

AGENDA

CITY COUNCIL MEETING CITY OF WHEAT RIDGE, COLORADO 7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

November 25, 2019

7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

PROCLAMATIONS AND CEREMONIES

APPROVAL OF MINUTES

APPROVAL OF AGENDA

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the PUBLIC COMMENT ROSTER.
- b. Citizens who wish to speak on an Agenda Item, please sign the GENERAL AGENDA ROSTER.
- c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.
- d. Citizens who wish to speak on Study Session Agenda Items for a maximum of 3 minutes and sign the STUDY SESSION AGENDA ROSTER.

1. CONSENT AGENDA

- a. Motion to adopt the 2020 City Council Meeting calendar
- b. Motion to approve monthly payments to Kaiser Permanente for January through December 2020 membership billing not to exceed a total of \$2,444,535

- c. Resolution No. 61-2019 – a resolution amending the fiscal year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for City Attorney fees
- d. Resolution No. 62-2019 – a resolution authorizing submittal of the application for a 2020 grant to the State Board of Great Outdoors Colorado for funds to reconstruct the Kullerstrand Elementary playground

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Council Bill No. 18-2019 – an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart

ORDINANCES ON FIRST READING

- 3. Council Bill No. 19-2019 – an ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly
- 4. Council Bill No. 20-2019 – an ordinance approving conveyance of real property to the City of Arvada, and in connection therewith approving termination of an easement agreement and conveyance of real property to the City
- 5. Council Bill No. 21-2019 – an ordinance amending the Wheat Ridge Code of Laws concerning contributions to the Police Pension Fund

DECISIONS, RESOLUTIONS AND MOTIONS

- 6. Resolution no. 59-2019 – a resolution initiating annexation proceedings, finding a petition for annexation of land located in Section 17, Township 3 south, Range 69 west of the sixth principal meridian, County of Jefferson, State of Colorado, to be in substantial compliance with Section 31-12-107(1), Colorado revised statutes, and setting a public hearing date to consider the annexation (Case No. ANX-19-01)

7. Resolution No. 63-2019 – a resolution approving the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado
8. Motion to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$23,692 for professional services for easement acquisition services for 52nd Avenue/Ward Road intersection improvements
9. Motion to elect the Mayor Pro Tem

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO ADOPT THE 2020 CITY COUNCIL MEETING CALENDAR**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO
Steve Kirkpatrick, City Clerk
Patrick Goff, City Manager**ISSUE:**

The calendar of City Council meetings is adopted by a motion of the City Council yearly. Adopting the meeting calendar for the year is more efficient and enables the Mayor, Council and staff to schedule other events and travel in advance. The Council will be able to amend the schedule by motion throughout the year, if necessary.

The following City Council meetings that conflict with observed City holidays or other known events during the year are recommended for cancellation:

- Study Session, January 20, 2020, Martin Luther King Day
- Study Session, February 17, 2020, Presidents' Day
- Regular City Council Meeting, May 25, 2020, Memorial Day
- Study Session, September 7, 2020, Labor Day
- Study Session, November 2, 2020, evening before General Election
- Regular City Council Meeting, December 28, 2020, Monday after Christmas

PRIOR ACTION:

None

FINANCIAL IMPACT:

None

BACKGROUND:

Section 5.1 of the City Charter states that, “The council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of council.” Section IV of the City Council Rules of Order and Procedure states that, “Regular Meetings are held the second (2nd) and fourth (4th) Monday of each month at 7:00 p.m. unless otherwise provided by amendment of these Rules and Study Sessions are held the first (1st) and third (3rd) Monday of each month at 6:30 p.m., unless otherwise provided by the Mayor Pro Tem.

RECOMMENDATIONS:

None

RECOMMENDED MOTION:

“I move to adopt the 2020 City Council Meeting Calendar as presented.”

Or,

“I move to adopt the 2020 City Council Meeting Calendar with the following amendment(s)
_____.”

Or,

“I move to not adopt the 2020 City Council Meeting Calendar for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Laura McAvoy, Executive Assistant

Patrick Goff, City Manager

ATTACHMENTS:

1. Proposed 2020 City Council Meeting Calendar

2020

City Council Meetings

| January | | | | | | |
|---------|----|----|----|----|----|----|
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| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
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| 26 | 27 | 28 | 29 | 30 | 31 | |

| February | | | | | | |
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| 23 | 24 | 25 | 26 | 27 | 28 | 29 |

| March | | | | | | |
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| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
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| April | | | | | | |
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| 31 | | | | | | |

| June | | | | | | |
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| July | | | | | | |
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| 30 | 31 | | | | | |

| September | | | | | | |
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| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

| November | | | | | | |
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| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | | | | |

| December | | | | | | |
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| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

Study Session Meeting - held on the 1st and 3rd Monday of the month

Regular City Council Meeting - held on the 2nd and 4th Monday of the month

Holiday

City Council Meeting cancelled

ATTACHMENT 1

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE MONTHLY PAYMENTS TO KAISER PERMANENTE FOR JANUARY THROUGH DECEMBER 2020 MEMBERSHIP BILLING NOT TO EXCEED A TOTAL OF \$2,444,535

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO



Administrative Services Director

City Manager**ISSUE:**

The City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. January through December billing, inclusive of the City's and employee's portion, is estimated at \$2,444,535. Staff requests approval of the estimated annual 2020 expenditure so that invoices can be paid in a timely manner.

PRIOR ACTION:

Prior to 2019, staff requested City Council approval to pay each invoice on a monthly basis per procurement regulations. This resulted in late payments to the vendor. On December 10, 2018, City Council authorized the total annual expenditure for the year 2019.

FINANCIAL IMPACT:

Based on the authorized 239.625 FTE headcount in 2020 plus COBRA memberships, costs for medical insurance premiums are estimated to be \$2,444,535. The City's expense (total billing minus the employee's contribution and COBRA memberships) is estimated and budgeted in the amount of \$2,026,846. The City's contract with Kaiser stipulates penalties and potential cancelation for late payment.

BACKGROUND:

Kaiser Permanente has been the City of Wheat Ridge’s medical plan provider for several years. The City offers two deductible plans and a robust wellness program. Prior to 2019, bills were presented to City Council for approval on a monthly basis. Due to the regular meeting schedule, there were several occasions where Kaiser Permanente’s payment terms were violated, resulting in late fees for the City. On December 10, 2018, City Council authorized the payment of all 2019 expenses. This has resulted in the timely payments of monthly membership invoices in all instances this year.

RECOMMENDATIONS:

Staff recommends that Council approve and allow administrative payment of the monthly 2020 Kaiser bills, not to exceed a total of \$2,444,535.

RECOMMENDED MOTION:

“Motion to approve monthly payments to Kaiser Permanente for January through December 2020 membership billing not to exceed a total amount of \$2,444,535.”

Or,

“I move to deny monthly payments to Kaiser Permanente for January through December 2020 membership billing not to exceed a total amount of \$2,444,535 for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Christine Jones, HR Technician

Michael Clasen, HR Manager

Allison Scheck, Administrative Services Director

Patrick Goff, City Manager

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 61-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$20,000 FOR CITY ATTORNEY FEES

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES

☒ NO



Administrative Services Director



City Manager

ISSUE:

A supplemental budget appropriation in the amount of \$20,000 is required for legal services through December 31, 2019.

PRIOR ACTION:

None

FINANCIAL IMPACT:

There are adequate General Fund reserves to meet this request. If approved, the City Attorneys' budget for 2019 will increase to \$323,000, of which, \$87,000 is designated for municipal court prosecution services.

BACKGROUND:

Section 10.12 of the Wheat Ridge City Charter grants Council the authority to make supplemental budget appropriations as necessary. In 2019, the City has experienced a greater need for legal support due to an increase in litigation, land use cases, policy related work and employee relations situations. If approved, the additional \$20,000 in supplemental funds will be transferred from General Fund reserves to the City Attorneys' budget.

RECOMMENDATIONS:

Staff recommends approval of the proposed supplemental budget appropriation.

RECOMMENDED MOTION:

“I move to approve Resolution 61-2019, a resolution amending the fiscal year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for City Attorney fees.”

Or,

“I move to postpone indefinitely Resolution 61-2019, a resolution amending the fiscal year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for City Attorney fees for the following reason(s) _____.”

REPORT PREPARED AND REVIEWED BY:

Allison Scheck, Administrative Services Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 61-2019

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 61
Series of 2019

**TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2019
GENERAL FUND BUDGET TO REFLECT THE APPROVAL
OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE
AMOUNT OF \$20,000 FOR CITY ATTORNEY FEES**

WHEREAS, section 10.12 of the Wheat Ridge Code of Laws grants City Council the authority to make supplemental budget appropriations when necessary; and

WHEREAS, to continue the support of the City Attorney through 2019, a supplemental budget appropriation is necessary to transfer funds from General Fund reserves to the City Attorneys' budget; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

**THE FOLLOWING AMENDMENT TO THE GENERAL FUND IS HEREBY
APPROVED:**

A supplemental budget appropriation in the amount of \$20,000 to account #01-107-700-750 for the purpose of additional City Attorney fees

DONE AND RESOLVED this 25th day of November 2019.

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

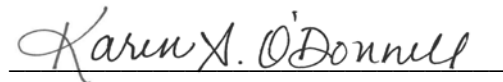
REQUEST FOR CITY COUNCIL ACTION


**TITLE: RESOLUTION NO. 62-2019 – A RESOLUTION
AUTHORIZING SUBMITTAL OF THE APPLICATION FOR
A 2020 GRANT TO THE STATE BOARD OF GREAT
OUTDOORS COLORADO FOR FUNDS TO RECONSTRUCT
THE KULLERSTRAND ELEMENTARY PLAYGROUND**

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO


Parks and Recreation Director


City Manager

ISSUE:

The State of Colorado Great Outdoors Colorado (GOCO) School Yard Initiative is a grant program designed to inspire more active physical play and enhance outdoor learning on school grounds. Schools can apply if they partner with an eligible local government. Approval of this resolution supports a grant application for funds to reconstruct the Kullerstrand Elementary School playground and authorizes the Mayor to sign the contracts if the grant is awarded. As part of the submittal process associated with the grant application, an approved resolution is required by GOCO showing City Council support for the requested project.

PRIOR ACTION:

In 1999, the City received GOCO funding in the amount of \$22,500 for playground equipment at Kullerstrand Elementary School.

FINANCIAL IMPACT:

The School District is required to provide a match through funding and/or in-kind contributions. There is no financial impact to the City, aside from the staff time associated with financial reporting.

BACKGROUND:

Funding received in 1999 marks the last time the playground equipment at Kullerstrand Elementary was updated. Typically, playground equipment has a 10-year life. Wheat Ridge residents frequently utilize the playground during non-school hours. Specifically, the playground is heavily used while the Wheat Ridge Parks and Recreation soccer program is taking place at the Kullerstrand field. The national recommendation for proximity to parks is a 10-minute walk. The closest park to Kullerstrand Elementary is closer to a 15-minute walk, thus another reason why this project is important for the community.

RECOMMENDATIONS:

The alternative would be not to approve the resolution and therefore not apply for a GOCO Grant. Kullerstrand Elementary would have to seek out alternative funding sources.

RECOMMENDED MOTION:

“I move to approve Resolution No. 62-2019, a resolution authorizing submittal of the application for a 2020 grant to the State Board of the Great Outdoors Colorado for the reconstruction of the Kullerstrand Elementary playground.”

Or,

“I move to postpone indefinitely Resolution No. 62-2019, a resolution authorizing submittal of the application for a 2020 grant to the State Board of the Great Outdoors Colorado for the reconstruction of the Kullerstrand Elementary playground” for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Karen O'Donnell, Parks and Recreation Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 62-2019

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 62
SERIES OF 2019**

**TITLE: A RESOLUTION AUTHORIZING SUBMITTAL OF THE
APPLICATION FOR A 2020 GRANT TO THE STATE
BOARD OF GREAT OUTDOORS COLORADO FOR
FUNDS TO RECONSTRUCT THE KULLERSTRAND
ELEMENTARY SCHOOL PLAYGROUND**

WHEREAS, the Wheat Ridge City Park Master Plan calls for a balanced and equitable park and recreation system responsive to all age groups and user groups; and

WHEREAS, there is a demand for playground areas within the City; and

WHEREAS, Jefferson County R-1 School District and Kullerstrand Elementary School desire to reconstruct the playground at the Kullerstrand Elementary School site; and

WHEREAS, the City of Wheat Ridge desires to assist with the reconstruction of the playground at the Kullerstrand Elementary School site; and

WHEREAS, the City of Wheat Ridge will be the applicant to Great Outdoors Colorado for grant funding; and

WHEREAS, the City shall administer the GOCO grant in accordance with provisions of GOCO grant agreement; and

WHEREAS, the City may observe construction of all on-site development improvements at its discretion and the City may notify the District in writing of any concerns; and

WHEREAS, the playground will be open to the public, thereby meeting the parks and recreation needs of the community; and

WHEREAS, Amendment 8 was passed by the Colorado voters in November, 1993, establishing Great Outdoors Colorado and designating lottery proceeds as a funding mechanism for parks and recreation projects. Therefore, GOCO established a grant program for local governments to meet the parks and recreational needs of communities.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

Support of the grant application to Great Outdoors Colorado for the Kullerstrand Elementary School playground reconstruction.

DONE AND RESOLVED THIS 25th DAY OF NOVEMBER, 2019

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 18-2019 – AN ORDINANCE AMENDING SECTIONS 2-30, 2-31 and 2-32 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE DUTIES OF THE CHIEF OF POLICE, PUBLIC WORKS DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR AND AUTHORIZING CHANGES TO THE CITY’S ORGANIZATIONAL CHART

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (10/28/2019)
☒ ORDINANCES FOR 2ND READING (11/25/2019)

QUASI-JUDICIAL: ☐ YES ☒ NO



City Manager

ISSUE:

The Wheat Ridge Charter §3.5 provides that council may, by ordinance, consolidate and/or merge City departments and that each department be under the supervision of a department head appointed by the City Manager. Section 2-26 of the Code grants the City Manager the authority to exercise supervision and control over all departments. The purpose of the proposed ordinance is to reassign duties in the appropriate sections of the City’s Code of Laws and to update the City’s organizational chart as follows:

1. Move direction of the City’s code enforcement program from the Community Development Department to the Police Department (this has been the practice for many years)
2. Move direction of the City’s engineering functions of the current Public Works Department to the Community Development Department

PRIOR ACTION:

There has been no prior action.

FINANCIAL IMPACT:

There is no financial impact to the City.

BACKGROUND:

Section 2-32 of the Code of Laws currently assigns responsibility for the organization and direction of the City's code enforcement program to the Community Development Director. The code enforcement program has, in practice, been organized out of the Police Department for a number of years. This ordinance officially amends section 2-30 to add the organizing and direction of the code enforcement program to the duties of the Chief of Police.

The City has operated without a Director of Public Works for approximately 11 months. During that time, and while management was attempting to recruit an exceptional leader to fill the role, duties have been shared among others in the organization. This period of time has provided City leadership with the opportunity to reevaluate how various functions within the Public Works Department are organized.

Based on internal discussions and a review of other municipal organizations, the engineering functions are best managed by the Director of Community Development. This organizational change will result in improved internal and external communication, enhanced collaboration, stronger information sharing among staff and streamlined processes for external partners.

The Public Works Director will continue to provide oversight of the City's operations including maintenance of the City's streets, storm sewer, traffic signals and signs; maintenance of the City's automotive fleet; provide snow removal and ice control; and manage construction on public and, in some cases, private property. This ordinance amends Section 2-31 of the Code of Laws to reflect these changes.

The Community Development Director will provide oversight of long range planning, development review and building permitting functions; plan the design of street, drainage, traffic and other public improvement projects identified in the Capital Improvement Program; review and approve proposed development-related documents; and approve traffic control plans. This ordinance amends Section 2-32 to reflect these changes.

The current Community Development Director, Ken Johnstone, will remain in this role. The current Public Works Operations Manager, Greg Knudson, will be appointed as the Public Works Director, leaving a vacancy of an approved FTE. Following the implementation of this reorganization, the City's leadership team will evaluate the staffing needs based on work plans and organizational needs.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 18-2019, an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City’s organizational chart on second reading and that it take effect immediately after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 18-2019, an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City’s organizational chart, for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

Jerry Dahl, City Attorney

ATTACHMENTS:

1. Council Bill No. 18-2019

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
COUNCIL BILL NO. 18
ORDINANCE NO. 1677
Series 2019**

TITLE: AN ORDINANCE AMENDING SECTIONS 2-30, 2-31, AND 2-32 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE DUTIES OF THE CHIEF OF POLICE, PUBLIC WORKS DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR AND AUTHORIZING CHANGES TO THE CITY'S ORGANIZATIONAL CHART

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and § 31-23-101, C.R.S., the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare and therefore has adopted the Wheat Ridge Code of Laws (the "Code"); and

WHEREAS, the Wheat Ridge Charter §3.5 provides that the Council may, by ordinance, establish, consolidate and/or merge City departments and that each such department shall be under the supervision of a department head appointed by the city manager; and

WHEREAS, the Council has previously codified ordinances describing the duties of the chief of police, the public works director, and the community development director; and

WHEREAS, the Council now wishes to amend the Code to revise the official duties of the afore-mentioned department heads;

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

Section 1. Section 2-30 of the Wheat Ridge Code of Laws concerning the duties of the chief of police is hereby amended by the addition of the following subsection, as follows:

Sec. 2-30. Duties of chief of police.

- (16) ORGANIZING AND DIRECTING THE CITY'S CODE ENFORCEMENT PROGRAM TO INCLUDE NUISANCE ABATEMENT, COMPLAINTS, SIGN CONTROL AND BUILDING OCCUPANCY ENFORCEMENT STANDARDS.

Section 2. Section 2-31 of the Wheat Ridge Code of Laws concerning the duties of the public works director is hereby amended, as follows:

Sec. 2-31. Duties of director of public works.

The director of public works under the immediate supervision of the city manager to perform the following functions:

- (1) COORDINATING UTILITY CONSTRUCTION PROGRAMS IN PUBLIC RIGHTS OF WAY. ~~Planning, organizing, supervising and performing of professional engineering in the design of streets, traffic signals, sidewalks, curb and gutter, drainage systems, bridges, culverts and other city structures and coordination of utility construction programs.~~
- (2) Preparing estimates and contract specifications and provisions for APPLICABLE city-contracted construction work.
- (3) Providing coordination and consultation regarding all proposed construction projects affecting the city.
- ~~(4) Supplying details relating to formation, construction and assessments associated with special public improvement districts.~~
- ~~(4)(5) Reviewing and approving deeds, property descriptions, subdivision plans and preparing specifications for public works improvements in subdivision development including the inspection and acceptance of such work.~~ INSPECTING CONSTRUCTION OF, AND ACCEPTING, NEW PUBLIC RIGHT OF WAY IMPROVEMENTS.
- ~~(6) Maintaining of map files and related records and surveying as required to maintain an accurate inventory of city property.~~
- ~~(7) Performing engineering services for other city departments when requested.~~
- ~~(8) Recommending and approving design, materials and processes proposed in connection with major repairs and new construction.~~
- (5) Preparation of supporting data as required to support highway users tax funds when needed by the city treasurer.
- ~~(10) Preparing traffic control studies, planning, design and installation.~~
- (6) INSTALLING, REPAIRING AND MAINTAINING MUNICIPAL TRAFFIC SIGNALS AND SIGNS.

