time of mailing. Payment of additional mailing and/or other applicable charges will also be required to stop the disconnection process. The 15-day period shall commence on the date of mailing.

Section 19. Sec. 13-1-150(B) of the Victor Municipal Code is hereby amended to read as follows:

A reconnection fee pursuant to the City's Fee and Fine Schedule shall be paid in addition to all other charges and fees reflected on the account, whether or not delinquent, prior to reconnection of water service.

Section 20. Sec. 13-1-160(D) of the Victor Municipal Code is hereby amended to read as follows:

In the event that any water and/or wastewater service charges or fees remain unpaid for a period of 60 days from the due date, the City Clerk may certify all delinquent and current charges to the County Treasurer, to be placed upon the tax roll for the current year and to be collected in the same manner as taxes, plus a ten-percent penalty thereon to defray the costs of collection. All applicable State statutes and regulations governing the assessment

and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply to those charges so certified.

Section 21. Secs. 13-1-170(B) and (C) of the Victor Municipal Code are hereby amended to read as follows:

B. Each day any of the above violations occurs shall constitute a separate offense and be subject to the penalties in Sec. 1-4-20 of this Code. Each violation is also deemed a nuisance and may be abated as such.

C. Any person who commits any of these acts, and any person who discovers, observes or has reasonable cause to believe that any of the foregoing has occurred, shall immediately report the same to the City.

Section 22. Sec. 16-4-30(A) of the Victor Municipal Code is hereby amended to read as follows:

Setbacks. Due to the unique nature of the historic architecture in the downtown commercial area, all new development must apply for setback approval through the zoning application process per Section 16-10-10 of this Chapter. When determining an appropriate front setback, consideration shall be given to maintaining consistency with existing front setbacks for other structures located near the property and to ensure protection for existing buildings on safety matters (e.g., firewalls). Fences shall not be subject to setback requirements.

Section 23. Sec. 16-5-30(A) of the Victor Municipal Code is hereby amended by the addition of a new subsection 4 to read as follows:

4. Fences are not subject to setback requirements.

Section 24. Sec. 16-6-30(B) of the Victor Municipal Code is hereby amended by the addition of a new subsection 4 to read as follows:

4. Fences are not subject to setback requirements.

Section 25. Sec. 16-8-50(C) of the Victor Municipal Code is hereby amended to read as follows:

Public hearing. After compliance with Sec. 16-10-40, at a public hearing, the City Council make a final decision on the PUD Plan.

Section 26. Sec. 16-10-20 of the Victor Municipal Code is hereby amended by the addition of a new subsection (C) to read as follows:

C. Preliminary Staff Review of Development Plan

Upon receipt of a complete development plan, City staff shall review the plan and within thirty days of receipt, shall make recommendations for City Council review and consideration.

Section 27. Sec. 16-10-30(1) of the Victor Municipal Code is hereby amended to read as follows:

A copy of the Zoning Application Form provided by the City.

Section 28. Section 16-10-40 of the Victor Municipal Code is hereby amended by the addition of new subsections (C) and (D) to read as follows:

C. Public Notice Requirements – Applications. Applications shall be subject to the notice requirements as indicated in the table below.

Type of application	Hearing Required	Mailing Required	Published Notice Required	Posting Required
Rezoning/Zoning Amendments	X	X	X	X
Variance	X	X	X	X
Conditional Use	X	X	X	X
Lot Splits/Amended Plats	X		X	X
Subdivision Plan	X		X	X
Planned Unit Development	X		X	X
Vested Rights	X		Per state statute	

D. Content of public notice.

All notices as required by this Chapter shall contain, at a minimum, the name of the applicant; a plain and brief description of the proposed application; a description of the property subject to the application; the place, date and time of City Council meeting at which the public hearing, if required, will be conducted; and the address/telephone number

of the City Clerk's office where additional information concerning the proposed application can be obtained.

Section 29. Sec. 16-11-10(B)(6) of the Victor Municipal Code is hereby amended to read as follows:

A written narrative and any documentation demonstrating compliance with Subsection D. below.

Section 30. Secs. 16-11-10(C), 16-11-40(2) and 16-14-30(B) of the Victor Municipal Code is hereby amended to read as follows:

Public hearing. After compliance with Sec. 16-10-40, at a public hearing, the City shall consider the application, supporting documentation and City staff report, within 45 days of the filing of a complete application. The hearing may be continued from time to time as the City Council deems necessary.

Section 31. Sec. 16-20-30(E) of the Victor Municipal Code is hereby amended to read as follows:

After compliance with Sec. 16-10-40, at a public hearing, the City Council shall review the subdivision plan, supporting documentation and City staff report and determine whether the plan complies with all City requirements, regulations and standards. The City Council may continue the public hearing as it deems necessary. The City Council shall approve, conditionally approve or deny the subdivision plan within 45 days of concluding the public hearing on the application.

Section 32. Sec. 16-20-40(E) of the Victor Municipal Code is hereby amended to read as follows:

After compliance with Sec. 16-10-40, at a public hearing, the City Council shall consider the lot split application, supporting documentation and the City staff report and shall approve, conditionally approve or deny the lot split. The hearing may be continued from time to time as the City Council deems necessary.

