

**AGENDA  
OURAY CITY COUNCIL**

**Monday, May 15, 2023 - 6:00 PM**

**Ouray Community Center  
320 6th Ave  
Ouray, CO 81427**

**VIRTUAL OPTION - <https://zoom.us/j/9349389230>**

Meeting ID: 934 938 9230 Passcode: 491878 Or dial: 408 638 0968 or 669 900 6833

**Ouray City Council Regular Meeting**

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Council Packet are available on the City website at [www.cityofouray.com](http://www.cityofouray.com). A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Economic Development Committee, Beautification Committee, Tourism Advisory Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC HEARINGS
  - a. Ordinance 6, Series 2023 - Adopting a Revised Chapter 6 of the Ouray Municipal Code
  - b. Hotel & Restaurant Liquor License Application - St. Elmo LLC dba St. Elmo Hotel
5. CEREMONIAL/INFORMATIONAL - Spring Report of the Friends of the Ouray Via Ferrata
6. APPROVAL OF MINUTES - 5/1/2023 Meeting
7. CITIZENS' COMMUNICATION
8. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
9. DEPARTMENT REPORTS
  - a. City Administrator
  - b. Director of Finance and Administration
  - c. Community Development Director
  - d. Information Technology Director
  - e. OVFD Chief
  - f. Communications and Community Engagement Coordinator
10. CONSENT AGENDA - Liquor License Renewal - El Reno Inc. dba Mi Mexico Family Mexican Restaurant
11. ACTION ITEMS
  - a. Ordinance 6, Series 2023 - Adopting a Revised Chapter 6 of the Ouray Municipal Code - Second Reading
  - b. Hotel & Restaurant Liquor License Application - St. Elmo LLC dba St. Elmo Hotel
  - c. Water Treatment Facility Building and Tank Location Update
  - d. Pre-Engineering Proposal with RA+A for Research on Alternative Heat Source for the Hot Springs Pool through Geothermal Heat Pump System
  - e. MOU with DOLA for Main Street Program
  - f. Agreement with Buckhorn Engineering for Engineering Geology Report for 6th Street Housing Parcel

12. DISCUSSION ITEMS
  - a. Draft 150th Celebration Budget
  - b. Future Agenda Items
13. ADJOURNMENT

**CITY OF OURAY**

**ORDINANCE NO. 06 (Series 2023)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO UPDATING THE CITY'S INTERNATIONAL CODES FROM 2009 TO 2018 BY REPEALING CHAPTER 6, SECTIONS 1 THROUGH 14 OF THE OURAY MUNICIPAL CODE AND REPLACING IT AS FOLLOWS:**

- 1. ADOPTING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC), THE INTERNATIONAL RESIDENTIAL CODE (IRC), THE INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE INTERNATIONAL FIRE CODE (IFC), THE INTERNATIONAL MECHANICAL CODE (IMC), THE INTERNATIONAL FUEL GAS CODE (IFGC), THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE (ISpsc), THE 2011 NATIONAL ELECTRICAL CODE, THE JULY 2018 EDITION OF THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING PUBLISHED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS; AND**
- 2. ADOPTING BY REFERENCE THE 1997 EDITION OF THE UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; AND**
- 3. AMENDING ADMINISTRATION AND ENFORCEMENT, PLUMBING AND ELECTRICAL LICENSES, FLOODPLAIN MANAGEMENT, AND TEMPORARY STRUCTURES; AND**
- 4. SETTING FORTH PENALTIES AND FINES THEREON.**

**WHEREAS**, the City has been operating under the 2009 editions of international codes and directed staff to review and update its building related codes.

**WHEREAS**, the International Code Council released updated editions of the International Building Codes in 2018, and staff recommends adoption of the 2018 Editions.

**WHEREAS**, the City Council desires to amend the Ouray Municipal Code to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Existing Building Code; International Fire Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code.

**WHEREAS**, in addition to a review and update of the City's current building related codes, staff reviewed additional codes that staff determined were applicable to and be beneficial for City Council to adopt being: the International Swimming Pool and Spa Code and the 1997 Edition of the Uniform

Code for Abatement of Dangerous Buildings, and the July 2018 Edition of the Installation Handbook for Manufactured Homes and Factory Built Housing, published by the Colorado Department of Local Affairs.

**WHEREAS**, staff determined that Chapter 6, Section 6-8 Plumbing Code is not necessary as the State of Colorado regulates the plumbing code and as such it is removed.

**WHEREAS**, staff determined that Chapter 6, Section 6-13 Mobile Homes, Factory Built Structures and Manufactured Housing is replaced by adopting the July 2018 Edition Of The Installation Handbook For Manufactured Homes And Factory Built Housing Published By The Colorado Department Of Local Affairs.

**WHEREAS**, City Council finds it is in the best interests of the public health, safety, and welfare to update the building related codes of the City and adopt the recommended additional codes to ensure proper building, remodeling, fire safety, mechanical, plumbing and electrical uses in buildings and structures within the city.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO**, as follows:

**SECTION 1: REPEAL AND REPLACE.**

Chapter 6, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of the Ouray Municipal Code are hereby repealed in their entirety and replaced as follows and with the addition of Section 15:

**Section 6-1: International Building Code (IBC)**

**A. Adoption**

The *International Building Code*, 2018 Edition, Chapters 1 through 35 inclusive and Appendix Chapter J, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-1-C below, are hereby adopted by reference as the Building Code of the City of Ouray, State of Colorado for regulating and governing the conditions and maintenance of all property, buildings and structures except detached one- and two-family dwellings and townhouses up to three stories; providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

**B. Copy on File**

One (1) copy of the *International Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Building Code*, 2018 Edition, is amended as follows:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 101.4.1** (Gas) is amended as follows:

The provisions of the *International Fuel Gas Code* as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations) shall be enforced by the State of Colorado.

c. **Section 101.4.4** (Property Maintenance) is deleted in its entirety.

d. **Section 105.2** (Work exempt from permit) **Building Subsection 1** is amended as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet. Such structures shall be in accordance with Chapter 7 of the Ouray Land Use Code. Only one such structure per lot is allowed without a permit.

e. **Section 105.2** (Work exempt from permit) **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

f. **Section 105.2** (Work exempt from permit) **Building Subsection 3** is deleted in its entirety

g. **Section 105.2** (Work exempt from permit) **Building Subsection 14** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

h. **Section 105.2** (Work exempt from permit) **Building Subsection 15** is added as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

i. **Section 105.2** (Work exempt from permit) **Building Subsection 16** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit.

j. **Section 105.5** (Expiration) is amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or if the work is suspended or abandoned for a period of 180 days after the time of the work is commenced, unless an extension is granted by the Building Official because of the size or complexity of the project. Each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement in footings or structural (monolithic) slab.
2. Reinforcement in stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section 109.3** (Building permit valuations) is amended as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be in accordance with the values established by the International Code Council, Building Valuation Data, August 2018 Edition.

l. **Section 113** (Board of Appeals) is amended as follows:

i. **Section 113.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 113.3 Qualifications** is deleted in its entirety.

m. **Section 115.4** (Stop Work Orders) **Inspection** is added as follows:

The City Administrator or delegee shall have the right of entry to inspect and enforce the provisions of the codes adopted herein by reference in Section 6-1, and other City building and zoning regulations in accordance with the procedures and provisions of the *International Building Code*, its municipal code, and any other provisions provided by law.

n. **Section 310.4.1** (Care facilities within a dwelling) is deleted in its entirety.

o. **Section 1612.3 Establishment of flood hazard areas** is amended as follows:

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Ouray, dated November 11, 1998," and "The Flood Insurance Study for City of Ouray, dated December 9, 2005," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

p. **Section 1803.1** (Geotechnical Investigations) **General** is amended as follows:

All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado or a licensed architect in the State of Colorado. The building official has the right to waive this requirement when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.

**D. Penalty**

The following penalty clause as contained in the *International Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

**114.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

**Section 6-2: International Residential Code (IRC)**

**A. Adoption**

The *International Residential Code*, 2018 Edition, Chapters 1 through 34 inclusive and Appendix B, F, H, J, K, M, Q, R and S, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-2-C below, is hereby adopted by reference as the Residential Code of the City of Ouray, State of Colorado, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permit and collection of fees, as described in this Chapter.

**B. Copy on File**

One (1) copy of the *International Residential Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Residential Code*, 2018 Edition, is hereby modified by the following amendments:

- a. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.
- b. **R104.10.1 (Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

c. **Section R105.2** (Work exempt from permit), **Building Subsection 1** is amended as follows:

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

d. **Section R105.2** (Work exempt from permit), **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

e. **Section R105.2** (Work exempt from permit), **Building Subsection 10** is amended as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

f. **Section R105.2** (Work exempt from permit), **Building Subsection 11** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

g. **Section R105.2** (Work exempt from permit), **Building Subsection 12** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

h. **Section R105.2** (Work exempt from permit), **Electrical Subsection 6** is added as follows:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

i. **Section R105.2** (Work exempt from permit), **Plumbing Subsection 3** is added as follows:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

j. **Section R105.5** (Expiration) is amended to read:

Work must commence within 180 days of issuing the permit. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement of footings or structural (monolithic) slab.
2. Reinforcement of stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section R105.3.1.1 (Permits/Determination of substantially improved or substantially damaged existing buildings in flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

l. **Section R112** (Board of Appeals) is amended as follows:

i. **Section R112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an *ex officio* member of said board but shall have no vote on any matter before the board. The board of appeals shall consist of the members of City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R112.3 Qualifications** is deleted in its entirety.

m. **Section R301, Table R301.2(1)** (Climatic and Geographic Design Criteria) is deleted, and the following is added as follows:

Buildings shall be constructed in accordance with the following climatic and geographic design criteria:

- i. Ground Snow Load: 65 psf
- ii. Wind Speed: 115 mph Ultimate / Exposure B or C
- iii. Topographic Effects: N/A
- iv. Special Wind Region: N/A
- v. Windborne Debris Zone: N/A
- vi. Seismic Design Category: C
- vii. Weathering: Severe
- viii. Frost Line Depth: 36"
- ix. Termite: Slight
- x. Winter Design Temp.: 7 degrees F
- xi. Ice Barrier Underlayment: Yes
- xii. Flood Hazards: Those set forth in FIRM Map Panel No. 0801370316C, (dated December 9, 2005), as they may be amended, and any other applicable FIRM, FIS, or other flood hazard map, if any.
- xiii. Air Freezing Index: 2000
- xiv. Mean Annual Temp.: 40

Buildings shall be constructed in accordance with the following Manual J design criteria:

- i. Elevation: 7,706 feet
- ii. Latitude: 38

- iii. Winter Heating: 7
- iv. Summer Cooling: 86
- v. Altitude Correction Factor: 0.76
- vi. Indoor Design Temperature: 70
- vii. Design Temperature Cooling: 75
- viii. Heating Temperature Difference: 63
- ix. Cooling Temperature Difference: 11
- x. Wind Velocity Heating: 15
- xi. Wind Velocity Cooling: 7.5
- xii. Coincident Wet Bulb: 52
- xiii. Daily Range: H
- xiv. Winter Humidity: 30%
- xv. Summer Humidity: 50%

n. **Section R301.2.4 (Design criteria/Floodplain construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

o. **Section R302.1 (Exterior walls) Exception 2** is deleted in its entirety.

p. **Section R302.1 (Exterior walls) Exception 3** is deleted in its entirety.

q. **Section R309.3 (Garages and carports/Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

r. **Section R313.1 (Townhouse automatic fire sprinkler systems)** is amended as follows:

An automatic residential fire sprinkler system shall be required in townhomes with five (5) or more connected dwelling units.

s. **Section R313.2** (One- and two- family dwellings automatic fire sprinkler systems) is deleted in its entirety.

t. **Section R322 (Flood resistant construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

u. **Section 324.4.1** (Structural requirements) is amended as follows:

Rooftop-mounted photovoltaic systems - Structural requirements to include: For PV systems with a total installed weight not to exceed 3-psf and with staggered fasteners attaching to an existing roof, an engineer's review of the roof structure shall not be required.

v. **Section R326.1** (Swimming pools, spas and hot tubs) is deleted in its entirety.

w. **Chapter 4** (Foundations) shall be amended by the addition of a new section as follows:

#### **R404.6 Foundation Design.**

All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado. The Building Official has the right to waive this requirement when the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.

x. **Chapter 11, Section N1102.1.2 (R402.1.2)** (Insulation and Fenestration Criteria) **Wood Frame Wall R-Value for Climate Zone 6** is amended as follows:

Table N1102.1.2 (Insulation and Fenestration requirements by component) Wood Frame Wall R-Value for Climate Zone 6 are hereby 20 or 13+10<sup>h</sup>.

y. **Section R908.3.1.1** (Roof cover not allowed) Subsection 3 is amended to as follows:

Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.

z. **Section R908** (Reroofing) is amended with the following new Subsection:

**R908.7 Attic Ventilation**

Attic ventilation shall comply with Section R806 (Roof ventilation).

aa. **Section G2445** (Unvented Room Heaters) is amended as follows:

Unvented room heaters are prohibited.

bb. **Section G2406.2** (Appliance prohibited locations) **Subsection 3** is deleted in its entirety.

cc **Section G2406.2** (Appliance prohibited locations) **Subsection 4** is deleted in its entirety.

dd. **Section G2425.8** (Appliances not required to be vented) **Subsection 7** is deleted in its entirety.

ee. **Section N1102.4.1.2** (Energy efficiency/Air leakage/Testing) is deleted in its entirety.

ff. **Section N1103.3.3** (Energy efficiency/Systems/Duct testing) is deleted in its entirety.

gg. **Section N1103.3.4** (Energy efficiency/Systems/Duct leakage) is deleted in its entirety.

hh. **Section N1103.5.1** (Energy efficiency/Systems/Heated water circulation and temperature maintenance systems) is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. of the *International Energy Conservation Code* as adopted by the City of Ouray. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. of the *International Energy Conservation Code* as adopted by the City of Ouray. Automatic controls, temperature sensors, and pumps will be accessible. Manual controls shall be readily accessible.

ii. **Section N1103.5.2** (Energy efficiency/Systems/Demand recirculation water systems) is amended as follows:

When installed, demand recirculation water-systems shall have controls that comply with the following:

- i. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture, or sensing the flow of hot or tempered water to a fixture fitting or appliance, and
- ii. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

jj. **Section N1103.5.4** (Energy efficiency/Systems/Drain water heat recovery units) is amended as follows:

When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

#### **D. Penalty**

The following penalty clause as contained in the *International Residential Code*, 2018 Edition, is hereby adopted and amended to read as follows:

##### **Section R113.4** Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

#### **Section 6-3 International Existing Building Code (IEBC)**

##### **A. Adoption**

The *International Existing Building Code*, 2018 Edition, Chapters 1 through 16 inclusive and all Appendix Chapters and Resource “A”, as published by the International Code Council together with the additions, deletions, insertions, and changes as set forth in Section 6-3-C below, is hereby adopted by reference as the Existing Building Code of the City of Ouray, State of Colorado for

regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.

**B. Copy on File**

One (1) copy of the *International Existing Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Existing Building Code*, 2018 Edition, is hereby modified by the following amendments.

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 112** (Board of Appeals) is amended as follows:

i. **Section 112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 112.3 Qualifications** is deleted in its entirety.

**D. Penalty**

The following penalty clause as contained in the *International Existing Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

**Section 113.4 Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who constructs, alters, repairs, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

**Section 6-4 International Fire Code (IFC)**

**A. Adoption**

The *International Fire Code*, 2018 Edition, Chapters 1 through 67 inclusive and Appendix B, C, D, E, F, G, H, I, J, K, L, M, N, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-4-C below, are adopted as the Fire Code of the City of Ouray, State of Colorado for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, material and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

## **B. Copy on File**

A copy of the *International Fire Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

## **C. Amendments**

The *International Fire Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 107.1** (Inspection authority) is amended as follows:

The fire code official is authorized to enter and examine any building, structure, vehicle, or premises in accordance with Section 104.3 for the purpose of enforcing this code. For this code, the fire code official shall be the building official, unless unusual, detailed, or complex technical projects require the expert opinion of a State of Colorado Level Three Fire Inspector as deemed necessary at the sole discretion of the City Administrator or delegee.

c. **Section 109.1** (Board of appeals established) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

d. **Section 109.3** (Qualifications) is deleted in its entirety.

e. **Section 307** is deleted in its entirety.

f. **Section 5704.2.9.6.1** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks outside of building is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

g. **Section 5706.2.4.4** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

h. **Section 5806.2** (Limitations) is amended as follows:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

i. **Section 6104.2** (Maximum capacity within established limits) is amended as follows:

Within all zoning districts, except C-2 Commercial-Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

## D. Penalty

The following penalty clause as contained in the *International Fire Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 110.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 110.4.1** (Abatement of violation) is amended as follows:

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.

## **Section 6-5 International Mechanical Code (IMC)**

### **A. Adoption**

The *International Mechanical Code*, 2018 Edition, Chapters 1 through 15 inclusive, as published by the International Code Council, together with the additions, insertion, deletions, and changes, as set forth in Section 6-5-C below, are hereby adopted by reference as the Mechanical Code of the City of Ouray, State of Colorado for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided.

### **B. Copy on File**

A copy of the *International Mechanical Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

### **C. Amendments**

The *International Mechanical Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.5.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.5.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after

receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 109.1** (Application for appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 109.2** is deleted in its entirety.

g. **Section 109.3** is deleted in its entirety.

h. **Section 109.4** is deleted in its entirety.

i. **Section 109.5** is deleted in its entirety.

j. **Section 109.6** is deleted in its entirety.

### **Section 6-6 International Fuel Gas Code (IFGC)**

#### **A. Adoption**

The *International Fuel Gas Code*, 2018 Edition, Chapter 1 through 8 and Appendix A, B, C and D, as published by the International Code Council, together with the additions, insertions, deletions and changes set forth in Section 6-6-C below is hereby adopted by reference as the Fuel Gas Code of the City of Ouray, State of Colorado, for regulating and governing fuel gas systems and gas-fired appliances as herein provided.

#### **B. Copy on File**

A copy of the *International Fuel Gas Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

#### **C. Amendments**

The *International Fuel Gas Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.6.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.6.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 108.5** (Stop Work Orders), the last sentence is deleted in its entirety.

f. **Section 109.1** (Application for Appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 501.8** (Appliances not required to be vented) **Subsection 3 (Hot plates and laundry stoves)** is deleted in its entirety.

g. **Section 501.8** (Appliances not required to be vented) **Subsection 8 (Room heaters listed for unvented use)** is deleted in its entirety.

h. **Section 621** (Unvented Room Heaters) is amended as follows:

Unvented Room Heaters are hereby prohibited.

### **Section 6-7 International Energy Conservation Code (IECC)**

#### **A. Adoption**

The *International Energy Conservation Code*, 2018 Edition, Chapters 1 through 6 of both the Commercial and Residential IECC provisions inclusive, as published by the International Code Council, together with the additions, insertion, deletions and changes set forth below in Section 6-

7-C, are hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Ouray.

**B. Copy on File**

A copy of the *International Energy Conservation Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Energy Conservation Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section C101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section C109** (Board of Appeals) is amended as follows:

i. **Section C109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section C109.3** (Qualifications) is deleted in its entirety.

d. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

e. **Section R402, Table R402.1.2** (Insulation and Fenestration Requirements by Component) **Wood Frame Wall R-Value** is amended as follows:

Wood Frame Wall R-Value for Climate Zone 6) to read: 20 or 13+10<sup>h</sup>.

f. **Section R402.4.1.2** (Testing) is deleted in its entirety.

g. **Section R403.3.3** (Duct testing) (Mandatory) is deleted in its entirety.

h. **Section R403.3.4** (Duct leakage) (Prescriptive) is deleted in its entirety.

i. **Section R403.5.1** (Heated water circulation and temperature maintenance systems) (Mandatory) is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

j. **Section R403.5.2** (Demand recirculation water systems) is amended as follows:

When installed, demand recirculation water systems shall have controls that comply with the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance, and
2. The controls shall limit the temperature of the water entering the cold- water piping to not greater than 104°F (40°C).

k. **Section R403.5.4** (Drain water heat recovery units) is amended as follows:

When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

l. **Section R403.6** (Mechanical ventilation) (Mandatory) is amended by adding the following:

Automatic controls for heating incoming air shall be provided.

m. **Section R109** (Board of Appeals) is amended as follows:

i. **Section R109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R109.3** (Qualifications) is deleted in its entirety.

## **D. Penalty**

The following penalty clause provisions to the *International Energy Conservation Code, 2018 Edition*, is hereby adopted and new sections are added as follows:

### **1. Section C110 (Violation penalties)** is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

### **2. Section R110 (Violation penalties)** is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

## **Section 6-8: International Swimming Pool and Spa Code (ISPSC)**

### **A. Adoption**

The *International Swimming Pool and Spa Code, 2018 Edition*, Chapters 1 through 11 inclusive and all Appendix Chapters as published by the International Code Council, together with the additions, insertions, deletions and changes set forth below in Section 6-8-C, is hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing and establishing regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions.

### **B. Copy on File**

A copy of the *International Swimming Pool and Spa Code, 2018 Edition*, is on file in the office of the City of Ouray Building Inspector.

### **C. Amendments**

The following penalty clause as contained in the *International Swimming Pool and Spa Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 107.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a pool or spa in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 107.5** (Stop work orders) is amended by deleting the last sentence.

c. **Section 108 Means of Appeal** is amended as follows:

#### **108.1 Board of Appeals**

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

#### **108.2 Limitation on Authority**

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

### **Section 6-9 National Electrical Code**

#### **A. Adoption**

The 2011 National Electrical Code, as published by the National Fire Protection Association, shall be the electrical code for the City and regulate and govern all electrical work within the City.

#### **B. Fees**

The fee and electrical permit for electrical work shall be obtained from the State of Colorado electrical inspector.

### **Section 6-10 Manufactured Housing Installation Handbook**

**A. Adoption**

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, as published by the Colorado Department of Local Affairs, together with the additions, deletions, insertions, and changes as set forth in Section 6-10-C below, is hereby adopted by reference as the Manufactured Housing Installation Handbook of the City of Ouray, State of Colorado for regulating and governing the installation of manufactured homes in the City. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the City as fully set out with.

**B. Copy on File**

A copy of the *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is hereby modified by the following amendments:

- a. **Chapter 7, Mechanical, Subsection Blower door testing** is deleted.

**D. Definitions**

For purposes of this Section, the following definitions will apply:

1. **Dependent mobile home** means a mobile home which does not have a flush toilet and a bath or shower.
2. **Independent mobile home** means a mobile home which has a flush toilet, a bath or a shower and a sink.
3. **Mobile home** means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.
4. **Modular home** means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.

**E. Permit for Location and Installation**

1. It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the City.

2. It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the City without first obtaining a permit therefor upon written application on a form to be furnished by the City of Ouray. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building Official, and if the official is satisfied that the installation therein described will conform to the requirements of subsections (a) through (e) below, the official shall issue a permit therefor to the applicant. Fees for the permit shall be in accordance with the Fee Schedule adopted by Resolution by the City Council based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of subsections (a) through (e) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Section, the date issued and the signature of the Building Official.

- a. The proposed location shall be in compliance with zone district dimensional requirements and zoning regulations as outlined in Chapter 7 of the Ouray Municipal Code.
- b. The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in subsection (e) below.
- c. All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline, or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, except for a supply container for each mobile home, no gasoline, kerosene, or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief or Fire Code Official. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and environment controlling carbon monoxide poisoning.

d. Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams or stringers of the mobile home or modular home. If piers are used, they shall be installed pursuant to requirements of the home manufacturer and State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both the top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.

e. Pursuant to the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

## **F. Penalty**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, repairs, or changes the occupancy of a manufactured or factory-built home or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

## **Section 6-11: Uniform Code for the Abatement of Dangerous Buildings**

### **A. Adoption**

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, Chapters 1 through 8 inclusive, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-11-C below, is hereby adopted by reference as the Code for Abatement of Dangerous Buildings of the City of Ouray, State of Colorado for regulating and governing the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

### **B. Copy on File**

A copy of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby modified by the following amendments:

a. **Section 205.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

b. **Section 401.2 (Notice and Order) Subsection 3.1** is amended as follows:

If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor, and the work physically commenced within such time (not to exceed 90 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all circumstances.

c. **Section 401.2 (Notice and Order) Subsection 3.3** is amended as follows:

If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 90 days from the date of the order; and that the demolition be completed within such a time as the building official shall determine is reasonable.

d. **Section 401.2 (Notice and Order) Subsection 5** is amended as follows:

Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 45 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

e. **Section 601 General** is amended as follows:

i. **601.1 Board of Appeals**

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **601.2 Limitation on Authority**

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

f. **Sections 602 through 605** are deleted in their entirety.

g. **Section 701.3** (Failure to Commence Work) is amended as follows:

Whenever the required repair or demolition is not commenced within 45 days after any final notice and order issued under this code becomes effective:

h. **Section 702** (Extension of Time to Perform Work) is amended as follows:

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 an additional 180 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.

i. **Chapter 8** is deleted in its entirety.

k. **Chapter 9** is deleted in its entirety.

**D. Penalty**

The following penalty clause as contained in the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby adopted and amended to read as follows:

**Section 203** Violations.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any

building or structure or cause or permit the same to be done in violation of this code. Upon notice from the code official, work that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall be required to give written notice prior to stopping the work.

### **Section 6-12 Administration and Enforcement**

A. The City Council may appoint a Building Inspector or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the building codes adopted by reference in this Chapter, the Colorado Plumbing Code, the National Electrical Code, and other city building and zoning regulations.

B. The City Council may appoint a Fire Official or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the fire code adopted by reference in this Chapter.

C. The City Administrator, the Building Official, Fire Official or their designated representative shall have the right of entry to inspect and enforce the provisions of the codes adopted by reference in this Chapter, and other City building and zoning regulations in accordance with the procedures and provisions of Section 6-1-E of this Chapter, in addition to any other provisions provided by law.

D. Any building or structure in violation of any of the provisions of this Chapter, any of the codes adopted by reference herein, the Colorado Plumbing Code, or the National Electrical Code is hereby declared to be a nuisance and may be abated by the City in any lawful manner.

E. The City may maintain an action in any court of competent jurisdiction to enforce any provision of this Chapter; the codes adopted by reference therein, the Colorado Plumbing Code, or the National Electrical Code.

F. The City may elect to have the Colorado Plumbing Code administered and enforced by the Colorado State Plumbing Inspector.

### **Section 6-13: Plumbing and Electrical Licenses**

A. It shall be unlawful for any person to perform any electrical or plumbing work within the City for which a license is required by the State of Colorado without having a State License.

B. The owner of a building may make minor repairs to their own property without a license. The City of Ouray and its employees shall not be required to have a license to perform work on City-owned property.

### **Section 6-14: Floodplain Management Regulations**

## **A. Purposes**

The purposes of this Section are to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. To help a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. To ensure that potential buyers are notified that property is located in a flood hazard area.

## **B. General Provisions**

1. This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City of Ouray, Colorado.
2. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
3. In the interpretation and application of this Section, all provisions shall:
  - a. Be considered as minimum requirements;
  - b. Be liberally construed in favor of the governing body; and
  - c. Be deemed neither to limit nor repeal any other powers granted under State statutes.
4. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and

other applicable regulations. Nothing herein shall prevent the City of Ouray from taking such lawful action as is necessary to prevent or remedy any violation of this Section. This Section meets the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

5. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

6. This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Ouray or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

### **C. Adoption of Maps and Studies**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for City of Ouray, Colorado," dated July 3, 1985, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, including the Letter of Map Revision dated November 9, 1998 and the Letter of Map Revision dated December 9, 2005, are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the City of Ouray City Council, such as the Uncompahgre River Report, prepared by AS Consultants, Inc., dated April 1, 1978, which was designated and approved by the Colorado Water Conservation Board in December, 1981. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available at the City of Ouray administrative office for public inspection.

### **D. Definitions**

Unless specifically defined below, words or phrases used in this Section shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.

**100-Year Flood** means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

**100-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**500-Year Flood** means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

**500-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

**Addition** means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**Alluvial Fan Flooding** means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

**Area of Shallow Flooding** means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement** means any area of a building having its floor sub-grade (below ground level) on all sides.

**Channel** means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**Channelization** means the artificial creation, enlargement or realignment of a stream channel.