- (7)** PLANNING AND REVIEWING OF ANNUAL PURCHASE OF CITY VEHICLES AND MOTORIZED EQUIPMENT.
- (8)** REPAIRING AND maintaining ~~of~~ all city vehicles and other motorized equipment.
- (9)** Planning, organizing and directing the maintenance, repair and cleaning of city streets and rights-of-way and related facilities, including storm drainage, STREET AND PEDESTRIAN LIGHTING, BRIDGES, alleys, SIDEWALKS, gutters, ~~parkways~~ and miscellaneous non-park public property.
- (10)** DIRECTING THE IMPLEMENTATION OF THE CITY'S SNOW AND ICE CONTROL POLICIES AND PROCEDURES
- (11)** Supervising street-lighting ~~programs and~~ installations, REPAIRS AND MAINTENANCE.
- (12)** Making or directing necessary field inspections of all municipal and private construction and repair work and issuing permits for same, as applicable.
- (13)** COORDINATING AND APPROVING SPECIAL EVENT APPLICATIONS AS THEY PERTAIN TO PUBLIC WORKS DEPARTMENT REQUIREMENTS.
- (14)** PROVIDING UNDERGROUND LOCATING SERVICES FOR THE CITY'S STORM SEWER UTILITIES AND ELECTRICAL CONDUITS FOR TRAFFIC SIGNALS.
- (15)** MAINTAINING ACCURATE INPUT/OUTPUT OF PUBLIC WORKS DEPARTMENT RELATED DATA INTO THE CITY'S ASSET MANAGEMENT SYSTEM.
- (16)** SUSTAINING PROFESSIONAL FIRST RESPONDER CAPABILITIES TO EMERGENCY EVENTS INVOLVING THE PUBLIC WORKS DEPARTMENT
- (17)** Preparing, justifying AND MANAGING the budget of the public works department.

Section 3. Section 2-32 of the Wheat Ridge Code of Laws concerning the duties of the community development director is hereby amended, as follows:

Sec. 2-32. - Duties of director of community development.

The director of community development works under the immediate supervision of the city manager to perform the following functions:

- (1) Providing professional advice and guidance to the city council and planning commission on all matters relating to planning and zoning.
- (2) Providing professional advice and guidance to the board of adjustment.
- (3) Presenting the findings and decisions of the city planning commission to the city council.
- (4) Reviewing and checking of all matters relating to proposed annexations and making recommendations thereto.
- (5) Reviewing and checking subdivision plans in preliminary and final form and assigning addresses in platted and unplatted areas.
- (6) In coordination with the city engineer, reviewing all matters relating to city streets, easements, rights-of-way and changes of street names and preparing information for any required ordinances relating thereto.
- (7) Reviewing all rezoning applications, both in the city and within the city planning area and making recommendations to the city planning commission relating thereto.
- (8) Reviewing and processing all petitions relating to assigned functions.
- (9) Preparing and presenting special commission and task force reports.
- (10) Developing and maintaining the city comprehensive.
- (11) Developing city long-range planning, including land-use planning, physical development of the city and community, and developing and implementing state and federal grant programs relating to assigned functions.
- (12) Maintenance of files and a library as required to support all functions and to provide prompt assistance to both public and private agencies and individuals concerned with physical development of the city and area.

- (13) Inspecting all new construction in the city, including additions to structures.
- (14) Checking the plans for building construction.
- (15) Providing public information on building safety and construction regulations.
- (16) Checking the quality of construction material.
- (17) Determining the qualification of contractors for licenses.
- ~~(18) Organizing and directing the city's code enforcement program to include nuisance abatement, complaints, sign control and building occupancy standards.~~

~~(18)~~(19) Coordinating the submission of federal or state grants.

~~(19)~~(20) PLANNING, ORGANIZING, SUPERVISING AND PERFORMING OF PROFESSIONAL ENGINEERING IN THE DESIGN OF STREETS, TRAFFIC SIGNALS, SIDEWALKS, CURB AND GUTTER, DRAINAGE SYSTEMS, BRIDGES, CULVERTS AND OTHER CITY STRUCTURES AND COORDINATION OF UTILITY CONSTRUCTION PROGRAMS.

~~(20)~~(21) PREPARING ESTIMATES AND CONTRACT SPECIFICATIONS AND PROVISIONS FOR APPLICABLE CITY-CONTRACTED CONSTRUCTION WORK.

(21) PROVIDING COORDINATION AND CONSULTATION REGARDING ALL PROPOSED CONSTRUCTION PROJECTS AFFECTING THE CITY.

(22) SUPPLYING DETAILS RELATING TO FORMATION, CONSTRUCTION AND ASSESSMENTS ASSOCIATED WITH SPECIAL PUBLIC IMPROVEMENT DISTRICTS.

(23) REVIEWING AND APPROVING DEEDS, PROPERTY DESCRIPTIONS, SUBDIVISION PLANS AND PREPARING SPECIFICATIONS FOR PUBLIC WORKS IMPROVEMENTS IN SUBDIVISION DEVELOPMENT.

(24) MAINTAINING OF MAP FILES AND RELATED RECORDS AND SURVEYING AS REQUIRED TO MAINTAIN AN ACCURATE INVENTORY OF CITY PROPERTY.

- (25) PERFORMING ENGINEERING SERVICES FOR OTHER CITY DEPARTMENTS WHEN REQUESTED.
- (26) RECOMMENDING AND APPROVING DESIGN, MATERIALS AND PROCESSES PROPOSED IN CONNECTION WITH MAJOR REPAIRS AND NEW CONSTRUCTION.
- (27) PREPARATION OF SUPPORTING DATA AS REQUIRED TO SUPPORT HIGHWAY USERS TAX FUNDS WHEN NEEDED BY THE CITY.
- (28) PREPARING TRAFFIC-CONTROL STUDIES, PLANNING, DESIGN AND COORDINATE INSTALLATION.
- (29) PREPARING, JUSTIFYING AND MANAGING THE BUDGET OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

Section 4. The city manager is authorized to adjust the city's organizational chart, if necessary, to reflect the changes provided for herein.

Section 5. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect immediately after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 1 on this 28th day of October, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for November 25, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this 25th day of November 2019.

SIGNED by the Mayor on this 25th day of November, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form:

Gerald E. Dahl, City Attorney

First Publication: October 31, 2019
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REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 19-2019 – AN ORDINANCE ADOPTING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, AND INTERNATIONAL FUEL GAS CODE; THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE; THE 2018 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 99) STANDARD FOR HEALTH CARE FACILITIES; THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; ADOPTING CERTAIN AMENDMENTS TO SUCH CODES; PROVIDING PENALTIES FOR VIOLATIONS OF THE SAME; AND AMENDING CHAPTER 5 OF THE WHEAT RIDGE CODE OF LAWS ACCORDINGLY

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (11/25/2019)
☐ ORDINANCES FOR 2ND READING (01/13/2020)

QUASI-JUDICIAL:

☐ YES☒ NO

City Attorney



City Manager

ISSUE:

The City currently has adopted and/or enforces the following building related codes:

- 2012 version of the International Codes,
- 2017 National Electrical Code (enforces but has not adopted), and
- 2015 National Fire Protection Association (NFPA) 99 Standards for Health Care Facilities.

Staff is recommending that City Council adopt the most recent version of the codes:

- 2018 version of the International Codes,
- 2017 National Electrical Code, and
- 2018 National Fire Protection Association (NFPA 99) Standards for Health Care Facilities

PRIOR ACTION:

Council adopted the 2012 version of the International Codes in 2014. At its October 7, 2019 Study Session, Council discussed a draft of the proposed adoption of these codes, including amendments, and directed certain changes. Those changes are reflected in the current draft ordinance. The City Council appointed Building Code Advisory Board has reviewed the Codes, as amended, and forwards its recommendation of approval.

FINANCIAL IMPACT:

Minimal. Services of the city attorney were required to draft the ordinance and \$5,000 have been budgeted in 2020 for new versions of the building codes.

BACKGROUND:

Since the first study session on May 6, staff has met with the Building Code Advisory Board on a monthly basis and on August 8 met with local developers who have current construction projects within the City to discuss the amendments that will most likely affect their projects. Staff also hosted a community meeting on August 14 with local contractors and the public to discuss the code adoption process and proposed local amendments. Notice of that meeting was published on the City's website and e-mailed to all licensed contractors in the City.

In 2014, Council adopted the 2012 versions of the International Codes with amendments. Some of the amendments and changes included in the 2012 versions of the codes that remain unchanged or unaltered in the 2018 amendments are:

- The adopted building permit fee schedule
- Fixed fees for particular permit types
- Exemption from permits for fences 6 feet and less in height
- Increased occupant load thresholds before requiring separate sex bathrooms
- Less restrictive requirements related to ventilation of commercial occupancies
- A change in the square footage area of "Hoop Houses" exempt from permit (400 SF)
- Removing the requirement for automatic residential fire sprinkler systems for one and two family dwellings and town houses from the International Residential Code

A few minor changes to previous amendments are reflected in this Ordinance. Those changes are:

- Removing the language for Lumber Sheathing in Section 202 Definitions, that allowed any gaps less than ½ inch to be considered solid sheathing
- Revising language to redefine the occupancy classification for businesses that perform combustible and non-combustible extraction processes as an F-1, Moderate Hazard, unless specific quantities of materials are exceeded
- Adding Section 419 Live Work Units back into adopted code
- Revising certain language in the Fire Code based upon the Fire Districts' recommendations

Other amendments not previously addressed but contained in this Ordinance are:

- Adding language to administrative sections for project valuations calculated by the Building Division to be based on most recent building valuation data table as published by the International Code Council (ICC)
- Modifying section 303.1.4 for Accessory to places of worship to allow overnight homeless sheltering on a temporary basis for under 50 occupants
- Exempting residential decks that are not over 120 square feet in area, that are not more than 30" above grade, are not attached to a dwelling unit and do not serve the required exit door from permits
- Exempting residential lawn sprinklers from permits and contractor licensing
- Adopting the following appendices from the International Residential Code:
 - Appendix F for Radon Control Methods
 - Adopting Appendix J for Existing Buildings and Structures
 - Adopting Appendix Q in the IRC for Tiny Houses
 - Adopting Appendix T in the IRC for Solar-Ready Provisions (with modifications)
- Adopting Appendices CA and RA for Solar-Ready Provisions from the International Energy Conservation Code (with modifications)
- Adopting the International Existing Building Code and International Swimming Pool and Spa Code

RECOMMENDATIONS:

Approve the ordinance as presented on first reading and set public hearing for January 13, 2020.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 19-2019 – an ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly on first reading,

order it published, public hearing set for Monday, January 13, 2020 at 7:00 p.m. in City Council Chambers, and that it take effect on July 1, 2020, with the exception of Appendix F and Appendix T of the 2018 International Residential Code and section 306.2 of the 2018 International Building Code, which shall take effect fifteen days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 19-2019 – an ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Randy Slusser, Chief Building Official

Nina Williams, City Attorney's Office

Ken Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill 19-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 19
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE ADOPTING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, AND INTERNATIONAL FUEL GAS CODE, THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE; THE 2018 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 99) STANDARD FOR HEALTH CARE FACILITIES; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; ADOPTING CERTAIN AMENDMENTS TO SUCH CODES; PROVIDING PENALTIES FOR VIOLATIONS OF THE SAME; AND AMENDING CHAPTER 5 OF THE WHEAT RIDGE CODE OF LAWS ACCORDINGLY

WHEREAS, the City of Wheat Ridge, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to Section 5.16 of the Wheat Ridge Home Rule Charter (“Charter”) and Part 2 of Article 16 of Title 31 of the Colorado Revised Statutes, the City, acting through its City Council (the “Council”), possesses the authority to adopt standard codes by reference; and

WHEREAS, pursuant to this authority, the City previously adopted a series of technical codes by reference, codified under Article III of Chapter 5 of the Wheat Ridge Code of Laws (“Code”); and

WHEREAS, after due and proper notice and in accordance with C.R.S. § 31-16-203, the Council conducted a hearing on the adoption of updated versions of said technical codes, as set forth in this ordinance; and

WHEREAS, based upon recommendations of staff, as informed by the administration and enforcement of said technical codes over time, and the continuing evolution of said codes by the issuance of updated editions, the Council finds that it is the best interest of the City to adopt the 2018 editions of the International Building Code, the International Mechanical Code, the International Plumbing Code, the International Property Maintenance Code, the International Energy Conservation Code, the International Residential Code, the International Fire Code, the International Fuel Gas Code, the International Existing Building Code, and the International

Swimming Pool and Spa Code, the 2017 National Electrical Code and the 2018 National Fire Protection Association (“NFPA”) 99 Standard for Health Care Facilities, and 1997 Uniform Code for the Abatement of Dangerous Buildings and to adopt certain amendments to the same; and

WHEREAS, the Council now also desires to amend certain sections of Chapter 5, Article IV of the Wheat Ridge Code of Laws (“Code”), regarding Contractors, and to make certain amendments thereto, as further set forth herein.

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

Section 1. Section 5-76 of the Code, concerning the International Building Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-76. Building Code.

- (a) *Adoption.* The International Building Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the building code of the City of Wheat Ridge. One (1) copy of said International Building Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, and index. Only the following Appendices are hereby adopted by reference: Appendices E and I. The 2018 International Building Code shall be known as the “I.B.C.” or the “building code” and may be cited and referred to as such.
- (b) *Amendments.* The International Building Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Building Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Building Code* of the City of Wheat Ridge, hereinafter referred to as “this code.”

105.1.1 Annual permit. Delete entire section.

105.1.2 Annual permit records. Delete entire section.

105.2 Work exempt from permit. Amend to read in its entirety:

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

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet.
2. Fences not over 6 feet high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter of width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, carpeting, cabinets and countertops and similar finish work that is not a part of the scope of a larger permissible project.
8. Prefabricated swimming pools that are less than 24 inches in depth, not greater than 5,000 gallons and are installed entirely above ground.
9. Shade cloth structures under 400 square feet constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
13. Hoop houses as defined in Section 3102.2 that do not exceed 400 square feet in floor area, that are not occupied by the general public, and that do not contain mechanical or electrical devices, equipment or systems.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmission, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing and servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter the approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.5 Expiration. Amend to read in its entirety:

105.5 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

107.1 General. Amend to read in its entirety:

107.1 General. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

107.3.1 Approval of construction documents. Amend to read in its entirety:

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved Subject to Field Inspections - Wheat Ridge Building Dept.". One set of construction documents so reviewed shall be retained by the building official. One set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

109.2 Schedule of permit fees. Amend to read in its entirety:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The permit fee shall be established as set forth in Table 1-A.

109.3 Building permit valuations. Amend to read in its entirety:

109.3 Building permit valuations. The applicant for a permit shall provide an estimated project valuation at the time of application. Permit valuations shall include the value of all work, including foundation work, structural and non-structural building components, electrical, plumbing, mechanical and interior finish materials. Project valuation shall be calculated by the Building Division based on the most recent building valuation data (BVD) promulgated and published by the International Code Council (ICC). The higher of the applicant stated valuation and the building division calculated valuation shall be used to determine building permit fees. Final building permit valuation shall be set by the building official.

109.6 Refunds. Amend to read in its entirety:

109.6 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.

Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

113 Board of Appeals. Amend to read in its entirety:

113 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including

finer, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

114.4 Violation penalties. Amend to read in its entirety:

114.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

115.2 Issuance. Delete entire section.

115.3 Unlawful continuance. Rename and amend in its entirety:

115.3 Issuance and unlawful continuance. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner such work 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

303.1.4 Accessory to places of religious worship, Amend to read in its entirety.

303.1.4 Accessory to places of religious worship.

1. Accessory religious educational rooms and religious auditoriums with occupant loads of less than 100 per room or space are not considered separate occupancies.
2. Rooms and spaces within places of religious worship providing overnight homeless sheltering for fewer than 50 occupants, for less than 16 continuous hours, shall be classified as part of the primary occupancy provided the aggregate area used for sleeping is less than 10,000 square feet and has all of the following:
 - a) exiting and emergency lighting
 - b) operational smoke alarms and carbon monoxide alarms in all sleeping areas
 - c) a minimum of one awake attendant
 - d) an emergency plan.

An operational permit and an approved emergency plan for such use may be required on an annual basis through the governing Fire Code Official subject to review of compliance with these provisions.

306.2 Moderate-hazard factory industrial, Group F-1. Amend the paragraph to read:

Moderate-hazard factory industrial, Group F-1. Factory industrial uses that are not classified as Factory Industrial F-2 Low hazard shall be classified as F-1 Moderate

Hazard, to include occupancies involving combustible and non-combustible extraction methods, and shall include, but not limited to, the following:

306.2 Moderate-hazard factory industrial, Group F-1. Add the following uses to this section:

Marijuana cultivation

Marijuana products containing hash oil

308.2 Institutional Group I-1. Amend to read in its entirety:

308.2 Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as a Condition 2 unless approved by the building and fire code official as a Condition 1. This group shall include, but not be limited to the following:

309.1 Mercantile Group M. Add the following use to this section:

Sale of marijuana, products containing marijuana and hash oil, and devices for use in the consumption of marijuana

310.5 Residential Group R-4. Amend to read in its entirety:

310.5 Residential Group R-4. Residential Group R-4 shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and received custodial care. Buildings of Group R-4 shall be classified as a Condition 2 unless approved by the building and fire code official as a Condition 1. This group shall include, but not be limited to the following:

420.4 Automatic sprinkler system. Amend the paragraph to read:

420.4 Automatic sprinkler system. Group R occupancies, with the exception of one and two family dwellings and townhouses, shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.8. Group I-1 occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.6. Quick response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.

903.2.8.1 Group R-3. Amend to read in its entirety:

903.2.8.1 Group R-3. An automatic sprinkler system shall be installed in group R-3 occupancies, with the exception of one and two single family dwellings and townhouses.

1101.2 Design. Amend to read in its entirety:

1102.1 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1-2009 Edition.

1209.2 Attic spaces. Amend to read in its entirety:

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches shall be provided to any attic area having a clear height of over 30 inches. A 30-inch minimum clear headroom in the attic space shall be provided at all points directly above the access opening. The finish opening dimensions of attic accesses shall be a minimum of 20 inches by 30 inches.

1507.2.7 Attachment. Amend to read in its entirety:

1507.2.7 Attachment. Asphalt shingles shall be attached with a minimum of 6 nails per shingle or as specified by the manufacturer, whichever is more restrictive. Where the roof slope exceeds 20 units vertical in 12 units horizontal (167 percent slope) special methods of fastening are required. Special fastening methods shall be tested in accordance with ASTM D 3161, Class F. Asphalt shingle wrappers shall bear a label indicating compliance with ASTM D 3161, Class F.