Section 33. Sec. 16-20-50(C) of the Victor Municipal Code is hereby amend to read as follows:

1. Lot Line Eliminations
 - a. Applications for lot line eliminations shall include a plat marked clearly on an 8.5" x 11" or 11" x 17" sheet of paper and shall include:
 - (1) The title centered across the top of the page to reflect the request, such as "Lot Line Elimination Exhibit," followed by a legal description of the subject property.
 - (2) Reproduction of the lot lines to be eliminated;

- (3) North arrow;
 - (4) Minimum one-half-inch margins;
 - (5) Preparation date and dates of revisions, if applicable;
 - (6) Labeling of the proposed new physical address and legal description.
- b. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by the City Council within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.

2. Amended Plat

- a. Applications for amended plats shall meet the criteria specified for subdivision plats. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by the City Council within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.
- b. All amended plats shall conform to the applicable requirements for subdivision plats as provided in this Article, including the minimum design standards, and shall conform to applicable dimensional requirements of this Chapter.

Section 34. Sec. 16-20-50(D) of the Victor Municipal Code is hereby amended to read as follows:

After compliance with Sec. 16-10-40, at a public hearing, the City Council shall consider the amended plat application, supporting documentation and the City staff report and shall approve, conditionally approve or deny the lot line elimination or amended plat. The hearing may be continued from time to time as the City Council deems necessary. No public hearing is required for a lot line elimination and Council may approve, conditionally approve or deny a lot line elimination after review of the supporting documentation.

Section 35. Sec. 16-20-60(A)(17) of the Victor Municipal Code is hereby deleted and subsequent sections renumbered accordingly.

Section 36. Sec. 16-20-60(B) of the Victor Municipal Code is hereby amended by the addition of a new subsection (4) to read as follows:

4. Documentation demonstrating ownership of the property as may be determined by the City in its sole discretion.

Section 37. Sec. 18-1-30 of the Victor Municipal Code, amending Section 105.2 of the International Building Code is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

"Building:

"1. One-story detached accessory structures used as tool and storage sheds, playhouses, greenhouses, carports and similar uses that do not exceed 120 square feet and otherwise conform to appropriate zone district regulations.

"2. Fences, walls and berms six feet (6') or less in height measured from natural grade and meeting all other zoning requirements. Electrically charged fences are not allowed within the City.

Section 38. Section 18-1-30 of the Victor Municipal Code, amending Section 105.5 of the International Building Code, is amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within three hundred and sixty-five (365) days after its issuance or, if so commenced, the work authorized on the site by such permit has not had an inspection for a period of three hundred and sixty-five (365) days after the time the work is commenced. An extension may be granted for an additional three hundred and sixty-five (365) days but under no circumstances shall a permit be effective for more than two years from the date of issuance, or as the date work is commenced.

"In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6."

Section 39. Section 18-5-10 of the Victor Municipal Code shall be amended to read as follows:

Pursuant to C.R.S. §§ 31-16-202 and 12-58-104(1)(l), there is hereby adopted by reference the International Plumbing Code, the version as adopted by the State of Colorado Plumbing Board, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771. The subject matter of this code includes minimum provisions and standards for the installation, alteration or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City, and provides for the inspection thereof within the City for the purpose of protecting the public health, safety and general welfare.

Section 40. Sec. 18-5-30 of the Victor Municipal Code, amending Section 106.5.3 of the International Plumbing Code, is amended to read as follows:

106.5.3 Expiration of permits. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within three hundred and sixty-five (365) days after its issuance or, if so commenced, the work authorized on the site by such permit has not had an inspection for a period of three hundred and sixty-five (365) days after the time the work is commenced. An extension may be granted for an additional three hundred and sixty-five (365) days but under no circumstances shall a permit be effective for more than two years from the date of issuance, or as the date work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the International Building Code, as adopted herein.

Section 41. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Victor, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 42. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 43. Repealer. All provisions of prior City ordinances, regulations, policies, procedures, and official actions irretrievably inconsistent with this ordinance are hereby repealed and superseded by this ordinance only to the extent of such inconsistency.

Section 44. Effective date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, FIRST READ, PASSED AND ORDERED PUBLISHED IN FULL ON FIRST READING THIS 14th DAY OF JUNE, 2018.

Tarla Perdew, Mayor Pro-tem

ATTEST:

Claire Greenwood, City Clerk

A PUBLIC HEARING ON THIS ORDINANCE WILL BE HELD ON THE 19TH DAY OF JULY, 2018, AT 500 VICTOR AVE., 2ND FLOOR, VICTOR, COLORADO AT 6:00PM. NOTICE OF PUBLIC HEARING PUBLISHED JUNE 27, 2018.

PASSED, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY ON
SECOND READING THIS 19th DAY OF JULY, 2018.

Don Daniel, Mayor

ATTEST:

Claire Greenwood, City Clerk

PUBLISHED: _____