**Code of Federal Regulations (CFR)** means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

**Community** means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility** means a structure or related infrastructure, but not the land on which it is situated, as specified in that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**Development** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DFIRM Database** means a database (usually spreadsheets containing data) and analyses that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**Digital Flood Insurance Rate Map (DFIRM)** means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

**Elevated Building** means a non-basement building that is (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adoption of this Section.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Register** means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

**FEMA** means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**Flood or Flooding** means the general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**Flood Insurance Rate Map (FIRM)** means an official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the City.

**Flood Insurance Study (FIS)** means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

**Floodplain or Flood-Prone Area** means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

**Floodplain Administrator** means the City's official designated by title to administer and enforce the floodplain management regulations.

**Floodplain Development Permit** means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA).

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations** means zoning ordinances, subdivision regulations, building codes and other applications of police power, state or local, which provide standards for the purpose of flood damage prevention and reduction.

**Flood Control Structure** means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodproofing** means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway (Regulatory Floodway)** means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Freeboard** means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Revision (LOMR)** means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs

are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Levee** means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**Manufactured Home** shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision** means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**Material Safety Data Sheet (MSDS)** means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

**National Flood Insurance Program (NFIP)** means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adoption of this Section.

**No-Rise Certification** means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

**Physical Map Revision (PMR)** means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

**Recreational Vehicle** shall have the same meaning as defined in Chapter 7 of this Code.

**Special Flood Hazard Area** means the land in the floodplain subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**Start of Construction** means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code, and includes a gas or liquid storage tank, which is principally above ground.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the City of Ouray. This includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Threshold Planning Quantity (TPQ)** means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

**Variance** means a grant of relief to a person from the requirement of this Section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section. For full requirements see Section 60.6 of the National Flood Insurance Program regulations.

**Violation** means the failure of a structure or other development to be fully compliant with this Section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **E. Floodplain Development Permit Establishment and Criteria**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.

1. A Floodplain Development Permit shall be obtained before construction or development within any area of Special Flood Hazard as established in Section 6-14-C.

2. An application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to Special Flood Hazard Areas. The following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- c. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 6-14-H-2-b;
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- j. The relationship of the proposed use to the comprehensive plan for that area.

## **F. Administration of Regulations**

The Building Official is appointed as the Floodplain Administrator to administer, implement, and enforce the provisions of this Section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management including, but not limited to, performance of the following duties:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 6-14-E.
2. Review, approve, or deny all applications for Floodplain Development Permits.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Section 6-14-C, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 6-14-H.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Ouray's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City of Ouray.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City of Ouray may approve certain development in Zones A1-30, AE, AH, on the City of Ouray's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City of Ouray first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

#### **G. Variance and Appeal Procedures**

1. The Planning Commission, as established by the City of Ouray, shall hear and render judgment on requests for variances from the requirements of this Section.

2. The City Council shall hear and render judgment on appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Section.

3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

4. In rendering judgment on requests for variances from this Section and appeals, the Planning Commission shall consider all technical evaluations and all relevant factors and standards as specified in this Section, including the criteria of Section 6-14-E-3.

Variances shall only be issued upon:

a. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Showing a good and sufficient cause;

c. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
6. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
  - a. The criteria outlined in Section 6-14-G are met; and
  - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
7. Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision in the courts of competent jurisdiction.
8. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency.
9. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
10. Upon consideration of the factors noted above and the intent of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as outlined in Section 6-14-A.
11. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
12. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## **H. Provisions for Flood Hazard Reduction**

The following provisions are required for all new construction and substantial improvements in all Special Flood Hazard Areas.

1. General Standards
  - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral

movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. Table 4.5 of the Debris and Flood Control Plan for Portland and Cascade Creeks at Ouray, Colorado, dated October 25, 1982, published by the Colorado Water Conservation Board may be used as appropriate;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

h. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## 2. Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Section 6-14-C, Section 6-14-F-7, or Section 6-14-H-10 the following provisions are required:

a. Residential new construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. New construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure, with the exception of Critical Facilities, as outlined in

Section 6-14-H-11, shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

b. For all construction, a registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

### 3. Enclosures

a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 4. Manufactured Homes

a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City of Ouray's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be

elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the City of Ouray's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

i. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### 5. Recreational Vehicles

a. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City of Ouray's FIRM must either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, meaning it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

iii. Meet the permit requirements of Section 6-14-E, and the elevation and anchoring requirements for "manufactured homes" in Section 6-14-H-4 of this Section.

#### 6. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in Section 6-14-C are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. Residential new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. With the exception of Critical Facilities, outlined in Section 6-14-H-11, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 6-14-E, are satisfied.

c. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

## 7. Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. Areas located within Special Flood Hazard Areas established in Section 6-14-C are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the City of Ouray during the occurrence of the base flood discharge.

b. If Section 6-14-H-7-a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6-14-H.

c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City of Ouray may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the City first applies for a CLOMR and floodway revision through FEMA.

## 8. Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

a. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

c. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

d. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

e. All activities within the regulatory floodplain shall meet all applicable Federal, State and City of Ouray floodplain requirements and regulations.

f. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the City of Ouray first applies for a CLOMR and Floodway revision in accordance with Section 6-14-H-7.

g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

## 9. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

- a. For residential construction, the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
- b. For nonresidential construction, the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

## 10. Standards for Subdivision Proposals

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 6-14-E and the provisions of Section 6-14-H of this ordinance.
- c. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 6-14-C or Section 6-14-F of this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize or eliminate flood damage.

## 11. Standards for Critical Facilities

It is the responsibility of the City of Ouray City Council to identify and confirm that specific structures in the community meet the following criteria:

Critical facilities are those that house essential services such as public safety, emergency responders, emergency medical centers, emergency shelters, main communication hubs, public utility facilities for generation and distribution of power, water, and gas (but do not include business offices); or sites and facilities that produce or store highly volatile, flammable, explosive, toxic or other hazardous materials such as chemical plants, laboratories refineries, hazardous waste storage and disposal sites, and gasoline or propane storage or sales centers; facilities for at-risk populations, such as schools and nursing homes; and facilities vital to restoring normal services including government operations.

a. All new and substantially remodeled Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be either:

i. Located outside the Special Flood Hazard Area; or

ii. Elevated to at least two (2) feet above the Base Floor Elevation (this includes the elevation of the lowest floor or floodproofing of the structure and the attendant utility and sanitary facilities).

b. New Critical Facilities shall, when practicable as determined by the City of Ouray, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

### **I. Obstruction of Flumes, Creeks or Water Courses Prohibited**

1. It shall be unlawful to obstruct or interfere with the proper orientation of the Portland Flume, Cascade Flume and Catchment Basin, appurtenant access easements, the channel of Skyrocket Creek, Canyon Creek, Oak Creek, Bridal Veil Creek and other water courses or flood control facilities and appurtenances by placing or allowing any obstruction, including, but not limited to bridges, cantilevered structures, culverts, rocks, trash or other objects within such facilities or otherwise.

2. All residences or other buildings designed or used for occupancy erected, or liquefied petroleum gas tanks installed, after the effective date of Ordinance No. 2 (Series 1983) shall be set back a minimum of ten (10) feet on either side from the outside walls of the Portland or Cascade Flume.

### **J. Enforcement**

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with this Section and other applicable regulations. It shall be unlawful for any person to violate any of the provisions of this Section. Any person convicted of such a violation may be subject to a fine as set forth under Ouray Municipal Code 1-4 General Penalty. Each day any violation continues shall be considered a separate offense.

2. The City may maintain an action in any court of competent jurisdiction to enjoin or abate any violation of the requirements of this Section.

3. Any property, building or structure existing or maintained in violation of the requirements of this Section is hereby declared to be a nuisance, which may be abated in accordance with the law.

## **6-15 Temporary Structures**

### **A. General Provisions**

1. Temporary structures are structures or buildings 120 square feet or larger, erected for more than 72 consecutive hours but no more than 180 days within a period of 12 consecutive months. Structures erected for less than 72 consecutive hours do not require a permit under this section. Structures or buildings erected for a period longer than 180 days shall be required to apply with the appropriate building code unless an extension is granted by the building official.

2. The building official is authorized to issue a permit for temporary structures. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days within any period of 12 consecutive months. The building official is authorized to grant extensions to the permit for demonstrated good cause.

### **B. Conformance**

Temporary structures shall conform to the building regulations pursuant to Chapter 6 of this Code. In the event plumbing and electricity are temporarily supplied to the structure, appropriate State licenses must be acquired pursuant to Section 6-13 of this Code.

### **C. Termination and Expiration of a Permit**

The building official is authorized to terminate a permit for a temporary structure upon any violation of this Code and to order the temporary structure to be immediately dismantled and removed.

## **SECTION 2: EFFECTIVE DATE.**

The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter, 3.5-G and 3.7 concerning enacting codes by reference.

**SECTION 3: 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.

**INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED** on first reading by \_\_\_\_ vote of the Ouray City Council this \_\_\_\_ day of \_\_\_\_\_ 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by \_\_\_\_ vote of the Ouray City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**CERTIFICATE OF ATTESTATION**

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. \_\_\_\_\_ (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first

reading on \_\_\_\_\_, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on \_\_\_\_\_, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on \_\_\_\_\_, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

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Melissa M. Drake, City Clerk

## Colorado Liquor Retail License Application

New License  
  New-Concurrent  
  Transfer of Ownership  
  State Property Only  
  Master file

• All answers must be printed in black ink or typewritten  
 • Applicant must check the appropriate box(es)  
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: [SBG Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor)

1. Applicant is applying as a/an  
  Individual  
 Limited Liability Company  
 Association or Other  
 Corporation  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant, if an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation      FEIN Number  
*St Elmo LLC*      *30-0836636*

2a. Trade Name of Establishment (DBA)      State Sales Tax Number      Business Telephone  
*St Elmo Hotel*      *24925410-0000*      *970 315 4951*

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
*426 MAIN ST*

City      County      State      ZIP Code  
*DURAY*      *DURAY*      *CO*      *81427*

4. Mailing Address (Number and Street)      City or Town      State      ZIP Code  
*PO Box 622*      *DURAY*      *CO*      *81427*

5. Email Address  
*StElmoHotel1898@GMAIL.COM*

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)      Present State License Number      Present Class of License      Present Expiration Date  
*FOR THE LOVE OF THE MOUNTAIN*      *03-01488*      *HOTEL RESTAURANT*      *6/11/2022*

Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
<input checked="" type="checkbox"/> Application Fee for New License ..... \$1,100.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County) ..... \$312.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review ..... \$1,200.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City) ..... \$500.00
<input type="checkbox"/> Application Fee for Transfer ..... \$1,100.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) ..... \$500.00

Section B Liquor License Fees*	
<input type="checkbox"/> Add Optional Premises to H & R ... \$100.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - H & R ..... \$75.00
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - Tavern ..... \$75.00
<input checked="" type="checkbox"/> Add Sidewalk Service Area ..... \$75.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment ..... \$75.00
<input type="checkbox"/> Arts License (City) ..... \$308.75	<input type="checkbox"/> Manager Registration - Campus Liquor Complex ..... \$75.00
<input type="checkbox"/> Arts License (County) ..... \$308.75	<input type="checkbox"/> Optional Premises License (City) ..... \$500.00
<input type="checkbox"/> Beer and Wine License (City) ..... \$351.25	<input type="checkbox"/> Optional Premises License (County) ..... \$500.00
<input type="checkbox"/> Beer and Wine License (County) ..... \$436.25	<input type="checkbox"/> Racetrack License (City) ..... \$500.00
<input type="checkbox"/> Brew Pub License (City) ..... \$750.00	<input type="checkbox"/> Racetrack License (County) ..... \$500.00
<input type="checkbox"/> Brew Pub License (County) ..... \$750.00	<input type="checkbox"/> Resort Complex License (City) ..... \$600.00
<input type="checkbox"/> Campus Liquor Complex (City) ..... \$500.00	<input type="checkbox"/> Resort Complex License (County) ..... \$600.00
<input type="checkbox"/> Campus Liquor Complex (County) ..... \$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City) ..... \$160.00
<input type="checkbox"/> Campus Liquor Complex (State) ..... \$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) ..... \$160.00
<input type="checkbox"/> Club License (City) ..... \$308.75	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State) ..... \$160.00
<input type="checkbox"/> Club License (County) ..... \$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City) ..... \$500.00
<input type="checkbox"/> Club License (County) ..... \$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County) ..... \$500.00
<input type="checkbox"/> Distillery Pub License (City) ..... \$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City) ..... \$227.50
<input type="checkbox"/> Distillery Pub License (County) ..... \$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County) ..... \$312.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City) ..... \$500.00	<input type="checkbox"/> Retail Liquor Store (City) ..... \$227.50
<input type="checkbox"/> Hotel and Restaurant License (County) ..... \$500.00	<input type="checkbox"/> Retail Liquor Store (County) ..... \$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) ..... \$600.00	<input type="checkbox"/> Tavern License (City) ..... \$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) ..... \$600.00	<input type="checkbox"/> Tavern License (County) ..... \$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) ..... \$227.50	<input type="checkbox"/> Vintners Restaurant License (City) ..... \$750.00
	<input type="checkbox"/> Vintners Restaurant License (County) ..... \$750.00

\* Note that the Division will not accept cash

Questions? Visit: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information

Do not write in this space - For Department of Revenue use only

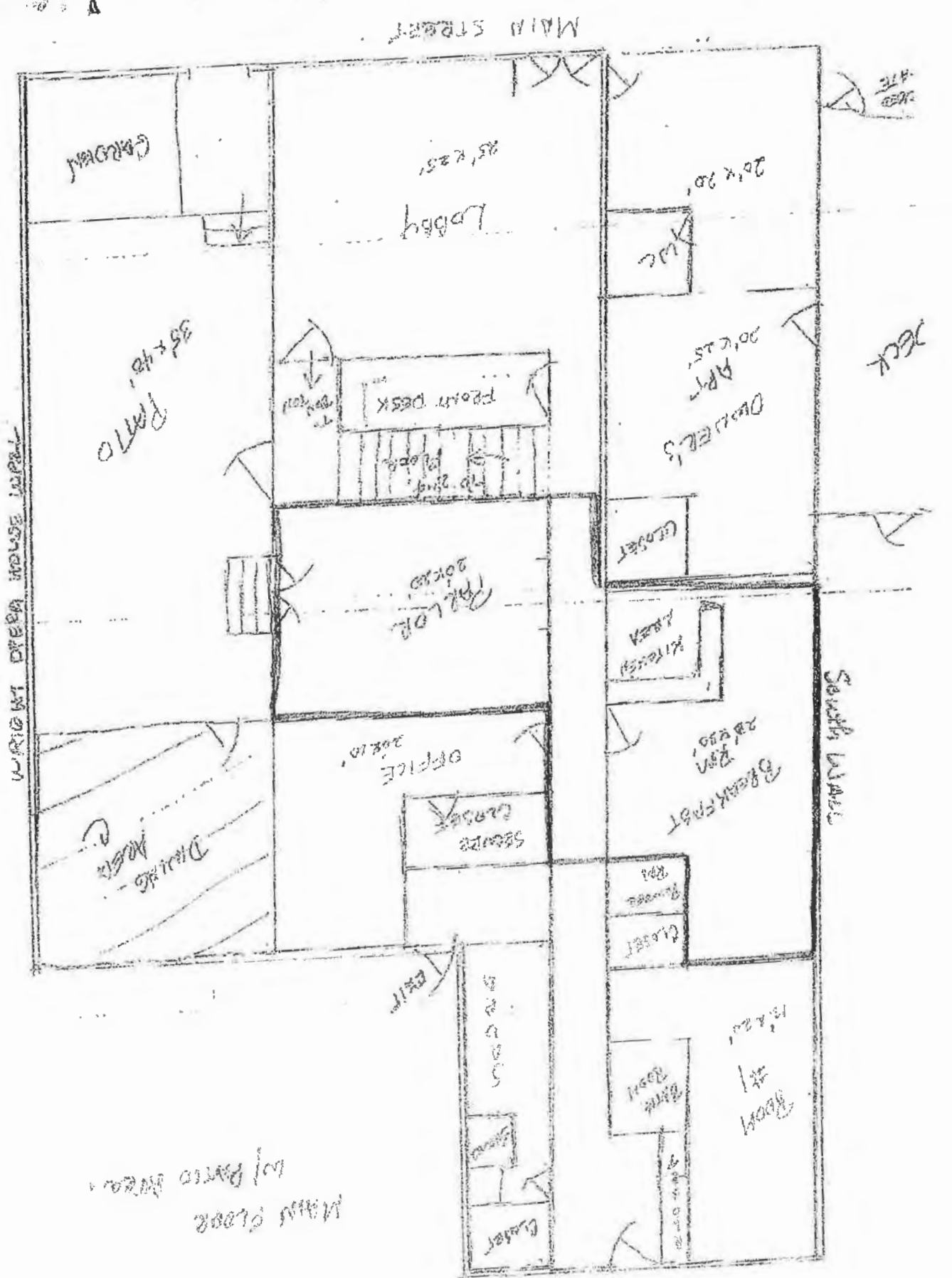
Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name	Type of License	Account Number
7. Is the applicant (including any of the partners if a partnership, members or managers if a limited liability company) or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership, members or managers if a limited liability company) or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		
a. Been denied an alcohol beverage license?		<input type="checkbox"/> <input checked="" type="checkbox"/>
b. Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet		
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes" explain in detail.		<input type="checkbox"/> <input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input checked="" type="checkbox"/>
		or
		Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>
		Other _____
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input checked="" type="checkbox"/>
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input checked="" type="checkbox"/>
13 a. For additional Retail Liquor Store only: Was your Retail Liquor Store License issued on or before January 1, 2016?		<input type="checkbox"/> <input checked="" type="checkbox"/>
13 b. Are you a Colorado resident?		<input checked="" type="checkbox"/> <input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership, members or manager if a Limited Liability Company) or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/> <input checked="" type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?		<input checked="" type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail): _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:		
Landlord	Tenant	Expires
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		<input type="checkbox"/> <input type="checkbox"/>
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11"		
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business, or who will receive money from this business? Attach a separate sheet if necessary.		
Last Name	First Name	Date of Birth (FFIN or SSN)
BAGGETT	JERRIE H	
Last Name	First Name	Date of Birth (FFIN or SSN)
BAGGETT	BLAKE	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.		
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/> <input type="checkbox"/>
Number of additional Optional Premise areas requested (See license fee chart)		
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4) include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		<input type="checkbox"/> <input type="checkbox"/>
If "yes" a copy of license must be attached.		

Name	Type of License	Account Number		
<b>20. Club Liquor License applicants answer the following. Attach a copy of applicable documentation</b>				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following</b>				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>22. Campus Liquor Complex applicants answer the following</b>				
a. Is the applicant an institution of higher education?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>23. For all on-premises applicants</b>				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV for details				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager		First Name of Manager		
<b>24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.</b>				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>25. Related Facility - Campus Liquor Complex applicants answer the following</b>				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
<b>26. Tax Information</b>				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</b>				
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name	Type of License	Account Number	
<b>Oath Of Applicant</b>			
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.			
Authorized Signature <i>[Signature]</i>	Printed Name and Title JENNELL BAGGETT OWNER	Date 7/9/22	
<b>Report and Approval of Local Licensing Authority (City/County)</b>			
Date application filed with local authority	Date of local authority hearing (for new license applicants, cannot be less than 30 days from date of application)		
The Local Licensing Authority Heresby Affirms that each person required to file DR 8404-1 (Individual History Record) or a DR 8000 (Manager Permit) has been:			
<input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants			
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.			
(Check One)			
<input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority			
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?	Yes	No	
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.			
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food during the prior twelve (12) month period?	<input type="checkbox"/>	<input type="checkbox"/>	
The foregoing application has been examined, and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 of 3 C.R.S., and Liquor Rules. Therefore, this application is approved.			
Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature	Print	Title	Date



Main floor  
 w/ patio area

Basement / Ratio Level ②

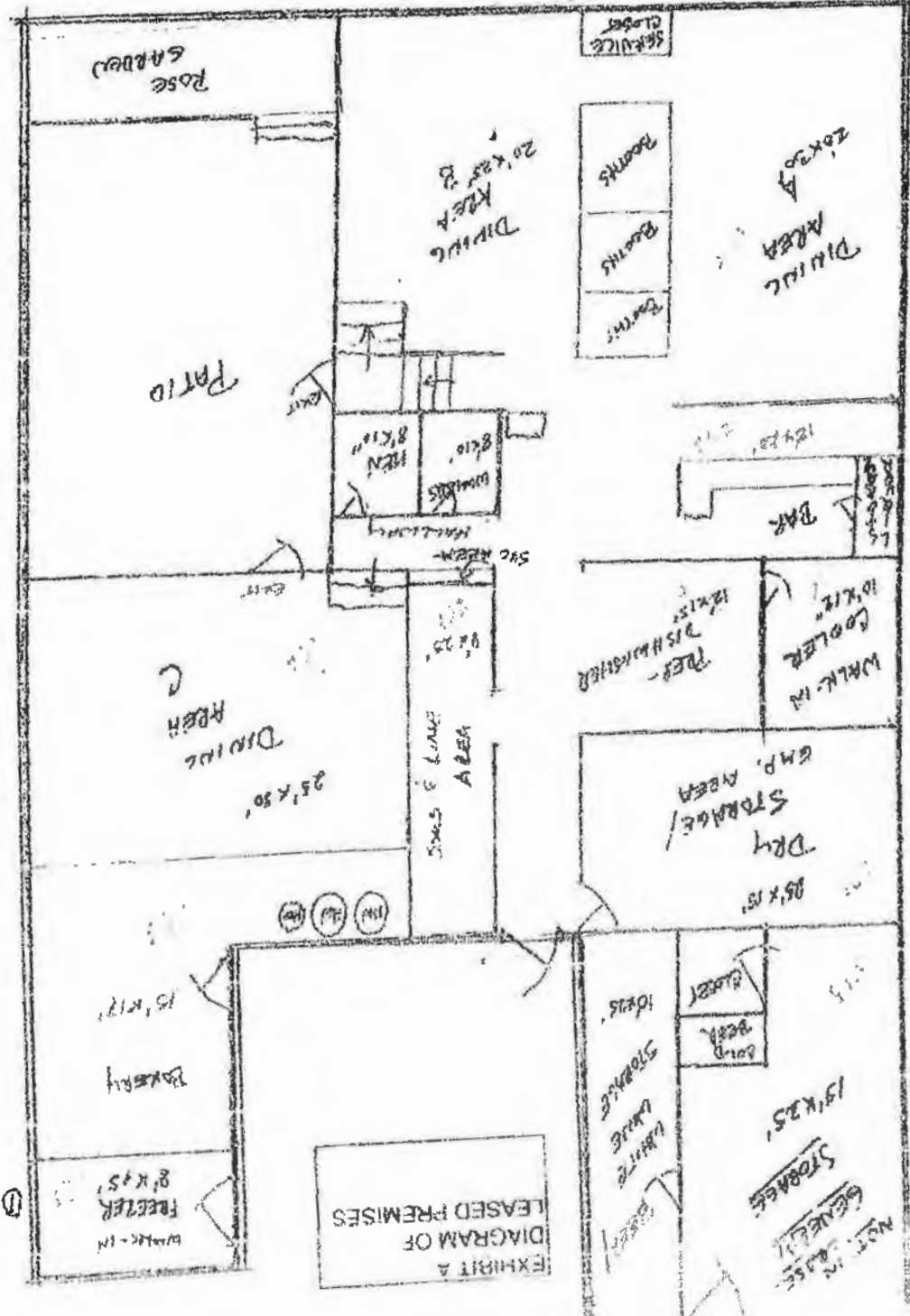


EXHIBIT A  
DIAGRAM OF  
LEASED PREMISES

① Boundary West  
② Sublease  
③ Boundary to  
Hunt St.  
④ Boundary South

I, the undersigned, as a resident of the City of Ouray, do hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As ground for my support, I state that as a resident of Ouray I desire to have the sales of alcohol available at this location. I understand that this business would be required to comply with all Colorado State Liquor License Regulations. I further state that it is my belief that the reasonable needs and desires of the residents of the City of Ouray would be met by licensing the sale of alcohol at St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray.

Name	Signature	Street Address in Ouray
Alyna Pedu	Alyna Pedu	
Peg E. Rollans	Peg E. Rollans	
Olet Smith	Olet Smith	
Sara A. Martinez	Sara A. Martinez	
Chris Price	Chris Price	
SAM NARDIN	SAM NARDIN	
Alex Durham	Alex Durham	
Meghan Russo	Meghan Russo	
Kayla Pratt	Kayla Pratt	
Maggie Beyer	Maggie Beyer	
Kronatta Hamil	Kronatta Hamil	
Anley Haveline	Anley Haveline	
Shane Scriber	Shane Scriber	
Sara Scriber	Sara Scriber	
Jesse Jackson Cole	Jesse Jackson Cole	
Ason Vertias	Ason Vertias	
Amber Pearson	Amber Pearson	
Helen G. Anderson	Helen G. Anderson	
Dawn Wilbur	Dawn Wilbur	

Mark Van Meter	Wendy
Brooke Eastley	Brooke Eastley
John Hart	John Hart
Nancy Nixon	Nancy Nixon
RON JAMES	Ron James
Ruford Sanders	Ruford Sanders
Brianna Sanders	Brianna Sanders
Alisa Bockker	Alisa Bockker
Donny Meyer	Donny Meyer

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Tamyn Brooks

Business: Savage Spectrum Wines

Business Address: 480 Main St

Signature: 

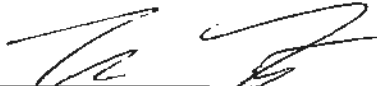
Date: 3-5-23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Thomas Fedel

Business: Ouray Grocery

Business Address: 621 Main St.

Signature: 

Date: 3/3/23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Crysta Orr

Business: Full Tilt Saloon

Business Address: 726 main st. Ouray, Co, 81427

Signature: 

Date: 3-7-23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Corinne Andrews

Business: Skin Alchemy

Business Address: 630. Main St.

Signature: 


Date: 03-07-2023

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Katie Craig

Business: High Country Leathers

Business Address: 518 Main Street Ouray, CO 81427

Signature: 

Date: March 5, 2023

# **Friends of the Ouray Via Ferrata – Spring Report to the City of Ouray**

-May 2, 2023

## **Fiscal Year Financials:**

Attached.

## **Annual budget:**

Our budget for Calendar 2021 is as follows:

Ranger Payroll	\$ 45,000
Spring commissioning	\$ 2,000
Fall decommissioning	\$ 2,000
Misc operating expenses	\$ 2,000
<b>Total operating budget</b>	<b>\$ 51,000</b>

## **Safety/reports:**

The OVF rangers will complete a 1-day training program. 5 Rangers have been hired and trained and are supervising the route start from 8-4 daily.

## **Improvements:**

Our improvement plan for 2023 will focus on additional signage.

## **Concessionaire Use:**

This season the independent FOVF board members approved 5 commercial guide services for the OVF.

Rock, Ski, Alpine Guides  
Mountain Trip  
San Juan Mountain Guides  
Base Camp  
San Juan Expeditions  
Moxie  
Telluride Mountain Guides

**Events:** Currently there are no special events planned for this season.

## FRIENDS OF OURAY VIA FERRATA

## Balance Sheet

As of December 31, 2022

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	<u>Dec 31, 22</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Alpine Bank Checking	74,675.58
<b>Total Checking/Savings</b>	<u>74,675.58</u>
<b>Other Current Assets</b>	
Due From RMAL	1,475.97
<b>Total Other Current Assets</b>	<u>1,475.97</u>
<b>Total Current Assets</b>	<u>76,151.55</u>
<b>TOTAL ASSETS</b>	<b><u>76,151.55</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
Long Term Liabilities	
EIDL Loan	81,400.00
<b>Total Long Term Liabilities</b>	<u>81,400.00</u>
<b>Total Liabilities</b>	81,400.00
<b>Equity</b>	
Unrestricted Net Assets	7,489.75
Net Income	-12,738.20
<b>Total Equity</b>	<u>-5,248.45</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>76,151.55</u></b>



## Ouray City Council Regular Meeting

Monday, May 1, 2023 6:00 PM

Ouray Community Center, 320 6th Ave, Ouray, CO 81427

Ethan Funk: Present  
Tamara Gulde: Present  
Peggy Lindsey: Present  
Josh Smith: Present  
K. John Wood: Present

Also present were: Finance and Administration Director Melissa Drake, Public Works Director Joe Coleman, City Resources Director Rick Noll, Police Chief Jeff Wood, Community Development Director Lily Oswald, IT Director Rich Willis, Building Inspector Matt Haldeman and City Attorney Carol Viner.