1507.2.8.2 Ice barrier. Amend to read in its entirety:

1507.2.8.2 Ice barrier. Ice barrier complying with ASTM D1970 shall be required in lieu of normal underlayment at roof eaves and shall extend from the eave edge to a point at least 24 inches inside the exterior wall line of the building.

Exception: Detached structures and attached garages that contain no conditioned floor area.

1607.12 Loads. Amend to read in its entirety:

1607.12 Roof loads. The structural supports of roofs and marquees shall be designed to resist wind and, where applicable, snow and earthquake loads, in addition to the dead load of construction and the appropriate live loads as prescribed in this section, or as set forth in Table 1607.1. The live loads acting on a sloping surface shall be assumed to act vertically on the horizontal projection of that surface. For Hoop Houses as defined in Section 3102.2, the minimum live load for roofs shall be 5 PSF for coverings and 20 PSF for structural components.

1609.1 Application. Amend to read in its entirety:

1609.1 Application. Buildings, structures and parts thereof shall be designed to withstand the minimum wind loads prescribed herein. Decreases in wind loads shall not be made for the effect of shielding by other structures.

Exception: Hoop Houses as defined in Section 3102.2 shall be designed to provide resistance to a minimum wind speed of 70 miles per hour.

1808.1 General. Amend to read in its entirety:

1808.1 General. Footings shall be designed and constructed in accordance with Sections 1805.1 through 1805.9. Footings and foundations shall be built on undisturbed soil, compacted fill material or CLSM. Compacted fill material shall be placed in accordance with Section 1803.5. CLSM shall be placed in accordance with 1803.6.

All footing and foundation systems for additions and new structures shall be designed by a structural engineer licensed by the State of Colorado. Submitted plans for these

systems shall be wet-stamped and signed by the engineer of record at the time of permit application.

The top surface of footings shall be level. The bottom surface of footings is permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10 percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than the one unit vertical in 10 units horizontal (10 percent slope).

3001.2 Referenced Standards. Amend to read in its entirety:

3001.2 Referenced Standards. Except as otherwise provided for in this Code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A90.1, ASME B20.1, ALCTV, and ASCE 24 for construction in flood hazard areas established in section 1612.3 of this code. The design, construction installation, alteration, repair and maintenance of elevators and conveying systems shall also conform to ASME A17.1, ASME A17.2, ASME A17.3, ASME A18.1 and ASME QE-1 and all other standards referenced in Section 2-6-1(1) of the Colorado Department of Labor and Employment, Division of Public Safety Conveyance Regulations, 7 Colo. Code Regs. 1101-8, as now and hereafter amended (the "OPS Regulations").

3102.2 Definitions. Add the following language to Section 3102.2:

HOOP HOUSE. A structure not exceeding 1,000 square feet in floor area with a maximum six mils thick poly film roof and wall covering installed over rounded structural members in which there is no storage of solvents, fertilizers, gases or other chemicals or flammable materials. Structures not complying with all of the specifics set forth in the definition above shall be defined in accordance with adopted code and standard practice. Hoop houses exceeding 1,000 square feet in size shall be defined as greenhouses for the purpose of determining applicability of adopted codes and regulations.

3102.3 Type of construction. Amend to read in its entirety:

3102.3 Type of construction. Noncombustible membrane structures shall be classified as Type IIB construction. Noncombustible frame or cable-supported structures covered by and approved membrane in accordance with Section 3102.3.1 shall be classified as Type IIB construction. Heavy timber frame-supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified as Type IV construction. Other membrane structures, and hoop houses as defined in Section 3102.2, shall be classified as Type V construction.

Exception: Plastic less than 30 feet above any floor used in hoop houses as defined in Section 3102.2 and greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of NFPA 701.

3102.3.1 Membrane and interior liner. Amend to read in its entirety:

3102.3.1 Membrane and interior liner material. Membrane and interior liners shall be either noncombustible as set forth in Section 703.4 or meet the fire propagation performance criteria of NFPA 701 and the manufacturer's test protocol.

Exception: Plastic less than 20 mil in thickness used in hoop houses as defined in Section 3102.2 and in greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of NFPA 701.

3102.4 Allowable floor areas. Amend to read in its entirety:

3102.4 Allowable floor areas. The area of a membrane structure shall not exceed the limitations set forth in Table 503, except as provided in Section 506. The floor area of Hoop Houses as defined in Section 3102.2 shall not exceed 1,000 square feet.

3102.5 Maximum height. Amend to read in its entirety:

3102.5 Maximum height. Membrane structures shall not exceed one story nor shall such structures exceed the height limitations in feet set forth in Table 503. Hoop houses as defined in Section 3102.2 shall not exceed applicable heights as determined by regulations set forth in Municipal Code Sections 26-205, 26-214, and 26-625.

Exception: Noncombustible membrane structures serving as roofs only.

3102.6.1 Noncombustible membrane. Amend to read in its entirety:

Section 3102.6.1 Noncombustible membrane. A noncombustible membrane shall be permitted for use as the roof or as a skylight of any building or atrium of a building of any type of construction provided it is at least 20 feet above any floor, balcony or gallery. A noncombustible poly film not exceeding 6 millimeters in thickness shall be permitted to be used as the roof and wall covering for structures defined as Hoop Houses in Section 3102.2, regardless of height.

Section 2. Section 5-76 of the Code, concerning the National Electrical Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-76. National Electrical Code.

- (a) *Adoption.* The National Electrical Code, (NFPA-70) 2017 Edition, copyrighted by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 01269-7471, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the electrical code of the City of Wheat Ridge. One (1) copy of said National Electrical Code shall be filed in the office of the city clerk and may be inspected during regular business hours Any modifications to or newer versions of the National Electrical Code (NFPA-70) that are adopted by the Colorado State Electrical Board pursuant to its authority under C.R.S. §12-23-104(2)(a) shall be automatically incorporated herein and deemed to modify this code. The 2017 National Electrical Code shall be known as the "N.E.C." or the "electrical code" and may be cited and referred to as such.
- (b) *Purpose.* The purpose of this section is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design,

construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures and utilities and certain equipment specifically regulated herein.

- (c) *Electrical permit fees.* Electrical permit fees shall be as follows: All fees shall be computed based on the estimated project valuation at the time of application. project valuation shall include the value of all work, including all costs of labor and materials related to the project. Project valuation shall be calculated by the building division based on data published on the city website or other reasonable means, and the higher of the applicant's stated valuation and the division's calculated valuation shall be used to determine permit fees. Fees shall be computed based upon Table 1-A of the city's fee schedule, as adopted from time to time by city council resolution ("Table 1-A"), at time of obtaining the permit.
- (d) *Fees for work without a permit.* Items of work for which a permit is required under this section which are commenced before a permit is secured shall be assessed a fee as set forth in Table 1-A. This fee shall be in addition to the permit fee required for such work pursuant to Table 1-A.
- (e) *Electrical inspections.*

(1) *General.* All construction and work for which a permit is required by the code adopted by this section 5-77 shall be subject to inspection by the building official to ensure compliance with said code and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code adopted by this section or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of the code adopted by this section or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Approval of one (1) portion of work upon inspection shall not constitute approval of any other portion of work requiring inspection.

(2) *Inspection agencies.* The building official is authorized to accept reports of inspection agencies, provided such agencies satisfy the building official's requirements as to qualifications and reliability.

(3) *Permit posted.* Inspection records available. No construction or work for which a permit is required by the code adopted by this section shall be commenced until such required permit is posted at the work site. Additionally, all inspection records for a work site shall be maintained and made available for inspection by the city on-site at all times that work is occurring at such site.

Section 3. Section 5-78 of the Code, concerning the International Mechanical Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-78. Mechanical Code.

- (a) *Adoption.* The International Mechanical Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the mechanical code of the City of Wheat Ridge. One (1) copy of said International Mechanical Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The 2018 International Mechanical Code shall be known as the "I.M.C." or the "mechanical code" and may be cited and referred to as such.
- (b) *Amendments.* The International Mechanical Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Mechanical Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Mechanical Code* of the City of Wheat Ridge hereinafter referred to as "this code."

106.3.1 Construction documents. Amend to read in its entirety:

106.3.1 Construction documents. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

106.4.3 Expiration. Amend to read in its entirety:

106.4.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.5.2 Fee Schedule. Amend to read in its entirety:

106.5.2 Fee Schedule. The fees for all mechanical work shall be established as set forth in Table 1-A.

106.5.3 Fee refunds. Amend to read in its entirety:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.

Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation penalties. Amend to read in its entirety:

108.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Amend to read in its entirety:

108.5 Stop work orders. Upon notice from the code official, work on any mechanical system that is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

109 Means of Appeal. Amend to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on claim the true intent of this code or the rules legally adopted thereunder, and fines, have

been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

502.21 Marijuana related occupancies. Add the following section:

502.21 Marijuana related occupancies. Occupancies involved in the sale, transfer, packaging, processing, cultivation, production, extraction or destruction of plants and their parts, devices designed for the use of marijuana and marijuana products, products containing marijuana and hash oil, hash oil or other marijuana related operations and activities shall provide an approved source capture system capable of removing particulate and odors as required to achieve levels that do not constitute as nuisance to adjacent occupants, structures and properties.

Section 4. Section 5-79 of the Code, concerning the International Plumbing Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-79. Plumbing Code.

- (a) *Adoption.* The International Plumbing Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the plumbing code of the City of Wheat Ridge. One (1) copy of said International Plumbing Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The 2018 International Plumbing Code shall be known as the "I.P.C." or the "plumbing code" and may be cited and referred to as such.
- (b) *Amendments.* The International Plumbing Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Plumbing Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Plumbing Code* of the City of Wheat Ridge hereinafter referred to as "this code."

106.3.1 Construction documents. Amend to read in its entirety:

106.3.1 Construction documents. The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a riser diagram of the work. Where appropriate, the construction documents shall indicate the direction of flow, all pipe sizes, grade of horizontal piping, loading, and location of fixtures and appliances.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that submission of construction documents is not necessary to determine compliance with this code.

106.5.3 Expiration. Amend to read in its entirety:

106.5.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.6.2 Fee Schedule. Amend to read in its entirety:

106.6.2 Fee Schedule. The fees for all plumbing work shall be established as set forth in Table 1-A.

106.6.3 Fee refunds. Amend to read in its entirety:

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.

Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation penalties. Amend to read in its entirety:

108.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Amend to read in its entirety:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe

condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

109 Means of Appeal. Amend to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on claim the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

403.1 Minimum number of fixtures. Delete the text of this section, while maintaining Table 403.1, and insert:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Tables 403.1 and 403.1.1. Types of occupancies not shown in Tables 403.1 and 403.1.1 shall be considered individually by the code official. The number of occupants shall be determined by the International Building Code. Occupancy classification shall be determined in accordance with the International Building Code. Table 403.1.1 shall be as follows:

Table 403.1.1

| Occupancy | Description | Separate Sex Facilities Required When Occupant Load Exceeds |
|-----------|---|---|
| A-1 | Theaters and other buildings for the performing arts and motion pictures | 65 |
| A-2 | Nightclubs, bars, taverns, dance halls and buildings for similar purposes | 40 |
| | Restaurants, banquet halls and food courts | 75 |
| A-3 | Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums | 65 |
| | Passenger terminals and transportation facilities | 250 |
| | Places of worship and other religious services | 75 |
| A-4 | Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities | 40 |

| | | |
|---------|--|-----|
| A-5 | Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities | 40 |
| B | Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses | 25 |
| E | Educational facilities | 50 |
| F1 & F2 | Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials | 100 |
| I-1 | Residential care | 10 |
| I-2 | Hospitals, ambulatory nursing home patients | N/A |
| | Employees, other than residential care | 25 |
| | Visitors, other than residential care | 75 |
| I-3 | Prisons | N/A |
| I-3 | Reformatories, detention centers, and correctional centers | 15 |
| I-4 | Adult day care and child care | 15 |
| M | Retail stores, service stations, shops, salesrooms, markets and shopping centers | 125 |
| R-1 | Hotels, motels, boarding houses (transient) | N/A |
| R-2 | Dormitories, fraternities, sororities and boarding houses (not transient) | 10 |
| R-2 | Apartment house | N/A |
| R-3 | One- and two-family dwellings | N/A |
| R-4 | Residential care/assisted living facilities | 10 |
| S-1 S-2 | Structures for the storage of goods, warehouses, storehouse and freight depots. Low and moderate hazard | 100 |

305.4.1 Sewer Depth. Amend to read in its entirety.

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall not be less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall not be less than 12 inches below grade.

903.1 Roof Extensions. Amend to read in its entirety:

903.1 Roof Extension. All open pipes that extend through a roof shall be terminated at least twelve inches above the roof, except that where a roof is to be used for any occupiable purpose, the vent extensions shall be run at least 7 feet (2,134 mm) above the roof.

Section 5. Section 5-80 of the Code, concerning the Uniform Code for the Abatement of Dangerous Buildings, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-80. Uniform Code for the Abatement of Dangerous Buildings.

(a) *Adopted.* The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, copyright 1997, by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-2298, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the code of the City of Wheat Ridge for the abatement of dangerous buildings. One copy of said Uniform Code for the Abatement of Dangerous Buildings shall be filed in the office of the city clerk and may be inspected during regular business hours. Such code is hereby adopted in full.

(b) *Amendments.* None

Section 6. Section 5-82 of the Code, concerning the International Property Maintenance Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-82. Property Maintenance Code.

(a) *Adoption.* The International Property Maintenance Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the property maintenance code of the City of Wheat Ridge. One (1) copy of said International Property Maintenance Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The 2018 International Property Maintenance Code shall be known as the "I.P.M.C." or the "property maintenance code" and may be cited and referred to as such.

(b) *Amendments.* The International Property Maintenance Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Property Maintenance Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Wheat Ridge, hereinafter referred to as "this code."

111 Means of Appeal. Amend to read in its entirety:

111 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, and fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

112.4 Failure to comply. Amend to read in its entirety:

112.4 Failure to comply. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

302.4 Weeds. Amend to read in its entirety:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens.

303.2 Enclosures. Amend to read in its entirety:

303.2. Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gate post. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

304.14 Insect screens. Amend to read in its entirety:

304.14 Insect screens. Insect screens shall be provided on every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

602.3 Heat supply. Amend to read in its entirety:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68 degrees in all habitable rooms, bathrooms and toilet rooms.

Section 7. Section 5-84 of the Code, concerning the International Energy Conservation Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-84. Energy Conservation Code.

(a) *Adoption.* The International Energy Conservation Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the energy conservation code of the City of Wheat Ridge. One (1) copy of said International Energy Conservation Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The only Appendices hereby adopted by reference are Appendices CA and RA. The 2018 International Energy Conservation Code shall be known as the "I.E.C.C." or the "energy code" and may be cited and referred to as such.

(b) *Amendments.* The International Energy Conservation Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Energy Conservation Code.

C101.1 Title. Amend to read in its entirety:

C101.1 Title. These regulations shall be known as the *Energy Conservation Code* of the City of Wheat Ridge, and shall be cited as such. It is referred to herein as "this code."

C103.1 General. Amend to read in its entirety:

C103.1 General. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The code official is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code.

C108 Stop work orders. Amend to read in its entirety:

C108 Stop work orders. Upon notice from the code official that work is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a

written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation of this code.

C109 Board of Appeals. Amend to read in its entirety:

C109. Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

C110 Violation penalties. Add the following section:

C110 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

R101.1 Title. Amend to read in its entirety:

R101.1 Title. These regulations shall be known as the *Energy Conservation Code* of the City of Wheat Ridge, and shall be cited as such. It is referred to herein as "this code."

R103.1 General. Amend to read in its entirety:

R103.1 General. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The code official is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code.

R108 Stop work orders. Amend to read in its entirety:

R108 Stop work orders. Upon notice from the code official that work is being done 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, or visibly posted at the

work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation of this code.

R109 Board of Appeals. Amend to read in its entirety:

R109. Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

R110 Violation penalties. Add the following section:

R110 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Appendix CA: Solar-ready zone commercial. Amend appendix in its entirety.

The following section CA103.7 is only adopted.

CA103.7 Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the end of the panel that is opposite from the supply conductor connection.

Appendix RA: Solar-ready provisions – detached one- and two-family dwellings and townhouses. Amend appendix in its entirety

The following section RA103.7 is only adopted.

RA103.7 Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or the main circuit breaker.

Section 8. Section 5-85 of the Code, concerning the International Residential Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-85. Residential Code.

- (a) *Adoption.* The International Residential Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the one- and two-family dwelling code of the City of Wheat Ridge. One (1) copy of said International Residential Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The only Appendices hereby adopted by reference are Appendices A, B, C, D, F, H, H, J, and Q. The 2018 International Residential Code shall be known as the "I.R.C." or the "residential code" and may be cited and referred to as such.
- (b) *Amendments.* The International Residential Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Residential Code.

R101.1 Title. Amend to read in its entirety:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Wheat Ridge, and shall be cited as such and will be referred to herein as "this code." *R101.1 Title.* Amend to read in its entirety:

R101.2 Scope. Amend to read in its entirety:

R101.2 Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures.

R105.2 Work exempt from permit. Amend to read in its entirety:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. 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.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ration of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work that is not part of the scope of a larger permittable project.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other portable playground equipment.

9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 120 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling unit and do not serve the exit door required by Section R311.4.
11. Hoop houses as defined in Section 3102.2 of the International Building Code that do not exceed 400 square feet in floor area, that are not occupied by the general public, and that do not contain mechanical or electrical devices, equipment or systems.
12. Residential lawn sprinkler systems.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it

becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.5 Expiration. Amend to read in its entirety:

R105.5 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R106.1 Submittal documents. Amend to read in its entirety:

R106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R108.2 Schedule of permit fees. Amend to read in its entirety:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The permit fee shall be established as set forth in Table 1-A.

R108.3 Building permit valuations. Amend to read in its entirety:

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated project valuation at the time of application. Permit valuations shall include the total value of all work, including foundation work, structural and non-structural building components, electrical, gas, plumbing, mechanical and interior finish materials. Project valuation shall be calculated by the Building Division based on the most current data published by ICC Building Valuation Data Sheet and the higher of the applicant stated valuation and the building division calculated valuation shall be used to determine building permit fees. Final building permit valuation shall be set by the building official.

R108.5 Refunds. Amend to read in its entirety:

R108.5 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.

Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

R112 Board of Appeals. Amend to read in its entirety:

R112 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

R113.4 Violation penalties. Amend to read in its entirety:

R113.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair residential work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

R114.2 Unlawful continuance. Amend to read in its entirety:

R114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars and shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Table R301.2(1): Climatic and Geographic Design Criteria. Table R301.2(1) shall apply as referenced in this code and is hereby completed as follows:

TABLE R301.2(1) - CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA*R313 Automatic fire sprinkler systems. Delete entire section.*

| Ground and Roof Snow Load | Wind Design* | | Seismic Design Category | Subject To Damage From | | | Winter Design Temp | Ice Barrier Underlayment Required | Flood Hazards | Air Freezing Index | Mean Annual Temp |
|--|--------------------------|-----------------------|-----------------------------|----------------------------|------------------|----------------------------|---------------------------|-----------------------------------|--------------------------------|--------------------|------------------|
| | Speed (mph) | Topo-graphic Effects | | Weather-ing | Frost line depth | Termite | | | | | |
| 30 psf | 135 mph** vult Exp. C | Yes | “B” | Severe | 36” | Slight | 1° F | Yes | 1979 Firm | 1500 | 45 F |
| Manual J Design Criteria | | | | | | | | | | | |
| Elevation | | Latitude | Winter Heating 99% Dry Bulb | Summer Cooling 1% Dry Bulb | | Altitude Correction Factor | Indoor Design Temperature | Design Temperature Cooling | Heating Temperature Difference | | |
| 5459 ft. | | 39° North | -7 | 95 | | Varies | 72° | 75° | 79° | | |
| Cooling Temperature Difference | | Wind Velocity Heating | Wind Velocity Cooling | Coincident Wet Bulb | | Daily Range | Winter Humidity | Summer Humidity | -- | | |
| 20° | | 15 mph | 7.5 mph | 59 | | High (H) | 50% | 50% | -- | | |
| ** Approximately Equivalent to 105 mph V ^{asd} (three second gust) Exposure C (see Table R301.2.1.3 for conversion) | | | | | | | | | | | |

R401.2 Requirements. Amend to read in its entirety:

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Gravel fill used as footings for wood and precast concrete foundations shall comply with Section R403. With the exception of prescriptive monolithic slabs less than 1000 square feet in size for garages or similar non-habitable occupancies, foundation systems shall be designed, inspected and approved by a State of Colorado registered Structural Engineer and verified by the Building Division.

R602.5 Interior nonbearing walls. Amend to read in its entirety:

R602.5 Interior nonbearing walls. Interior nonbearing walls shall be permitted to be constructed with 2-inch-by-3-inch (51 mm by 76 mm) studs spaced 24 inches on center. Interior nonbearing walls shall be capped with at least a single top plate. Interior nonbearing walls shall be fire blocked in accordance with Section R602.8.

R602.7.3 Nonbearing walls. Amend to read in its entirety:

R602.7.4 Nonbearing walls. In interior and exterior nonbearing walls, a header constructed of two (2) 2-inch-by-4-inch members placed on edge shall be required over all openings spanning less than eight (8) feet.

R703.6.1 Lath. Amend to read in its entirety:

R703.7.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1½-inch long, 11 gage nails having a 7/16 -inch head, or 7/8 -inch-long, 16 gage staples, spaced at no more than 6 inches, or as otherwise approved. Whenever the wall sheathing is of code approved material capable of receiving and sustaining fasteners, lath fasteners shall be spaced at no more than 6 inches on center both horizontally and vertically, or as otherwise approved.

R807.1 Attic Access. Amend to read in its entirety:

R807.1 Attic Access. Buildings with combustible ceiling or roof construction shall have an attic access opening to attic areas that exceed 30 square feet and have a vertical height of 30 inches or more.

The rough-framed opening shall not be less than 22 inches by 30 inches and shall be located in a hallway or other readily accessible location. A 30-inch minimum unobstructed headroom in the attic space shall be provided at all points directly above the access opening. The finish opening dimensions of attic accesses shall be a minimum of 20 inches by 30 inches. See Section M1305.1.3 for access requirements where mechanical equipment is located in attics.

R905.2.6 Attachment. Amend to read in its entirety:

R905.2.6 Attachment. Asphalt shingles shall be attached with a minimum of 6 nails per shingle or as specified by the manufacturer, whichever is more restrictive. Where the roof slope exceeds 20 units vertical in 12 units horizontal (167 percent slope) special methods of fastening are required. Special fastening methods shall be tested in accordance with ASTM D 3161, Class F. Asphalt shingle wrappers shall bear a label indicating compliance with ASTM D 3161, Class F.

905.2.7.1 Ice barrier. Amend to read in its entirety:

905.2.7.1 Ice barrier. An ice barrier complying with ASTM D1970 shall be required in lieu of normal underlayment at roof eaves and shall extend from the eave edge to a point at least 24 inches inside the exterior wall line of the building.

Exception: Detached structures and attached garages that contain no conditioned floor area.

R905.2.8.5 Other Flashing. Amend to read in its entirety:

R905.2.8.4 Other Flashing. Flashing against a vertical front wall, as well as soil stack, vent pipe and chimney flashing, shall be applied according to the asphalt shingle manufacturer's printed instructions. A minimum 2-inch by 2-inch galvanized flashing shall be required at eaves of all roofs. Flashing shall be installed to as recommended by manufacturer or as necessary to seal gaps between roof sheathing and roof gutters.

M1305.1.4 Appliances under floors. Amend to read in its entirety:

M1305.1.3 Appliances under floors. Underfloor spaces containing appliances requiring access shall have an unobstructed passageway large enough to remove the largest appliance, but not less than 30 inches high and 22 inches wide, no more than 20 feet long when measured along the centerline of the passageway from the opening to the appliance. A level service space at least 30 inches deep and 30 inches wide shall be present at the front or service side of the appliance. If the depth of the passageway or the service space exceeds 12 inches below the adjoining grade, the walls of the passageway shall be lined with concrete or masonry extending 4 inches above the adjoining grade in accordance with Chapter 4. The rough-framed access opening dimensions shall be a minimum of 22 inches by 30 inches where the dimensions are large enough to remove the largest appliance. The finish opening dimensions of under floor accesses shall be a minimum of 20 inches by 30 inches.

G2417.4 Test pressure measurement. Amend in its entirety:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. Mechanical gauges used to measure test pressure shall have a maximum range of 30 psig and shall display measurements in 1 psig increments.

G2417.4.1 Test Pressure. Amend to read in its entirety:

406.4.1 Test Pressure. The test pressure to be used shall be no less than 1½ times the working proposed maximum working pressure, but not less than 20 psig, irrespective of design. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

G2417.4.2 Test duration. Amend to read in its entirety:

406.4.2 Test duration. Test duration shall not be less than 15 minutes. The maximum test duration shall not be required to exceed 24 hours.

P2603.5.1 Sewer Depth. Amend to read in its entirety:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall not be less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall not be less than 12 inches below grade.

P2904 Dwelling Unit Fire Sprinkler Systems. Delete section in its entirety

P3103.1.1 Roof extension. Amend to read in its entirety:

P3103.1.1 Roof extension. All open pipes that extend through a roof shall be terminated at least twelve (12) inches above the roof, except that where a roof is to be used for any occupiable purpose, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Appendix T: Solar-Ready Provisions – Detached One-and Two Family Dwellings and Townhouses. Amend appendix in its entirety.

The following section T103.9 (RA103.7) is only adopted.

T103.9 (RA103.7) Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or the main circuit breaker.

Section 9. Section 5-86 of the Code, concerning the International Fire Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-86. Fire Code.

(a) *Adoption.* The International Fire Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the fire code of the City of Wheat Ridge. One copy of said International Fire Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. Only the following Appendices are hereby adopted by reference: Appendices B, C, D, F, H, I, K, L and M. The 2018 International Fire Code shall be known as the “I.F.C.” or the “fire code” and may be cited and referred to as such.

(b) *Amendments.* The International Fire Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Fire Code.

103.4.1 Legal Defense. Amend to read in its entirety:

103.4.1 Legal Defense. Any suit instituted against any officer or employee of any fire protection district or any officer or employee of the City of Wheat Ridge because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the fire protection district or City by which he or she is employed by the legal representative of the fire protection district or City by which he or she is employed until the final termination of the proceedings. The fire code official, city officer or employee or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee of the department of fire prevention or the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or reason of any acts or omission in the performance of official duties in connection therewith.

105.6.51 Assisted Living Facilities is added as follows:

105.6.51 Assisted living facilities. An operational permit is required to operate an assisted living facility.

105.6.52 Door Side Trash Collection is added as follows:

105.6.52 Door Side Trash Collection. An operational permit is required to operate door side trash collection in R-2 occupancies.

105.6.53 Sheltering in A and E Occupancies is added as follows:

105.6.53 Sheltering in A and E occupancies. An operational permit is required to operate sheltering in A and E occupancies for one night or more.

108 Board of Appeals is amended as follows:

108.1 Board of appeals established. Appeals of decisions and determinations made by the Building Official or the fire code official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25.

108.2 Limitations on authority. Is unchanged and adopted as written.

108.3 Qualifications. Is deleted in its entirety.

109.4 Violation penalties. Amend to read in its entirety:

109.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The denial, suspension, revocation, or restriction of any permit or other privilege conferred by this code shall not be regarded as a penalty for purposes of this chapter.

111.1 Order is amended as follows:

111.1 Order. Whenever the building code official or fire code official finds any work regulated by this Code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the building code official or fire code official, with the concurrence of the other code official, is authorized to issue a stop work order.

111.4 Failure to comply is amended as follows:

111.4 Failure to comply. Upon notice from the fire code official, work that is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1000 dollars.

Chapter 2 is amended as follow:

Occupancy Classification, Assembly Group A:

Amend: Accessory with places of religious worship to read as follows:

1. Accessory religious educational rooms and religious auditoriums with occupant loads of less than 100 per room or space are not considered separate occupancies.
2. Rooms and spaces within places of religious worship providing overnight homeless sheltering for fewer than 50 occupants, for less than 16 continuous hours, shall be classified as part of the primary occupancy notwithstanding any other provisions of this code which would disallow overnight occupancy in such rooms or spaces, and provided the aggregate area used for sleeping is less than 10,000 square feet and has all of the following:
 - a) exiting and emergency lighting
 - b) operational smoke alarms and carbon monoxide alarms in all sleeping areas
 - c) a minimum of one awake attendant
 - d) an emergency plan.

An operational permit and an approved emergency plan for such use may be required on an annual basis through the governing Fire Code Official subject to review of compliance with these provisions.

Amend: Institutional Group I-1 to read as follows: Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as a Condition 2 unless approved by the building and fire code official as a Condition 1. This group shall include, but not be limited to the following:

Amend Residential Group R-4 to read as follows: Residential Group R-4 shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and received custodial care. Buildings of Group R-4 shall be classified as a Condition 2 unless approved by the building and fire code official as a Condition 1. This group shall include, but not be limited to the following:

315 General Storage is amended by adding the following subsection:

315.3.5 Marking maximum permitted storage height. Identification of the maximum approved storage height shall be provided in areas where stacked or shelved storage of materials occurs. The maximum approved height will be based upon the requirements of Chapter 32. Maximum storage height identification shall consist of a minimum of a four (4) inch (101.6 mm) stripe on a contrasting background shall be placed at the maximum storage height as determined by Chapter 32 above the finished floor and clearly labeled with the designation: “*No Storage Above This Line.*”

503.2 Specifications is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8, and Appendix D.

503.2.1 Dimensions is amended to read as follows:

503.2.1 Dimensions-Public and Private Streets. Public and private streets that are used for fire apparatus access shall have an unobstructed width that meets the dimensions and parking restrictions as set forth by the *Street Standards* adopted by the City of Wheat Ridge; and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches (4115 mm).

503.2.1 Dimensions is amended by adding the following subsection:

503.2.1.1 Dimensions-Private Drives. Fire apparatus access that is designated as a private drive shall have an unobstructed width of not less than twenty-four (24) feet (7315 mm) and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches (4115 mm).

503.2.3 Surface is amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be paved so as to provide all-weather driving capabilities.

503.2.4 Turning Radius shall be amended to read as follows:

503.2.4 Turning Radius. The required turning radius of a fire apparatus access road shall be an inside radius of 27 feet and an outside radius of 50 feet or as determined by the fire code official. Computer modeling may be required to establish that each fire district's apparatus can adequately maneuver the proposed access roads.

503.2.8 Angles of approach and departure shall be amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the fire district's apparatus.

507.5.1.1 Hydrant for automatic sprinkler systems and standpipe systems is amended to read as follows:

Section 507.5.1.1 Hydrant for automatic sprinkler systems and standpipe systems. Buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and/or standpipe system installed in accordance with Section 905 shall have a fire hydrant a minimum of 50 feet and a maximum of 100 feet of the fire department connection.

Exception: The distance shall be permitted to exceed 100 feet where approved by the fire code official.

510.4.1.1 Minimum signal strength into the building shall be amended to read as follows:

Section 510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength into the building shall be -85dBm to provide usable voice communications throughout the coverage area. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology for either analog or digital signals.

510.4.1.2 Minimum signal strength out of the building shall be amended to read as follows:

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength out of the building shall be -90 dBm to provide usable voice communications throughout the coverage area to the fire district's radio system when transmitted from within the building. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 or an equivalent SINR applicable to the technology for either analog or digital signals.

510.4.1.3 System performance shall be amended to read as follows:

510.4.1.3 System performance. If the field signal strength outside the building where received antenna system for the in-building system is located is less than the -85dBm, then the minimum required in-building field of strength shall equal the field of strength being delivered to the receiving antenna of the building.

901.4.6 Pump and riser room size shall be amended to read as follows:

901.4.6 Pump and riser room size. Where provided, fire pump rooms and *automatic sprinkler system* riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working space around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances, shall be sufficient to allow inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly. Fire pump and *automatic sprinkler system* riser rooms shall be provided with doors and unobstructed passageways large enough to allow removal of

the largest piece of equipment. The room shall provide a minimum of 36 square feet working space around a fire pump or *automatic sprinkler system* riser.

901.6 Inspection, testing and maintenance shall be amended to read as follows:

901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems and smoke and heat vents shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Non-required *fire protection systems* and equipment shall be inspected, tested and maintained or removed. The removal of any non-required fire protection system or equipment shall be *approved* by the fire district.

903.1 General is amended by adding the following subsection:

903.1.2 Location of sprinkler control valves. When automatic sprinkler systems are required within a building and the system serves more than one tenant space, the main control valves shall be located within an approved room that is accessible directly from the building exterior. The door to said room shall be not less than three (3) feet (914 mm) in width by six (6) feet eight (8) inches (203.2 mm) in height. The door to said room shall be identified as required in section 509.1. The size of the room shall meet the size requirements per Section 901.4.6.

903.1.2 Multi-tenant buildings. In buildings that have warehouse space(s) that have the ability to allow high-piled combustible storage per Chapter 32 shall have a fire line installed with a main that runs the length of the building for future addition of fire sprinkler systems.

903.4.2 Alarms shall be amended to read as follows:

903.4.2 Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.2 Alarms is amended by adding the following subsection:

903.4.2.1 Audible and visual signals. Audible and visual fire alarm notification devices shall be connected to every automatic sprinkler system. Such audible and visual devices shall be activated throughout the building upon water flow. When buildings have multiple tenant spaces, notification devices shall be installed in accordance with Section 907.5 in each tenant space.

904 Alternative Automatic Fire-Extinguishing Systems is amended by adding the following subsection:

904.13 Domestic cooking systems. Cooktops and ranges installed in the following occupancies shall be protected in accordance with Section 904.13.1.

1. Unchanged
2. Unchanged
3. Unchanged
4. In Group R-4 occupancies where domestic cooking facilities are installed in accordance with Section 407.2.6 of the International Building Code.

906.1 Where required shall be amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
Exceptions:
1-6. Unchanged
7. In Group A, and B occupancies equipped throughout with an approved automatic fire sprinkler system with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.

907.6 Installation and monitoring is amended by adding the following subsection:

907.11 Security systems. Fire alarm panels and security alarm panels shall be separate and not combined.

912.3.1 Locking fire department connection caps is amended to read as follows:

912.3.1 Locking fire department connection caps. Approved locking fire department connection caps shall be installed on fire department connections on all new water-based fire protection systems. Installation of approved locking fire department connection caps shall be required on existing water-based fire protection systems where there is a history of missing caps or interior obstructions of the fire department connection.

3310.1 Required access shall be amended to read as follows and subsection added:

3310.1 Required access. Approved fire apparatus access for firefighting and emergency medical services is required to all construction or demolition sites. Access shall be provided to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. When approved by the fire code official, temporary fire apparatus access can be installed during construction of sites not consisting of one- and two-family dwellings and where practical difficulty exists with providing permanent access during construction. Permanent fire apparatus access shall be provided prior to occupancy. Approved temporary access shall be installed as set forth in Section 3310.1.1 through 3310.1.3.

3310.1.1 Installation timing. The required access shall be installed prior to above ground construction and/or the storage of combustible materials on-site, all access and

water supplies for fire fighting vehicles shall be provided to construction or demolition sites as shown on the approved site plan in their entirety.

Section 3310.1.2 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and vertical clearance of not less than 13 feet 6 inches.

3310.1.3 Surface. Fire apparatus access roads shall have an all-weather surface consisting of the first lift of asphalt, concrete, or Class 6 road base. The surface shall be capable of supporting an 85,000-pound imposed load. Documentation from a licensed geotechnical engineer attesting that the surface will support the required imposed load and all-weather capability shall be provided.

5307.1 General shall be amended to read as follows:

5307.1 General. *Compressed gases* in storage or use not regulated by the material-specific provisions of Chapters 6, 54, 55 and 60 through 67, including asphyxiant, irritant and radioactive gasses, shall comply with this section in addition to other requirements of this chapter. The provisions of this chapter shall apply to new or existing systems.

5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications this section shall be amended to read as follows:

5307.3 Liquid carbon dioxide systems used in beverage dispensing applications.

6109.13 Protection of containers shall delete the exception from this section.

5704.2.9.6.1 Locations where above-ground tanks are prohibited is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks shall conform to the geographic limits established by Sections 26-805 and 26-806 of the Wheat Ridge Municipal Code.

5706.2.4.4 Locations where above-ground tanks are prohibited is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks shall conform to the geographic limits established by Sections 26-805 and 26-806 of the Wheat Ridge Municipal Code.

5806.2 Limitations is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings shall conform to the geographic limits established by Sections 26-805 and 26-806 of the Wheat Ridge Municipal Code.

6104.2 Maximum capacity within established limits is amended to read as follows:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily

populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons within the City of Wheat Ridge.

Chapter 80 Referenced standards

8001 Adoption of standards and subsection shall be added as follows:

8001 Adoption of standards.

8001.1 NFPA standards. In every case where this code references a standard published by the National Fire Protection Association (NFPA), the most current edition of the referenced standard is hereby adopted. The most current edition of the references NFPA standard shall become effective on January 1st following publication and release of the standard.

Table B105.1(1) shall be amended to reflect the following table:

TABLE B105.1(1)

REQUIRED FIRE-FLOW FOR ONE-AND TWO-FAMILY DWELLINGS, Group R-3 and R-4 BUILDINGS AND TOWNHOUSES

| FIRE-FLOW CALCULATION AREA (square feet) | AUTOMATIC SPRINKLER SYSTEM (Design Standard) | MINIMUM FIRE-FLOW (gallons per minute) | FLOW DURATION (hours) |
|--|---|---|---|
| 0-3,600 | No automatic sprinkler system | 1,000 | 1 |
| 3,601 and greater | No automatic sprinkler system | Value in Table B105.1(2) | Duration in Table B105.1 (2) at the reduced flow rate |
| 0-3,600 | Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i> | 1,000 | ½ |
| 3,601 and greater | Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i> | ½ value in Table B105.1(2) ^a | 1 |

For SI: 1 gallon per minute = 3.785 L/min.

a. The reduced fire-flow shall not be less than 1,000 gallons per minute.