### 1. CALL TO ORDER

*Mayor Funk called the meeting to order at 6:00 pm*

### 2. ROLL CALL

### 3. Consideration of a Request from Councilor Peggy Lindsey to Participate in this Meeting Remotely, per Resolution 4, Series 2022 - Remote Participation Policy for Council Members

Motion to allow Councilor Lindsey to participate remotely. This motion, made by Tamara Gulde and seconded by K. John Wood, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Abstain (With Conflict), Josh Smith: Yea, K. John Wood: Yea

### 4. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was recited.*

### 5. PUBLIC HEARINGS

- a. Ordinance 3, Series 2023 - Increasing Compensation for Mayor and Council

*Mayor Funk opened the floor for public hearing. Since there were no comments, Mayor Funk closed the floor.*

- b. Ordinance 5, Series 2023 - Regarding Temporary Encroachments on Sidewalks and other Rights-of-Way

*Mayor Funk opened the floor for public comment. Since there were no comments, Mayor Funk closed the floor.*

- c. Hotel & Restaurant Liquor License Application - TMC Lodge LLC dba Box Canyon Lodge & Hot Springs

*Mayor Funk opened the floor for public comment. Since there were no comments, Mayor Funk closed the floor.*

## **6. APPROVAL OF MINUTES - April 17, 2023 Meeting**

Motion to approve minutes as presented. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

## **7. CITIZENS' COMMUNICATION**

*Mayor Funk opened the floor for public comment. Peter O'Neil said he is aware of the condition of Box Canyon Road and that he was working actively with City Staff to have repairs made. Mayor Funk closed the floor.*

## **8. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk**

*Councilor Gulde - Attended TAC meeting on April 18th. IPAT breakout group met on April 25th. The group has a new charter and a new name, "Ice Park Sustainability Working Group". OEDC hosted a roundtable, "State of the Region" on April 27th.*

*Councilor Lindsey - Beautification Committee met on April 3rd, discussed getting the flower pots to the nursery earlier next year. Trail group volunteer day will be held on June 3rd to spread mulch in parks. Flowers will be delivered on June 13th, looking for volunteers to help plant on June 14th. The committee wants to ask the City to designate a day honoring Cindy McCord for her contributions to the committee. The next meeting is Wednesday, May 3rd. Councilor Wood suggested asking the high school to advertise volunteer opportunities for kids looking for volunteer hours for college applications.*

*Councilor Wood - Attended TAC meeting on April 18th. The 30 minute video project is being pushed to 2024, but TAC will keep moving forward with the 5 minute informational clips for Denver-based TV stations. Ice Park has changed direction to install a prefab restroom that matches the restrooms that were installed at Rotary and Cascade Parks last year.*

*Mayor Pro Tem Smith - no committee meetings since last meeting. PARC is meeting May 2nd. The transportation group is meeting on May 11th.*

*Mayor Funk - Thanked the Fire Department for cleaning the streets for striping work. Attended fuels management meeting with the BLM, Forest Service, and County. Looking to coordinate with the Forest Service on phase 1 of the Wildfire Mitigation Plan. Met with Western Hotel developers. The ORRCA meeting discussed setting the environmental impact study boundary, which would be bigger than the County area. Held EQR committee meeting. Ouray Trail Group met. The organization wants to put up sign kiosks for expanded trail areas. Mayor Funk requested that they install 2-year temporary signs that will be replaced when the branding and wayfinding work is implemented. Attended OEDC roundtable meeting.*

## **9. DEPARTMENT REPORTS**

### **a. Police Chief**

*Chief Wood read his department report. Chief Wood said the radar trailer has been moved to Main Street near the Pool, and he will consider moving it to other areas by request. He requested that council consider speed limit signs for the Riverwalk trail because of the rise of e-bike use, and their increased speeds.*

### **b. Public Works Director**

*Mr. Coleman added that a Water Treatment Plant pre-construction meeting was held last week.*

### **c. City Resources Director**

*Mr. Noll reported that the Hot Springs Pool shutdown was very productive. The pipe jetting was effective and water temperatures were at ideal levels after re-opening. Councilor Wood asked if the line jetting would become a regularly scheduled maintenance task. Mr. Noll said it will become a once or twice yearly task. Mr. Noll expressed his disappointment that Box Canon Falls was not able to open last weekend due to the road condition, and doesn't look like it will be able to open this coming weekend, either. Council discussed things the City could do to expedite repairs by the contractor hired by OIPI. Councilor Lindsey asked when the cabanas would be ready. Mr. Noll responded that it was discovered that the original cabanas did not have adequate snow load, so the pool is looking at alternatives for the coming season and permanent options.*

d. Tourism and Destination Marketing Director

*Councilor Wood asked for an update on the airport advertisement. Ms. Rhoten said after initial incorrect dimensions were given, it is expected to be hung at the end of the week.*

e. Director of Finance and Administration

*Ms. Drake presented the financial reports.*

**10. CONSENT AGENDA - Liquor License Renewal - Friends of the Wright Opera House dba The Wright Opera House**

Motion to approve the Consent Agenda. This motion, made by K. John Wood and seconded by Tamara Gulde, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

**11. ACTION ITEMS**

a. Ordinance 3, Series 2023 - Increasing Compensation for Mayor and Council - Second Reading

Motion to approve second reading of Ordinance 3, Series 2023. This motion, made by Josh Smith and seconded by Tamara Gulde, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Nay, Josh Smith: Yea, K. John Wood: Nay

*Councilor Lindsey asked if anyone spoke in opposition of the Ordinance at the first reading, since she did not attend that meeting. The council said one person spoke against the ordinance at the last meeting.*

b. Ordinance 5, Series 2023 - Regarding Temporary Encroachments on Sidewalks and other Rights-of-Way - Second Reading

Motion to approve the second reading of Ordinance 5, Series 2023. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

c. Hotel & Restaurant Liquor License Application - TMC Lodge LLC dba Box Canyon Lodge & Hot Springs

Motion to approve Liquor License for TMC Lodge LLC dba Box Canyon Lodge & Hot Springs. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

*Troy Callender, the owner, said he is looking to expand food service at the hotel.*

d. Ordinance 6, Series 2023 - Adopting a Revised Chapter 6 of the Ouray Municipal Code - First Reading

Motion to approve Ordinance 6, Series 2023. This motion, made by K. John Wood and seconded by Tamara Gulde, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

*Ms. Oswald introduced the changes that would be made to the code with this ordinance. The council reviewed snow load changes, potential acceptance of out-of-state licenses for architects, engineers, etc., potential abuse of the City's inspection rights on suspected unpermitted work, and mobile/modular homes definitions.*

e. Forest Service Special Use Permit

Motion to approve the Forest Service Special Use Permit. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

*City Attorney Viner received more context on VIII(G), stating it is about protecting certain endangered species of fish, which does not affect the water treatment plant.*

## 12. DISCUSSION ITEMS

a. Consideration of Delaying Staff Plan for Test Run of Selling Alcohol at the Hot Springs Pool

*Councilor Gulde listed her arguments for postponing the staff deadline for a plan to sell alcohol at the pool. Councilor Lindsey said she suggested alcohol sales to boost profitability at the pool, but if constituents are not interested, it is fine with her to drop the plan. Councilor Wood stated Councilor Gulde brought up a valid point about council member's inconsistencies with what the goal should be. Mayor Funk suggested a work session in August to design the metrics to be collected during the test period, and then having staff fill in the details to collect the desired data. Mayor Funk opened the floor for public comment. Eric Funk would like to see limited beverage options (beer, wine, and seltzers) available for sale during limited hours at a premium price, more so than general price increases for admission and memberships. Mr. Funk is not opposed to the delay, but would like to see the pilot program in the future. Mayor Funk closed the floor.*

b. Future Agenda Items

## 13. ADJOURNMENT

Motion to adjourn at 8:09 pm. This motion, made by Peggy Lindsey and seconded by K. John Wood, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

---

Ethan Funk, Mayor

ATTEST:

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Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on Monday, May 1, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, May 1, 2023.

---

Melissa M. Drake, City Clerk

## ENGINEER’S PROGRESS REPORT

**Date:** May 8, 2023  
**To:** City of Ouray  
**From:** Element Engineering  
**Job No.** 0041.0001  
**RE:** Monthly Engineers Report **New Items Bold**

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### PROJECT CONSTRUCTION PROGRESS UPDATE

The Owner-Contractor agreement has been signed and approved. The Owner-Engineer agreement for construction has also been signed and approved. Construction phase services will start with the construction kickoff meeting scheduled for April 20<sup>th</sup> at 11:00 AM. The Notice to Proceed, which starts the construction timeline will be set for April 20<sup>th</sup>.

Initial mobilization, site clearing, and structure location coordination has begun. Weekly construction progress meetings are being held on Thursdays at 1:00 PM. Site visits were held with Aslan, Element, and Ouray staff during the weeks of April 24<sup>th</sup> and May 1<sup>st</sup>.

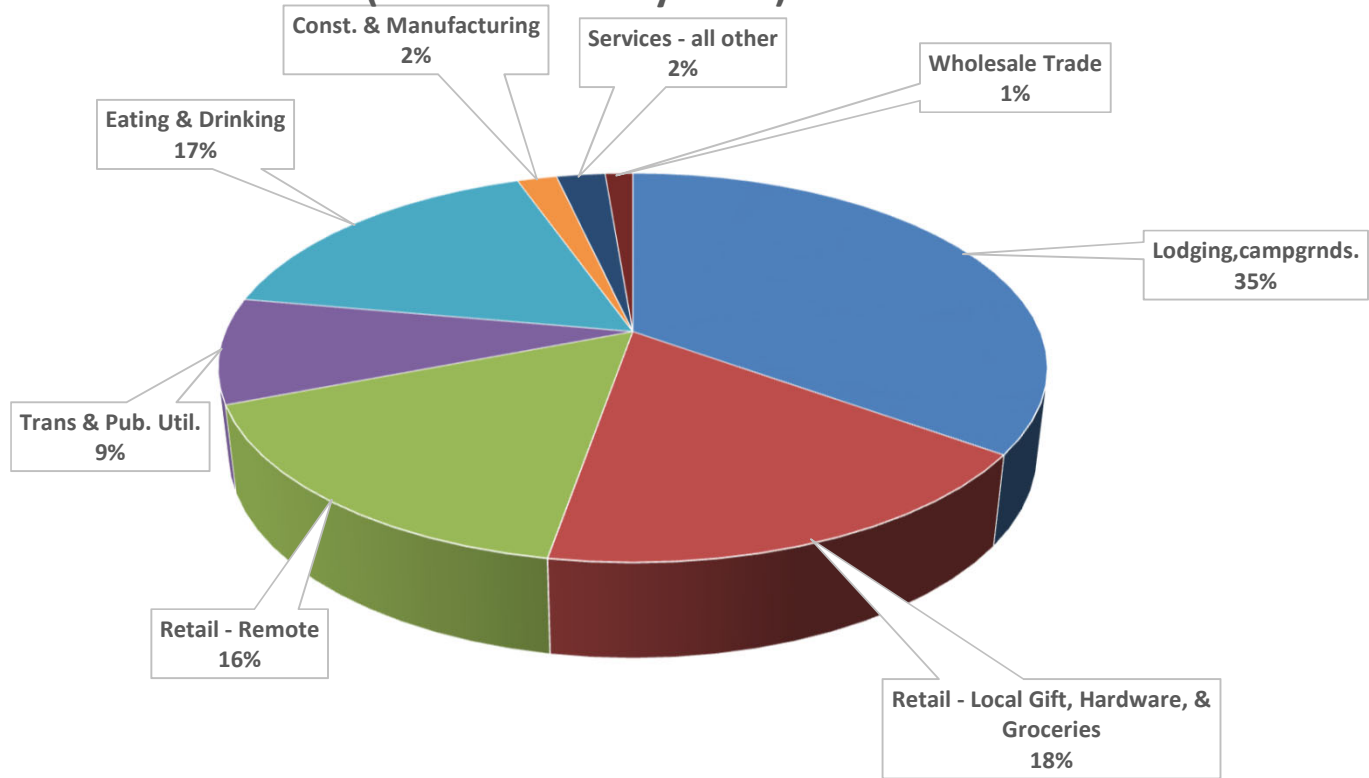
As construction proceeds, this section will include updates on the contractor’s two-week look-ahead schedule and overall schedule. This section will also include reporting on milestones such as concrete pours, equipment installation, testing, and inspection.

### PROJECT CONSTRUCTION BUDGET TRACKING

This section will include reporting on the construction budget as the project proceeds and monthly pay applications are reviewed and approved. A summary of the project budget at the writing of this report is shown below:

90% GMP Amount	\$ 12,630,965.47
Owner's Contingency	\$ 252,619.31
<b>Total Contract Price</b>	<b>\$ 12,883,584.78</b>

**City of Ouray**  
**March 2023 Sales Tax Revenues by Business Category**  
**(received in May 2023)**

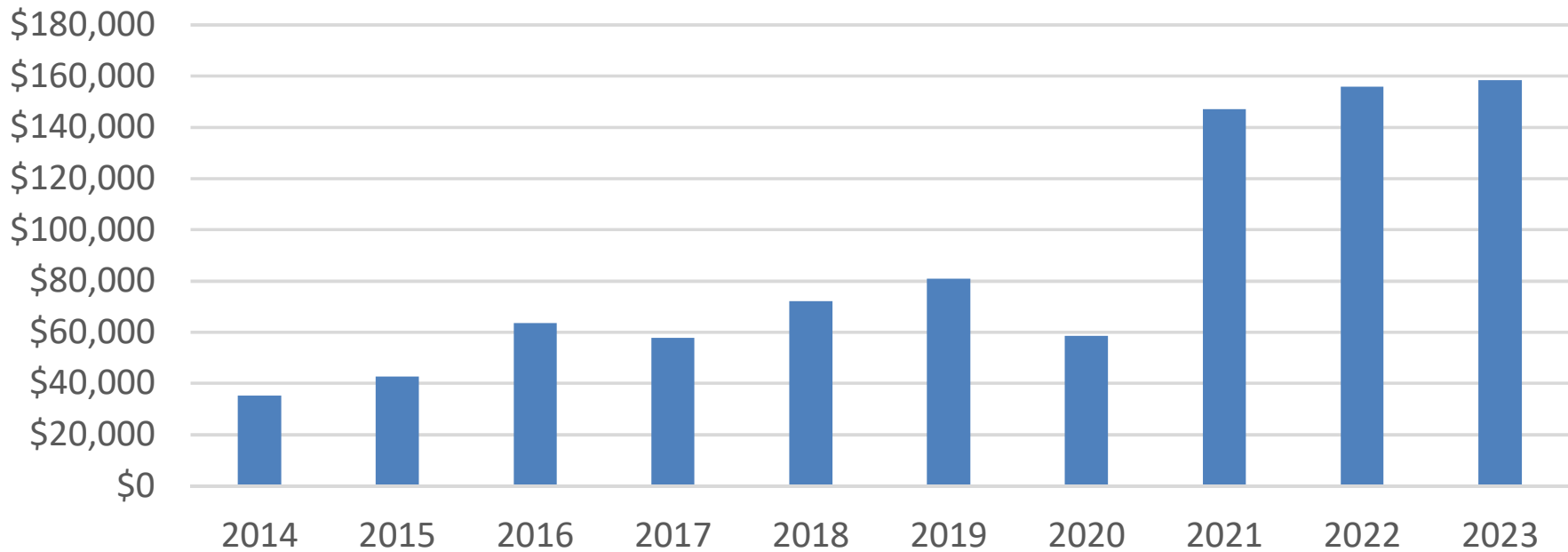


**CITY OF OURAY**  
**2023 MONTHLY SALES TAX REVENUES BY BUSINESS CATEGORY**

(1) Month tax received from State of Colorado, representing sales from two months earlier (e.g. tax shown as APRIL is mostly from FEBRUARY)

2023 SALES TAX REVENUES BY BUSINESS CATEGORY							
(1) Funds received by City in: July (mostly re: May)							
Business Category	January	February	March	April	May	June	
Lodging, campgrnds.	\$ 26,318.81	\$ 49,002.77	\$ 60,276.11	\$ 55,728.49	\$ 55,334.62		
Retail - Local Gift, Hardware, & Groceries	\$ 23,149.55	\$ 39,030.97	\$ 35,654.83	\$ 26,647.60	28,173.68		
Retail - Remote	\$ 24,538.24	\$ 25,093.62	\$ 14,747.70	\$ 17,585.84	25,875.89		
Trans & Pub. Util.	11,808.23	13,673.78	15,715.67	15,749.48	13,868.64		
Eating & Drinking	18,958.81	27,276.64	32,116.12	24,642.34	26,573.43		
Const. & Manufacturing	2,164.96	5,198.58	4,857.24	1,735.20	2,909.64		
Services - all other	2,857.90	3,975.15	1,823.96	2,079.81	3,589.73		
Wholesale Trade	1,352.95	1,844.32	2,193.74	1,767.56	2,035.82		
<b>TOTAL</b>	<b>\$ 111,149.45</b>	<b>\$ 165,095.83</b>	<b>\$ 167,385.37</b>	<b>\$ 145,936.32</b>	<b>\$ 158,361.45</b>	<b>\$ -</b>	
Business Category	July	August	September	October	November	December	Year-to-date
Lodging, campgrnds.							\$ 246,660.80
Retail - Local Gift, Hardware, & Groceries							\$ 152,656.63
Retail - Remote							\$ 107,841.29
Trans & Pub. Util.							70,815.80
Eating & Drinking							129,567.34
Const. & Manufacturing							16,865.62
Services - all other							14,326.55
Wholesale Trade							9,194.39
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 747,928.42</b>

CITY OF OURAY  
MARCH SALES TAX REVENUE COMPARISON  
Over Past 10 Years



Notes: Figures represent revenue received in May  
Sales Tax increased from 3% to 4% on January 1, 2016

CITY OF OURAY  
SALES TAX REVENUES BY BUSINESS CATEGORY 2014-2023

SALES TAX REVENUES BY BUSINESS CATEGORY

Funds received by City in May (mostly re: March) of:										
Business Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Lodging, campgrnds.	\$ 6,203.15	\$ 9,584.56	\$ 15,249.51	\$ 13,839.00	\$ 20,358.97	\$ 24,204.56	\$ 8,537.56	\$ 48,534.91	\$ 45,728.44	\$ 55,334.62
Retail - Local Gift & Hardware						15,796.08	13,653.00	26,260.20	30,059.48	28,173.68
Retail - Remote						11,214.47	13,005.06	24,375.70	22,287.27	25,875.89
Retail - groceries, liquor, candy, hardw	5,985.28	7,498.06	12,035.68	12,281.81	12,801.80					
Retail - gift, souvenir, variety, books	2,571.00	3,931.79	4,655.84	3,818.37	4,896.95					
Trans & Pub. Util.	6,490.85	7,670.58	13,281.91	7,100.52	7,925.41	7,669.48	8,821.34	10,842.03	13,342.30	13,868.64
Eating & Drinking	7,729.84	5,712.03	6,162.00	11,474.07	16,044.33	14,162.03	9,551.59	29,519.40	32,268.20	26,573.43
Const. & Manufacturing	2,618.76	5,722.91	7,157.27	6,458.20	7,434.92	5,881.55	3,440.51	3,471.97	7,619.18	2,909.64
Services - all other	1,915.00	1,336.72	1,754.31	1,781.74	2,341.05	1,503.59	1,034.99	2,152.63	2,608.43	3,589.73
Finance, Ins. Real Estate	1,507.90	562.63	3,061.70	857.41	298.81					
Wholesale Trade	61.00	65.28	282.93	115.07	73.25	411.73	669.83	1,879.52	1,890.44	2,035.82
Mining	-	-	-	-	-					
All Other	247.12	630.30	7.00	7.00	-					
<b>TOTAL</b>	<b>\$ 35,329.90</b>	<b>\$ 42,714.86</b>	<b>\$ 63,648.15</b>	<b>\$ 57,733.19</b>	<b>\$ 72,175.49</b>	<b>\$ 80,843.49</b>	<b>\$ 58,713.88</b>	<b>\$ 147,036.36</b>	<b>\$ 155,803.74</b>	<b>\$ 158,361.45</b>
					\$12,207.14 out-of-period	\$7,217.53 out-of-period	\$3,389.27 out-of-period	\$2,183.34 out-of-period	\$4,665.85 out-of-period	\$15,372.15 out-of-period

# Year to Date Sales Tax Comparison

Percentage Change  
from 2022

March 2022 Activity	\$	155,803.74	
March 2023 Activity	\$	158,361.45	<b>1.64%</b>
Jan-Mar 2022 Activity	\$	467,479.95	
Jan-Mar 2023 Activity	\$	471,683.11	<b>0.90%</b>

**Ouray Lodging Occ. Tax Collection Summary**

<b>ROOMS</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>23 vs 22</b>
<b>Month</b>											
<b>January</b>	4349	5712	5826	5113	5782	6196	6245	5936	7718	7609	-1.41%
<b>February</b>	3874	4816	5226	4509	5085	5593	4641	7189	7776	5906.36	-24.04%
<b>March</b>	2949	3394	3638	3499	4763	4152	1952	6993	6782	6068	-10.53%
<b>April</b>	1836	2236	2660	2411	3080	2857	32	4941	4285		
<b>May</b>	4149	5047	5850	5939	7396	7894	3111	11093	10002		
<b>June</b>	10718	12015	13521	14494	14578	15026	12736	17520	16180		
<b>July</b>	17248	19171	19960	20248	19802	19482	20444	20509	16551		
<b>August</b>	15198	16477	16949	17344	17613	18629	16919	20798	17825		
<b>September</b>	13377	15478	16149	16526	17743	18498	17564	13517	18930		
<b>October</b>	6450	7937	7691	7762	7462	9407	12877	12038	12080		
<b>November</b>	1936	2141	2113	2674	2856	3237	3864	3199	3196		
<b>December</b>	3696	3656	3382	4226	5038	4268	5153	5237	3998		
<b>Total Rooms</b>	<b>85780</b>	<b>98080</b>	<b>102965</b>	<b>104745</b>	<b>111198</b>	<b>115239</b>	<b>105538</b>	<b>128970</b>	<b>125323</b>	<b>19583.36</b>	

<b>DOLLARS</b>											
<b>January</b>	\$11,848	\$15,867	\$15,819	\$13,795	\$16,294	\$22,444	\$25,204	\$27,107	\$29,038	\$36,828	26.83%
<b>February</b>	\$10,430	\$12,468	\$13,908	\$12,648	\$14,021	\$19,580	\$18,464	\$28,191	\$36,284	\$29,633	-18.33%
<b>March</b>	\$7,945	\$9,240	\$9,505	\$9,529	\$12,884	\$14,526	\$6,834	\$27,858	\$30,334	\$27,099	-10.67%
<b>April</b>	\$4,975	\$5,701	\$6,633	\$6,294	\$8,090	\$8,312	\$107	\$18,324	\$18,466		
<b>May</b>	\$11,357	\$13,876	\$15,372	\$15,734	\$19,031	\$22,068	\$7,922	\$41,033	\$43,131		
<b>June</b>	\$28,419	\$31,431	\$34,498	\$36,654	\$36,236	\$62,392	\$51,634	\$100,852	\$98,839		
<b>July</b>	\$44,740	\$47,884	\$49,767	\$50,344	\$49,371	\$110,244	\$114,230	\$138,864	\$131,139		
<b>August</b>	\$40,035	\$41,643	\$41,801	\$42,090	\$43,236	\$90,952	\$92,809	\$127,157	\$122,778		
<b>September</b>	\$35,960	\$40,336	\$41,704	\$41,965	\$44,480	\$79,505	\$93,050	\$98,575	\$119,099		
<b>October</b>	\$17,556	\$21,385	\$20,717	\$20,355	\$19,711	\$37,511	\$60,690	\$54,480	\$74,824		
<b>November</b>	\$5,092	\$5,136	\$5,802	\$7,079	\$7,000	\$10,367	\$15,399	\$14,134	\$14,566		
<b>December</b>	\$9,918	\$9,571	\$9,590	\$11,882	\$13,622	\$17,593	\$24,892	\$29,038	\$23,554		
<b>Total Dollars</b>	<b>\$228,275</b>	<b>\$254,538</b>	<b>\$265,116</b>	<b>\$268,369</b>	<b>\$283,976</b>	<b>\$495,494</b>	<b>\$511,234</b>	<b>\$705,613</b>	<b>\$742,052</b>	<b>\$93,560</b>	

Data represents rooms and dollars for month in which lodging activity occurred.  
 LOT report and payment are due by 20th of following month.  
 "ROOMS" data includes exempt rooms.

**OURAY LODGING OCCUPANCY TRENDS**

Based on Lodging Occupation Tax Collections

	2021				2022				2023			
	Avail.	Rooms		Exempt	Avail.	Rooms		Exempt	Avail.	Rooms		Exempt
	Rooms	Rented	Occ.%	Rooms	Rooms	Rented	Occ.%	Rooms	Rooms	Rented	Occ.%	Rooms
	+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins			
January	16357	5936	36.3%	61	17411	5237	30.1%	0	20375	7609	37.3%	469
February	17752	7189	40.5%	209	16580	7776	46.9%	0	16595	5906.36	35.6%	386
March	18804	6993	37.2%	364	17657	6782	38.4%	7	15394	6068	39.4%	0
April	16716	4941	29.6%	191	16620	4285	25.8%	31				
May	20240	11093	54.8%	213	21206	10002	47.2%	57				
June	21576	17520	81.2%	88	20577	16180	78.6%	13				
July	22375	20509	91.7%	121	20677	16551	80.0%	432				
August	23292	20798	89.3%	215	21613	17825	82.5%	53				
September	19088	13517	70.8%	209	21327	18930	88.8%	47				
October	17778	12038	67.7%	95	20398	12080	59.2%	10				
November	13529	3199	23.6%	54	15776	3196	20.3%	260				
December	17411	5237	30.1%	12	17828	5050	28.3%	4				
Total	224918	128970	57.3%	1832	227670	123894	52.2%	914	52364	19583.36	37.5%	855

Data represents rooms for month in which lodging activity occurred.

LOT report and payment are due by 20th of following month.

"Rooms Rented" columns includes exempt rooms.

"Exempt Rooms" columns are for memo purposes only.

**2023 Lodging Occupation Tax, By Business Category**

AVAILABLE ROOMS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	12,801	10,038	11,136										33,975
Bed and Breakfast	1,072	996	500										2,568
House, Townhouse, Condo (1)	3,929	3,237	3,758										10,924
RV Space, Unfurnished Cabin	2,573	2,324	-										4,897
<b>Total Rooms</b>	20,375	16,595	15,394	-	-	-	-	-	-	-	-	-	52,364
												Prior YTD	46,446

ROOMS RENTED	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	5,130	4,180	4,934										14,244
Bed and Breakfast	413	235	150										798
House, Townhouse, Condo (1)	1,171	836	984										2,991
RV Space, Unfurnished Cabin	895	655	-										1,550
<b>Total Rooms</b>	7,609	5,906	6,068	-	-	-	-	-	-	-	-	-	19,583
												Prior YTD	16,860

DOLLARS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	\$ 24,080.77	\$ 20,935.36	\$ 19,523.06										\$ 64,539.19
Bed and Breakfast	\$ 2,078.19	\$ 1,506.37	\$ 890.15										\$ 4,474.71
House, Townhouse, Condo (1)	\$ 9,520.90	\$ 6,538.11	\$ 6,685.98										\$ 22,744.99
RV Space, Unfurnished Cabin	\$ 1,147.90	\$ 652.97	\$ -										\$ 1,800.87
<b>Total Dollars</b>	\$ 36,827.76	\$ 29,632.81	\$ 27,099.19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 93,559.76
												Prior YTD	67,211.00

(1) For a property that is marketed as a stand-alone short-term rental, for which there are no hotel/motel amenities offered.  
 Data represents rooms for month in which lodging activity occurred.  
 LOT report and payment are due by 20th of following month.  
 "Rooms Rented" columns includes exempt rooms.