Table B105.2) shall be amended to reflect the following table:

TABLE B105.2
**REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE-
 AND TWO-FAMILY DWELLINGS, Group R-3 and R-4 BUILDINGS AND
 TOWNHOMES**

| AUTOMATIC SPRINKLER SYSTEM (Design Standard) | MINIMUM FIRE- FLOW (gallons per minute) | FLOW DURATION (hours) |
|---|---|---|
| No automatic sprinkler system | Value in Table B105.1(2) | Duration in Table B105.1 (2) |
| Section 903.1.1 of the <i>International Fire Code</i> | 50% of the value in Table B105.1 (2) ^a | Duration in Table B105.1 (2) at the reduced flow rate |
| Section 903.1.2 of the <i>International Fire Code</i> | 50% of the value in Table B105.1 (2) ^b | Duration in Table B105.1 (2) at the reduced flow rate |

For SI: 1 gallon per minute = 3.785 L/min.

- b. The reduced fire-flow shall not be less than 1,500 gallons per minute.
- c. The reduced fire-flow shall not be less than 1,500 gallons per minute.

Appendix D Section D102.1 Access and loading is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 85,000 pounds (38636 kg).

Section 10. Section 5-87 of the Code, concerning the International Fuel Gas Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-87. Fuel Gas Code.

- (a) *Adoption.* The International Fuel Gas Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the fuel gas code of the City of Wheat Ridge. One (1) copy of said International Fuel Gas Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The only Appendices hereby adopted by reference are Appendices A, B, C, and D. The 2018 International Fuel Gas Code shall be known as the "I.F.G.C." or the "fuel gas code" and may be cited and referred to as such.
- (b) *Amendments.* The International Fuel Gas Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Fuel Gas Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the City of Wheat Ridge, hereinafter referred to as "this code."

106.5.3 Expiration. Amend to read in its entirety:

106.5.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.6.2 Fee schedule. Amend to read in its entirety:

106.6.2 Fee Schedule. The fees for work done pursuant to this code shall be as set forth in Table 1-A.

106.6.3 Refunds. Amend to read in its entirety:

106.6.3 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.

Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation penalties. Amend to read in its entirety:

108.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Amend to read in its entirety:

108.5 Stop work orders. Upon notice from the code official that work is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

109 Means of Appeal. Amend to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, and fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

406.4 Test pressure measurement. Amend to read in its entirety:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. Mechanical gauges used to measure test pressure shall have a maximum pressure range of 150 psig, except for one- and two-family dwellings, which shall have a maximum range of 30 psig and shall display measurements in 1 psig increments.

406.4.1 Test Pressure. Amend to read in its entirety:

406.4.1 Test Pressure. The test pressure to be used shall be no less than 1½ times the working proposed maximum working pressure, but not less than 20 psig, irrespective of design. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

406.4.2 Test duration. Amend to read in its entirety:

406.4.2 Test duration. Test duration shall be not less than one-half hour for each 500 cubic feet of pipe volume or fraction thereof, except for one- and two-family dwellings, which shall have a test duration of not less than 15 minutes. The maximum test duration shall not be required to exceed 24 hours.

Section 11. Section 5-88 of the Code, concerning health care facilities code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 5-88. Health care facilities code.

- (a) *Adopted.* The NFPA 99 Standards for Health Care Facilities 2018 Edition, Copyright by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269 is hereby adopted by reference thereto and incorporated into

this article as though fully set out herein as the health care facilities code for the City of Wheat Ridge. Except as otherwise provided in this article, such code is adopted in full, including the index and annex contained therein. One (1) copy of said Standards for Health Care Facilities 2015 Edition shall be filed in the office of the clerk and may be inspected during regular business hours.

- (b) *Amendments.* None.

Section 12. A new section 5-89 of the Code, concerning Swimming Pool and Spa Code, is hereby created to read as follows:

Sec. 5-89. Swimming Pool and Spa Code.

- (a) *Adoption.* The International Swimming Pool and Spa Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the Pool and Spa Code of the City of Wheat Ridge. One (1) copy of said International Pool and Spa Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The 2018 International Swimming Pool and Spa Code shall be known as the "I.S.P.S.C." or the "Pool and Spa Code" and may be cited and referred to as such.
- (b) *Amendments.* The International Pool and Spa Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Swimming Pool and Code.

101.1 Title. Amend to read in its entirety

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code* of the City of Wheat Ridge, hereinafter referred to as "this code."

105.5.1 Approved construction documents. Amend to read in its entirety:

105.5.1 Approved construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved Subject to Field Inspections - Wheat Ridge Building Dept.". One set of construction documents so reviewed shall be retained by the building official. One set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

105.5.3 Expiration. Amend to read in its entirety:

105.5.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6.2 Fee Schedule. Amend to read in its entirety:

105.6.2 Fee Schedule. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required,

in accordance with the schedule as established by the applicable governing authority. The permit fee shall be established as set forth in Table 1-A.

105.6.3 Fee Refunds. Amend to read in its entirety:

105.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled after initiation of any plan review effort.
 - a. Note: The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

107.5 Stop work orders. Amend to read in its entirety:

107.5 Stop work orders. Upon notice from the code official that work is being done 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

108 Means of Appeals. Amend to read in its entirety:

108 Means of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 305.2 (1), Item 1. Barrier height clearances. Amend to read in its entirety:

305.2.1, Item 1. Barrier height and clearances. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet measured horizontally from the outside of the required barrier.

Section 13. A new section 5-90 of the Code, concerning Existing Building Code, is hereby created to read as follows:

Sec. 5-90. Existing Building Code.

(a) *Adoption.* The International Existing Building Code, 2018 Edition, is hereby adopted by reference and incorporated into this article as though fully set forth herein as the existing building code of the City of Wheat Ridge. One (1) copy of said International Existing Building Code shall be filed in the office of the city clerk and may be inspected during regular business hours. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents and index contained herein. The 2018 International Existing Building Code shall be known as the "I.E.B.C." or the "Existing Building Code" and may be cited and referred to as such.

(b) *Amendments.* The International Building Code adopted by this section is amended as follows. Section numbers referred to herein refer to and correspond with the section numbers of the 2018 International Existing Building Code.

101.1 Title. Amend to read in its entirety:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Wheat Ridge, hereinafter referred to as "this code."

105.1.1 Annual permit. Delete entire section.

105.1.2 Annual permit records. Delete entire section.

105.2 Work exempt from permit. Amend to read in its entirety:

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

Building:

1. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
2. Painting, papering, carpeting, cabinets and countertops and similar finish work that is not a part of the scope of a larger permissible project.
3. Shade cloth structures under 400 square feet constructed for nursery or agricultural purposes, not including service systems.
4. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
5. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

6. Hoop houses as defined in Section 3102.2 that do not exceed 400 square feet in floor area, that are not occupied by the general public, and that do not contain mechanical or electrical devices, equipment or systems.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmission, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing and servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter the approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- 3.

105.5 Expiration. Amend to read in its entirety:

105.5 Expiration. Every permit issued by the code official under the provisions of this code shall expire one year (365 days) after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time,

for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.1 General. Amend to read in its entirety:

106.1 General. Construction documents, statement of special inspections and other data shall be submitted in two (2) sets with each application for permit. The Building Official may allow additional sets to be submitted to allow for concurrent review to decrease the review time for applicants who wish to submit the additional documents. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

106.3.1 Approval of construction documents. Amend to read in its entirety:

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved Subject to Field Inspections - Wheat Ridge Building Dept.". One set of construction documents so reviewed shall be retained by the building official. One set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

108.2 Schedule of permit fees. Amend to read in its entirety:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The permit fee shall be established as set forth in Table 1-A.

109.3 Building permit valuations. Amend to read in its entirety:

108.3 Building permit valuations. The applicant for a permit shall provide an estimated project valuation at the time of application. Permit valuations shall include the value of all work, including foundation work, structural and non-structural building components, electrical, plumbing, mechanical and interior finish materials. Project valuation shall be calculated by the Building Division based on the most recent building valuation data (BVD) promulgated and published by the International Code Council (ICC), and the higher of the applicant stated valuation and the division calculated valuation shall be used to determine building permit fees. Final building permit valuation shall be set by the building official.

112 Board of Appeals. Amend to read in its entirety:

112 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in City of Wheat Ridge Municipal Code Sections 2-59 and 5-25. An application for appeal shall be based on a

claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

113.4 Violation penalties. Amend to read in its entirety:

113.4 Violation penalties. Any person or entity who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

114.2 Issuance. Delete entire section.

114.3 Unlawful continuance. Rename and amend in its entirety:

115.3 Issuance and unlawful continuance. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner such work 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, or visibly posted at the work site. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 60 dollars or not more than 1,000 dollars.

Section 14. Penalties. Penalties and remedies for violations of the codes and standards adopted by reference by Sections 1 through 13 of this Ordinance are set forth in Code Sections 5-5 and 5-83, which read, in their respective entireties, as follows:

Sec. 5-5. Enforcement and remedies.

(a) *Civil actions.* When an alleged violation of this chapter has not been voluntarily abated within the time specified in the notice issued pursuant to section 2-34:

- (1) The city may bring a civil action in the municipal court to have the violation declared as such by the court and to have the court enjoin the violation or to authorize its restraint, removal, termination or abatement by the owner, agent, occupant or person who caused the violation or the person who allowed the violation to continue, or by the mayor, the director of community development, director of public works or the chief of police or their designated representatives.

- (2) The civil action to declare and abate a violation of this chapter shall be brought in the name of the City of Wheat Ridge by filing a complaint, which shall be verified or supported by an affidavit. Summonses and subpoenas shall be issued and served as in civil cases. Any employee or agent of the City of Wheat Ridge who is over the age of eighteen (18) may serve a summons and verified complaint upon the owner, agent, occupant or the person who caused or allowed the violation (hereinafter "respondent"), or a subpoena upon any witness to the violation. Trial shall be to the court.
- (3) A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than twenty-one (21) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the notice of appearance. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown. No case shall be continued for more than sixty (60) days after the appearance date.
- (4) Upon the date and time specified for appearance and trial, if the respondent has filed no response and fails to appear, and if the city proves that proper service was made on respondent at least twenty-one (21) days prior to the appearance date, the court may grant such orders as are requested by the city; except that, the court shall order the enforcement by the city be stayed for ten (10) days and that a copy of the court's order be mailed to the respondent at his last known address. Failure to appear on any date set for hearing and trial shall be grounds for entering a default and default judgment against the nonappearing party. Prior to enforcement, and upon good cause shown, the court may set aside an entry of default and default judgment entered thereon.
- (5) Any disobedience to or interference with any injunction or order issued by the municipal court in an action to abate a violation of this chapter of the Wheat Ridge Code of Laws may be punished as a contempt of court or by a fine of not more than one thousand dollars (\$1,000.00). Each day's failure to comply with an injunction or order to abate shall constitute a separate act of contempt for which an additional penalty may be imposed.
- (6) In order to facilitate just, speedy, informal and inexpensive determinations of claims, the court shall follow the rules of county court civil procedure, as presently adopted and as amended hereafter from time to time, excepting Rules 302, 313, 338, 339, 347, 348, 350, 351, 351.1, 359(c)(2), 365, 383, 398, 402, 403, 404 and 406 thereof, and shall further utilize and follow the provisions of Rule 65 of the Colorado Rules of Civil Procedure in all cases wherein civil enforcement of the provisions of chapter 5 is sought. In the event of any discrepancy between any of the provisions of chapter 5 and those applicable rules of county court civil

procedure, or Rule 65 of the Colorado Rules of Civil Procedure adopted hereby, the provisions of chapter 5 shall prevail and be applied.

The right is expressly reserved and delegated to the presiding judge of the Wheat Ridge Municipal Court to adopt rules of procedure for the Wheat Ridge Municipal Court, which rules shall be applicable in any civil enforcement action brought by the city; provided, however, that said rules of procedure adopted and promulgated by the presiding judge of the municipal court shall not conflict with or contradict the authority of the city to pursue civil enforcement for violations of the provisions of this chapter 5.

- (7) In any case in which the city prevails in a civil action initiated pursuant to this subsection (a), the city may recover its reasonable costs of abating the violation, including reasonable costs of litigation, plus fifteen (15) percent in administrative costs; plus costs may be assessed against the subject property pursuant to paragraphs 16-13-313 and 16-13-314, C.R.S., (as amended). The remedies specified in this subsection (a) shall be in addition to all other remedies provided by law.

(b) Cumulative remedies. The remedies set forth herein are cumulative. In the event any building, structure or utility is erected, constructed, reconstructed, altered, repaired, converted, demolished, moved or maintained, or any building, structure or utility is used in violation of this chapter, the city or any proper city official may institute any other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or occupancy to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land. The initiation of any action or the imposition of any penalty hereunder shall not preclude the city or any proper person from instituting any other appropriate action or proceeding to require compliance with the provisions of this chapter and with administrative orders and determinations made hereunder.

Sec. 5-83. Technical code violation penalties.

Except as otherwise provided for in the amendments for a code adopted herein by reference, a person, firm, corporation, partnership or any other entity who violates any of the technical codes contained in this articles, as such violations are defined in each of the respective codes and its amendment(s), may be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period of not exceeding one year, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment for violation of any provision of a technical code contained in this article. Each day that a violation continues shall be deemed a separate offense. The penalties provided in this section are intended to apply exclusively and solely to the technical codes contained in this articulated and do not rescind, amend or otherwise affect any other penalty provisions of this chapter.

Section 15. Section 5-117 of the Code, concerning Classification of licenses, is hereby amended by the deletion of subsection (a)(13) as follows:

Sec. 5-117. - Classification.

- (a) The various classes of licenses issued under this article and the work authorized to be performed by the holder of the license are as follows:

...

~~(13) Lawn sprinkler contractor—Class 13. A lawn sprinkler contractor, class 13, shall be authorized to do the following: Installation of underground lawn sprinkler systems, including backflow prevention devices and tapping the existing water service or main. CRS 12-58-102.~~

Section 16. Section 5-121 of the Code, concerning Fees for licenses, is hereby amended by the deletion of subsection (13) as follows:

Sec. 5-121. - Fees.

The annual license fees for contractors license under the provisions of this article shall be paid in accordance with the following table:

...

~~(13) Lawn sprinkler contractor, Class 13—\$75.00~~

Section 17. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 18. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 19. Effective Date. This Ordinance shall take effect on July 1, 2020, with the exception of Appendix F (Radon Control Methods), Appendix T (Solar Ready Provisions) of the 2018 International Residential Code, and section 306.2 (Moderate-hazard factory industrial, Group F-1) of the 2018 International Building Code, which shall take effect fifteen (15) days after final publication, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 25th day of November, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for January 13, 2020 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2020.

SIGNED by the Mayor on this ____ day of _____, 2020.

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

Approved as to Form:

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Denver Post
Effective Date:

REQUEST FOR CITY COUNCIL ACTION


TITLE: COUNCIL BILL NO. 20-2019 – AN ORDINANCE APPROVING CONVEYANCE OF REAL PROPERTY TO THE CITY OF ARVADA, AND IN CONNECTION THEREWITH APPROVING TERMINATION OF AN EASEMENT AGREEMENT AND CONVEYANCE OF REAL PROPERTY TO THE CITY

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (11/25/2019)
☐ ORDINANCES FOR 2ND READING (12/09/2019)

QUASI-JUDICIAL:

☐ YES☒ NO

Engineering Manager

City Manager**ISSUE:**

The Mountain Gateway project in the City of Arvada on the west side of Robb Street requires additional right-of-way (ROW) to construct Robb Street. The City of Arvada is also requesting that easements rights be extinguished. In addition, the Mountain Gateway project will be dedicating property to the City in order to expand the Ridge Road Regional Pond to provide the required stormwater detention.

PRIOR ACTION:

On April 25, 2011, the City Council approved an IGA with RTD for funding the City's local match for the FasTracks Gold Line project. The IGA required the City to construct a portion of a related regional storm sewer system, the Ridge Road Tributary Outfall (RRTO). This system is located in the southern portion of the RTD railroad right-of-way from Ward Road to the City boundary east of Simms Place. This IGA also required RTD to construct a regional stormwater pond on the vacant land south of Ridge Road and west of the Xcel substation. RTD was also responsible for constructing the RRTO downstream of the regional pond to an existing box culvert referred to as the Arvada Channel Outfall, included as part of the Columbine Basin Storm Sewer System.

On May 23, 2011, Council approved an IGA, followed by an amendment on April 12, 2012 with the City of Arvada and the Urban Drainage and Flood Control District (UDFCD), concerning the construction of both Cities' portions of the RRTO along the Gold Line corridor.

On December 8, 2014, Council approved an IGA with RTD and UDFCD, followed by an amendment on February 9, 2015, to construct the City's portion of the Arvada Channel Outfall between Miller and Oak Streets.

On August 27, 2018, Council approved a second amendment to the original IGA with RTD to convey the Ridge Road Regional Pond to the City.

FINANCIAL IMPACT:

The transfer of property, and related easement vacation, to the City of Arvada has no financial impact to the City. Because the City is responsible for maintenance of the Ridge Road Regional Pond, increasing the pond size and adding additional stormwater could add to the maintenance cost. However, the pond was constructed to meet the Mile High Flood District's (MHFD), formerly UDFCD, maintenance standards, so that the City can request assistance from MHFD to maintain the pond. MHFD has added this pond to their list of maintenance responsibilities.

BACKGROUND:

The 1994 Columbine Basin Outfall Systems Planning Study identified many improvements within the Basin, covering the portion of the City north of Interstate 70. MHFD, in cooperation with the City of Arvada, constructed the Arvada Channel downstream of Miller Street, with the latest addition being a box culvert, completed at the time of the Target development. Since 2011, the City's and Arvada's portion of the RRTO have been constructed by MHFD in conjunction with the Gold Line construction between Ward Road and the Ridge Road Regional Pond.

In 2008, MHFD funding became available for completion of the Arvada Channel from Miller Street to Oak Street. In 2008, the Arvada Channel IGA was entered into by the City with MHFD to address funding the project, with MHFD and the City each contributing \$325,000.

In 2009, the project's design engineers determined that the original design proposed for the open channel would not be feasible due to high ground water. Adequate funding was not available to construct the more expensive box culvert that was needed. As a result, construction of the project was postponed indefinitely by Council on September 14, 2009. However, the decision was made to complete the design and finalize acquisition of a needed drainage easement from the State Land Board. MHFD acquired the easement across the state property and assigned its interest to the City, which was accepted on April 23, 2012. The project was then closed and MHFD returned approximately \$280,000 to the City from the 2008 Arvada Channel IGA.

All of the local agencies along the Gold Line were required to provide a local match for the cost of construction of the commuter rail line. The City of Wheat Ridge share was \$1.5 million. On April 25, 2011, the City Council approved an IGA with RTD in which the City would construct a portion of the RRTO in the southern portion of the RTD railroad right-of-way from Ward Road to the City boundary east of Simms Place to meet its local match.

In collaboration with MHFD and the City of Arvada, the parties arranged to have MHFD construct the RRTO from Ward Road to the property northwest of the Medved dealership. The total funding in the 2011 RRTO IGA was \$3.2 million with MHFD's and the City of Arvada's contributions.

As required in the 2011 Gold Line IGA, RTD constructed a large regional stormwater pond, now known as the Ridge Road Regional Pond, on the vacant property south of Ridge Road and west of the Xcel substation in order to mitigate the downstream impacts of the Gold Line project. In addition, RTD constructed the Outfall, a storm sewer/open channel system from the Ridge Road Regional Pond to the west side of Oak Street.

To complete the system between Oak and Miller Streets, RTD had planned to construct a temporary system, consisting of open channels and large culverts. RTD approached the City and MHFD in January 2014 to discuss the possibility of working together to construct the Arvada Channel box culvert instead of the temporary system. City staff worked with MHFD and RTD to finalize the design.

The 2014 Arvada Channel IGA, approved by Council on December 8, 2014, provided most of the funding for the construction of the box culvert. After additional MHFD funds became available, the City Council approved an amendment to the IGA on February 9, 2015 providing for the remaining funding.

With the completion of the City's portion of the Arvada Channel box culvert, the last link in the critically important segment of the system was completed. In 2011, during negotiations with RTD on costs, City staff estimated that construction of this entire system would be \$8 to \$9 million. The City's share of the work completed by MHFD and RTD was \$1.15 million, less than 15% of the \$8-\$9 million estimated in 2011.

With the completion of the Gold Line construction, RTD approached the City to transfer ownership of the Ridge Road Regional Pond to the City. On August 27, 2018, Council approved a second amendment to the original IGA with RTD to convey the Ridge Road Regional Pond to the City.

Also in August 2018, the City was approached by the developer of the vacant property to the west of the Ridge Road Regional Pond to modify the pond to meet the stormwater detention requirements for the proposed Mountain Gateway industrial development.

Mountain Gateway will be dedicating ROW and constructing Robb Street along the west side of the Ridge Road Regional Pond. This requires realignment of the existing private street in order to smoothly connect to Robb Street at the south end and the rail crossing at the north end.

At the north end, a sliver of property that does not affect the capacity of the pond needs to become ROW in order to provide a smooth connection to the existing rail crossing, which cannot be moved. The City and RTD currently have an easement agreement for the sliver of proposed ROW that needs to be extinguished. RTD has agreed to the proposal and is processing the

easement termination. Exhibit 1 of the ordinance shows the property to be transferred to the City of Arvada as ROW. Exhibit 2 of the ordinance extinguishes the easement agreement.

At the south end, the portion of the Mountain Gateway property that remains on the east side of the new Robb Street ROW is proposed to be transferred to the City and will be used by Mountain Gateway to enlarge the Ridge Road Regional Pond. Exhibit 3 of the ordinance shows the property to be transferred from the Mountain Gateway development to the City.

RECOMMENDATIONS:

Staff recommends approval of the attached ordinance conveying the pond property to City of Arvada, vacating the related easement, and accepting conveyance of the Mountain Gateway property to the City.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 20-2019, an ordinance approving conveyance of real property to the City of Arvada, and in connection therewith approving termination of an easement agreement and conveyance of real property to the City, on first reading, order it published, public hearing set for Monday, December 9, 2019, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 20-2019, an ordinance approving conveyance of real property to the City of Arvada, and in connection therewith approving termination of an easement agreement and conveyance of real property to the City for the following reason(s) _____

REPORT PREPARED/REVIEWED BY:

Mark Westberg, Project Supervisor
Steve Nguyen, Engineering Manager
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 20-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 20
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE APPROVING CONVEYANCE OF REAL PROPERTY TO THE CITY OF ARVADA, AND IN CONNECTION THEREWITH APPROVING TERMINATION OF AN EASEMENT AGREEMENT AND CONVEYANCE OF REAL PROPERTY TO THE CITY

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the home rule charter permits the Council to dispose of real property, other than park property, by ordinance approved by three-fourths of the Council; and

WHEREAS, the Council wishes to convey certain real property to the City of Arvada in furtherance of the Mountain Gateway project, and in connection therewith, to accept conveyance of real property from Roys Mountain Home, LLC, and to relinquish certain easement rights associated therewith.

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

Section 1. Conveyances approved. Pursuant to charter 16.5, the Council hereby approves the conveyance of real property to the City of Arvada by quitclaim deed in the form attached hereto as **Exhibit 1**; approves the termination, relinquishment and quitclaim of easement agreement in the form attached hereto as **Exhibit 2**, and accepts conveyance of real property from Roys Mountain Home LLC in the form attached hereto as **Exhibit 3**. The Mayor and City Clerk are authorized and directed to execute such instruments as necessary to complete these transactions, conditioned upon receipt by the City of evidence of approval of the Mountain Gateway plat by the City of Arvada.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 25th day of November, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for December 9, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2019.

SIGNED by the Mayor on this ____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Steven Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

Exhibit 1
Quitclaim deed to the City of Arvada
[attached]

No Documentary Transfer Tax Payable.
Consideration under §500 C.R.S. § 39-13-102(2)(a)

QUITCLAIM DEED

[STATUTORY FORM – C.R.S. § 38-30-113(1)(d)]

The **CITY OF WHEAT RIDGE**, a Colorado home-rule municipality, whose street address is 7500 West 29th Avenue, Wheat Ridge, Colorado 80333, for the consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sells and quitclaims to the **CITY OF ARVADA**, a Colorado home-rule municipality, whose street address is 8101 Ralston Road, Arvada, Colorado 80001, all of its right, title and interest in the real property described on Exhibit A attached hereto and made a part hereof, with all its appurtenances and improvements situated thereon.

Signed on _____, 2019, to be made effective as of _____, 2019.

GRANTOR:

CITY OF WHEAT RIDGE, a Colorado home-rule municipality

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____ as _____ of the City of Wheat Ridge, a Colorado home-rule municipality.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Exhibit A
to Quitclaim Deed

Legal Description

EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 1 OF 3

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16 TO BEAR SOUTH 00°19'28" EAST, A DISTANCE OF 1320.64 FEET BETWEEN THE WEST 1/4 CORNER OF SAID SECTION 16 BEING A FOUND 2" IRON PIPE WITH 3 1/4" BRASS CAP (IN RANGE BOX) STAMPED "CITY OF WHEAT RIDGE LS 13212 T3S R69W S17-S16 1984 SURVEY MONUMENT" AND THE SOUTH 1/16 CORNER OF SAID SECTION 16/17 BEING A FOUND 4" ALUMINUM COLLAR WITH 2" ALUMINUM CAP (ILLEGIBLE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID SOUTH 1/16 CORNER OF SAID SECTION 16/17, THENCE ALONG SAID WEST LINE, NORTH 00°19'28" WEST, A DISTANCE OF 517.91 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 74°39'23" EAST, A DISTANCE OF 851.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°39'23" EAST, A DISTANCE OF 3.64 FEET; THENCE SOUTH 15°24'00" EAST, A DISTANCE OF 51.30 FEET; THENCE 41.52 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, AN INCLUDED ANGLE OF 04°31'52" AND SUBTENDED BY A CHORD BEARING SOUTH 13°08'04" EAST, A DISTANCE OF 41.51 FEET; THENCE 38.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 201.00 FEET, AN INCLUDED ANGLE OF 11°02'30" AND SUBTENDED BY A CHORD BEARING SOUTH 05°20'48" EAST, A DISTANCE OF 38.68 FEET; THENCE SOUTH 00°10'26" WEST, A DISTANCE OF 7.87 FEET; THENCE 101.33 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.07 FEET, AN INCLUDED ANGLE OF 05°48'19" AND SUBTENDED BY A CHORD BEARING NORTH 11°46'46" WEST, A DISTANCE OF 101.28 FEET; THENCE NORTH 14°40'55" WEST, A DISTANCE OF 37.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 535 SQ.FT. MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 17-69,776

JOB NUMBER: 17-69,776
DRAWN BY: S. SILVA
DATE: OCTOBER 11, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics

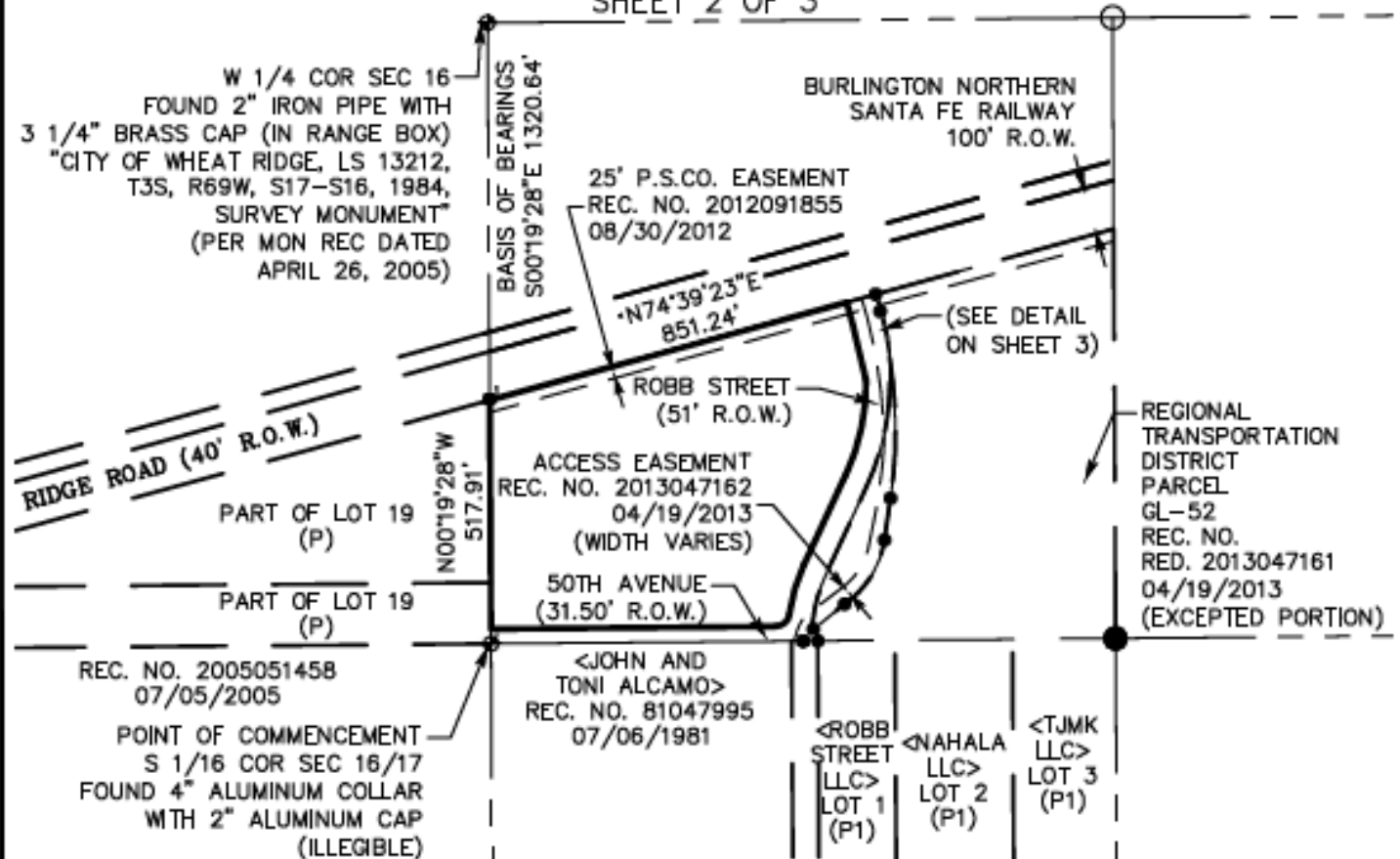


3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

EXHIBIT "A"

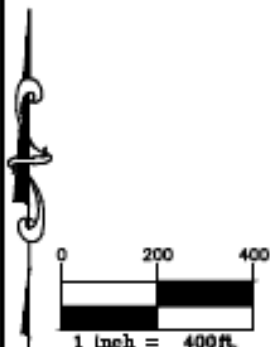
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 3



Legend

- ◆ FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- FOUND #5 REBAR WITH 1" ORANGE PLASTIC CAP "CRS 28669"
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- (P) AS PER THE PLAT OF STANDLEY HEIGHTS REC. NO. 81089023 12/08/1981
- (P1) AS PER THE PLAT OF PLAZA 5000 BUSINESS CENTER SUBDIVISION REC. NO. 94165214 10/14/1994



JOB NUMBER: 17-69,776
DRAWN BY: S. SILVA
DATE: OCTOBER 11, 2019

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EXHIBIT "A"

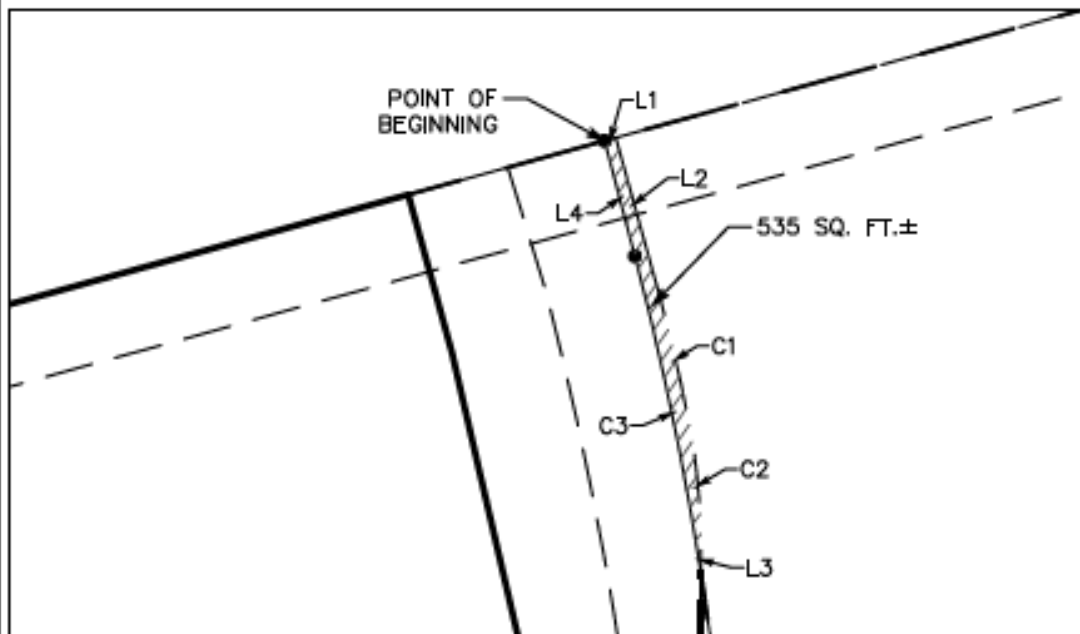
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 3 OF 3

| PARCEL LINE TABLE | | |
|-------------------|--------|-------------|
| LINE # | LENGTH | DIRECTION |
| L1 | 3.64 | N74°39'23"E |
| L2 | 51.30 | S15°24'00"E |
| L3 | 7.87 | S00°10'26"W |
| L4 | 37.36 | N14°40'55"W |

| CURVE TABLE | | | | | |
|-------------|--------|---------|-----------|-----------------|--------------|
| CURVE # | LENGTH | RADIUS | DELTA | CHORD DIRECTION | CHORD LENGTH |
| C1 | 41.52 | 525.00 | 4°31'52" | S13°08'04"E | 41.51 |
| C2 | 38.74 | 201.00 | 11°02'30" | S05°20'48"E | 38.68 |
| C3 | 101.33 | 1000.07 | 5°48'19" | N11°46'46"W | 101.28 |

DETAIL A



JOB NUMBER: 17-69,776
DRAWN BY: S. SILVA
DATE: OCTOBER 11, 2019

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Exhibit 2
Relinquishment of easement agreement
[attached]

**TERMINATION, RELINQUISHMENT, AND QUITCLAIM
OF EASEMENT AGREEMENT (ACCESS)**

THIS TERMINATION, RELINQUISHMENT, AND QUITCLAIM OF EASEMENT AGREEMENT (ACCESS) is made as of _____, 2019 (this "Termination"), by and between THE CITY OF WHEAT RIDGE, a Colorado home-rule municipality (the "City") and ROYS MOUNTAIN HOME LLC, a Delaware limited liability company ("RMH").

RMH is the owner of that certain real property legally described on the attached Exhibit A (the "Property"). That certain Easement Agreement (Access) was recorded April 19, 2013 in the real property records of Jefferson County, Colorado at Reception No. 2013047162 (the "Agreement"), granting the Regional Transportation District, a quasi-municipal corporation and political subdivision of the State of Colorado ("RTD"), certain access rights over the Property as contained therein. Pursuant to that certain Partial Assignment of Easement (the "Assignment"), RTD assigned to the City all of its right, title, interest and obligations in, to and under the Agreement to the City, subject to a reservation of RTD's rights to enter upon and use the easement as provided in the Agreement. Per the Assignment, such reservation shall terminate upon written notice from RTD to the City that use of the easement is no longer needed. Such written notice was submitted by RTD to the City and is attached hereto as Exhibit B. Thus, the City, as assignee to all rights under the Agreement, has full authority to unilaterally terminate the same.

The Property is the only property encumbered by the Agreement. The City desires to terminate, relinquish, and quitclaim its right, title, and interest in and to the Agreement and the real property encumbered thereby.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates, relinquishes, and quitclaims all of its right, title, and interest in and to the Agreement and the portion of the Property encumbered by the Agreement. This termination, relinquishment, and quitclaim shall be binding upon the City and its successors in title.

[signature page follows]

IN WITNESS WHEREOF, the City has executed this Termination as of the day and year first above written.

THE CITY OF WHEAT RIDGE, a Colorado home-rule municipality

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, as _____ of the City of Wheat Ridge, a Colorado home-rule municipality.

Witness my hand and official seal.

Notary Public

My commission expires: _____.

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY OWNED BY RMH

THAT PART OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS IS THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 CONSIDERED TO BEAR SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST, WITH ALL BEARINGS RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 16;
THENCE SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 699.19 FEET TO THE NORTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY;
THENCE CONTINUING SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 103.54 FEET TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 518.21 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16;
THENCE NORTH 89 DEGREES 29 MINUTES 23 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 1328.37 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16;
THENCE NORTH 00 DEGREES 16 MINUTES 25 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 870.59 FEET TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY;
THENCE SOUTH 74 DEGREES 39 MINUTES 14 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1376.19 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE ABOVE DESCRIBED LEGAL DESCRIPTION ALL THAT PORTION OF SAID LAND DEEDED TO REGIONAL TRANSPORTATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO BY WARRANTY DEED DATED APRIL 19, 2013 AND RECORDED APRIL 19, 2013 UNDER RECEPTION NO. [2013047161](#), JEFFERSON COUNTY CLERK AND RECORDER, STATE OF COLORADO.