Activity Month	2022	2023	% Change from 2022	YTD % Change
January	\$ 27,661.19	\$ 36,761.93	32.9%	32.9%
February	\$ 32,883.88	\$ 27,102.76	-17.6%	5.5%
March	\$ 28,220.99	\$ 22,339.90	-20.8%	-2.9%
April	\$ 7,217.41			
May	\$ 23,933.67			
June	\$ 72,625.26			
July	\$ 109,220.30			
August	\$ 90,863.82			
September	\$ 83,065.86			
October	\$ 41,028.93			
November	\$ 9,274.82			
December	\$ 29,333.34			
<b>Grand Total</b>	<b>\$ 555,329.49</b>	<b>\$ 86,204.59</b>		

Revenue by Fund	2022	YTD 2023	Cumulative
Affordable/Attainable Housing	\$ 277,664.74	\$ 43,102.29	\$ 320,767.04
Water Capital Improvements	\$ 138,832.37	\$ 21,551.15	\$ 160,383.52
Sewer Capital Improvements	\$ 138,832.37	\$ 21,551.15	\$ 160,383.52
<b>Cumulative Total Raised</b>			<b>\$ 641,534.07</b>

Affordable Housing Revenue and Expenses	2022	YTD 2023	Cumulative
Total Raised	\$ 277,664.74	\$ 43,102.29	\$ 320,767.04
Total Spent	\$ (110,000.00)	\$ (23,847.50)	\$ (133,847.50)
Total Remaining	\$ 167,664.74	\$ 19,254.79	\$ 186,919.54

Average 2023 YTD Income Reported Per Property	\$ 5,829.35
Average 2023 YTD Excise Tax Paid Per Property	\$ 874.40

4/20/2022	Home Trust of Ouray County	\$ 10,000.00	2022 Operating funds
1/4/2023	Home Trust of Ouray County	\$ 100,000.00	734 4th St
2/1/2023	Home Trust of Ouray County	\$ 20,000.00	2023 Operating funds
4/26/2023	Economic & Planning Systems Inc	\$ 3,847.50	Housing needs analysis

## City of Ouray Hot Springs Pool and Fitness Center - Visitor and Revenue Trends

(Source: Point of Sale Software)

VISITORS	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% change from 2022
January	7,496	9,160	9,287	36	9,392	8,553	8,149	4,961	5,258	6,871	30.68%
February	6,177	7,158	9,095	13	7,342	5,970	7,836	4,824	6,660	5,599	-15.93%
March	7,832	10,045	10,087	58	10,468	9,118	3,638	7,697	8,621	7,148	-17.09%
April	4,277	5,691	6,195	16	7,048	5,481	-	7,104	5,249	4,693	-10.59%
May	10,040	11,798	12,065	2,984	13,346	11,397	-	11,580	9,549		
June	18,294	20,970	22,404	18,175	24,764	24,525	1,540	25,977	20,156		
July	29,009	32,485	36,116	37,483	35,943	36,986	6,416	30,994	26,286		
August	21,625	22,377	22,353	25,486	23,936	23,274	12,622	22,179	19,101		
September	10,617	14,334	9,258	16,065	16,397	14,833	11,946	13,612	14,652		
October	6,473	7,360	62	9,834	8,771	9,596	10,699	9,368	10,135		
November	6,576	6,878	49	7,077	7,043	6,920	4,644	6,782	5,354		
December	7,158	7,646	47	10,753	9,046	8,174	4,439	6,317	6,510		
<b>TOTAL YEAR</b>	<b>135,574</b>	<b>155,902</b>	<b>137,018</b>	<b>127,980</b>	<b>173,496</b>	<b>164,827</b>	<b>71,929</b>	<b>151,395</b>	<b>137,531</b>	<b>24,311</b>	

REVENUE	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% change from 2022
January	\$ 70,853.78	\$ 84,848.13	\$ 85,983.09	\$ 2,189.00	\$ 89,885.46	\$ 95,701.53	\$ 99,306.81	\$ 66,989.85	\$ 63,150.43	\$ 96,783.56	53.26%
February	\$ 58,070.40	\$ 62,350.28	\$ 78,569.69	\$ 724.00	\$ 70,970.13	\$ 65,918.59	\$ 97,215.12	\$ 61,086.55	\$ 85,924.20	\$ 112,926.04	31.43%
March	\$ 73,228.30	\$ 92,289.88	\$ 84,745.80	\$ 1,012.00	\$ 102,232.15	\$ 108,526.39	\$ 47,810.30	\$ 106,419.45	\$ 126,759.01	\$ 120,467.93	-4.96%
April	\$ 35,578.60	\$ 50,940.75	\$ 52,112.54	\$ 2,234.00	\$ 72,957.12	\$ 62,025.47	\$ -	\$ 98,819.49	\$ 152,003.71	\$ 133,097.92	-12.44%
May	\$ 90,214.50	\$ 109,383.77	\$ 108,047.29	\$ 123,474.60	\$ 155,881.40	\$ 138,237.34	\$ -	\$ 162,720.12	\$ 143,279.82	\$ -	
June	\$ 175,517.27	\$ 186,061.57	\$ 211,853.56	\$ 166,974.02	\$ 317,542.31	\$ 311,093.17	\$ 19,273.04	\$ 352,538.72	\$ 321,377.13	\$ -	
July	\$ 278,448.14	\$ 300,620.51	\$ 332,026.16	\$ 479,802.39	\$ 455,519.84	\$ 474,330.32	\$ 74,169.01	\$ 428,489.09	\$ 452,460.99	\$ -	
August	\$ 196,542.94	\$ 194,321.61	\$ 198,465.34	\$ 326,151.96	\$ 308,882.04	\$ 295,953.46	\$ 165,977.58	\$ 312,872.14	\$ 316,183.52	\$ -	
September	\$ 93,619.70	\$ 127,909.15	\$ 80,149.87	\$ 184,807.92	\$ 200,777.07	\$ 188,131.33	\$ 158,666.78	\$ 186,412.51	\$ 238,796.90	\$ -	
October	\$ 56,515.76	\$ 63,216.05	\$ 2,737.00	\$ 82,537.92	\$ 99,235.68	\$ 120,843.43	\$ 145,302.53	\$ 131,806.01	\$ 170,555.12	\$ -	
November	\$ 55,891.66	\$ 54,218.80	\$ 1,796.25	\$ 62,435.74	\$ 84,885.49	\$ 83,976.37	\$ 58,403.16	\$ 88,639.21	\$ 84,930.60	\$ -	
December	\$ 73,048.24	\$ 74,421.59	\$ 1,957.00	\$ 112,212.40	\$ 111,645.98	\$ 105,050.32	\$ 60,304.81	\$ 79,891.78	\$ 94,844.99	\$ -	
<b>TOTAL YEAR</b>	<b>\$ 1,257,529.29</b>	<b>\$ 1,400,582.09</b>	<b>\$ 1,238,443.59</b>	<b>\$ 1,544,555.95</b>	<b>\$ 2,070,414.67</b>	<b>\$ 2,049,787.72</b>	<b>\$ 926,429.14</b>	<b>\$ 2,076,684.92</b>	<b>\$ 2,250,266.42</b>	<b>\$ 463,275.45</b>	

**April 2023 Visitation was down compared to 2022 and 2019 and the pool was closed longer than normal for cleaning.  
Revenue was more than double the amount received in 2019.**

## CITY OF OURAY VISITOR CENTER - REVENUE TRENDS

### REVENUES

	2022	2023	Incr./Decr.	23 vs. 22
	Concessions	Concessions		
January		\$ 281.95	\$ 281.95	
February		\$ 236.84	\$ 236.84	
March		\$ 399.38	\$ 399.38	
April		\$ 455.75	\$ 455.75	
May				
June				
July	\$ 1,125.80			
August	\$ 1,965.90			
September	\$ 2,491.66			
October	\$ 1,658.05			
November	\$ 501.36			
December	\$ 595.45			
<b>TOTAL \$</b>	<b>\$ 8,338.22</b>	<b>\$ 1,373.92</b>	<b>\$ 1,373.92</b>	

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



970.325.7211  
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www.cityofouray.com

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**TO:** Ouray City Council  
**FROM:** Lily Oswald, Community Development Director  
**DATE:** May 10, 2023  
**FOR:** May 15, 2023  
**SUBJECT:** Community Development Department Report

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### **CURRENT PLANNING**

Staff is working on the following projects:

- Managing Short-Term Rental coordination (applications, renewals, expiration notifications, Building Inspection updates). Working with STR owners/managers on 2023 renewals.
- Hosting various preapplications for small-and large-scale land use projects, lot splits, rezones, minor subdivisions, condominiumization, replats, new single- and multi-family housing unit projects.
- Processing Temporary/Fixed Encroachment, Site Development, PUDs, and other Land Use/Building Permits.
- Updating the existing Community Development/Building Department forms, processes, and webpages for easier/transparent processing (website changes: [STR webpage](#), [Backflow Prevention webpage](#), [Land Use Code Update webpage](#), [FEMA Flood Map webpage](#)).
- Coordinating the Ouray Economic Development Committee and their programs/goals for 2023.
- Coordinating with FEMA/CWCB on the updated floodplain, floodways, and flood insurance rate maps.
- Coordinating with EPS for a Housing Analysis and Policy Strategy Report for the City of Ouray.
- Coordinating with iWorQ Systems on onboarding information and getting the department set up for permit management, code enforcement organization, and parcel-based permit management.
- Administering CDPHE's backflow and cross connection program, as required for the City's water system.

### **CODE ENFORCEMENT**

Code enforcement cases continue to be monitored and enforced. Matt Haldeman, the City's Building Inspector, is working on building and STR inspections, sidewalk snow removal, plan review, enforcing building and land use codes, and administering and surveying properties for the backflow program (in accordance with CDPHE requirements).

### **BACKFLOW PREVENTION PROGRAM**

Matt Haldeman has been comprehensively administering and surveying properties for the City's backflow program in accordance with CDPHE requirements. There is a [dedicated webpage](#) for this program to provide public resources and FAQs. The City is working to ensure property owners submit testing reports on an annual basis. **The City has begun coordinating surveys and test results for 2023 to ensure the city remains in compliance with the State.**

### **BUILDING & SIGN PERMITS**

Four (4) building permits and three (3) sign permits were issued by the department in the month of April.

### **CODE UPDATES**

- **LAND USE & DEVELOPMENT CODE // SIGN CODE:**
  - **December 20, 2022:** the Planning Commission considered revised drafts of the land use code and sign code and recommended approval to the City Council.
  - **January 23, 2023:** a Joint Work Session with the City Council and Planning Commission, discussing

- substantial changes, updates, and items of significance before Council discusses the land use code.
- **2/27/23; 3/16/23; 4/6/23:** City Council discussed the updated land use code and specific provisions.
  - **The next Land Use Code & Sign Code work session: May 18, 2023 at 2:30pm**
- **I-CODES:**
  - **May 1, 2023:** the City Council approved a first reading of Ordinance 6, 2023 (updating building codes)
  - **May 15, 2023:** The City Council will consider Ordinance 6, 2023 for a second reading
    - **If approved, these changes go into effect on June 17, 2023** – prior to the State’s deadline.

**OURAY ECONOMIC DEVELOPMENT COMMITTEE (OEDC)**

The OEDC will hold a Special Meeting on Friday, May 12<sup>th</sup> to discuss:

- The Young Entrepreneurs’ Program
- The 2023 Micro Grant Program: **16 Applications** were received, with requested funding totaling **\$70,876.22**. More information on the OEDC, the Micro-Grant Program, and the matching contributions can be found [HERE](#).
  - *Due to generous matching contributions from the Ouray community, the OEDC Micro-Grant Program has \$27,500 to award.*
  - **Special thanks to:** Citizens State Bank, Ouray Chamber, San Juan Mountain Guides, Frank & Jeanne Robertson, and the Lauderdale’s.

The “State of the Region” OEDC Roundtable was held on **April 27, 2023** and featured great community discussion with the Town of Ridgway Mayor, City of Ouray Mayor, Ouray County BOCC representatives, and Region 10.

There are six (6) active members on the OEDC at this time, applications can be found on the City website, [here](#).

The next OEDC meeting will be **June 8, 2023 at 8:30 am**.

**PLANNING COMMISSION (PC)**

The regular May Planning Commission meeting was rescheduled for May 23, 2023. At this Special Meeting, the Planning Commission will consider the Preliminary Plat application for the Waterview PUD.

**MISCELLANEOUS PROJECTS**

The following miscellaneous and ongoing projects have also been taken on by the Community Development Department:

- **The City was awarded \$1,050,000** from DOLA’s HB21-1271 Incentives Grant Program (IHOI) to go towards infrastructure costs for the Waterview PUD. Grant administration is in process.
- Coordinating multi-departmental administration of short term rental licenses.
- Mapping updates, including city-owned parcel maps and reference materials for housing decisions.
  - *Converting City GIS service to ArcPro to better integrate with iWorq and REST service links.*
- Fixing ongoing address discrepancies in city properties. 54 address assignments/changes have been made.
- Research into housing solutions, opportunities, and partnerships in the region and meetings with various stakeholders. Research into similar municipal fee schedules, land use regulations, and permit processes.
- Research into funding and grant opportunities for community-, business- and land use-related projects.
- Coordinating with Buckhorn Engineering on rockfall engineering and mitigations plans for the City’s potential Cascade Creek housing project.
- *Compiling a “working projects” document as a transitional document for the following Community Development Director. Friendly reminder: my last day with the City will be Friday, May 26<sup>th</sup>.*

**SHORT TERM RENTAL (STR) LICENSES**

The table below summarizes STR license status and counts including applications submitted to the City. Non-inspection-ready applications are not included in the table below, per Council request.

*Table 1. STR Status and Counts (updated 5/10/2023)*

Identifier	Status	Number of Units
A	Active; Non-Expired Licenses	104
B	New Applications; In Process	1
C	Total Active + Pending + Applications In Process (A+B)	105

*Thank you, Ouray!*

## April - May 2023 IT Highlights

- Migration to Google Voice is complete for all staff lines.
- The Via Ferrata camera is installed and monitoring with a Solar Powered battery solution and cellular capabilities. This completes the grant money project. I am looking at a better antenna to attempt better cell data throughput as this is in a rough terrain location.
- Fiber is now completed to the Box Cañon Falls Nature Center providing 70 times faster network speed to that location. This is the start of the network connectivity to the Water Treatment plant project. This installation now includes a proper 19" data rack with appropriate battery backup and professional wiring.
- Also at the Box Cañon, the Black Swift bird camera has been brought back for this year's viewing and recording. The live camera can be found on the Visit Ouray, Box Cañon web page. The camera is also visible from the TV monitor at the Box Cañon Falls Nature Center.
- Another camera was installed at the Hot Springs Pool Gym. There are now a total of 14 cameras on the newer Verkada cloud-based camera system for the City of Ouray monitoring. In addition, at the Hot Springs, there are 11 cameras from prior installations.
- New isolated networks were added for the Fire Department and IOT (Internet of Things) devices. This will provide Internet accessible capabilities while increasing network security.
- A new battery backup capability was installed with monitoring at Public Works.
- Backup Windows Server upgraded from Windows 2012 R2 to Windows 2019.

Fire Department Report for April, 2023

05/06/23

2 Training opportunities held in Ridgway

3 Training Opportunities held in Ouray

Cleaned off Main street. 13 members present.

Hosted a dinner for Ouray County firefighters

Calls for April

04/05	Smoke	6 ffs	1 hr
04/07	Gas Leak	6 ffs	1 hr
04/14	Fire, False Alarm	3 ffs	1 hrs
04/23	Truck Fire	5 ffs	2 hrs
4/23	Gas Leak	5 ffs	1 hr
4/26	Equipment Accident	6 ffs	2 hrs
4/28	Fire, False Alarm	2 ffs	1 hr



# CCEC Report

Friday, 05.11.2023

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## Project Updates

### Main Street Program Application Progress

1. A completed [Main Street Candidate Application](#) was submitted to our state representatives on Friday, March 10. It was 313 pages long. The City of Ouray was notified on Monday, May 8th that we are one of Colorado's newest official Main Street communities!
  - a. "The Colorado Main Street program is housed within the Department of Local Affairs. It is designed to advocate and support local empowerment, and the rebuilding of central business districts based on the traditional assets of each community's unique architecture, character, and local ownership. The Colorado Main Street Program's overarching mission is to strengthen our Colorado communities by assisting them with implementing the Main Street Approach® and helping revitalize and preserve historic downtowns through preservation-based economic development and community-led revitalization.

Being a Main Street Community brings with it many benefits. As a Candidate Community in the program, the City of Ouray receives mini-grants and scholarship funds from the Energy and Mineral Impact Assistance Fund Program. We are pleased to offer to enter into a three-year contract with your community for Main Street mini-grants and scholarships, totaling \$7,500 (mini-grants) and \$6,600 (scholarships). The award letters are attached for your files, along with the MOU for signature. As you know, no state funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Per our program guidelines, this offer is valid until June 30, 2025." - Gayle Langley, DOLA Main Street Coordinator



## City Updates

### Website

1. At the time of this report, there are 121 registered businesses. A listing of registered businesses can be found on the [Business Registration & Licensing page](#). The list includes their Registration #, Business Name, industry, phone number, and website address if provided. They are grouped by Industry alphabetically. A new column has been added to show if the annual renewal has been completed.
2. Work continues to be done on pages that need updating. Thank you to everyone for their assistance and patience in this process!
3. The [Ouray Economic Development Committee \(OEDC\) page](#) has been updated to reflect the application window for their 2023 Micro-Grant Program being closed as of end-of-day on Monday, May 8.
4. Calendar events are updated daily and are viewable on the [homepage](#) of our new website.
5. A Press Release was posted by the City of Ouray Police Department PIO regarding a recent [burglary at 400 Main Street](#). This was added to our City website in Latest News on 4/14/23 and will expire in one month.
6. An "[I-Code Updates Coming](#)" article was posted in Latest News on 4/21/2023.
7. A Press Release was posted by the City of Ouray Police Department PIO regarding a recent [Check Cashing Fraud](#) with information being requested about the situation or the suspect. This was added to our City website in Latest News on 5/5/23 and will expire in one month.
8. Messaging went out regarding "No Parking" along Main Street in preparation for parking stall striping. The alert pop-up, City Calendar, and Latest News areas were all utilized for this messaging, which was also shared across all City social media pages.

### Community Center

1. The elevator had a panel on the second floor that stopped working properly on a Monday, which resulted in the Senior Lunches requesting assistance from EMS to aid patrons down the stairs. Rick and Scott worked to get it resolved quickly to



disrupt as few events as possible. As of April 20th, the elevator was fixed, just in time for the Friends of the Library Fashion Show! Thank you!

## Ouray Economic Development Committee

1. The application window closed at the end of business on Monday, May 8. Micro-Grants will be awarded by the end of May, prior to the busy summer season.
2. The [OEDC Roundtable - "State of the Region"](#) was a success. There were about 26 attendees. Thank you to everyone who participated and attended!

## Meetings and Training

1. Attended the Business Tools & Tips Workshop on April 19 hosted by Kailey Rhoten. There were about 18 attendees. I presented on when, how, and where I can help spread the word about events in my capacity with the City of Ouray.
2. Attended the West Region PIO Call on Thursday, April 20. Updates included: From Montrose County - Had a substantial amount of pre-flooding - Created three sandbag stations throughout the county. Sandbags are available to county residents free of charge. Pulling all available resources from [Ready.gov](#) and [FEMA](#). Going to push out a huge campaign with videos to get residents signed up for county alerts. [West Slope Fire Info](#) webpage is almost done. From Ouray County - Road construction – things are slow going between Montrose and Ouray so give yourself lots of time to get where you are going. Updating Master Plan – hasn't been updated since 1999. Not expecting runoff until early June and then monsoons will be delayed. Working on messaging for flooding preparation and ditch owner maintenance.
3. Attended the ESPIOC Conference on April 24-27 in Avon, CO. This is the Emergency Services Public Information Officers of Colorado. This was extremely informative with wonderful guest speakers, as well as an excellent opportunity to meet and connect with other PIOs from the region.
4. Attended Tiny Town Talk on Tuesday, May 2. This is with Downtown Colorado for municipalities with a population under 1,000. Right now the focus is on [DCI Districts Legislation Update](#). This is a reminder that the [CML Annual Conference](#) is June 25-28 in Aurora.
5. Attended the Traditional MAC Group Meeting on Thursday, May 4th. The Health Department is providing free fentanyl test strips as well as Naloxone to help combat



the fentanyl drug issue. First responder departments are encouraged to utilize these resources as the health department can restock fairly quickly.

6. Attended the Main Street - Historic Preservation Month Webinar and learned about the [State Historic Preservation Tax Credit](#). Federal and state tax laws provide tax incentives for historic preservation projects that follow the Secretary of the Interior's Standards for Rehabilitation. These credits allow taxpayers to reduce, on a dollar-for-dollar basis, the amount of income tax they owe to the government. Applicants are urged to contact History Colorado's Office of Archaeology and Historic Preservation (OAHP) as early as possible to ensure that all requirements are met when applying for these programs. The City of Ouray is not currently a Certified Local Government and would need to go through the certification process and be approved for access to the [CLG Grant Program](#) and eligibility for [State Historic Preservation Tax Credits](#).









## UPCOMING CLOSURES:










**Tuesday, May 23 | Entire Pool Facility** | Ouray Hot Springs will close early on Tuesday, May 23rd at 6 pm. Our staff has their annual in-service and training in preparation for a busy summer season. The gym will remain open.

~ Thank you, Pool Staff

**Monday, May 29 · Memorial Day · City Offices Closed**

## Media Updates as of 05.11.2023

City of Ouray - Last 28 days	
Facebook Posts	Instagram Posts
Followers: 8,995	Followers: 1,140
Reach: 23,652K  463.7%	Reach: 5,073  239.3%
Engagement: 799  51.8% (last 90 days)	Engagement: 676  42.8% (last 90 days)
Page Visits: 781  36.3%	Profile Visits: 81  92.9%
New Facebook Followers: 47  51.6%	New Instagram Followers: 13  160%

Ouray Police Department - Last 28 days	
Facebook Posts	Instagram Posts
Followers: 7,642	Followers: 1,157
Reach: 19,545  2.2%	Reach: 1,119  35.6%
	Story Reach: 360  30.9% (last 90 days)
Engagement: 2.2K  18% (last 90 days)	Engagement: 864  16.7% (last 90 days)
Page Visits: 1,279  84.3%	Profile Visits: 73  121.2%
New Facebook Likes: 31  10.7%	New Instagram Followers: 10  42.9%

## Upcoming Events

- Motorcycle Safety Awareness Month
- National Wildfire Awareness Month
- Every Monday (unless otherwise noted) · 12:00 – 1:00 pm · **Senior Lunch**
- Every Tuesday · 5:30 – 8:00 pm · **Adult Softball Spring Training (PARC) · Fellin Park · Weekly until May 31**
- Sunday, April 30 – May 6 · **Small Business Week**
- Wednesday, May 3 · 8:00 – 9:00 am · **Ouray Beautification Committee (OBC)**
- Friday, May 5 · Cinco de Mayo
- Friday, May 5 · **Box Cañon OPENS** (conditions permitting)
- Friday, May 5 · 4:00 – 6:00 pm · Grand Opening · The Western
- Sunday, May 7 – 13, 2023 · **National Travel and Tourism Week**
- Monday, May 8 · 4:00 pm · Due Date/Time for Completed Micro-Grant Application Packet
- Tuesday, May 9 · 6:00 – 7:30 pm · RSS Senior Banquet - Class of 2023
- Wednesday, May 10 · 9:00 – 10:30 am · **Ouray Trail Group Meeting (OTG)**
- Thursday, May 11 · 2:00 – 5:00 pm · **Ouray County Free Legal Clinic**
- Friday, May 12 · 8:30 – 10:00 am · **Ouray Economic Development Committee (OEDC)**
- Saturday, May 13 · 5:00 – 9:00 pm · **Responder Alliance Stress Injury Awareness Training · Open to Public (Must Register)**
- **Sunday, May 14 · Mother's Day**
- Monday, May 15 · 3:00 – 7:00 pm · Grand Opening · Cousin Jack's Bar · @ Imogene Rooftop
- **Monday, May 15 · 6:00 – 8:00 pm · City Council Regular Meeting**
- Tuesday, May 16 · 1:00 – 3:00 pm · **Woman's Club of Ouray County (WCOC)**
- Tuesday, May 16 · 4:30 – 6:30 pm · **Tourism Advisory Committee Meeting (TAC)**
- Wednesday, May 17 · 2:30 – 5:30 pm · Ouray School District Full Reunification Drill
- Wednesday, May 17 · 6:00 – 8:00 pm · **Ouray Ice Park Inc Board Meeting (OIPI)**
- **Thursday, May 18 · 2:30 – 5:00 pm · City Council Work Session - Land Use & Sign Code**
- Thursday, May 18 · 5:00 – 9:00 pm · **ROCC Board & Membership Meeting · Open to Public**
- Saturday, May 20 · 12:00 pm – May 21 · **Sky Pilots Backyard Ultra**
- Saturday, May 20 · 1:00 – 6:00 pm · **Love Your Valley Fest (Ridgway)**
- Tuesday, May 23 · 6:00 – 8:00 pm · **Planning Commission Meeting (PC)**
- Sunday, May 28 · 1:00 – 3:00 pm · **Ouray HS 2023 Graduation**
- **Monday, May 29 · Memorial Day · City Offices Closed**
- Thursday, June 1 · 6:00 – 9:00 pm · **Mountain Air Music Series**
- **Monday, June 5 · 6:00 – 8:00 pm · City Council Regular Meeting**
- Tuesday, June 6 – 7 · Mag Chloride (weather dependent)

- Every Tuesday & Friday · 5:30 – 8:00 pm · **Adult Softball League (PARC)** · **Fellin Park** · **Weekly until August 15**
- Wednesday, June 7 · 8:00 – 9:00 am · **Ouray Beautification Committee (OBC)**
- Thursday, June 8 · 8:30 – 10:00 am · **Ouray Economic Development Committee (OEDC)**
- Thursday, June 8 · 2:00 – 5:00 pm · **Ouray County Free Legal Clinic**
- Thursday, June 8 · 6:00 – 9:00 pm · **Mountain Air Music Series**
- Tuesday, June 13 · 1:00 – 3:00 pm · **Woman's Club of Ouray County (WCOC)**
- Tuesday, June 13 · 4:00 – 6:00 pm · **Planning Commission Meeting (PC)**
- Wednesday, June 14 · 9:00 – 10:30 am · **Ouray Trail Group Meeting (OTG)**
- Thursday, June 15 · 6:00 – 9:00 pm · **Mountain Air Music Series**
- Saturday, June 17 · 10:00 am – 2:00 pm · **Community Cleanup Day**
  - 10:00 AM - 2:00 PM | Four large **dumpsters** will be available in the RV Catchment Basin parking lot off of west 9th Avenue.
  - 10:00 AM - 2:00 PM | **E-Waste Recycle Day**. Drop Lock-Bin is located in front of City Hall.
  - 12:00 PM - 4:00 PM | Paint Drop-off at Rotary Park hosted by **PaintCare.org**
- **Sunday, June 18 · Father's Day**
- **Monday, June 19 · Juneteenth - City Offices Closed**
- Monday, June 19 · 11:00 am – 1:00 pm · **Community Mental Health Training** Hosted by **Woman's Club of Ouray County (WCOC)**
- Monday, June 19 · 5:00 – 7:00 pm · **Community Mental Health Training** Hosted by **Woman's Club of Ouray County (WCOC)**
- Tuesday, June 20 · 4:30 – 6:30 pm · **Tourism Advisory Committee Meeting (TAC)**
- **Tuesday, June 20 · 6:00 – 8:00 pm · City Council Regular Meeting**
- Wednesday, June 21 · 6:00 – 8:00 pm · **Ouray Ice Park Inc Board Meeting (OIPB)**
- June 22 – 25 · **Ouray International Film Festival - Fourth Annual Summer Festival**
- Thursday, June 22 · 6:00 – 9:00 pm · **Mountain Air Music Series**
- Friday, June 23 · 6:30 – 11:45 pm · Movie in the Park hosted by **The Ouray International Film Festival**
- Thursday, June 29 · 6:00 – 9:00 pm · **Mountain Air Music Series**
- Friday, June 30 · 9:00 am – 3:00 pm · **Woman's Club of Ouray County (WCOC) Annual Rummage Sale**
- Saturday, July 1 · 9:00 am – 2:00 pm · **Woman's Club of Ouray County (WCOC) Annual Rummage Sale**

\*Events are subject to change. Check calendars or verify with the host.