EXHIBIT B
WRITTEN NOTICE FROM RTD TO THE CITY

NOTICE OF TERMINATION - PARTIAL ASSIGNMENT OF EASEMENT

Pursuant to a Partial Assignment of Easement dated July 19, 2018 (the “Partial Assignment”) and recorded on July 24, 2018 at Reception No. 2018067024 in the real property records of Jefferson County, Colorado, the REGIONAL TRANSPORTATION DISTRICT, a political subdivision of the State of Colorado (“RTD”), whose legal address is 1660 Blake Street, Denver, Colorado 80202-1399, partially assigned to the CITY OF WHEAT RIDGE, a home rule municipal corporation (the “City”), whose address is 7500 West 29th Avenue, Wheat Ridge, CO 80033, that certain Easement Agreement (Access) dated April 19, 2013 (the “Easement”) and recorded on April 19, 2013 at Reception No. 2013047162 in the real property records of Jefferson County, Colorado. The Partial Assignment is attached hereto as Exhibit A.

Pursuant to the Partial Assignment, RTD hereby notifies the City that RTD’s use of the Easement is no longer needed; provided that RTD’s reserved rights under the Partial Assignment and Easement may terminate only at such time as Robb Street is dedicated to the City of Arvada as public right-of-way as depicted on that certain Mountain Gateway Minor Plat, Arvada Project No. DA2019-0059.

[Signatures on following pages]

Exhibit A

Exhibit 3
Quit claim deed to City of Wheat Ridge
[attached]

No Documentary Transfer Tax Payable.
Consideration under \$500 C.R.S. § 39-13-102(2)(a)

QUITCLAIM DEED

[STATUTORY FORM – C.R.S. § 38-30-113(1)(d)]

ROYS MOUNTAIN HOME LLC, a Delaware limited liability company, whose street address is 2001 Wilshire Boulevard, Suite 220, Santa Monica, California 90403, for the consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sells and quitclaims to the **CITY OF WHEAT RIDGE**, a Colorado home-rule municipality, whose street address is 7500 West 29th Avenue, Wheat Ridge, Colorado 80333, all of its right, title and interest in the real property described on **Exhibit A** attached hereto and made a part hereof, with all its appurtenances and improvements situated thereon.

Signed on _____, 2019, to be made effective as of _____, 2019.

GRANTOR:

ROYS MOUNTAIN HOME LLC, a Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____ as _____ of Roys Mountain Home LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: _____

Notary Public

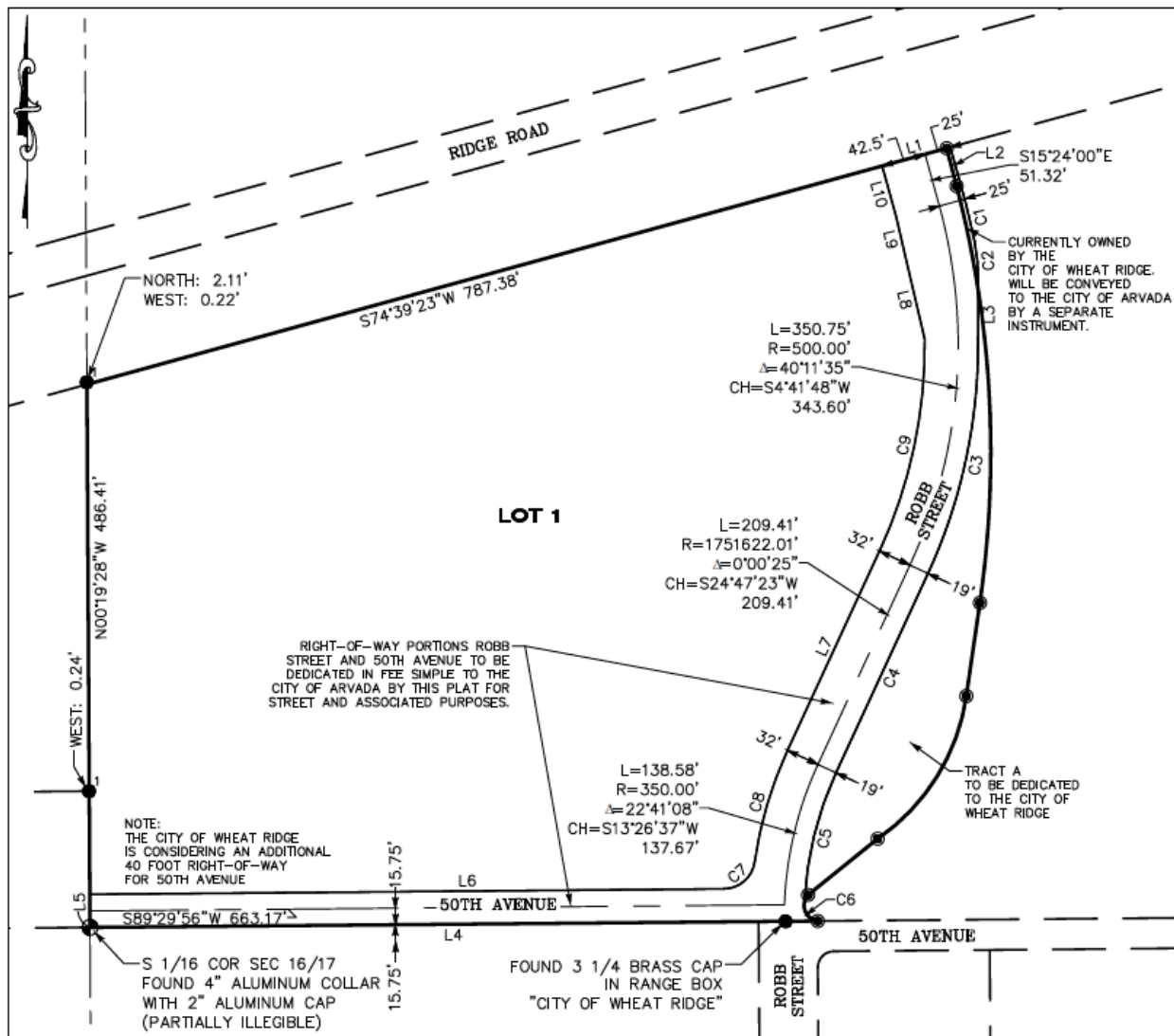
Exhibit A
to Quitclaim Deed

Legal Description

Tract A, Mountain Gateway Minor Plat, County of Jefferson, State of Colorado.

(depiction of the property follows)

Depiction of Tract A:



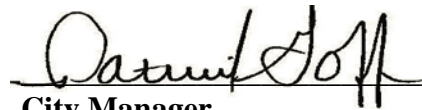
| PARCEL LINE TABLE | | |
|-------------------|--------|-------------|
| LINE # | LENGTH | DIRECTION |
| L1 | 67.50 | N74°39'23"E |
| L2 | 51.30 | S15°24'00"E |
| L3 | 62.06 | S00°10'26"W |
| L4 | 694.87 | S89°29'56"W |
| L5 | 31.50 | N00°19'28"W |
| L6 | 605.37 | N89°29'56"E |
| L7 | 209.39 | N24°47'23"E |
| L8 | 80.03 | N13°12'43"W |
| L9 | 38.17 | N13°00'32"W |
| L10 | 51.37 | N15°24'00"W |

| CURVE TABLE | | | | | |
|-------------|--------|------------|-----------|-----------------|--------------|
| CURVE # | LENGTH | RADIUS | DELTA | CHORD DIRECTION | CHORD LENGTH |
| C1 | 41.52 | 525.00 | 4°31'52" | S13°08'04"E | 41.51 |
| C2 | 38.74 | 201.00 | 11°02'30" | S05°20'48"E | 38.68 |
| C3 | 223.01 | 519.00 | 24°37'09" | S12°29'01"W | 221.29 |
| C4 | 209.38 | 1751612.25 | 0°00'25" | S24°47'23"W | 209.38 |
| C5 | 127.43 | 331.00 | 22°03'32" | S13°45'38"W | 126.65 |
| C6 | 25.20 | 15.00 | 96°15'49" | S34°29'10"E | 22.34 |
| C7 | 42.60 | 29.72 | 82°06'33" | N48°56'27"E | 39.04 |
| C8 | 111.38 | 382.00 | 16°42'21" | N16°26'14"E | 110.99 |
| C9 | 208.91 | 468.00 | 25°34'33" | N12°00'19"E | 207.18 |

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 21-2019 AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING CONTRIBUTIONS TO THE POLICE PENSION FUND**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (11/25/2019) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (12/09/2019) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

Administrative Services Director

City Manager**ISSUE:**

The 2020 budget, authorized by City Council on October 14, 2019, appropriates funds to increase the City's contribution to sworn employees' pension by 0.5% for a total contribution of 10.5%. As the current contribution (10%) is specified in the City's code along with an equal match by employees, a code amendment is necessary to operationalize Council's intent.

PRIOR ACTION:

City Council authorized the 2020 budget, containing an increase to sworn employee's pension contribution, on October 14, 2019.

FINANCIAL IMPACT:

The 0.5% increase to the City's contribution is estimated to cost \$35,274.

BACKGROUND:

During the 2020 budget process, staff evaluated the Denver-Boulder market to ensure Wheat Ridge remains competitive in its ability to recruit and retain exceptional police officers. Part of that evaluation included a comparison of pension benefits across the market. It was determined that Wheat Ridge is below market in terms of the pension benefit offered to sworn employees. The 2020 budget includes an increase to the City's contribution of 0.5% to equal 10.5% while

keeping the employees' contribution the same at 10%. Staff's intention is to propose similar increases in the next two future budgets for Council's consideration.

Article III of Chapter 19 of the Wheat Ridge Code of Laws provides for the Police Pension Fund. Section 19-53 currently stipulates a cap for the City's contribution of 10%. The proposed amendment provides Council with the flexibility to set the City's contribution to the Police Pension Fund. Section 19-54 currently stipulates that the employees' match cannot be less than the City's contribution. In order to remain competitive in the market, the City's contribution should be greater than the employees' match and the proposed amendment grants Council and staff such ability.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 21-2019, an ordinance amending Sections 19-53 and 19-54 of the Wheat Ridge Code of Laws concerning the Police Pension Fund on first reading, order it published, public hearing set for Monday, December 9, 2019 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after publication."

Or,

"I move to postpone indefinitely Council Bill No. 21-2019, an ordinance amending Sections 19-53 and 19-54 of the Wheat Ridge Code of Laws concerning the Police Pension Fund, for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Allison Scheck, Administrative Services Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 21-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 21
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING CONTRIBUTIONS TO THE POLICE PENSION FUND

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-101, et seq, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the City Council has previously enacted Article III of Chapter 19 of the Wheat Ridge Code of Laws (the "Code"), which provides for the police pension fund; and

WHEREAS, the City Council wishes to amend Sections 19-53 and 19-54 of the Code to provide needed flexibility for the City and individual officers in making contributions to the fund.

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

Section 1. Code of Laws amended.

Section 19-53 of the Wheat Ridge Code of Laws is amended to read:

Sec. 19-53. - Contributions—City.

- (a) ~~The city shall pay from the general funds of the city into the police pension fund hereby created a sum monthly as shall not exceed ten (10) percent of the monthly salaries of all full-time paid, sworn police officers of the police department of the city.~~ The city council shall be empowered to establish on a yearly basis the specific annual amount to be paid from the general fund of the city into the police pension fund.
- (b) In addition to the monies provided for in this section, such fund shall consist of all monies that may be given to such board or fund by any person for the use and purpose for which such fund is created. Such board of trustees may take, by gift, grant, devise or bequest, any money, personal property, or real estate or interest therein, as trustees, for the uses and purposes for which the fund is created.

Section 19-54 of the Wheat Ridge Code of Laws is amended to read:

Sec. 19-54. - Same—Officers.

The members of the police department shall from their respective monthly salaries contribute into the police pension fund a percentage of their respective monthly salaries; ~~which is not less than the percentage paid into the fund by the city so that the contribution of the police department as a whole shall match the contribution of the city.~~

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 25th day of November, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for December 9, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2019.

SIGNED by the Mayor on this ____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

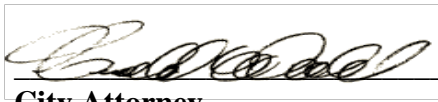
REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 59-2019 – A RESOLUTION INITIATING ANNEXATION PROCEEDINGS, FINDING A PETITION FOR ANNEXATION OF LAND LOCATED IN SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), COLORADO REVISED STATUTES, AND SETTING A PUBLIC HEARING DATE TO CONSIDER THE ANNEXATION (CASE NO. ANX-19-01)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO



City Attorney

City Manager**ISSUE:**

Improvements to 52nd Avenue have been identified and prioritized as an infrastructure project for the Wheat Ridge · Ward Station area and were specifically listed in the ballot language for the 2016 2E sales tax bond measure. In order to supply public improvements and provide satisfactory maintenance for the full width of right-of-way, it has become necessary for the City to annex the Jefferson County portions of 52nd Avenue right-of-way (ROW) to accommodate sidewalks and a center turn lane to this street. Therefore, Jefferson County has requested that Wheat Ridge annex the ROW along 52nd Avenue that is currently in Jefferson County's jurisdiction and subsequently zone the property in compliance with the Municipal Annexation Act (Colorado Revised Statutes § 31-12-115).

PRIOR ACTION:

City Council was briefed on the proposed annexation at a study session on September 23, 2019.

FINANCIAL IMPACT:

With the annexation of the property, the City will be responsible for the proposed improvements and for long term street maintenance. Fees for annexation were waived with the petition, but Jefferson County is willing to credit the City approximately \$50,000 in funds that have been reserved for maintenance and improvements of the 52nd Avenue right-of-way. An Intergovernmental Agreement is being negotiated between the City and Jefferson County to provide those funds for the construction of 52nd Avenue, which will be presented to Council in the form of a resolution concurrently with the annexation.

BACKGROUND:

The subject right-of-way located along the northern portion of 52nd Avenue, between Ward Road and Tabor Street, is currently located within Unincorporated Jefferson County and is comprised of 2 segments of right-of-way that total 1.14 acres.

The Municipal Annexation Act establishes the procedures for annexation of unincorporated territory by a municipality. The first step is the presentation of the annexation petition to City Council and the determination by City Council whether the property in question is eligible for annexation under the statutes, and if so, setting a hearing date to consider the annexation.

Under the statutes, territory is eligible to be annexed if the following criteria are met:

- More than 50% of the owners of more than 50% of the land sought to be annexed, excluding rights-of-way, sign the annexation petition;
- At least 1/6 of the boundary of the land sought to be annexed is contiguous with the current City boundary;
- That a community of interest exists between the area proposed to be annexed and the annexing municipality;
- That the area is urban or will be urban in the near future; and,
- That said area is or is capable of being integrated with the annexing municipality.

The decision to annex a property is a legislative decision of City Council. The 1/6 contiguity requirement is met; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City. The territory proposed to be annexed is urban or will be urbanized in the near future and the territory proposed to be annexed is integrated or is capable of being integrated with the City. The petitioner represents more than 50% of the landowners owning more than 50% of the privately owned land proposed for annexation. The area meets the annexation eligibility requirements established in the Municipal Annexation Act.

In the event the council wishes to proceed with the annexation, the procedure is the adoption of a resolution making these findings of eligibility and setting a date for the public hearing on the annexation ordinance. The attached Resolution does this.

The City is required to zone the property within 90 days of adoption of the annexation ordinance. The zoning is proposed to match the zoning of the adjacent properties on the south side of 52nd Avenue that are currently within the City of Wheat Ridge boundary. An ordinance for zoning of the property will be considered at the January 13, 2020 City Council meeting subsequent to the adoption of the annexation ordinance.

RECOMMENDATIONS:

"I move to approve Resolution No. 59-2019, finding the proposed annexation to be in substantial compliance with CRS 31-12-107(1) and to be eligible for annexation and setting a first reading date of December 9, 2019 for consideration of an annexation ordinance, and second reading and public hearing date of January 13, 2020."

or,

"I move to deny the approval of Resolution 59-2019 for the following reason(s)_____."

REPORT PREPARED/REVIEWED BY:

Stephanie Stevens, Senior Planner
Lauren Mikulak, Planning Manager
Mark Westberg, Projects Supervisor
Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 59-2019
2. Annexation Petition

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 59
SERIES OF 2019**

TITLE: A RESOLUTION INITIATING ANNEXATION PROCEEDINGS, FINDING A PETITION FOR ANNEXATION OF LAND LOCATED IN SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), COLORADO REVISED STATUTES, AND SETTING A PUBLIC HEARING DATE TO CONSIDER THE ANNEXATION (CASE NO. ANX-19-01)

WHEREAS, a written petition for annexation to the City of Wheat Ridge, Colorado of land as described in attached **Exhibit A** was filed with the City Clerk and referred to the City Council; and

WHEREAS, pursuant to C.R.S. Section 31-12-107, the City Council, sitting as the governing body of the City of Wheat Ridge, Colorado, has reviewed the petition to determine whether there has been substantial compliance with C.R.S. 31-12-107(1); and

WHEREAS, the City Council has satisfied itself concerning the substantial compliance of the petition with C.R.S. 31-12-107(1).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:

Section 1. That annexation proceedings be initiated upon a Petition for Annexation of the following described territory to the City, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.

Section 2. Therefore, a first reading on a proposed annexation ordinance shall be conducted at 7:00 pm on the 9th day of December, 2019, and a public hearing shall be conducted at 7:00 pm on the 13th day of January, 2020, at the City of Wheat Ridge Municipal Building which is located at 7500 W. 29th Avenue, Wheat Ridge, Colorado, 80033, to determine if the proposed annexation complies with C.R.S. Sections 21-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended. The Community Development Director is hereby authorized to provide notice of the hearing as required by Statute.

Section 3. Any person may appear at said hearing and present evidence upon any matter to be determined by the City Council.

ATTACHMENT 1

Section 4. This resolution shall be effective immediately upon adoption.

DONE AND RESOLVED by the City Council this 25th day of November, 2019.

By:

Bud Starker, Mayor

ATTEST:

James Stephen Kirkpatrick, City Clerk

EXHIBIT 'A'
CASE NO. ANX-19-01 / 52ND AVENUE ANNEXATION
LEGAL DESCRIPTION

(see attached)

EXHIBIT A
SHEET 1 OF 3

TWO (2) PARCELS OF LAND BEING A PART OF THE SOUTH 30 FEET OF SAID NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, AND ALSO BEING A PORTION OF THE NORTH 30 FEET OF A 60-FOOT WIDE ROAD AS SHOWN ON "PLAT OF STANDLEY HEIGHTS" AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY IN BOOK 2, AT PAGE 68, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17, SAID POINT BEING THE **POINT OF BEGINNING**;
THENCE N00°18'49"W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 30.00 FEET;
THENCE N89°11'13"E, A DISTANCE OF 180.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF LOT 1, BLOCK 1, CRESTONE INDUSTRIAL MINOR SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 94055570;
THENCE S00°18'49"E ALONG SAID WEST LINE EXTENDED, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 17;
THENCE S89°11'13"W ALONG SAID SOUTH LINE, A DISTANCE OF 180.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 5,400 SQ. FT. (0.1240 ACRES) MORE OR LESS.