**Submit to Local Licensing Authority**

Fees Due		
Annual Renewal Application Fee		\$ 50.00
Renewal Fee		
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
<b>Amount Due/Paid</b>		\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

**Please verify & update all information below**

**Return to city or county licensing authority by due date**

Licensee Name <b>EL REND INC</b>		Doing Business As Name (DBA) <b>MI MEXICO FAMILY MEXICAN RESTAURNT</b>	
Liquor License # <b>03-15039</b>	License Type <b>Hotel &amp; Restaurant (city)</b>		
Sales Tax License Number <b>94838787</b>	Expiration Date <b>07/21/23</b>	Due Date	
Business Address <b>118 7TH AVENUE Duray CO 81427</b>			Phone Number <b>720-261-0922</b>
Mailing Address <b>1410 Bellaive Drive Colorado Springs CO 80909</b>		Email	
Operating Manager <b>Manel Guitron Garcia</b>	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in the upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

**CITY OF OURAY**

**ORDINANCE NO. 06 (Series 2023)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO UPDATING THE CITY'S INTERNATIONAL CODES FROM 2009 TO 2018 BY REPEALING CHAPTER 6, SECTIONS 1 THROUGH 14 OF THE OURAY MUNICIPAL CODE AND REPLACING IT AS FOLLOWS:**

- 1. ADOPTING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC), THE INTERNATIONAL RESIDENTIAL CODE (IRC), THE INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE INTERNATIONAL FIRE CODE (IFC), THE INTERNATIONAL MECHANICAL CODE (IMC), THE INTERNATIONAL FUEL GAS CODE (IFGC), THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE (ISpsc), THE 2011 NATIONAL ELECTRICAL CODE, THE JULY 2018 EDITION OF THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING PUBLISHED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS; AND**
- 2. ADOPTING BY REFERENCE THE 1997 EDITION OF THE UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; AND**
- 3. AMENDING ADMINISTRATION AND ENFORCEMENT, PLUMBING AND ELECTRICAL LICENSES, FLOODPLAIN MANAGEMENT, AND TEMPORARY STRUCTURES; AND**
- 4. SETTING FORTH PENALTIES AND FINES THEREON.**

**WHEREAS**, the City has been operating under the 2009 editions of international codes and directed staff to review and update its building related codes.

**WHEREAS**, the International Code Council released updated editions of the International Building Codes in 2018, and staff recommends adoption of the 2018 Editions.

**WHEREAS**, the City Council desires to amend the Ouray Municipal Code to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Existing Building Code; International Fire Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code.

**WHEREAS**, in addition to a review and update of the City's current building related codes, staff reviewed additional codes that staff determined were applicable to and be beneficial for City Council to adopt being: the International Swimming Pool and Spa Code and the 1997 Edition of the Uniform

Code for Abatement of Dangerous Buildings, and the July 2018 Edition of the Installation Handbook for Manufactured Homes and Factory Built Housing, published by the Colorado Department of Local Affairs.

**WHEREAS**, staff determined that Chapter 6, Section 6-8 Plumbing Code is not necessary as the State of Colorado regulates the plumbing code and as such it is removed.

**WHEREAS**, staff determined that Chapter 6, Section 6-13 Mobile Homes, Factory Built Structures and Manufactured Housing is replaced by adopting the July 2018 Edition Of The Installation Handbook For Manufactured Homes And Factory Built Housing Published By The Colorado Department Of Local Affairs.

**WHEREAS**, City Council finds it is in the best interests of the public health, safety, and welfare to update the building related codes of the City and adopt the recommended additional codes to ensure proper building, remodeling, fire safety, mechanical, plumbing and electrical uses in buildings and structures within the city.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO**, as follows:

**SECTION 1: REPEAL AND REPLACE.**

Chapter 6, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of the Ouray Municipal Code are hereby repealed in their entirety and replaced as follows and with the addition of Section 15:

**Section 6-1: International Building Code (IBC)**

**A. Adoption**

The *International Building Code*, 2018 Edition, Chapters 1 through 35 inclusive and Appendix Chapter J, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-1-C below, are hereby adopted by reference as the Building Code of the City of Ouray, State of Colorado for regulating and governing the conditions and maintenance of all property, buildings and structures except detached one- and two-family dwellings and townhouses up to three stories; providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

**B. Copy on File**

One (1) copy of the *International Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Building Code*, 2018 Edition, is amended as follows:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 101.4.1** (Gas) is amended as follows:

The provisions of the *International Fuel Gas Code* as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations) shall be enforced by the State of Colorado.

c. **Section 101.4.4** (Property Maintenance) is deleted in its entirety.

d. **Section 105.2** (Work exempt from permit) **Building Subsection 1** is amended as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet. Such structures shall be in accordance with Chapter 7 of the Ouray Land Use Code. Only one such structure per lot is allowed without a permit.

e. **Section 105.2** (Work exempt from permit) **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

f. **Section 105.2** (Work exempt from permit) **Building Subsection 3** is deleted in its entirety

g. **Section 105.2** (Work exempt from permit) **Building Subsection 14** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

h. **Section 105.2** (Work exempt from permit) **Building Subsection 15** is added as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

i. **Section 105.2** (Work exempt from permit) **Building Subsection 16** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit.

j. **Section 105.5** (Expiration) is amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or if the work is suspended or abandoned for a period of 180 days after the time of the work is commenced, unless an extension is granted by the Building Official because of the size or complexity of the project. Each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement in footings or structural (monolithic) slab.
2. Reinforcement in stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section 109.3** (Building permit valuations) is amended as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be in accordance with the values established by the International Code Council, Building Valuation Data, August 2018 Edition.

l. **Section 113** (Board of Appeals) is amended as follows:

i. **Section 113.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 113.3 Qualifications** is deleted in its entirety.

m. **Section 115.4** (Stop Work Orders) **Inspection** is added as follows:

The City Administrator or delegee shall have the right of entry to inspect and enforce the provisions of the codes adopted herein by reference in Section 6-1, and other City building and zoning regulations in accordance with the procedures and provisions of the *International Building Code*, its municipal code, and any other provisions provided by law.

n. **Section 310.4.1** (Care facilities within a dwelling) is deleted in its entirety.

o. **Section 1612.3 Establishment of flood hazard areas** is amended as follows:

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Ouray, dated November 11, 1998," and "The Flood Insurance Study for City of Ouray, dated December 9, 2005," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

p. **Section 1803.1** (Geotechnical Investigations) **General** is amended as follows:

All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado or a licensed architect in the State of Colorado. The building official has the right to waive this requirement when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.

**D. Penalty**

The following penalty clause as contained in the *International Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

**114.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

**Section 6-2: International Residential Code (IRC)**

**A. Adoption**

The *International Residential Code*, 2018 Edition, Chapters 1 through 34 inclusive and Appendix B, F, H, J, K, M, Q, R and S, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-2-C below, is hereby adopted by reference as the Residential Code of the City of Ouray, State of Colorado, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permit and collection of fees, as described in this Chapter.

**B. Copy on File**

One (1) copy of the *International Residential Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Residential Code*, 2018 Edition, is hereby modified by the following amendments:

- a. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.
- b. **R104.10.1 (Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

c. **Section R105.2** (Work exempt from permit), **Building Subsection 1** is amended as follows:

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

d. **Section R105.2** (Work exempt from permit), **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

e. **Section R105.2** (Work exempt from permit), **Building Subsection 10** is amended as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

f. **Section R105.2** (Work exempt from permit), **Building Subsection 11** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

g. **Section R105.2** (Work exempt from permit), **Building Subsection 12** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

h. **Section R105.2** (Work exempt from permit), **Electrical Subsection 6** is added as follows:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

i. **Section R105.2** (Work exempt from permit), **Plumbing Subsection 3** is added as follows:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

j. **Section R105.5** (Expiration) is amended to read:

Work must commence within 180 days of issuing the permit. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement of footings or structural (monolithic) slab.
2. Reinforcement of stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section R105.3.1.1 (Permits/Determination of substantially improved or substantially damaged existing buildings in flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

l. **Section R112** (Board of Appeals) is amended as follows:

i. **Section R112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an *ex officio* member of said board but shall have no vote on any matter before the board. The board of appeals shall consist of the members of City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R112.3 Qualifications** is deleted in its entirety.

m. **Section R301, Table R301.2(1)** (Climatic and Geographic Design Criteria) is deleted, and the following is added as follows:

Buildings shall be constructed in accordance with the following climatic and geographic design criteria:

- i. Ground Snow Load: 65 psf
- ii. Wind Speed: 115 mph Ultimate / Exposure B or C
- iii. Topographic Effects: N/A
- iv. Special Wind Region: N/A
- v. Windborne Debris Zone: N/A
- vi. Seismic Design Category: C
- vii. Weathering: Severe
- viii. Frost Line Depth: 36"
- ix. Termite: Slight
- x. Winter Design Temp.: 7 degrees F
- xi. Ice Barrier Underlayment: Yes
- xii. Flood Hazards: Those set forth in FIRM Map Panel No. 0801370316C, (dated December 9, 2005), as they may be amended, and any other applicable FIRM, FIS, or other flood hazard map, if any.
- xiii. Air Freezing Index: 2000
- xiv. Mean Annual Temp.: 40

Buildings shall be constructed in accordance with the following Manual J design criteria:

- i. Elevation: 7,706 feet
- ii. Latitude: 38

- iii. Winter Heating: 7
- iv. Summer Cooling: 86
- v. Altitude Correction Factor: 0.76
- vi. Indoor Design Temperature: 70
- vii. Design Temperature Cooling: 75
- viii. Heating Temperature Difference: 63
- ix. Cooling Temperature Difference: 11
- x. Wind Velocity Heating: 15
- xi. Wind Velocity Cooling: 7.5
- xii. Coincident Wet Bulb: 52
- xiii. Daily Range: H
- xiv. Winter Humidity: 30%
- xv. Summer Humidity: 50%

n. **Section R301.2.4 (Design criteria/Floodplain construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

o. **Section R302.1 (Exterior walls) Exception 2** is deleted in its entirety.

p. **Section R302.1 (Exterior walls) Exception 3** is deleted in its entirety.

q. **Section R309.3 (Garages and carports/Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

r. **Section R313.1 (Townhouse automatic fire sprinkler systems)** is amended as follows:

An automatic residential fire sprinkler system shall be required in townhomes with five (5) or more connected dwelling units.

s. **Section R313.2** (One- and two- family dwellings automatic fire sprinkler systems) is deleted in its entirety.

t. **Section R322 (Flood resistant construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

u. **Section 324.4.1** (Structural requirements) is amended as follows:

Rooftop-mounted photovoltaic systems - Structural requirements to include: For PV systems with a total installed weight not to exceed 3-psf and with staggered fasteners attaching to an existing roof, an engineer's review of the roof structure shall not be required.

v. **Section R326.1** (Swimming pools, spas and hot tubs) is deleted in its entirety.

w. **Chapter 4** (Foundations) shall be amended by the addition of a new section as follows:

#### **R404.6 Foundation Design.**

All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado. The Building Official has the right to waive this requirement when the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.

x. **Chapter 11, Section N1102.1.2 (R402.1.2)** (Insulation and Fenestration Criteria) **Wood Frame Wall R-Value for Climate Zone 6** is amended as follows:

Table N1102.1.2 (Insulation and Fenestration requirements by component) Wood Frame Wall R-Value for Climate Zone 6 are hereby 20 or 13+10<sup>h</sup>.

y. **Section R908.3.1.1** (Roof cover not allowed) Subsection 3 is amended to as follows:

Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.

z. **Section R908 (Reroofing)** is amended with the following new Subsection:

**R908.7 Attic Ventilation**

Attic ventilation shall comply with Section R806 (Roof ventilation).

aa. **Section G2445 (Unvented Room Heaters)** is amended as follows:

Unvented room heaters are prohibited.

bb. **Section G2406.2 (Appliance prohibited locations) Subsection 3** is deleted in its entirety.

cc **Section G2406.2 (Appliance prohibited locations) Subsection 4** is deleted in its entirety.

dd. **Section G2425.8 (Appliances not required to be vented) Subsection 7** is deleted in its entirety.

ee. **Section N1102.4.1.2 (Energy efficiency/Air leakage/Testing)** is deleted in its entirety.

ff. **Section N1103.3.3 (Energy efficiency/Systems/Duct testing)** is deleted in its entirety.

gg. **Section N1103.3.4 (Energy efficiency/Systems/Duct leakage)** is deleted in its entirety.

hh. **Section N1103.5.1 (Energy efficiency/Systems/Heated water circulation and temperature maintenance systems)** is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. of the *International Energy Conservation Code* as adopted by the City of Ouray. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. of the *International Energy Conservation Code* as adopted by the City of Ouray. Automatic controls, temperature sensors, and pumps will be accessible. Manual controls shall be readily accessible.

ii. **Section N1103.5.2 (Energy efficiency/Systems/Demand recirculation water systems)** is amended as follows:

When installed, demand recirculation water-systems shall have controls that comply with the following:

- i. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture, or sensing the flow of hot or tempered water to a fixture fitting or appliance, and
- ii. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

jj. **Section N1103.5.4** (Energy efficiency/Systems/Drain water heat recovery units) is amended as follows:

When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

#### **D. Penalty**

The following penalty clause as contained in the *International Residential Code*, 2018 Edition, is hereby adopted and amended to read as follows:

##### **Section R113.4** Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

#### **Section 6-3 International Existing Building Code (IEBC)**

##### **A. Adoption**

The *International Existing Building Code*, 2018 Edition, Chapters 1 through 16 inclusive and all Appendix Chapters and Resource “A”, as published by the International Code Council together with the additions, deletions, insertions, and changes as set forth in Section 6-3-C below, is hereby adopted by reference as the Existing Building Code of the City of Ouray, State of Colorado for

regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.

**B. Copy on File**

One (1) copy of the *International Existing Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Existing Building Code*, 2018 Edition, is hereby modified by the following amendments.

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 112** (Board of Appeals) is amended as follows:

i. **Section 112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 112.3 Qualifications** is deleted in its entirety.

**D. Penalty**

The following penalty clause as contained in the *International Existing Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

**Section 113.4 Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who constructs, alters, repairs, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

**Section 6-4 International Fire Code (IFC)**

**A. Adoption**

The *International Fire Code*, 2018 Edition, Chapters 1 through 67 inclusive and Appendix B, C, D, E, F, G, H, I, J, K, L, M, N, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-4-C below, are adopted as the Fire Code of the City of Ouray, State of Colorado for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, material and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

## **B. Copy on File**

A copy of the *International Fire Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

## **C. Amendments**

The *International Fire Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 107.1** (Inspection authority) is amended as follows:

The fire code official is authorized to enter and examine any building, structure, vehicle, or premises in accordance with Section 104.3 for the purpose of enforcing this code. For this code, the fire code official shall be the building official, unless unusual, detailed, or complex technical projects require the expert opinion of a State of Colorado Level Three Fire Inspector as deemed necessary at the sole discretion of the City Administrator or delegee.

c. **Section 109.1** (Board of appeals established) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

d. **Section 109.3** (Qualifications) is deleted in its entirety.

e. **Section 307** is deleted in its entirety.

f. **Section 5704.2.9.6.1** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks outside of building is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

g. **Section 5706.2.4.4** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

h. **Section 5806.2** (Limitations) is amended as follows:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

i. **Section 6104.2** (Maximum capacity within established limits) is amended as follows:

Within all zoning districts, except C-2 Commercial-Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

## **D. Penalty**

The following penalty clause as contained in the *International Fire Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 110.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 110.4.1** (Abatement of violation) is amended as follows:

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.

## **Section 6-5 International Mechanical Code (IMC)**

### **A. Adoption**

The *International Mechanical Code*, 2018 Edition, Chapters 1 through 15 inclusive, as published by the International Code Council, together with the additions, insertion, deletions, and changes, as set forth in Section 6-5-C below, are hereby adopted by reference as the Mechanical Code of the City of Ouray, State of Colorado for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided.

### **B. Copy on File**

A copy of the *International Mechanical Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

### **C. Amendments**

The *International Mechanical Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.5.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.5.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after

receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 109.1** (Application for appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 109.2** is deleted in its entirety.

g. **Section 109.3** is deleted in its entirety.

h. **Section 109.4** is deleted in its entirety.

i. **Section 109.5** is deleted in its entirety.

j. **Section 109.6** is deleted in its entirety.

### **Section 6-6 International Fuel Gas Code (IFGC)**

#### **A. Adoption**

The *International Fuel Gas Code*, 2018 Edition, Chapter 1 through 8 and Appendix A, B, C and D, as published by the International Code Council, together with the additions, insertions, deletions and changes set forth in Section 6-6-C below is hereby adopted by reference as the Fuel Gas Code of the City of Ouray, State of Colorado, for regulating and governing fuel gas systems and gas-fired appliances as herein provided.

#### **B. Copy on File**

A copy of the *International Fuel Gas Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

#### **C. Amendments**

The *International Fuel Gas Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.6.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.6.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 108.5** (Stop Work Orders), the last sentence is deleted in its entirety.

f. **Section 109.1** (Application for Appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 501.8** (Appliances not required to be vented) **Subsection 3 (Hot plates and laundry stoves)** is deleted in its entirety.

g. **Section 501.8** (Appliances not required to be vented) **Subsection 8 (Room heaters listed for unvented use)** is deleted in its entirety.

h. **Section 621** (Unvented Room Heaters) is amended as follows:

Unvented Room Heaters are hereby prohibited.

### **Section 6-7 International Energy Conservation Code (IECC)**

#### **A. Adoption**

The *International Energy Conservation Code*, 2018 Edition, Chapters 1 through 6 of both the Commercial and Residential IECC provisions inclusive, as published by the International Code Council, together with the additions, insertion, deletions and changes set forth below in Section 6-

7-C, are hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Ouray.

**B. Copy on File**

A copy of the *International Energy Conservation Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *International Energy Conservation Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section C101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section C109** (Board of Appeals) is amended as follows:

i. **Section C109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section C109.3** (Qualifications) is deleted in its entirety.

d. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

e. **Section R402, Table R402.1.2** (Insulation and Fenestration Requirements by Component) **Wood Frame Wall R-Value** is amended as follows:

Wood Frame Wall R-Value for Climate Zone 6) to read: 20 or 13+10<sup>h</sup>.

f. **Section R402.4.1.2** (Testing) is deleted in its entirety.

g. **Section R403.3.3** (Duct testing) (Mandatory) is deleted in its entirety.

h. **Section R403.3.4** (Duct leakage) (Prescriptive) is deleted in its entirety.

i. **Section R403.5.1** (Heated water circulation and temperature maintenance systems) (Mandatory) is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

j. **Section R403.5.2** (Demand recirculation water systems) is amended as follows:

When installed, demand recirculation water systems shall have controls that comply with the following:

1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance, and
2. The controls shall limit the temperature of the water entering the cold- water piping to not greater than 104°F (40°C).

k. **Section R403.5.4** (Drain water heat recovery units) is amended as follows:

When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

l. **Section R403.6** (Mechanical ventilation) (Mandatory) is amended by adding the following:

Automatic controls for heating incoming air shall be provided.

m. **Section R109** (Board of Appeals) is amended as follows:

i. **Section R109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R109.3** (Qualifications) is deleted in its entirety.

## **D. Penalty**

The following penalty clause provisions to the *International Energy Conservation Code, 2018 Edition*, is hereby adopted and new sections are added as follows:

### **1. Section C110 (Violation penalties)** is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

### **2. Section R110 (Violation penalties)** is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

## **Section 6-8: International Swimming Pool and Spa Code (ISPSC)**

### **A. Adoption**

The *International Swimming Pool and Spa Code, 2018 Edition*, Chapters 1 through 11 inclusive and all Appendix Chapters as published by the International Code Council, together with the additions, insertions, deletions and changes set forth below in Section 6-8-C, is hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing and establishing regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions.

### **B. Copy on File**

A copy of the *International Swimming Pool and Spa Code, 2018 Edition*, is on file in the office of the City of Ouray Building Inspector.

### **C. Amendments**

The following penalty clause as contained in the *International Swimming Pool and Spa Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 107.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a pool or spa in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 107.5** (Stop work orders) is amended by deleting the last sentence.

c. **Section 108 Means of Appeal** is amended as follows:

#### **108.1 Board of Appeals**

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

#### **108.2 Limitation on Authority**

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

### **Section 6-9 National Electrical Code**

#### **A. Adoption**

The 2011 National Electrical Code, as published by the National Fire Protection Association, shall be the electrical code for the City and regulate and govern all electrical work within the City.

#### **B. Fees**

The fee and electrical permit for electrical work shall be obtained from the State of Colorado electrical inspector.

### **Section 6-10 Manufactured Housing Installation Handbook**

**A. Adoption**

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, as published by the Colorado Department of Local Affairs, together with the additions, deletions, insertions, and changes as set forth in Section 6-10-C below, is hereby adopted by reference as the Manufactured Housing Installation Handbook of the City of Ouray, State of Colorado for regulating and governing the installation of manufactured homes in the City. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the City as fully set out with.

**B. Copy on File**

A copy of the *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is hereby modified by the following amendments:

- a. **Chapter 7, Mechanical, Subsection Blower door testing** is deleted.

**D. Definitions**

For purposes of this Section, the following definitions will apply:

1. **Dependent mobile home** means a mobile home which does not have a flush toilet and a bath or shower.
2. **Independent mobile home** means a mobile home which has a flush toilet, a bath or a shower and a sink.
3. **Mobile home** means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.
4. **Modular home** means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.

**E. Permit for Location and Installation**

1. It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the City.

2. It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the City without first obtaining a permit therefor upon written application on a form to be furnished by the City of Ouray. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building Official, and if the official is satisfied that the installation therein described will conform to the requirements of subsections (a) through (e) below, the official shall issue a permit therefor to the applicant. Fees for the permit shall be in accordance with the Fee Schedule adopted by Resolution by the City Council based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of subsections (a) through (e) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Section, the date issued and the signature of the Building Official.

- a. The proposed location shall be in compliance with zone district dimensional requirements and zoning regulations as outlined in Chapter 7 of the Ouray Municipal Code.
- b. The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in subsection (e) below.
- c. All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline, or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, except for a supply container for each mobile home, no gasoline, kerosene, or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief or Fire Code Official. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and environment controlling carbon monoxide poisoning.

d. Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams or stringers of the mobile home or modular home. If piers are used, they shall be installed pursuant to requirements of the home manufacturer and State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both the top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.

e. Pursuant to the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

## **F. Penalty**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, repairs, or changes the occupancy of a manufactured or factory-built home or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

## **Section 6-11: Uniform Code for the Abatement of Dangerous Buildings**

### **A. Adoption**

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, Chapters 1 through 8 inclusive, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-11-C below, is hereby adopted by reference as the Code for Abatement of Dangerous Buildings of the City of Ouray, State of Colorado for regulating and governing the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

### **B. Copy on File**

A copy of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is on file in the office of the City of Ouray Building Inspector.

**C. Amendments**

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby modified by the following amendments:

a. **Section 205.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

b. **Section 401.2 (Notice and Order) Subsection 3.1** is amended as follows:

If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor, and the work physically commenced within such time (not to exceed 90 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all circumstances.

c. **Section 401.2 (Notice and Order) Subsection 3.3** is amended as follows:

If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 90 days from the date of the order; and that the demolition be completed within such a time as the building official shall determine is reasonable.

d. **Section 401.2 (Notice and Order) Subsection 5** is amended as follows:

Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 45 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

e. **Section 601 General** is amended as follows:

i. **601.1 Board of Appeals**

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **601.2 Limitation on Authority**

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

f. **Sections 602 through 605** are deleted in their entirety.

g. **Section 701.3** (Failure to Commence Work) is amended as follows:

Whenever the required repair or demolition is not commenced within 45 days after any final notice and order issued under this code becomes effective:

h. **Section 702** (Extension of Time to Perform Work) is amended as follows:

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 an additional 180 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.

i. **Chapter 8** is deleted in its entirety.

k. **Chapter 9** is deleted in its entirety.

**D. Penalty**

The following penalty clause as contained in the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby adopted and amended to read as follows:

**Section 203** Violations.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any

building or structure or cause or permit the same to be done in violation of this code. Upon notice from the code official, work that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall be required to give written notice prior to stopping the work.

### **Section 6-12 Administration and Enforcement**

A. The City Council may appoint a Building Inspector or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the building codes adopted by reference in this Chapter, the Colorado Plumbing Code, the National Electrical Code, and other city building and zoning regulations.

B. The City Council may appoint a Fire Official or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the fire code adopted by reference in this Chapter.

C. The City Administrator, the Building Official, Fire Official or their designated representative shall have the right of entry to inspect and enforce the provisions of the codes adopted by reference in this Chapter, and other City building and zoning regulations in accordance with the procedures and provisions of Section 6-1-E of this Chapter, in addition to any other provisions provided by law.

D. Any building or structure in violation of any of the provisions of this Chapter, any of the codes adopted by reference herein, the Colorado Plumbing Code, or the National Electrical Code is hereby declared to be a nuisance and may be abated by the City in any lawful manner.

E. The City may maintain an action in any court of competent jurisdiction to enforce any provision of this Chapter; the codes adopted by reference therein, the Colorado Plumbing Code, or the National Electrical Code.

F. The City may elect to have the Colorado Plumbing Code administered and enforced by the Colorado State Plumbing Inspector.

### **Section 6-13: Plumbing and Electrical Licenses**

A. It shall be unlawful for any person to perform any electrical or plumbing work within the City for which a license is required by the State of Colorado without having a State License.

B. The owner of a building may make minor repairs to their own property without a license. The City of Ouray and its employees shall not be required to have a license to perform work on City-owned property.

### **Section 6-14: Floodplain Management Regulations**

## **A. Purposes**

The purposes of this Section are to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. To help a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. To ensure that potential buyers are notified that property is located in a flood hazard area.

## **B. General Provisions**

1. This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City of Ouray, Colorado.
2. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
3. In the interpretation and application of this Section, all provisions shall:
  - a. Be considered as minimum requirements;
  - b. Be liberally construed in favor of the governing body; and
  - c. Be deemed neither to limit nor repeal any other powers granted under State statutes.
4. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and

other applicable regulations. Nothing herein shall prevent the City of Ouray from taking such lawful action as is necessary to prevent or remedy any violation of this Section. This Section meets the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

5. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

6. This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Ouray or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

### **C. Adoption of Maps and Studies**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for City of Ouray, Colorado," dated July 3, 1985, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, including the Letter of Map Revision dated November 9, 1998 and the Letter of Map Revision dated December 9, 2005, are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the City of Ouray City Council, such as the Uncompahgre River Report, prepared by AS Consultants, Inc., dated April 1, 1978, which was designated and approved by the Colorado Water Conservation Board in December, 1981. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available at the City of Ouray administrative office for public inspection.

### **D. Definitions**

Unless specifically defined below, words or phrases used in this Section shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.

**100-Year Flood** means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

**100-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**500-Year Flood** means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

**500-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

**Addition** means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**Alluvial Fan Flooding** means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

**Area of Shallow Flooding** means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement** means any area of a building having its floor sub-grade (below ground level) on all sides.

**Channel** means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**Channelization** means the artificial creation, enlargement or realignment of a stream channel.

**Code of Federal Regulations (CFR)** means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

**Community** means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility** means a structure or related infrastructure, but not the land on which it is situated, as specified in that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**Development** means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DFIRM Database** means a database (usually spreadsheets containing data) and analyses that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**Digital Flood Insurance Rate Map (DFIRM)** means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

**Elevated Building** means a non-basement building that is (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adoption of this Section.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Register** means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

**FEMA** means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**Flood or Flooding** means the general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**Flood Insurance Rate Map (FIRM)** means an official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the City.

**Flood Insurance Study (FIS)** means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

**Floodplain or Flood-Prone Area** means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

**Floodplain Administrator** means the City's official designated by title to administer and enforce the floodplain management regulations.

**Floodplain Development Permit** means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA).

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations** means zoning ordinances, subdivision regulations, building codes and other applications of police power, state or local, which provide standards for the purpose of flood damage prevention and reduction.

**Flood Control Structure** means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodproofing** means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway (Regulatory Floodway)** means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Freeboard** means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Revision (LOMR)** means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs

are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Levee** means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**Manufactured Home** shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision** means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**Material Safety Data Sheet (MSDS)** means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

**National Flood Insurance Program (NFIP)** means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adoption of this Section.

**No-Rise Certification** means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

**Physical Map Revision (PMR)** means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

**Recreational Vehicle** shall have the same meaning as defined in Chapter 7 of this Code.

**Special Flood Hazard Area** means the land in the floodplain subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**Start of Construction** means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code, and includes a gas or liquid storage tank, which is principally above ground.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the City of Ouray. This includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Threshold Planning Quantity (TPQ)** means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

**Variance** means a grant of relief to a person from the requirement of this Section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section. For full requirements see Section 60.6 of the National Flood Insurance Program regulations.

**Violation** means the failure of a structure or other development to be fully compliant with this Section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **E. Floodplain Development Permit Establishment and Criteria**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.

1. A Floodplain Development Permit shall be obtained before construction or development within any area of Special Flood Hazard as established in Section 6-14-C.

2. An application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to Special Flood Hazard Areas. The following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- c. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 6-14-H-2-b;
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- j. The relationship of the proposed use to the comprehensive plan for that area.

## **F. Administration of Regulations**

The Building Official is appointed as the Floodplain Administrator to administer, implement, and enforce the provisions of this Section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management including, but not limited to, performance of the following duties:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 6-14-E.
2. Review, approve, or deny all applications for Floodplain Development Permits.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Section 6-14-C, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 6-14-H.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Ouray's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City of Ouray.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City of Ouray may approve certain development in Zones A1-30, AE, AH, on the City of Ouray's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City of Ouray first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

#### **G. Variance and Appeal Procedures**

1. The Planning Commission, as established by the City of Ouray, shall hear and render judgment on requests for variances from the requirements of this Section.

2. The City Council shall hear and render judgment on appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Section.

3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

4. In rendering judgment on requests for variances from this Section and appeals, the Planning Commission shall consider all technical evaluations and all relevant factors and standards as specified in this Section, including the criteria of Section 6-14-E-3.

Variances shall only be issued upon:

a. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Showing a good and sufficient cause;

c. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
6. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
  - a. The criteria outlined in Section 6-14-G are met; and
  - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
7. Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision in the courts of competent jurisdiction.
8. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency.
9. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
10. Upon consideration of the factors noted above and the intent of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as outlined in Section 6-14-A.
11. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
12. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## **H. Provisions for Flood Hazard Reduction**

The following provisions are required for all new construction and substantial improvements in all Special Flood Hazard Areas.

1. General Standards
  - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral

movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. Table 4.5 of the Debris and Flood Control Plan for Portland and Cascade Creeks at Ouray, Colorado, dated October 25, 1982, published by the Colorado Water Conservation Board may be used as appropriate;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

h. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## 2. Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Section 6-14-C, Section 6-14-F-7, or Section 6-14-H-10 the following provisions are required:

a. Residential new construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. New construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure, with the exception of Critical Facilities, as outlined in

Section 6-14-H-11, shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

b. For all construction, a registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

### 3. Enclosures

a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 4. Manufactured Homes

a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City of Ouray's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be

elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the City of Ouray's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

i. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### 5. Recreational Vehicles

a. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City of Ouray's FIRM must either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, meaning it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

iii. Meet the permit requirements of Section 6-14-E, and the elevation and anchoring requirements for "manufactured homes" in Section 6-14-H-4 of this Section.

#### 6. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in Section 6-14-C are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. Residential new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. With the exception of Critical Facilities, outlined in Section 6-14-H-11, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 6-14-E, are satisfied.

c. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

## 7. Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. Areas located within Special Flood Hazard Areas established in Section 6-14-C are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the City of Ouray during the occurrence of the base flood discharge.

b. If Section 6-14-H-7-a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6-14-H.

c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City of Ouray may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the City first applies for a CLOMR and floodway revision through FEMA.

## 8. Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

a. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

c. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

d. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

e. All activities within the regulatory floodplain shall meet all applicable Federal, State and City of Ouray floodplain requirements and regulations.

f. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the City of Ouray first applies for a CLOMR and Floodway revision in accordance with Section 6-14-H-7.

g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

## 9. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

- a. For residential construction, the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
- b. For nonresidential construction, the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

## 10. Standards for Subdivision Proposals

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 6-14-E and the provisions of Section 6-14-H of this ordinance.
- c. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 6-14-C or Section 6-14-F of this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize or eliminate flood damage.

## 11. Standards for Critical Facilities

It is the responsibility of the City of Ouray City Council to identify and confirm that specific structures in the community meet the following criteria:

Critical facilities are those that house essential services such as public safety, emergency responders, emergency medical centers, emergency shelters, main communication hubs, public utility facilities for generation and distribution of power, water, and gas (but do not include business offices); or sites and facilities that produce or store highly volatile, flammable, explosive, toxic or other hazardous materials such as chemical plants, laboratories refineries, hazardous waste storage and disposal sites, and gasoline or propane storage or sales centers; facilities for at-risk populations, such as schools and nursing homes; and facilities vital to restoring normal services including government operations.

a. All new and substantially remodeled Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be either:

i. Located outside the Special Flood Hazard Area; or

ii. Elevated to at least two (2) feet above the Base Floor Elevation (this includes the elevation of the lowest floor or floodproofing of the structure and the attendant utility and sanitary facilities).

b. New Critical Facilities shall, when practicable as determined by the City of Ouray, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

### **I. Obstruction of Flumes, Creeks or Water Courses Prohibited**

1. It shall be unlawful to obstruct or interfere with the proper orientation of the Portland Flume, Cascade Flume and Catchment Basin, appurtenant access easements, the channel of Skyrocket Creek, Canyon Creek, Oak Creek, Bridal Veil Creek and other water courses or flood control facilities and appurtenances by placing or allowing any obstruction, including, but not limited to bridges, cantilevered structures, culverts, rocks, trash or other objects within such facilities or otherwise.

2. All residences or other buildings designed or used for occupancy erected, or liquefied petroleum gas tanks installed, after the effective date of Ordinance No. 2 (Series 1983) shall be set back a minimum of ten (10) feet on either side from the outside walls of the Portland or Cascade Flume.

### **J. Enforcement**

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with this Section and other applicable regulations. It shall be unlawful for any person to violate any of the provisions of this Section. Any person convicted of such a violation may be subject to a fine as set forth under Ouray Municipal Code 1-4 General Penalty. Each day any violation continues shall be considered a separate offense.
2. The City may maintain an action in any court of competent jurisdiction to enjoin or abate any violation of the requirements of this Section.
3. Any property, building or structure existing or maintained in violation of the requirements of this Section is hereby declared to be a nuisance, which may be abated in accordance with the law.

## **6-15 Temporary Structures**

### **A. General Provisions**

1. Temporary structures are structures or buildings 120 square feet or larger, erected for more than 72 consecutive hours but no more than 180 days within a period of 12 consecutive months. Structures erected for less than 72 consecutive hours do not require a permit under this section. Structures or buildings erected for a period longer than 180 days shall be required to apply with the appropriate building code unless an extension is granted by the building official.
2. The building official is authorized to issue a permit for temporary structures. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days within any period of 12 consecutive months. The building official is authorized to grant extensions to the permit for demonstrated good cause.

### **B. Conformance**

Temporary structures shall conform to the building regulations pursuant to Chapter 6 of this Code. In the event plumbing and electricity are temporarily supplied to the structure, appropriate State licenses must be acquired pursuant to Section 6-13 of this Code.

### **C. Termination and Expiration of a Permit**

The building official is authorized to terminate a permit for a temporary structure upon any violation of this Code and to order the temporary structure to be immediately dismantled and removed.

## **SECTION 2: EFFECTIVE DATE.**

The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter, 3.5-G and 3.7 concerning enacting codes by reference.

**SECTION 3: 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.

**INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED** on first reading by \_\_\_\_\_ vote of the Ouray City Council this \_\_\_ day of \_\_\_\_\_ 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by \_\_\_\_\_ vote of the Ouray City Council this \_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**CERTIFICATE OF ATTESTATION**

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. \_\_\_\_\_ (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first

reading on \_\_\_\_\_, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on \_\_\_\_\_, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on \_\_\_\_\_, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

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Melissa M. Drake, City Clerk

## Colorado Liquor Retail License Application

New License  
  New-Concurrent  
  Transfer of Ownership  
  State Property Only  
  Master file

• All answers must be printed in black ink or typewritten  
 • Applicant must check the appropriate box(es)  
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: [SBG Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor)

1. Applicant is applying as a/an  
 Individual  
 Limited Liability Company  
 Association or Other  
 Corporation  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant, if an LLC, name of LLC, if partnership, at least 2 partner's names, if corporation, name of corporation      FEIN Number  
*St Elmo LLC*      *30-0836636*

2a. Trade Name of Establishment (DBA)      State Sales Tax Number      Business Telephone  
*St Elmo Hotel*      *24925410-0000*      *970 315 4951*

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
*426 MAIN ST*

City      County      State      ZIP Code  
*DURAY*      *DURAY*      *CO*      *81427*

4. Mailing Address (Number and Street)      City or Town      State      ZIP Code  
*PO Box 622*      *DURAY*      *CO*      *81427*

5. Email Address  
*StElmoHotel1898@GMAIL.COM*

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)      Present State License Number      Present Class of License      Present Expiration Date  
*FOR THE LOVE OF THE PEOPLE*      *03-01488*      *HOTEL RESTAURANT*      *6/11/2022*

Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
<input checked="" type="checkbox"/> Application Fee for New License ..... \$1,100.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County) ..... \$312.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review ..... \$1,200.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City) ..... \$500.00
<input type="checkbox"/> Application Fee for Transfer ..... \$1,100.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) ..... \$500.00

Section B Liquor License Fees*	
<input type="checkbox"/> Add Optional Premises to H & R ... \$100.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - H & R ..... \$75.00
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - Tavern ..... \$75.00
<input checked="" type="checkbox"/> Add Sidewalk Service Area ..... \$75.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment ..... \$75.00
<input type="checkbox"/> Arts License (City) ..... \$308.75	<input type="checkbox"/> Manager Registration - Campus Liquor Complex ..... \$75.00
<input type="checkbox"/> Arts License (County) ..... \$308.75	<input type="checkbox"/> Optional Premises License (City) ..... \$500.00
<input type="checkbox"/> Beer and Wine License (City) ..... \$351.25	<input type="checkbox"/> Optional Premises License (County) ..... \$500.00
<input type="checkbox"/> Beer and Wine License (County) ..... \$436.25	<input type="checkbox"/> Racetrack License (City) ..... \$500.00
<input type="checkbox"/> Brew Pub License (City) ..... \$750.00	<input type="checkbox"/> Racetrack License (County) ..... \$500.00
<input type="checkbox"/> Brew Pub License (County) ..... \$750.00	<input type="checkbox"/> Resort Complex License (City) ..... \$600.00
<input type="checkbox"/> Campus Liquor Complex (City) ..... \$500.00	<input type="checkbox"/> Resort Complex License (County) ..... \$600.00
<input type="checkbox"/> Campus Liquor Complex (County) ..... \$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City) ..... \$160.00
<input type="checkbox"/> Campus Liquor Complex (State) ..... \$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) ..... \$160.00
<input type="checkbox"/> Club License (City) ..... \$308.75	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State) ..... \$160.00
<input type="checkbox"/> Club License (County) ..... \$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City) ..... \$500.00
<input type="checkbox"/> Club License (County) ..... \$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County) ..... \$500.00
<input type="checkbox"/> Distillery Pub License (City) ..... \$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City) ..... \$227.50
<input type="checkbox"/> Distillery Pub License (County) ..... \$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County) ..... \$312.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City) ..... \$500.00	<input type="checkbox"/> Retail Liquor Store (City) ..... \$227.50
<input type="checkbox"/> Hotel and Restaurant License (County) ..... \$500.00	<input type="checkbox"/> Retail Liquor Store (County) ..... \$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) ..... \$600.00	<input type="checkbox"/> Tavern License (City) ..... \$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) ..... \$600.00	<input type="checkbox"/> Tavern License (County) ..... \$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) ..... \$227.50	<input type="checkbox"/> Vintners Restaurant License (City) ..... \$750.00
	<input type="checkbox"/> Vintners Restaurant License (County) ..... \$750.00

\* Note that the Division will not accept cash

Questions? Visit: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name	Type of License	Account Number												
<p>7. Is the applicant (including any of the partners if a partnership, members or managers if a limited liability company) or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? <span style="float:right">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></span></p>														
<p>8. Has the applicant (including any of the partners if a partnership, members or managers if a limited liability company) or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):</p> <p>a. Been denied an alcohol beverage license? <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p> <p>b. Had an alcohol beverage license suspended or revoked? <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p> <p>c. Had interest in another entity that had an alcohol beverage license suspended or revoked? <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p> <p>If you answered yes to 8a, b or c, explain in detail on a separate sheet.</p>														
<p>9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes" explain in detail. <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p>														
<p>10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p> <p style="text-align:right">or</p> <p style="text-align:right">Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/></p> <p style="text-align:right">Other _____</p>														
<p>11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (&gt;) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p>														
<p>12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (&lt;) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p>														
<p>13 a. For additional Retail Liquor Store only: Was your Retail Liquor Store License issued on or before January 1, 2016? <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p>														
<p>13 b. Are you a Colorado resident? <span style="float:right"><input checked="" type="checkbox"/> <input type="checkbox"/></span></p>														
<p>14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership, members or manager if a Limited Liability Company) or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. <span style="float:right"><input type="checkbox"/> <input checked="" type="checkbox"/></span></p>														
<p>15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <span style="float:right"><input checked="" type="checkbox"/> <input type="checkbox"/></span></p> <p><input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____</p> <p>a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">Landlord</th> <th style="width:40%;">Tenant</th> <th style="width:20%;">Expires</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Landlord	Tenant	Expires									
Landlord	Tenant	Expires												
<p>b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <span style="float:right"><input type="checkbox"/> <input type="checkbox"/></span></p>														
<p>c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11"</p>														
<p>16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business, or who will receive money from this business? Attach a separate sheet if necessary.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">Last Name</th> <th style="width:20%;">First Name</th> <th style="width:20%;">Date of Birth (FFIN or SSN)</th> <th style="width:30%;">Interest/Percentage</th> </tr> </thead> <tbody> <tr> <td>BAGGETT</td> <td>JERRIE H</td> <td> </td> <td> </td> </tr> <tr> <td>BAGGETT</td> <td>BLAKE</td> <td> </td> <td> </td> </tr> </tbody> </table>			Last Name	First Name	Date of Birth (FFIN or SSN)	Interest/Percentage	BAGGETT	JERRIE H			BAGGETT	BLAKE		
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BAGGETT	JERRIE H													
BAGGETT	BLAKE													
<p>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</p>														
<p>17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:</p> <p>Has a local ordinance or resolution authorizing optional premises been adopted? <span style="float:right"><input type="checkbox"/> <input type="checkbox"/></span></p> <p style="text-align:right">Number of additional Optional Premise areas requested (See license fee chart) _____</p>														
<p>18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4) include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>														
<p>19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:</p> <p>a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? <span style="float:right"><input type="checkbox"/> <input type="checkbox"/></span></p> <p>If "yes" a copy of license must be attached.</p>														

Name	Type of License	Account Number		
<b>20. Club Liquor License applicants answer the following. Attach a copy of applicable documentation</b>				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following</b>				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>22. Campus Liquor Complex applicants answer the following</b>				
a. Is the applicant an institution of higher education?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
<b>23. For all on-premises applicants</b>				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record				
- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV for details				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application				
- DR 8000 and fingerprints.				
Last Name of Manager		First Name of Manager		
<b>24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.</b>				
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>25. Related Facility - Campus Liquor Complex applicants answer the following</b>				
a. Is the related facility located within the boundaries of the Campus Liquor Complex?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please provide a map of the geographical location within the Campus Liquor Complex.				
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
<b>26. Tax Information</b>				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</b>				
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above.				
** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)				
** If total ownership percentage disclosed here does not total 100%, applicant must check this box:				
<input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name	Type of License	Account Number	
<b>Oath Of Applicant</b>			
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.			
Authorized Signature <i>[Signature]</i>	Printed Name and Title JENNELL BAGGETT OWNER	Date 7/9/22	
<b>Report and Approval of Local Licensing Authority (City/County)</b>			
Date application filed with local authority	Date of local authority hearing (for new license applicants, cannot be less than 30 days from date of application)		
The Local Licensing Authority Heresby Affirms that each person required to file DR 8404-1 (Individual History Record) or a DR 8000 (Manager Permit) has been:			
<input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants			
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.			
(Check One)			
<input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority			
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?	Yes	No	
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.			
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food during the prior twelve (12) month period?	<input type="checkbox"/>	<input type="checkbox"/>	
The foregoing application has been examined, and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 of 3 C.R.S., and Liquor Rules. Therefore, this application is approved.			
Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature	Print	Title	Date





I, the undersigned, as a resident of the City of Ouray, do hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As ground for my support, I state that as a resident of Ouray I desire to have the sales of alcohol available at this location. I understand that this business would be required to comply with all Colorado State Liquor License Regulations. I further state that it is my belief that the reasonable needs and desires of the residents of the City of Ouray would be met by licensing the sale of alcohol at St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray.

Name	Signature	Street Address in Ouray
Alyna Pedu	Alyna Pedu	
Peg E. Rollans	Peg E. Rollans	
Olet Smith	Olet Smith	
Sara A. Martinez	Sara A. Martinez	
Chris Bree	Chris Bree	
SAM NARDIN	SAM NARDIN	
Alex Durham	Alex Durham	
Meghan Russo	Meghan Russo	
Kayla Pratt	Kayla Pratt	
Maggie Beyer	Maggie Beyer	
Krona Hamilton	Krona Hamilton	
Anley Haveline	Anley Haveline	
Shane Scriber	Shane Scriber	
Sara Scriber	Sara Scriber	
Jesse Jackson Cole	Jesse Jackson Cole	
Ason Vertias	Ason Vertias	
Amber Pearson	Amber Pearson	
Helen G. Anderson	Helen G. Anderson	
Dawn Wilbur	Dawn Wilbur	

Mark Van Meter	Wendy
Brooke Eastley	Brooke Eastley
John Hart	John Hart
Nancy Nixon	Nancy Nixon
RON JAMES	Ron James
Ruford Sanders	Ruford Sanders
Brianna Sanders	Brianna Sanders
Alisa Bockker	Alisa Bockker
Donny Meyer	Donny Meyer

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Tamyn Brooks

Business: Savage Spectrum Wines

Business Address: 480 Main St

Signature: 

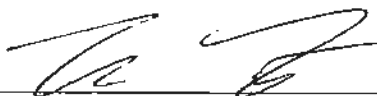
Date: 3-5-23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Thomas Fedel

Business: Ouray Grocery

Business Address: 621 Main St.

Signature: 

Date: 3/3/23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Crysta Orr

Business: Full Tilt Saloon

Business Address: 726 main st. Ouray, Co, 81427

Signature: 

Date: 3-7-23

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

Name: Corinne Andrews

Business: Skin Alchemy

Business Address: 630. Main St.

Signature: 


Date: 03-07-2023

As a Ouray business owner, I hereby state my support for the issuance of a Hotel & Restaurant Liquor License to the St. Elmo Hotel and Bon Ton Restaurant, 426 Main St. Ouray, CO 81427, owned by St. Elmo, LLC. As grounds for my support, I state that as a business owner, I believe that the St. Elmo Hotel and Bon Ton Restaurant will attract both tourists and locals to the City of Ouray. Furthermore, the availability of alcoholic beverages at the St. Elmo Hotel and Bon Ton Restaurant will broaden the appeal of Ouray and draw even more visitors to Ouray. I see this as a benefit to both my business and the Ouray business community in general. By signing below, I am signifying my agreement with these statements.

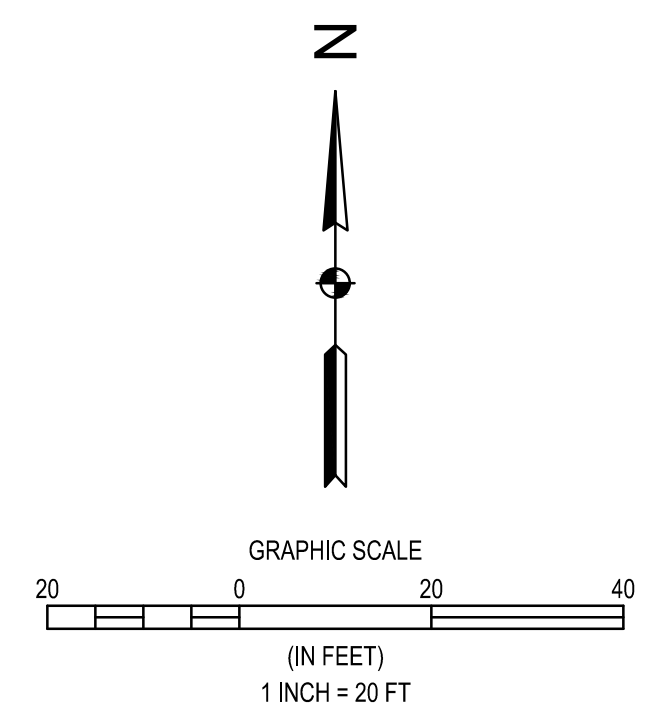
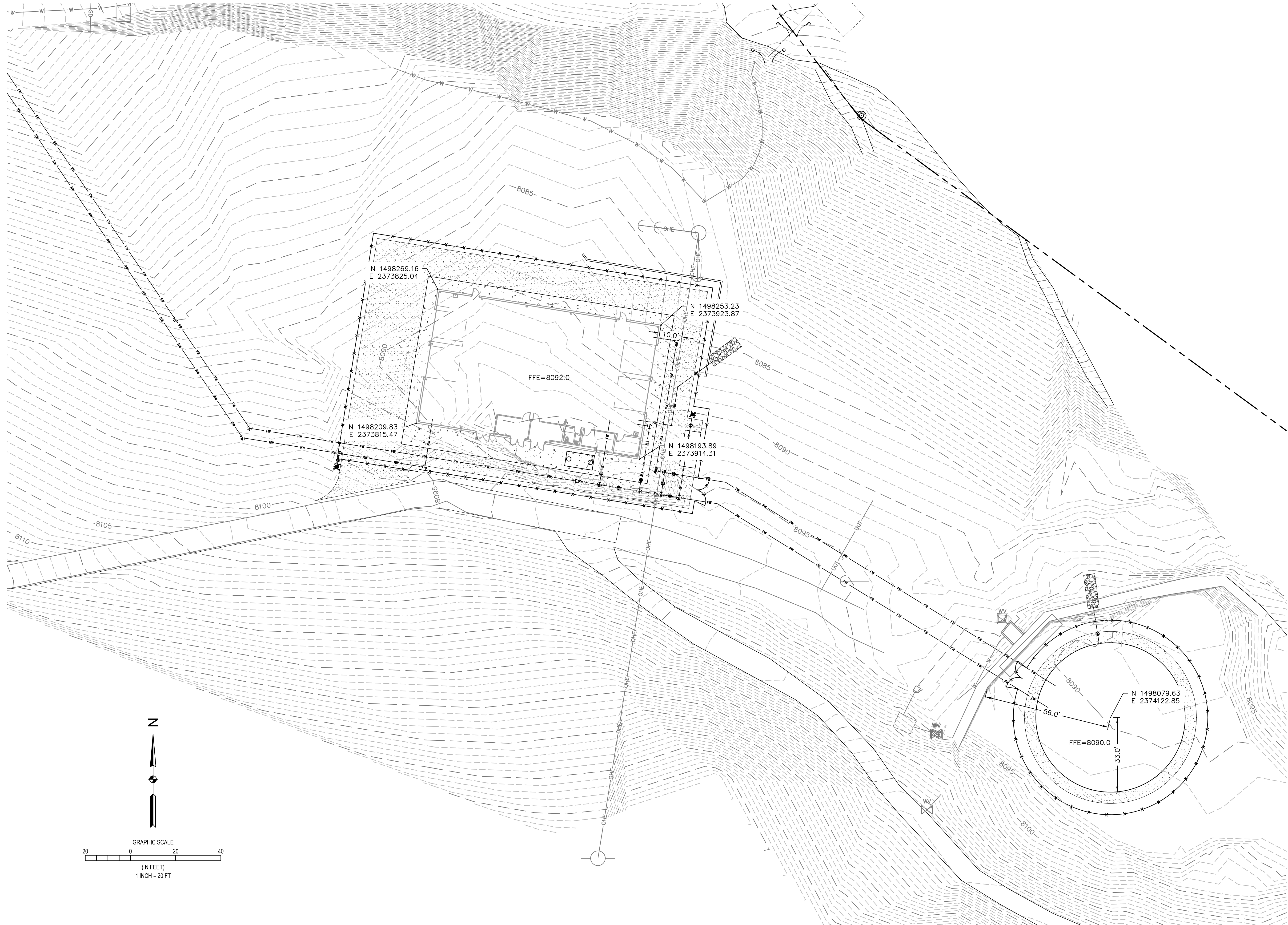
Name: Katie Craig

Business: High Country Leathers

Business Address: 518 Main Street Ouray, CO 81427

Signature: 

Date: March 5, 2023



NO.	REVISIONS	DATE	BY

WATER TREATMENT PLANT  
SITE PLAN EXHIBIT

CITY OF OURAY  
320 6TH AVENUE  
OURAY, CO 81427

PREPARED UNDER THE DIRECT SUPERVISION OF

DATE  
AUGUST 2022

JOB NUMBER  
0111.0001

SCALE  
1" = 20'

EDITION

CONSTRUCTION

SHEET  
C\_ OF C41



**Durango**  
564 E. 2<sup>nd</sup> Avenue, Suite 201  
Durango, Colorado 81301  
P – 970.259.7494

**Pagosa Springs**  
262 Pagosa St. Suite 200  
Pagosa Springs, CO 81147  
P – 970.264.6884

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## Proposal for Services

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Project Name	Ouray Hot Springs – Alternative Pool Heat Source + Geothermal System Analysis
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Date	May 12, 2023
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Location	320 6 <sup>th</sup> Ave. Ouray, CO 81427
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Contact	Silas Clarke, City administrator City of Ouray <a href="mailto:clarkes@cityofouray.com">clarkes@cityofouray.com</a> (W) 970.325.7060
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Item No.	Proposal for Professional Architectural and Engineering Services
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1.0	<b>Project Description</b>
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Coordination of mechanical, electrical, plumbing and geothermal engineering for a study into how best to supplement the existing Ouray Hot Springs.

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2.0	<b>Anticipated Scope of Work</b>
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The project includes a pre-design phase to study what would be necessary to supplement the Ouray Hot Springs with heat. The existing Hot Springs currently struggle to meet heat requirements for all pools. The City also closes the pools on Tuesdays due to lack of water for various reasons. The City has decided to explore alternative methods of providing heat to the pools including electric boilers and geothermal systems. The new systems would require a building to house all the associated equipment.

The building size and location are to be determined, but RA+A to provide analysis of where a potential structure might be located to best meet the Owner's needs. RA+A proposes a site visit to meet with the Owner and walk the existing buildings and site to determine the best location. Assumptions will be made on drainage and utilities at this time to inform the study. RA+A and our team will review all existing drawings and information on the Ouray Hot Springs. We will coordinate with both ME&E and Major Geothermal Engineering on the estimated size of equipment for each option and necessary size of enclosure.

RA+A will identify 1-2 preferred locations for the new building and will provide an assessment on the size of the building, location, parking impacts and other site impacts. Pros and cons of each site location will be provided.

RA+A will provide a preliminary summary of any code issues associated with a new building and site as well. RA+A will include overall findings of the site, structural and architectural scope of work deemed necessary for the design and construction of a new mechanical building.

ME&E and Major Engineering will provide their findings on system scope, size, pros, cons and overall recommendations.

Our team will also include a high level, rough order of magnitude cost estimate for the proposed physical plant necessary for the new systems.

RA+A and our team will coordinate with the City of Ouray with any questions during the Study. Any assumptions made will be clarified and made explicit in the Study. Review

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draft to be provided to the Owner prior to final deliverable. Any Owner comments will be rolled into the document.

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3.0 **Phases and Deliverables**

RA+A proposes the following phases and deliverable for this project. We are happy to work with the City of Ouray to modify the proposed deliverables and site visits as necessary to better accommodate your schedule. Dates will be formally identified once proposal is approved.

**Pre Design Phase: May-June 2023**

Kick off site visit and meeting to review existing conditions and identify locations for building.

**DRAFT Pre-Design Package: June 2023**

Package to include a written narrative with graphics (RA+A) and reference images.

Site graphics to be included identifying existing conditions, proposed building locations, adjacencies, system connections and overall site analysis findings.

Owner to review draft and provide comments as necessary.

**FINAL Pre-Design Package: Late June or Early July 2023**

Package to include final written narrative with final graphics and reference images.

Site graphics to be included identifying existing conditions, proposed building locations, adjacencies, system connections and overall site analysis findings.

Cost Estimate.

Owner comments will be incorporated into the final deliverable.

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4.0 **Information to be provided to the architect by others:**

Topographic site survey consisting of property lines, existing building boundaries, utilities, easements, curbs, sidewalks, trees, etc. (separate proposal included for this work)  
Geotechnical report (separate proposal included for this work)

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5.0 **Schedule**

We are available to begin the project once proposal is approved and signed. Our team anticipates being ready to begin work on this project in late May depending on how quickly we are released to begin. The week of May 22<sup>nd</sup> or May 30<sup>th</sup> is a target window for a site visit.

Estimated pre-design start is end May 2023. Our team anticipates 4-6 Weeks to complete the study. Deliverable to the Owner by mid to late June 2023 is anticipated. RA+A will adjust schedule as needed based on City of Ouray Springs review and ability to respond to questions.

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6.0 **Exclusions**

Construction means, methods, techniques, sequences or procedures, safety precautions and programs in connection with the work.  
Environmental services  
Interior design  
Landscape plan  
Energy modelling

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7.0

**Compensation**

Client agrees to pay Consultant the compensation as stated below.

Basic services fee as described in the anticipated scope of work as follows:

<b>Architectural</b>	<b>\$5,000</b>
<b>ME&amp;E Engineering (Hourly not to Exceed)</b>	<b>\$3,500 – \$6,000</b>
<b>Major Geothermal Engineering</b>	<b>\$3,500</b>
<b>Total Design Fee: \$14,500</b>	

The scheduled hourly rates for any approved additional services shall be as follows:

Principal Architect	\$240.00 per hour
Structural Engineer	\$185.00 per hour
Senior Architect	\$190.00 per hour
Licensed Architect	\$200.00 per hour
Engineer in Training	\$155.00 per hour
Intern Architect	\$115.00 per hour
CAD Production	\$105.00 per hour
Administrative/Clerical	\$95.00 per hour

Internal Reimbursable expenses include, but are not limited to: photocopying, 24x36 and 12x18 plots, etc.

Full Size Plots (24x36)	\$4.50/plot
Half Size Plots (12x18)	\$2.50/plot
Color Prints (8 1/2x11)	\$1.00/print
Blue line Prints/Copies/Postage/Shipping	\$1.15 x invoice
Travel Mileage	0.655 \$/mile
Travel Time (outside of city limits) Personnel Rate/Hour	

Site visits will be billed separately. Additional site visits will be billed as a reimbursable. Mileage to Ouray from Durango is 70 miles. Roundtrip is 140 miles. Estimated cost of round trip is \$88.00 for ME&E and RA+A. If Major Geothermal performs a site visit, a day rate would be necessary and would bill per proposal.

Any external reimbursable expenses will be billed at cost +10%.

Additional requested services or repetition of completed services once approved shall be completed on a T&M basis. Such work shall be performed at the Owner's written request and shall be invoiced at the scheduled hourly rate.

8.0

**3D Studies**

Exterior rendering output from Sketchup or Revit included, similar to samples below:



Advanced renderings, walkthroughs, and interior renderings are available at client request, to be billed hourly as additional services. Quality to be similar to samples below:



9.0

**Payment Schedule**

The balance will be invoiced on a monthly basis based on the percent completion of basic services, plus any authorized additional services and reimbursable expenses incurred. Invoices are due and payable upon receipt of our invoice. Payments by credit card or bank transfer are subject to a service fee. Amounts unpaid after 30 days from date of invoice shall bear interest at a rate of 1 ½% per month. Architect reserves the right to stop work and withhold any documents produced by our office on accounts which are 60 days past due. If payment is not received when due, the Architect shall be entitled to all costs of collection including reasonable attorney’s fees.

We expect final payment at the time the completed construction documents are delivered unless other arrangements have been made. Completed construction documents will not be released until final payment has been received. Payment to the firm of any invoice shall be taken to mean the Client is satisfied with the services provided up to the date of payment and is not aware of any deficiencies in those services.

10.0

**Ownership / Copyright**

All documents prepared or furnished by Reynolds Ash + Associates pursuant to this Agreement are instruments of Consultants professional services and shall retain an ownership and property interest therein, including all copyrights. Consultant grants the Client a license to use instruments of the firm’s professional service for the purpose of constructing, occupying or maintaining the project. Reuse or modification of any such documents by the Client, without Consultants written permission, shall be at the Client’s sole risk, and Client agrees to indemnify and hold Consultant harmless from all claims, damages and expenses, including attorney’s fees, arising out of such reuse by Client or by others acting through Client. Reynolds + Associates may not reuse the exact design elsewhere without approval from client

11.0

**Limitation of Liability**



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The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Consultant against all damages, liabilities or costs, including reasonable attorney’s fees and defense costs; arising out of or in any way connected with the performance of services by other persons or entities and from any and all claims arising from modifications, clarifications, adjustments or changes made to the Documents, except for claims arising from the negligence or wilful misconduct of the Consultant.

12.0

**Dispute Avoidance and Resolution**

Stepped Dispute Resolution

In the event of a dispute arising out of or relating to this Agreement or the services to be rendered hereunder, the Client and the Consultant agree to attempt to resolve such disputes in the following manner:

First, the parties agree to attempt to resolve such disputes through direct negotiations between the appropriate representatives of each party.

Second, if such negotiations are not fully successful, the parties agree to attempt to resolve any remaining dispute by formal non-binding mediation conducted with rules and procedures to be agreed upon by the parties.

Third, if the dispute or any issues remaining unresolved after the above steps, the parties agree to attempt resolution by submitting the matter to mediation/non-binding arbitration.

Attorney’s Fees

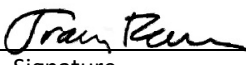
In the event of any litigation arising from or related to this Agreement or the services provided under this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs incurred, including staff time, court costs, attorney’s fees, and all other related expenses in such litigation. In the event of a non-adjudicative settlement of litigation between the parties or a resolution of dispute by arbitration, the term “prevailing party” shall be determined by that same process.

This Agreement is based upon a mutual obligation of good faith and fair dealing between the parties in its performance and enforcement. Accordingly, the Client and Reynolds Ash + Associates, with a positive commitment to honesty and integrity, agree to the following: That each will function within the laws and statutes that apply to its duties and responsibilities; that each will assist in the other’s performance, that each will avoid hindering the other’s performance; that each will work diligently to fulfil his or her obligations; and that each will cooperate the common endeavour of the contract.

13.0

**Agreement**

This Agreement entered into as of the day and year dated below.

			5/12/2023
Signature	Date	Signature	Date
Owner Client Silas Clarke City of Ouray <a href="mailto:clarkes@cityofouray.com">clarkes@cityofouray.com</a> (W) 970.325.7060		Architect Reynolds Ash + Associates 564 E. 2 <sup>nd</sup> Avenue, Suite 201 Durango, Colorado 81301	

MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE  
COLORADO DEPARTMENT OF LOCAL AFFAIRS' COLORADO MAIN STREET  
PROGRAM

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This Agreement is entered into and executed by the Colorado Department of Local Affairs (DOLA), Ouray Main Street (Local Program), and the Town of Ouray (Community).

**I. Agreement**

Whereas, this Agreement is for the purpose of said Community to participate in the Colorado Main Street Program;

Whereas, DOLA administers the Colorado Main Street Program; and

In consideration of the foregoing and of the mutual promises set forth herein, and intending to be legally bound, the parties hereto agree to the following specifics regarding the Colorado Main Street Program:

**A. The Colorado Main Street Program agrees to:**

1. Assist communities in understanding and following the National Main Street Approach.
2. Provide the Local Program with the necessary information to correctly promote the Colorado Main Street Program and the Main Street America™ Program.
3. Provide training opportunities, including but not limited to quarterly training, Spring Training and Main Street Summit.
4. Advise the Local Program of additional training opportunities.
5. Conduct an annual visit to discuss the current community work plan, future work plan, this Agreement, and the requirements and prerequisites of the tiered program
6. Review annually the Main Street America™ Program accreditation criteria self-evaluation form.
7. Offer Resource Team Visits and Underperforming Community Assessments to Local Programs when needed.
8. Offer and administer scholarships annually based upon available funding each state fiscal year. DOLA will advise the Local Program on procedures and policies.
9. Offer and administer non-competitive mini-grants to the Local Program annually based upon available funding each state fiscal year. The item must be listed on the Local Program's work plan that is submitted to DOLA/Colorado Main Street. DOLA will advise the Local Program on procedures and policies.
10. Offer and administer funding to hire consultants to complete community identified work plan projects based on available funding.
11. Act as liaison and facilitate communications between the Local Program, DOLA/Colorado Main Street Program, other Main Street communities, state agencies, partners, and the Main Street America™ Program, as they relate to the Local Program.

MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE  
COLORADO DEPARTMENT OF LOCAL AFFAIRS' MAIN STREET PROGRAM

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12. Provide technical assistance to the Local Program as requested and as resources are available. Requested services must be related to the Local Program's work plan.

13. Offer preservation architectural services as available through a State Historical Fund Grant awarded to DOLA/Colorado Main Street

**B. Local Program agrees to the following requirements as described in the Program Prerequisites and Requirements section of the Colorado Main Street Program Manual:**

1. Maintain a steering committee or board of directors.

2. Maintain a multi-year strategic plan incorporating the community's vision and the Main Street Four Points.

3. Maintain a point of contact for communications.

4. Maintain and continually improve community awareness of the Local Program and gain support from the private and public sectors.

5. Establish support and participation of the local government.

6. Attend two out of four quarterly Main Street trainings annually as provided by DOLA. These can be attended by Local Program managers, staff, board members and/or volunteers.

7. Attend the Main Street Summit annually as provided by DOLA. This should be attended by the Main Street Manager or local point of contact.

8. Attend two additional training sessions annually. These can be attended by Local Program managers, staff, board members and/or volunteers.

9. Schedule and attend an activation visit as a first year Candidate community and send any new staff, board members and/or volunteers as desired in subsequent years.

10. Host an annual visit as provided by DOLA.

11. Maintain compliance with this Agreement.

12. Demonstrate a strong historic preservation ethic.

13. Submit quarterly reports and reinvestment statistics on or before deadlines listed in Colorado Main Street Program Manual.

14. Submit an annual work plan that is coordinated with your local municipality on or before the deadline listed in Colorado Main Street Program Manual. Identify and work toward 1-3 Transformation Strategies annually.

15. Follow the National Main Street Approach® as recommended by the Main Street America™ Program and the Colorado Main Street Program.

16. Present at least once annually a "State of Main Street" report to the local elected body and submit a copy of the meeting minutes and/or report to DOLA.

MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE  
COLORADO DEPARTMENT OF LOCAL AFFAIRS' COLORADO MAIN STREET  
PROGRAM

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17. Apply for mini-grant funds on or before the deadline listed in the Colorado Main Street Program Manual.
18. Assist in local arrangements during on-site visits to the community.
19. Agree to positively promote the Colorado Main Street Program as an official Colorado Main Street Community and properly use the name, trademark and logo. Agree to use the Colorado Main Street logo on all DOLA sponsored Main Street trainings, websites, reports and other materials.
20. Sign and submit the applicable Trademark Sublicense Agreement as provided by DOLA if the Local Programs is a Designated Member at the Accredited or Affiliate level of the Main Street America™ Program.
21. Work on at least one of the prerequisites to become a Designated community each calendar year.

**C. Community (Local Unit of Government) agrees to:**

1. Maintain an ongoing and supportive relationship with the Local Program.
2. Work with DOLA/Colorado Main Street and the Local Program to resolve any issues.
3. Act as the fiscal agent for all contracts or purchase orders from DOLA on behalf of the Local Program.

**II. Term and Other Conditions**

- A. The term of this Agreement shall begin on July 20, 2021 and remain in place until the community moves tiers or DOLA changes Colorado Main Street Program requirements.
- B. This Agreement may be amended only with the approval of the DOLA Main Street Coordinator, the President of the Board for the Local Program and the Mayor of the Community.
- C. Notwithstanding any other provisions of this Agreement, if funds anticipated for continued fulfillment, at the time of the Agreement are, at any time, not forthcoming or insufficient, then DOLA shall have the right to amend or terminate this Agreement without penalty by giving the community not less than sixty (60) days written notice.
- D. If the Local Program or Community fails to fulfill its obligations under this Agreement in a timely and proper manner, or if the community violates any terms of this Agreement, DOLA shall have the right to terminate this Agreement and withhold further services by giving the community not less than sixty (60) days written notice.
- E. The Colorado Main Street Program Manual is a reference document for this MOU. In the event of a conflict between the MOU and the Colorado Main Street Program Manual, the MOU will take precedence.

MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE  
COLORADO DEPARTMENT OF LOCAL AFFAIRS' MAIN STREET PROGRAM

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**III. Representations and Warranties**

All parties to this agreement represent and warrant (i) that they have no obligations, legal or otherwise, inconsistent with the terms of this Agreement, (ii) that the performance of the services called for by this Agreement does not and will not violate any applicable law, rule or regulation or any proprietary or other right of any third party, (iii) that the parties will not use in the performance of responsibilities under this Agreement any confidential information or trade secrets of any other person or entity and (iv) that neither party has entered into nor will enter into any agreement (whether oral or written) in conflict with this Agreement.

**IV. Entire Agreement and Notice**

This Agreement contains the entire understanding of the parties and may not be amended without the specific written consent of all parties. Any notice given under this Agreement will be sufficient if it is in writing and if sent by certified or registered mail.

**V. Compliance with Law**

In connection with his/her services rendered hereunder, all parties agree to abide by all federal, state, and local laws, ordinances and regulations.

**VI. Governing Law**

This Agreement will be construed in accordance with, and all actions arising hereunder will be governed by, the laws of the State of Colorado.

BY: \_\_\_\_\_

Mayor's Signature

Date

\_\_\_\_\_

\_\_\_\_\_

Print Name

Community Name

BY: \_\_\_\_\_

Local Program President/Board Chairperson's Signature

Date

\_\_\_\_\_

\_\_\_\_\_

Print Name

Local Program Name

MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE  
COLORADO DEPARTMENT OF LOCAL AFFAIRS' COLORADO MAIN STREET  
PROGRAM

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BY: \_\_\_\_\_

DOLA Representative  
Chantal Unfug DOLA/DLG

\_\_\_\_\_

Date

\_\_\_\_\_  
Print Name



**COLORADO**  
**Department of Local Affairs**  
Office of the Executive Director

April 25, 2023

The Honorable Ethan Funk  
City of Ouray  
320 6th Avenue  
Ouray, CO 81427

MS-MG2022 City of Ouray Mini Grant 2023-2025

Dear Mayor Funk,

As you know, the Main Street program is designed to advocate and support local empowerment, and the rebuilding of central business districts based on the traditional assets of each community's unique architecture, character, and local ownership.

Being a Main Street Community brings with it many benefits. As a Candidate Community in the program, the City of Ouray receives \$2,500 annually in mini-grant funds. This year, I am pleased to offer to enter into a three-year contract with your community for Main Street Mini-Grants from the Energy and Mineral Impact Assistance Fund Program. This makes the total amount of the grant offer for the three years \$7,500. While accessible at any time once the grant is fully executed, the amount is calculated upon the annual award and does require Ouray to remain a Main Street Candidate Community in good standing for the three years of the contract.

Since these funds are from state severance tax proceeds, you should confer with your legal and budget advisors to determine if an election is necessary to receive and spend these funds.

The Colorado Main Street Program's overarching mission is to strengthen our Colorado communities by assisting them with implementing the Main Street Approach® and helping revitalize and preserve historic downtowns through preservation-based economic development and community-led revitalization.

Please contact Gayle Langley, Main Street Coordinator, at 720-498-0563 for information on how to proceed. As you know, no state funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Consult Gayle prior to expending any funds. Per our program guidelines, this offer is valid until June 30, 2025.

Best wishes for a successful downtown. Let us know if we can be of assistance.

Sincerely,

Rick M. Garcia  
Executive Director

cc: Cleave Simpson, State Representative  
Marc Catlin, House Representative  
Autumn Bailey, Main Street Manager  
Patrick Rondinelli, DOLA Regional Manager  
Gayle Langley, Colorado Main Street Coordinator



**COLORADO**  
**Department of Local Affairs**  
Division of Local Government

April 24, 2023

The Honorable Ethan Funk  
City of Ouray  
320 6th Avenue  
Ouray, CO 81427

MS-S2023 City of Ouray Scholarship 2023-2025

Dear Mayor Funk,

As you know, the Main Street program is designed to advocate and support local empowerment, and the rebuilding of central business districts based on the traditional assets of each community's unique architecture, character, and local ownership.

Being a Main Street Community brings with it many benefits and I am pleased to offer to enter into a contract with your community for an Energy and Mineral Impact Assistance Fund Program, Main Street Scholarship three-year grant in the amount of \$6,600. This scholarship is intended to help your local program staff and volunteers expand their knowledge in the Main Street approach over the next five years, and requires continued participation in the program as per your MOU.

Since these funds are from state severance tax proceeds, you should confer with your legal and budget advisors to determine if an election is necessary to receive and spend these funds.

Please contact Gayle Langley, Colorado Main Street Coordinator, at 720-498-0563 for information on how to proceed and prior to expending any funds. As you know, no state funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Per our program guidelines, this offer is valid until June 30, 2025.

Congratulations on this scholarship to support your staff and promote the implementation of the Main Street approach in your community!

Sincerely,

Rick M. Garcia  
Executive Director

cc: Cleave Simpson, State Representative  
Marc Catlin, House Representative  
Autumn Bailey, Main Street Manager  
Patrick Rondinelli, DOLA Regional Manager  
Gayle Langley, Colorado Main Street Coordinator



**CITY OF OURAY**  
**Professional Service Agreement**

THIS AGREEMENT is entered into effective this 15th day of May 2023 by and between: The CITY OF OURAY, a Colorado home rule municipal corporation (the City); and BUCKHORN ENGINEERING, INC, a Colorado corporation with its principal place of business being 222 S. Park Ave, Montrose, Colorado, 81401.

NOW THEREFORE, in consideration of the mutual representations, promises and conditions contained herein, the parties agree as follows.

1. SCOPE OF ENGINEER SERVICES. The Engineer agrees to provide services in accordance with the Scope of Engineer Services attached and incorporated as Exhibit A.
2. TERM OF AGREEMENT. The term of this agreement shall begin on the effective date above and continue to the completion of the services described in Exhibit A, upon termination of this agreement by either party, or if the services are not completed, this agreement will expire on December 31, 2023 at which time the City and the Engineer will either negotiate a new agreement to complete the services, extend this agreement or their relationship under this agreement will terminate.
3. FEES FOR SERVICES. In consideration of the services to be performed pursuant to this agreement the City will pay the Engineer a sum not to exceed nine thousand seven hundred and twenty dollars and zero cents (\$9,720.00).
4. PAYMENT FOR SERVICES. The Engineer shall submit a detailed invoice to the City describing the professional services rendered. The invoice shall document the hours spent on the project identifying by work category and subcategory the work performed for the period, the hours worked by employee, and the hourly rate charged for that work. The City shall have access to backup payroll documentation identifying individual employee, date, and hours worked. The City shall pay the invoice within thirty (30) days of receipt unless the work or the documentation therefore is unsatisfactory. Payments made after thirty (30) days may be assessed with an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation, therefore.
5. CITY REPRESENTATIVE. The City designates the City Administrator as its representative and authorizes him to make all necessary and proper decisions with reference to this agreement. All requests for contract interpretations, changes, clarifications, or instructions shall be directed to the City representative.
6. INDEPENDENT ENGINEER. The services to be performed by the Engineer are those of an independent contractor and not as an employee of the City. Nothing in this agreement shall constitute or be construed as a creation of a partnership or joint venture between the City and the Engineer, or their successors or assigns. No agent or employee of the Engineer shall be or shall be deemed to be the employee or agent of the City. The City is interested only in the

results obtained under this agreement; the manner and means of conducting the work are under the sole control of the Engineer. None of the benefits provided by the City to its employees, including, but not limited to, worker compensation insurance and unemployment compensation insurance, are available from the City to the employees of the Engineer. The Engineer will be solely and entirely responsible for its acts and for the acts of its agents, employees, and subcontractors during the performance of this agreement. The Engineer will pay all federal and state income tax on any money paid pursuant to this agreement.

7. INSURANCE. The Engineer agrees to procure and maintain, at its own cost, a policy or policies of insurance as called for in this agreement. Insurance shall be procured and maintained with forms and insurers acceptable to the City. All coverage shall be continuously maintained during the term of this agreement. Each shall be primary insurance and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Engineer. The Engineer shall provide the City with certificates of insurance, or other acceptable evidence, showing the required coverages. The City reserves the right to request and receive a certified copy of any policy.
  - a. The Engineer shall procure and maintain the minimum insurance coverage listed below.
    - i. Workers' compensation insurance to cover obligations imposed by the Workers' Compensation Act of Colorado and any other applicable laws for any employee of the Engineer engaged in the performance of work under this agreement.
    - ii. Professional liability errors and omissions or general liability coverage, as appropriate, with minimum limit of Two Million Dollars (\$2,000,000.00).
  - b. The Engineer shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, duration, or types.
  - c. Failure on the part of the Engineer to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this contract, or at its discretion the City may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by the Engineer upon demand, or the City may offset the cost of the premiums against any monies due to the Engineer.
  - d. The Contractor shall be responsible for any deductible under any policy required above.

8. GOVERNMENTAL IMMUNITY. The Engineer understands and acknowledges that the City relies on and does not waive or intend to waive by any portion of this agreement any provision of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*
9. INDEMNIFICATION. To the fullest extent permitted by law, the Engineer agrees to indemnify and hold harmless the City, its officers, employees, insurers, and self-insurance pool, from and against liability for damage, including attorney fees and costs, arising out of death or bodily injury to persons or damage to property, caused by the negligence or fault of the Engineer or any third party under the control or supervision of the Engineer, but not for any amounts that are greater than that represented by the degree or percentage of negligence or fault attributable to the Engineer or the Engineer's agents, representatives, subcontractors, or suppliers.
10. ASSIGNMENT. The Engineer shall neither assign any responsibilities nor delegate any duties arising under this agreement without the prior written consent of the City.
11. PAYMENTS BY CITY. All payments of money by the City pursuant to this agreement shall be subject to the annual appropriations of money.
12. LEGAL COMPLIANCE. The Engineer shall comply with all laws, ordinances, rules, and regulations relating to the performance of this agreement, use of public places and safety of persons and property.
13. FURTHER ASSURANCES. Each party agrees to take such actions and sign such documents, certificates and instruments reasonably requested by the other party to complete the transactions contemplated by this agreement and to enable the requesting party to enjoy the full benefits conferred upon such party by this agreement.
14. ENTIRE AGREEMENT. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding. This contract may not be enlarged, modified, or altered except in writing signed by the parties and endorsed in this agreement. Each person signing the contract guarantees that they have authority to bind the City or Engineer.
15. BINDING EFFECT. This agreement shall inure to the benefit of and be binding on the parties, their heirs, executors, administrators, assignees, and successors.
16. SEVERABILITY. If any part, term, or provision of this contract is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the part, term or provision held to be invalid.
17. GOVERNING LAW. This agreement shall be governed by the laws of the State of Colorado, both to interpretation and performance. The courts of the State of Colorado shall have

exclusive jurisdiction to resolve any disputes arising out of this agreement and the venue shall be in Ouray County, Colorado.

18. WAIVER. No waiver of any breach of this agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this contract shall be taken and construed as cumulative, that is, in addition to every other remedy provided therein or by law.
19. COUNTERPARTS. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.
20. FACSIMILE SIGNATURES. For the convenience of the parties, signatures to this agreement may be provided through facsimile transmission. The signature of a party to this agreement supplied by facsimile transmission shall be as binding as the original.
21. PRONOUNS. Wherever in this agreement, words, including pronouns, are used in the masculine, they shall be read and construed in the feminine or neuter whenever they would so apply, and wherever in this agreement, words, including pronouns, are used in the singular or plural, they shall be read and construed in the plural or singular, respectively, wherever they would so apply.

IN WITNESS WHEREOF, the City and the Engineer have signed this agreement effective the day and year first written above.

*Signatures on Following Page*

CITY OF OURAY:

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Ethan Funk, Mayor

Attest:

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Melissa M. Drake, City Clerk

PROFESSIONAL:

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Laurie Brant for Daniel Clark Quigley

**EXHIBIT A**

Scope of Contractor Services

See Next Page





May 4, 2023

Lily Oswald  
City of Ouray  
320 6<sup>th</sup> Ave  
Ouray, CO 81427

Sent via email: [loswald@cityofouray.com](mailto:loswald@cityofouray.com)

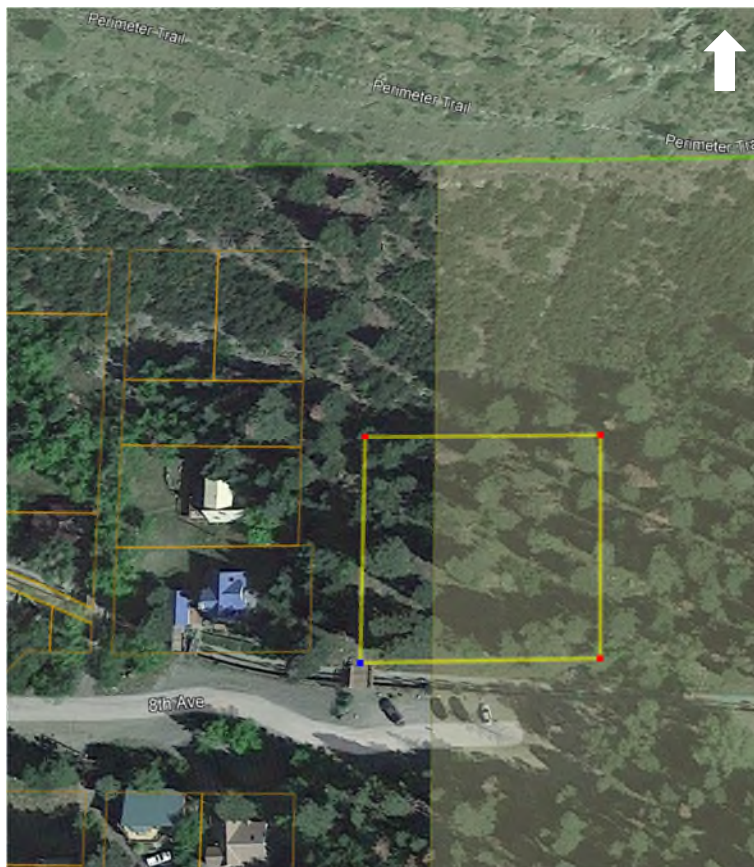
**Subject: Engineering Geology Report, 6<sup>th</sup> Street Multi-Family Housing, Ouray**

Dear Ms. Oswald:

Buckhorn Engineering, Inc. (BEI) is pleased to provide this proposal for an Engineering Geology Report (EGR) for the City's property at N. 6<sup>th</sup> Street in Ouray. In this proposal we summarize our project understanding, proposed scope of services, schedule, and estimated fees.

### PROJECT & SITE UNDERSTANDING

The City of Ouray is considering the construction of multi-family housing on their lot on N. 6<sup>th</sup> Street and E. 8<sup>th</sup> Avenue, as shown in Figure 1 below.



**Figure 1. Google Earth image of proposed building site (yellow box) and vicinity.**

The possible building site is in the southwest portion of the City's 14.9-acre parcel on the north side of the Cascade Creek concrete flume. As seen in Figure 1, there is a footbridge that crosses the flume from 8<sup>th</sup> Avenue onto the southwest corner of the parcel. The footbridge is roughly at the location of the northern extension of 6<sup>th</sup> Street where there is right-of-way access to the west side of the parcel. You indicated that the structure(s) will be accessed from the west with possible garages or walkout basements at the lower level that would be cut into the slope and 1 or 2 living levels above.

Based on our initial site visit and the mapped geology (Ouray geologic quadrangle, USGS Map GQ-152), the possible building site is located on alluvial debris fan deposits of Cascade Creek with talus on the upper (north) portion of the site. This is a geologically young sequence of water-laid and gravity deposits near the base of the canyon walls along the northeast side of Ouray. The property slopes to the southwest with the gentler slopes in the southwestern portion of the parcel and increasing gradients to the north and northeast. The following photographs show the nature of the lower portion of the parcel that is most suitable for construction of housing due to gentler slopes.



**Photo 1 (left) view NE from footbridge at SW corner of possible building site.  
Photo 2 (upper right) view east at Cascade Creek flume on south side of parcel.  
Photo 3 (lower right) view south at ROW access (6<sup>th</sup> St) along west side of parcel.**

As seen in the photographs, the property is vegetated with mature Douglas Fir trees and other conifers and mountain shrubs. The site has never been developed and there are houses downslope to the west. The canyon wall is adjacent to the parcel to the north, as seen in Photo

1 and this is the source of the talus and rockfall on the property. Cascade Falls is located northeast of the possible building site, which is the source of the fan deposits at this site. The public accesses the trails to the falls and the Perimeter Trail (see the top of Figure 1) via the parking lot on the south side of the concrete flume.

### **Methodology & Scope of Engineering Geology Assessment**

As required in Section 7-4-D-2-a of the Ouray City Code, an EGR is required for the site development application as well as for evaluation by City of Ouray staff. The purpose of an EGR is to identify the geologic conditions of the proposed building site, conclusions and recommendations regarding the effect of geologic hazards and/or geologic conditions, the potential impacts of hazards to potential development, opinion of the adequacy for the intended use of the site to be developed, relevant mitigation measures, and construction and maintenance plans for relevant mitigation measures.

BEI will team with Moab Geotechnical Group (MGG) to provide an assessment of the geology and geologic hazards of this potential housing site. Engineering geologists from both BEI and MGG will visit the site to analyze the hazards, map and document features, and collect data for analysis and reporting. For a quantitative assessment of the rockfall hazard potential and effective mitigation options, we propose to use a Rockfall Risk Rating System (RRRS). Field work for the rockfall hazard assessment would be performed to identify:

1. distinct zones of unique rockfall behavior,
2. quantitative analysis of those zones, and
3. identification of the dimensions of boulders to be mitigated.

Each of rockfall source zones will be evaluated using twenty parameters with emphasis on:

1. slope/cliff height,
2. average slope angle of underlying strata,
3. natural catchment capability of the landscape underlying the potential rockfall zones,
4. morphological and structural criteria of the rock volume, and
5. vulnerability and consequences in the runout zone.

The RRRS method is recommended to evaluate the rockfall hazards at this site as it was created to evaluate natural slopes, considers the history of rockfall, it is based on the potential for various modes (planar, wedge, and toppling) of failure of medium to large blocks, and considers the downslope dwellings. This method was created specifically to determine a relative risk for downslope residential structures. The RRRS method allows the professional to rate and score twenty site-specific parameters and weight the scores to assign a risk rating and respective protection measures.

In addition to rockfall hazard assessment and mitigation, we will evaluate the site for other potential geologic hazards, as required by the Colorado Geological Survey (CGS) for EGR studies, such as mudflow/debris flow, flooding, slope instability, avalanche, expansive soil and rock, seismicity, radon/radioactivity, subsidence, and other possible hazards. Buckhorn Geotech, the previous company to BEI, was involved in the evaluation of the Cascade Creek debris flow and flood hazard and the design of the concrete flume along the south edge of this property. This information will be useful in evaluating those hazards and potential flood flows on the subject property. We have been involved with many geotechnical, civil, and structural engineering projects in Ouray over the past 45 years, so we are aware of the geologic setting, geologic hazards, and effective geotechnical and geologic hazard solutions in the region.

Since the geologic hazards and mitigation measures will likely be the primary factors for determining whether the City will move forward with the project, we recommend that the Soils Engineering (Geotechnical) Report (Section 7-4-D-2-b of the City Code), which is also required for site development, only be performed if the project proceeds beyond the hazard study and when more building details are known. A geotechnical evaluation is most valuable when depth of excavation, foundation loads, cut/fill depths, and other development information is available. We can provide a proposal for those geotechnical services, if needed. However, we recommend that a soil sample is obtained during the EGR study that is representative of the shallow soil materials at this site so that basic soil classification and corrosivity tests can be performed. The Unified Soil Classification System (USCS) would be used. This will provide a measure of the potential for expansive, weak, or corrosive soil conditions. More detailed soils information would be obtained during a future geotechnical evaluation, but that would only be necessary if the project advances and when more development details are available.

Based on our knowledge of the site, experience with similar assessments, and conversations with you, our scope of work is outlined below.

1. Perform a site visit to document geologic site conditions and hazards. BEI and MGG geologists to identify general soil and geologic materials, slope stability concerns, rockfall and debris flow features, and other geologic conditions and hazards. Make measurements and perform an assessment of the existing formation and slopes and collect rockfall data using a Rockfall Risk Rating System (RRRS) with the intention of identifying hazard potential and supporting productive hazard mitigation of the property.
2. Research and analyze geologic hazards at this site and perform rockfall hazard assessment in accordance with the RRRS. Compile site photographs, geologic and soils data, and other information useful to understand the site.
3. Prepare an Engineering Geology Report (EGR) that summarizes findings and mitigation recommendations stamped by a State of Colorado Senior Geotechnical Engineer that will provide design recommendations for the following.
  - Site Data
    - Site description and history,
    - Geologic conditions at building site and regional geology,
    - RRRS study information with the 20 individual parameters investigated,
    - RRRS analysis and risk rating for each area of potential failures identified.
  - Conclusions and recommendations regarding the effect of geologic hazards and/or geologic conditions.
  - Potential impacts of hazards to potential development and opinion of the adequacy for the intended use of the site to be developed.
  - Recommended mitigation measures.
  - Construction and maintenance considerations for recommended hazard mitigation.
4. Communications and attend up to two virtual meetings with City staff to convey recommendations.

## SCHEDULE AND FEES

BEI is available to begin this scope of work immediately upon request. Our estimated fee for the scope outlined above is presented below. It is based on time and materials according to our estimate to complete this work. Our rate sheet is attached. This is a not-to-exceed estimate. This proposal is valid for a period of 90 days from the date of this letter and is as follows:

Tasks	BEI	Subconsultant
Field investigation	\$ 1,540	
Lab	\$ 365	
Moab Geotechnical Group		\$ 4,290
Analysis and report	\$ 3,525	
<b>SUBTOTALS</b>	\$ 5,430	\$ 4,290
<b>TOTAL</b>	\$9,720	

This scope of services assumes we have free and clear access to the site and that fieldwork can be performed in one business day.

## LIMITATIONS

We developed the EGR scope of services presented above based on our understanding of the site and the proposed development. The scope of services presented above does not include geotechnical drilling, retaining system design, slope stability analysis, structural or pavement design, hazard mitigation or erosion control design, evaluation of hazardous materials, delineation of wetlands, or any other services not explicitly discussed above. We will endeavor to perform our evaluation referencing the standard of care for geotechnical engineering, as it exists in Colorado at the time of this proposal. This acknowledgement is in lieu of any express or implied warranties.

## ACCEPTANCE

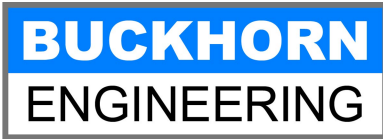
We appreciate the opportunity to submit this proposal. If you find the proposal acceptable, please provide your Standard Agreement for our review and signature. Alternatively, we can provide our standard contract for your review. We look forward to working with you on this project. If you have any questions regarding this proposal, please contact us.

Sincerely,  
**Buckhorn Engineering, Inc.**



Laurie J. Brandt, CPG  
Certified Professional Geologist

Attachments: BEI 2023 Fee Schedule



222 South Park Ave.
Montrose, CO 81401
(970) 249-6828

UNIT RATE SCHEDULE -- EFFECTIVE January 2023

ENGINEERING BILLING RATES

Table listing engineering roles and their hourly rates: Principal (\$170.00/hour), Senior Project Manager (\$165.00/hour), Professional Engineer (\$135.00/hour), Project Manager (\$120.00/hour), Professional Geologist (\$140.00/hour), Staff Engineer (\$125.00/hour), Soil Scientist/Geologist (\$90.00/hour), Senior Designer (\$110.00/hour), Engineering Technician II (\$85.00/hour), Engineering Technician I (\$75.00/hour), Soil/Geologic Technician (\$75.00/hour), Clerical (\$50.00/hour), Resident Project Representative (\$85.00/hour), Lab Manager (\$75.00/hour).

CONSTRUCTION MATERIALS TESTING

Table listing construction materials testing roles and their hourly rates: CMT Project Manager (\$100.00/hour), Field Technician (\$85.00/hour), Construction Inspector (Foundation, Piers, Pilings) (\$85.00/hour), Steel/Weld Inspector (\$85.00/hour).

SURVEY

Table listing surveying roles and their hourly rates: Professional Surveyor (\$130.00/hour), 2-Man Survey Crew (\$210.00/hour), Survey Crew Member (\$90.00/hour), Survey Technician (\$80.00/hour).

REIMBURSABLE (DIRECT) EXPENSES

- List of reimbursable expenses: Blueprints (\$0.50/square foot, \$3.00/24"x36" sheet, \$4.50/30x43, \$9.00/36x72), Computer Plotting (Mylars, \$15 sheet, Vellum, \$10 sheet), Photocopies (8.5 x 11 sheet, 10¢/sheet, 8.5x14 sheet, 15¢/sheet, 11x17 sheet, 25¢/sheet), Mileage (\$0.65/mile), Long Distance, Faxes, Federal Express, UPS, etc. (Cost), Travel fees and subsistence (Cost), Sub-Consultants (Cost plus 10%), Monuments, i.e. Rebar, Caps, T-Post Monument Box, Concrete (Cost), Copies of Deeds and Plats of Record (Cost), ATV (\$100/day).

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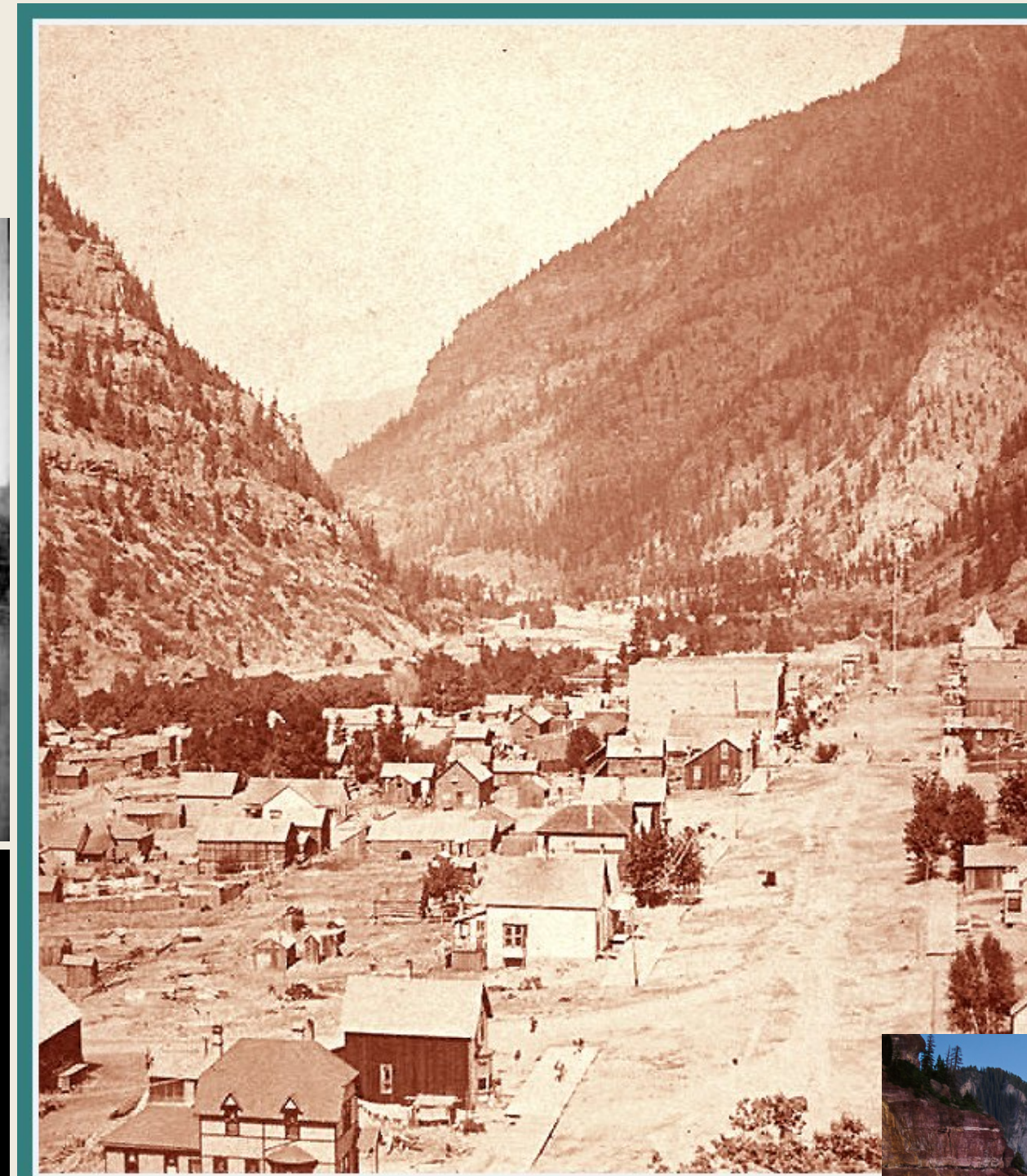
OURAY 150TH ANNIVERSARY CELEBRATION

# **A City of Generations**

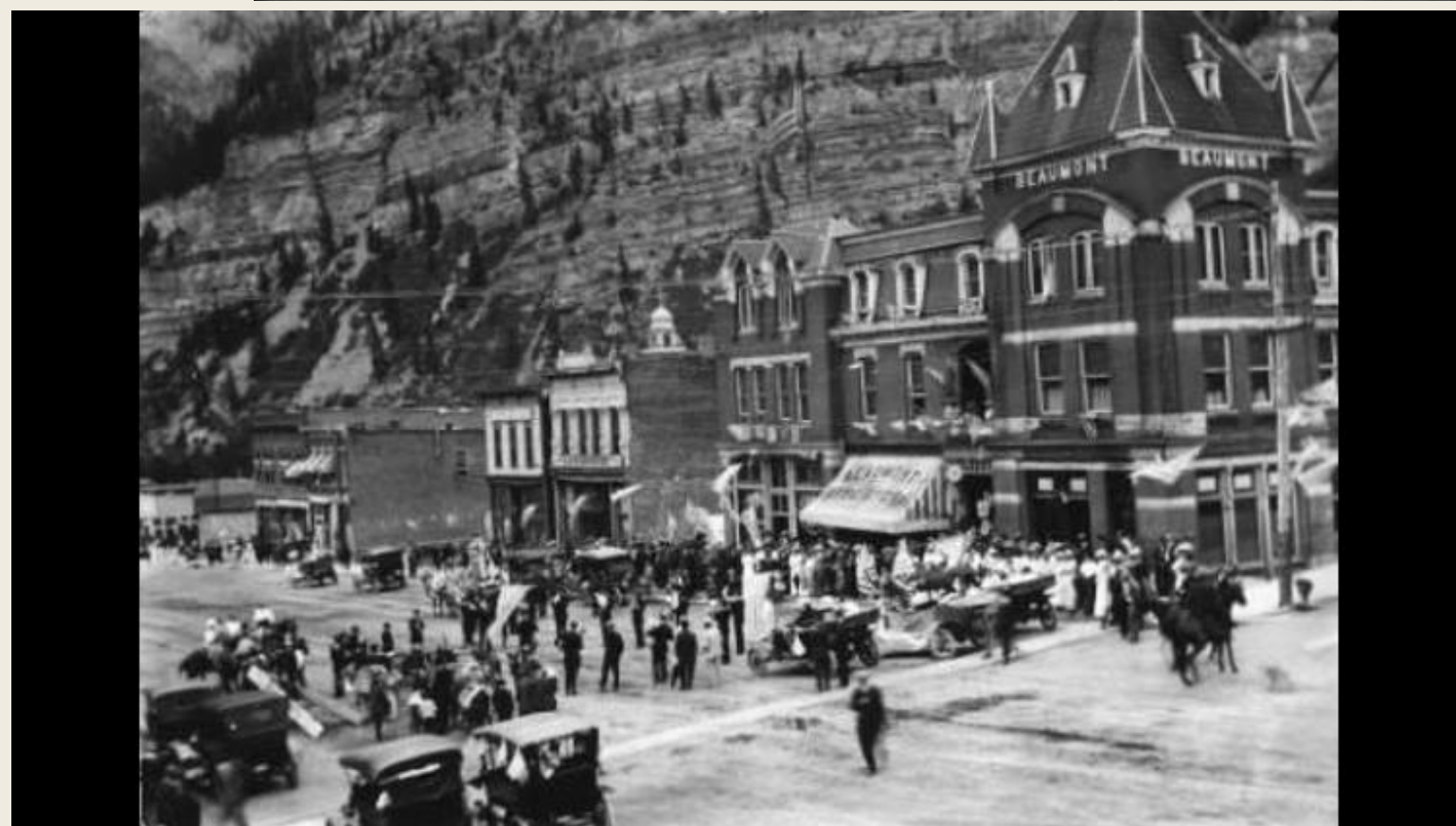
150th Celebration Committee  
Initial Calendar and Budget Proposal  
to City Council- 5/15/23

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October 1,  
1876



October 1,  
2026



150 years as Colorado's Centennial City. Ouray was the 10th City chartered in Colorado and the last city to be chartered leading up to CO statehood in 1876

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## 150TH CELEBRATION CALENDAR

The Committee; made up of 5 Ouray Citizens and Councilor Wood have met 4 times since January to prepare a Calendar and Budget

for the Ouray 150th Anniversary Celebration(s) taking place in 2026.

The first objective was to set a Calendar of Activities and Events that would showcase the 150 years of Ouray as a City.

### *Ouray 150th Celebration Calendar of Events 2026*

November

*No Events Planned*

December

*1st Weekend in December Yule Night (Autumn Bailey- Tree Lighting)*

January

*2nd to Last Weekend in January Ouray Ice Festival*

*Climbing History... (OCHS/Climbers Alliance/OIP1/OVFWright)*

*Pool Party at Ouray Hot Springs Pool*

February

*Cabin Fever Days*

*Good Story Telling Time. Oral History... Family Stories...*

*Festivus Celebration- 6th Ave. Festival- Fire Pit- Oral Tradition- Ute Creation Story)*

March

*No Events Planned*

April

*Easter April 5th Focus on the Churches of Ouray - Easter Sunday Afternoon Picnics*

May

*Ouray's Art History Month- Coordinate with Ouray Art Council/Ouray Made/ Galleries -to host exhibits*

June

*Ouray Historical Society Walking Tours - with Skits*

*Concerts in the Park Have a Booth with items to sell or advertise the events*

*International Film Festival - Ute Film Intern/ Ute Film Submission?*

*Historical Skits - Historical Baseball Game at Smoking Joe Wood field*

July

*4th of July- Historic Themed Lamp Posts- Famous people in Ouray's History*

*Historical Skits - Along Main St (living History with Personality Posters)*

*Ouray 100 Race - Trail Running History - Historical Kiosk in Fellin Park*

*Long Standing Ouray Family Floats in Parade- Multi Generational Families.*

August

*End of August Highgraders - Connect to the Mining History and Development of Ouray*

September

*Ute White Bear Ceremony - Connect with the tribe and get their voice and stories*

*Jeep Jamboree - Historical Jeep Parade*

October

*1st Weekend in October 150th 3 Day Celebration Weekend*

*Concerts*

*Oktoberfest*

	2024-2026 Budget	Event Budget	Nonprofit Organizer(s) for Event Support Funding	Date Support Funding is needed (will be updated as conversations with NPs continue)	Marketing Budget (to be added by City of Ouray DMMO Director)	Notes	Actuals
<b>Income</b>							
City of Ouray LOT Funding	\$ 375,000.00						
Special Event Merchandise Sales	\$ 25,000.00						
<b>Total Income</b>	\$ 400,000.00						
<b>Expense</b>							
<b>Event Support</b>							
<b>pre-November 2025</b>	\$ 67,500.00	\$ 2,500.00			\$ 65,000.00		
Ouray 30 minute documentary production	\$ 40,000.00	\$ -	City of Ouray	4/1/2024	\$ 40,000.00	Kaley pursuing grant to support video. Potential tie in with Tribal Film Students on production assistance (contacts via CO Film Office) TBD - need to define what the school needs to update existing files and add new if needed	
Ouray StoryCorp Oral History Project	\$ 2,500.00	\$ 2,500.00	Ouray School		\$ -		
150th Anniversary Merchandise orders	\$ 25,000.00	\$ -	City of Ouray	10/1/2025	\$ 25,000.00		TBD - need to define what this will be.
<b>November 2025</b>	\$ -	\$ -			\$ -		
(No events planned)	\$ -	\$ -			\$ -	Kick off marketing	
<b>December 2025</b>	\$ 1,000.00	\$ 1,000.00			\$ -		
Yule Night Kick Off Event	\$ 1,000.00	\$ 1,000.00	City of Ouray	11/1/2025	\$ -	Marketing over course of fall & November. Payment for supplies for event only.	
<b>January 2026</b>	\$ 3,500.00	\$ 3,500.00			\$ -		
Ouray Ice Festival - History of Climbing Event	\$ 2,500.00	\$ 2,500.00	Ouray Ice Park, Inc.; Ouray Climbers Alliance; Wright Opera House	10/1/2025	\$ -	Budget still TBD. History of hot springs marketing messaging and potential display at pool. Ouray Hot Springs Pool Party public event either before or after Twin Peaks Petzl Ice Fest Party.	
Ouray Hot Springs Pool Party	\$ 1,000.00	\$ 1,000.00	City of Ouray	12/1/2025	\$ -		
<b>February 2026</b>	\$ 1,000.00	\$ 1,000.00			\$ -		
Cabin Fever Days	\$ 1,000.00	\$ 1,000.00	City of Ouray; Ute Indian Museum	1/1/2026	\$ -	Locals' events at Ski Hill and Vinegar Hill (hot cocoa and barbecue). Potentially a 6th Ave. or 3rd Ave. side street party? Fire pit chats at Ski Hill, potentially Ute Creation Story. Additional events may increase event support cost.	
<b>March 2026</b>	\$ -	\$ -			\$ -		
(No events planned)	\$ -	\$ -			\$ -	Spring break & school testing	
<b>April 2026</b>	\$ 2,500.00	\$ 2,500.00			\$ -		
Easter History of Ouray Churches	\$ 2,500.00	\$ 2,500.00	Ouray Christian Fellowship, Ouray Baptist Church, Calvary Community Church/Eagles' Nest Ministries, St. John's Episcopal Church, St. Daniels Catholic Church	3/1/2026	\$ -	\$500 in support to each church for historic tours and special events at Church following service and/or annual Easter egg hunt (in Ridgway in 2026)	
<b>May 2026</b>	\$ 6,500.00	\$ 6,500.00			\$ -		
Artists in Ouray Events	\$ 1,500.00	\$ 1,500.00	TBD: Potentially Ouray Made/Ouray Arts Coalition, Wright Opera House, Alpenglw Arts Alliance	3/1/2026	\$ -	Still need to define events, specifically. Potentially studio tours and local marketplace (similar to Wright Street Fair)	
Ouray StoryCorp project roll out (potential)	\$ 5,000.00	\$ 5,000.00	Ouray School, Wright Opera House		\$ -	TBD - may be May or August. Currently listed in pre-November 2025 events.	
<b>June 2026</b>	\$ 46,000.00	\$ 46,000.00			\$ -		
Ouray Historical Society Walking Tours	\$ 1,000.00	\$ 1,000.00	Ouray County Historical Society	2/1/2026	\$ -	Support for production of pamphlets for walking tours (and updates to historic walking tour map - see below for the lamp post project in July)	
Mountain Air Music Series	\$ 25,000.00	\$ 25,000.00	Mountain Air Music Inc.	3/1/2026	\$ -	Increased sponsorship for special show/bigger bands at Mountain Air Music Series. City of Ouray will sell 150th Anniversary Merch and do event outreach in park during the series.	
Ouray International Film Festival	\$ 15,000.00	\$ 15,000.00	Wright Opera House	3/1/2026	\$ -	Roll out of 30 minute Ouray Video (RMPBS and CO Film Office production). Film festival support.	
Historical Skits	\$ 5,000.00	\$ 5,000.00	UpstART Theater; Wright Opera House; Ouray County Historical Society	3/1/2026	\$ -	June skit ideas: historic baseball game & Smokey Joe Wood actor in Fellin Park.	
<b>July 2026</b>	\$ 24,500.00	\$ 24,500.00			\$ -		

<i>Fourth of July Historic Figures Lamp Post Project</i>	\$	7,500.00	\$	7,500.00	<i>Ouray County Historical Society; Ute Indian Museum; Ridgway Railroad Museum; Ouray County Ranch History Museum; Ouray Alchemist</i>	4/1/2026	\$	-	<i>40 posts @ \$100+ each for production &amp; \$1,000 for design work. Integrate with Historic Walking Tour of Ouray Map and potentially create a passport for completing the full tour.</i>
<i>Ouray Melodrama</i>	\$	5,000.00	\$	5,000.00	<i>Wright Opera House</i>	4/1/2026	\$	-	
<i>Historical Skits</i>	\$	5,000.00	\$	5,000.00	<i>UpstART Theater; Wright Opera House; Ouray County Historical Society</i>	3/1/2026	\$	-	<i>July skit ideas: historic firefighter performers at water fights; western heist/skirmist street event, pop up historical figures around town interacting with guests and visitors</i>
<i>Ouray Family Fourth of July Parade Floats</i>	\$	5,000.00	\$	5,000.00					<i>Support of \$500/family to multi-generation families in Ouray to showcase their history in the Fourth of July Parade (Saturday, July 4, 2026). Link to StoryCorps project at Wright Opera House and live interactions.</i>
<i>Ouray 100 Race &amp; Trail Running History Exhibit</i>	\$	2,000.00	\$	2,000.00	<i>Ouray 100 organizers; Rick Trujillo; others TBD</i>	4/1/2026	\$	-	<i>Development of kiosk display in Fellin Park outlining Ouray's Trail Running history</i>
<b>August 2026</b>	<b>\$</b>	<b>5,000.00</b>	<b>\$</b>	<b>5,000.00</b>			<b>\$</b>	<b>-</b>	
<i>Highgraders Holidays &amp; Ouray Mining History</i>	\$	5,000.00	\$	5,000.00	<i>Ouray Highgraders; Ouray County Historical Society</i>	6/1/2026	\$	-	<i>TBD - Support for mining events and historic mining history tie-in's displays. Also, potential StoryCorp events (listed in May and pre-November 2025 events above)</i>
<b>September 2026</b>	<b>\$</b>	<b>10,500.00</b>	<b>\$</b>	<b>10,500.00</b>			<b>\$</b>	<b>-</b>	
<i>Ute Mountain Ute White Mesa Bear Ceremony &amp; Local Ute History</i>	\$	10,000.00	\$	10,000.00	<i>Ute Indian Museum, Ute Mountain Ute Tribe</i>				<i>TBD - connect with Tribe and Museum</i>
<i>Jeep Jamboree - Historic Jeep Parade</i>	\$	500.00	\$	500.00	<i>Jeep Jamboree</i>				<i>Supplies to support historic Jeep parade.</i>
<b>October 2026: 3-Day Celebration Weekend (October 2-4)</b>	<b>\$</b>	<b>160,000.00</b>	<b>\$</b>	<b>160,000.00</b>			<b>\$</b>	<b>-</b>	
<i>Friday: Local/Regional Bands Concerts</i>	\$	20,000.00	\$	20,000.00	<i>City of Ouray, Mountain Air Music Inc.</i>	3/1/2026	\$	-	<i>3-4 bands @ \$1,000 - \$2,500 each, production and event expenses. Need to consider weather adjustments/extra warming supplies.</i>
<i>Saturday: Big Name Colorado Band</i>	\$	125,000.00	\$	125,000.00	<i>City of Ouray, Mountain Air Music Inc.</i>	10/1/2025	\$	-	<i>1 band @\$100,000, production and event expenses. Need to consider weather adjustment/extra warming supplies</i>
<i>Sunday: Oktoberfest</i>	\$	15,000.00	\$	15,000.00	<i>The Gray</i>	6/1/2026	\$	-	
<b>Contingency 15%</b>	<b>\$</b>	<b>49,200.00</b>	<b>\$</b>	<b>39,450.00</b>			<b>\$</b>	<b>9,750.00</b>	
<b>Total Expense</b>	<b>\$</b>	<b>377,200.00</b>	<b>\$</b>	<b>302,450.00</b>			<b>\$</b>	<b>74,750.00</b>	

## Future Agenda Items/Work Sessions

- Land Use and Sign Codes (May 18 – 2:30-5pm)
  - Lodging Establishments (Special Use License)
  - Impact Fees
- EPS Housing Needs Assessment Preliminary Findings & Strategy (mid-June)
- Alcohol at the pool (Late August Work Session to Determine Direction to Staff))
- (Non-Land Use) Code Revisions
- Additional Fee & Fine Schedules
- Workforce & Attainable Housing
- Alcohol – Entertainment/Consumption District on Main Street (In discussions)
- Water Conservation Incentive
- OIPI Water Use Agreement