PARCEL 2

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17;
THENCE N89°11'13"E ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 466.07 FEET TO A POINT ON THE EAST LINE EXTENDED OF TRACT "A", ASPEN BUSINESS PARK AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 77921630, SAID POINT BEING THE **POINT OF BEGINNING**;
THENCE N00°18'28"W ALONG SAID EAST LINE EXTENDED, A DISTANCE OF 30.00 FEET;
THENCE N89°11'13"E, A DISTANCE OF 1468.58 FEET TO THE SOUTHWEST CORNER OF LOT 21, RAINBOW RIDGE FILING NO. 2, AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 77883587;
THENCE S00°17'10"E ALONG THE WEST LINE EXTENDED OF SAID LOT 21, RAINBOW RIDGE FILING NO. 2, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 17;
THENCE S89°11'13"W ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 1468.57 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 44,057 SQ. FT. (1.0114 ACRES) MORE OR LESS.



BASIS OF BEARINGS: BEARINGS FOR BOTH PARCELS ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE NE 1/4 OF SECTION 17 BEARS N89°11'13"E, PER CITY OF WHEAT RIDGE MODIFIED NAD83/92 (NAD83 HARN) STATE PLANE COORDINATE SYSTEM. THE SOUTHWEST CORNER NE 1/4 OF SECTION 17 IS A FOUND NO. 6 REBAR IN RANGE BOX AND THE SOUTHEAST CORNER NE 1/4 OF SECTION 17 IS A FOUND 3 1/4" BRASS CAP LS 13212 DATED 1984 IN A RANGE BOX.

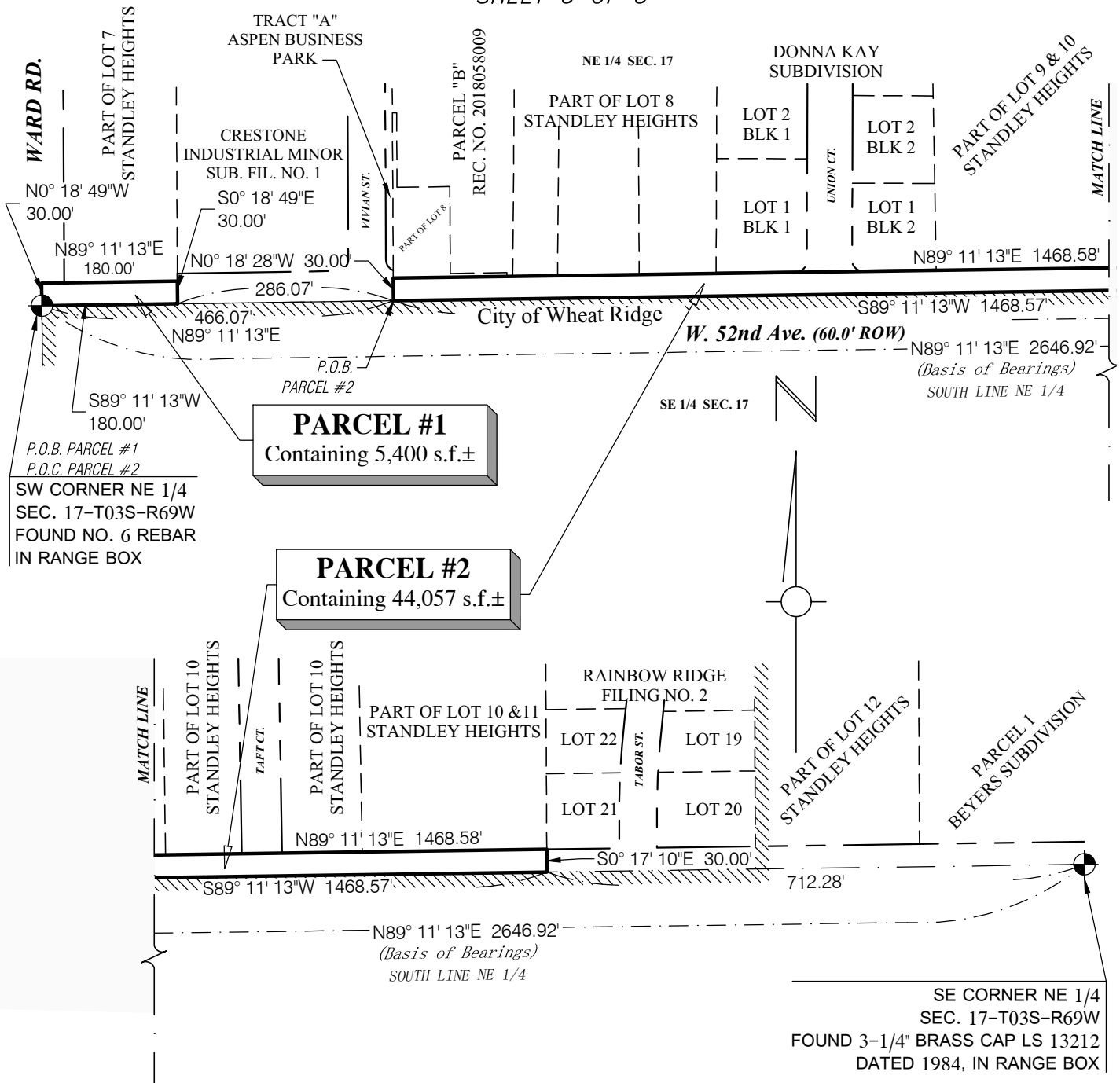
Prepared By: Robert B. Taylor, PLS #28291

For and on behalf of:
Jefferson County Transportation & Engineering
100 Jefferson County Parkway, Suite 3500
Golden, Colorado 80419
(303) 271-8495



EXHIBIT "A"

NE 1/4 SECTION 17, TOWNSHIP 03 SOUTH, RANGE 69 WEST 6th P.M.
SHEET 3 OF 3



0' 200' 400' SCALE 1" = 200'

Note: This exhibit does not represent a monumented survey and is intended only to depict the attached property description.

JEFFERSON
COUNTY COLORADO

DIVISION OF
TRANSPORTATION AND ENGINEERING
100 JEFFERSON CNTY PKWY, STE 3500
GOLDEN CO, 80419 (303) 271-8495

DATE: 10/22/19

DRAWN BY: J.A.L.

ANNEXATION
WEST 52ND AVENUE

FILE: G:\PROJECTS\5042_Special Projects_5th Floor\52nd Ave. Annex\5042_W52Ave_Annex.dwg



PETITION FOR ANNEXATION

NAME OF ANNEXATION: **52nd Avenue east of Ward Road**
APPROXIMATE LOCATION: The north half of the 52nd Avenue right-of-way
between Ward Road and approximately 90 feet west
of Tabor Street

PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY IN THE COUNTY OF JEFFERSON, STATE OF COLORADO, TO THE CITY OF WHEAT RIDGE, STATE OF COLORADO

**TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE,
COLORADO:**

The undersigned in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, C.R.S. 1973, as amended, hereby petitions the City Council of the City of Wheat Ridge for annexation to the City of Wheat Ridge of the following described unincorporated territory located in the County of Jefferson, State of Colorado, to wit:

Legal Description:

See Exhibit A attached

In support of the said Petition, your Petitioner alleges that:

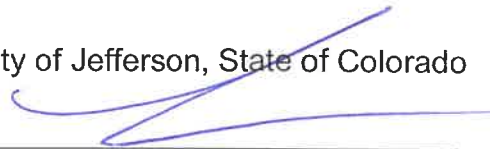
1. It is desirable and necessary that the above-described territory be annexed to the City of Wheat Ridge.
2. No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Wheat Ridge.
3. A community of interest exists between the territory proposed to be annexed and the City of Wheat Ridge.
4. The territory proposed to be annexed is urban or will be urbanized in the future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Wheat Ridge.
6. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - (b) Comprising twenty acres or more which, together with the buildings and

improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowners thereof.

7. No annexation proceedings have been commenced by another municipality for the annexation of part or all of the area proposed herein to be annexed to Wheat Ridge.
8. Annexation of the territory proposed to be annexed will not result in detachment of area from any school district and the attachment of the same to another school district.
9. Annexation of the area proposed to be annexed will not have the effect of extending the City of Wheat Ridge's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.
10. No portion of a platted street or alley lies within the boundaries of the area proposed to be annexed, unless the entire width of said street or alley has been included within the boundaries of the area to be annexed.
11. The Signer of the Petition comprise more than fifty percent of the landowners in the area to be annexed and are the landowners of more than fifty percent of the territory included in the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.
12. All other requirements of Section 31-12-104 and 31-12-105, C.R.S., exist or have been met.
13. The mailing address of the Signer, the legal description of the land owned by such signer, and the date of signing of such signatures are all shown on this Petition.
14. Attached to this Petition is the Affidavit of Circulator of this Petition that the signatures hereon are the signatures of the persons whose name they purport to be.

Your Petitioner further requests that the City of Wheat Ridge approve the annexation of the area proposed to be annexed.

Owner: County of Jefferson, State of Colorado

By: 
Libby Szabo
Chairman, Board of County Commissioners

Address: 100 Jefferson County Parkway
Golden, Colorado 80419

Date of Signing: October 1, 2019

APPROVED TO BE FORM:



AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF JEFFERSON)

Katelyn Kellogg, being duly sworn, upon oath, deposes and states:

1. That the affiant circulated the Petition for Annexation for the purpose of obtaining the signature of the above Petitioner.
2. That each signature thereon is the signature of the person whose name it purports to be.

[Signature]
Circulator Deputy Clerk to the Board

NOTARY CERTIFICATE

STATE OF COLORADO)
)ss.
COUNTY OF JEFFERSON)

Subscribed and sworn to before me this 1st day of OCTOBER 2019.

Witness my hand and official seal.

[Signature]
Notary Public

My Commission Expires: JUN 11, 2022

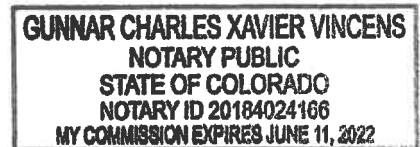


Exhibit A

EXHIBIT A
SHEET 1 OF 3

TWO (2) PARCELS OF LAND BEING A PART OF THE SOUTH 30 FEET OF SAID NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, AND ALSO BEING A PORTION OF THE NORTH 30 FEET OF A 60-FOOT WIDE ROAD AS SHOWN ON "PLAT OF STANDLEY HEIGHTS" AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY IN BOOK 2, AT PAGE 68, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17;
THENCE N00°18'49"W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 30.00 FEET;
THENCE N89°11'13"E, A DISTANCE OF 180.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF LOT 1, BLOCK 1, CRESTONE INDUSTRIAL MINOR SUBDIVISION FILING NO. 1, AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 94055570;
THENCE S00°18'49"E ALONG SAID WEST LINE EXTENDED, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 17;
THENCE S89°11'13"W ALONG SAID SOUTH LINE, A DISTANCE OF 180.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 5,400 SQ. FT. (0.043 ACRES) MORE OR LESS.

PARCEL 2

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17;
THENCE N89°11'13"E ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 466.07 FEET TO A POINT ON THE EAST LINE EXTENDED OF TRACT "A", ASPEN BUSINESS PARK AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 77921630, SAID POINT BEING THE **POINT OF BEGINNING**;
THENCE N00°18'28"W ALONG SAID EAST LINE EXTENDED, A DISTANCE OF 30.00 FEET;
THENCE N89°11'13"E, A DISTANCE OF 1468.58 FEET TO THE SOUTHWEST CORNER OF LOT 21, RAINBOW RIDGE FILING NO. 2, AS RECORDED IN THE RECORDS OF JEFFERSON COUNTY AT RECEPTION NUMBER 77883587;
THENCE S00°17'10"E ALONG THE WEST LINE EXTENDED OF SAID LOT 21, RAINBOW RIDGE FILING NO. 2, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 17;
THENCE S89°11'13"W ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 1468.57 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 44,057 SQ. FT. (1.011 ACRES) MORE OR LESS.



SHEET 2 OF 3

BASIS OF BEARINGS: BEARINGS FOR BOTH PARCELS ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF THE NE 1/4 OF SECTION 17 BEARS N89°11'13"E, PER CITY OF WHEAT RIDGE MODIFIED NAD83/92 (NAD83 HARN) STATE PLANE COORDINATE SYSTEM. THE SOUTHWEST CORNER NE 1/4 OF SECTION 17 IS A FOUND NO. 6 REBAR IN RANGE BOX AND THE SOUTHEAST CORNER NE 1/4 OF SECTION 17 IS A FOUND 3 1/4" BRASS CAP LS 13212 DATED 1984 IN A RANGE BOX.

Prepared By: Robert B. Taylor, PLS #28291

For and on behalf of:
Jefferson County Transportation & Engineering
100 Jefferson County Parkway, Suite 3500
Golden, Colorado 80419
(303) 271-8495




REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 63-2019 – A RESOLUTION APPROVING THE SEX OFFENDER TRACKING AND REGISTRATION SYSTEM (SOTAR) INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO


☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO



Chief of Police



City Manager

ISSUE:

The Wheat Ridge Police Department is required to comply with numerous sex offender registration laws. The Douglas County Sheriff's Office developed and shared a system referred to as SOTAR (Sexual Offender Tracking And Registration). Access to this system used to be free, however beginning in 2020 this system will require a fee for access and as such, the need for an intergovernmental agreement is necessitated.

PRIOR ACTION:

None

FINANCIAL IMPACT:

The annual cost for access to SOTAR is tiered based on a municipality's population. The City of Wheat Ridge would incur an annual fee of \$2000.00 for access to the system. This fee structure was foreseen and was included in the 2020 budget.

BACKGROUND

Along with the evolution of sexual offender registration laws, local governments have worked to improve the mechanisms through which they comply with the changing laws. As the registration

requirements have evolved in Colorado, there have been essentially two platforms developed for municipalities to comply with registration laws. The first of these is operated by the Colorado Bureau of Investigation and it is known as COSOR, the Colorado Sex Offender Registry. This platform was put in place at the inception of registration laws for use by local governments. While this platform is free, its existence is such that while it assists local governments in their obligations under law, it does little or nothing to leverage the registration information collected and stored in the system.

In response to the shortcomings inherent in the COSOR system, the Douglas County Sheriff's Office undertook an initiative to develop a highly robust and responsive system that would not only assist local governments with their obligations under the registration laws, but would also leverage the information in the registration for use in any number of investigations. By way of example, assume police are investigating an incident of indecent exposure at a local elementary school and the only thing known to police is that the suspect is associated with a red truck. If the investigating agency only has access to COSOR the information on the red truck, though associated with a suspect, will not be known until a suspect is actually named and checked against COSOR files. Conversely, with access to SOTAR investigators can search for all registered offenders who are known to be associated with a red truck and rapidly narrow down their list of suspects to investigate. In short, SOTAR leverages the data collected through the offender registration process and not only ensures compliance with the law, but also creates a robust tool for investigators to use in the event such is needed.

The SOTAR system has been in use for many years, and for the duration of that time it has been free to agencies interested in utilizing it. However, as the IT department in Douglas County has diminished over the years so too has their ability to maintain the database in a secure manner that complies with a number of applicable laws. Douglas County has hosted meetings with regard to the fate of SOTAR, and is actively exploring various options which include having CBI take over the system, selling the system to a third party vendor, funding the maintenance of the system via an access fee, or simply shutting the system down.

While the ultimate fate of SOTAR has not yet been decided, Douglas County has heard and responded to the requests of local governments to keep the system operational until a viable alternative can be implemented. As a result, they have implemented a tiered usage fee schedule for local government access to the SOTAR system. The population of Wheat Ridge is such that our access fee for SOTAR is \$2,000 annually. This commitment begins in January of 2020.

Discussions regarding this change in SOTAR have been ongoing and fortunately, were known early enough in 2020 to budget for the SOTAR access fee.

RECOMMENDATIONS:

Staff recommends that City Council approve the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado.

RECOMMENDED MOTION:

“I move to approve Resolution No. 63-2019 – a resolution approving the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado.”

Or,

“I move to postpone indefinitely Resolution No. 63-2019 – a resolution approving the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Darrel Guadnola, Interim Division Chief

Dave Pickett, Interim Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 63-2019
2. SOTAR Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 63-2019
Series of 2019

TITLE: A RESOLUTION APPROVING THE SEX OFFENDER TRACKING AND REGISTRATION SYSTEM (SOTAR) INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), acting through its City Council ("Council") is a home rule municipality with statutory and constitutional authority to enact ordinances and enter into agreements for protection of the public health, safety and welfare; and

WHEREAS, the Douglas County, Colorado Sheriff's Department has developed a system to manage and exchange information regarding sex offenders which is accessed through a web-based interactive software program called the Sex Offender Tracking and Registration System (SOTAR™); and

WHEREAS, the purpose of SOTAR is to provide the public with information about sex offenders and the Wheat Ridge Police Department believes that community education is paramount to the success as a public safety provider and view SOTAR to be an integral part of the education effort; and

WHEREAS, SOTAR provides a number of advantages to the Wheat Ridge Police Department to include a detailed database, tracking of registration dates, tracking of house checks, productions of a public registry, investigative tools and the sharing of files with other SOTAR users; and

WHEREAS, in accordance with Section 14.2 of the City's Home Rule Charter, the City Council wishes to approve an intergovernmental agreement with the County, providing for access to and use of SOTAR, by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City council of the City of Wheat Ridge, Colorado, as follows:

The Intergovernmental Agreement between the City and the Board of County Commissioners of the County of Douglas, Colorado, for the use of the Sex Offender Tracking and Registration System (SOTAR™), attached hereto and incorporated herein by reference, is hereby approved. The Mayor and City Clerk are authorized to execute the same. This Resolution shall be effective immediately.

ATTACHMENT 1

DONE AND RESOLVED this 25th day of November, 2019.

Bud Starker, Mayor

ATTEST:

Steve Kirkpatrick, City Clerk

AGREEMENT
BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
DOUGLAS, ON BEHALF OF THE DOUGLAS COUNTY SHERIFF'S OFFICE, AND
THE CITY OF WHEAT RIDGE, COLORADO

THIS Agreement made this 25th day of November 2019, by and between the Board of County Commissioners of the County of Douglas, on behalf of the Douglas County Sheriff's Office ("DCSO"), State of Colorado ("DOUGLAS COUNTY"), and the City of Wheat Ridge, Colorado, hereinafter referred to as ("USER"), hereinafter referred to jointly as the Parties ("PARTIES"); and

WHEREAS, pursuant to the provisions of Article XIV, Section 18(2)(a) of the Colorado Constitution, and Section 29-1-203, C.R.S., there is established a means whereby governmental units may cooperate or contract with one another to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, DOUGLAS COUNTY, in partnership with DCSO, has developed a system to manage and exchange information regarding sex offenders which is accessed through a web-based interactive software program called SOTAR™. DOUGLAS COUNTY has exclusive rights of ownership in the SOTAR™ system including, but not limited to, SOTAR™, the name, the software, all source code contributed by Douglas County, the structure of any data repositories created to support SOTAR™, and all associated documentation (collectively, "SYSTEM").

WHEREAS, USER desires to obtain access to the SOTAR™ SYSTEM.

WHEREAS, DCSO agrees to provide USER access to the SOTAR™ application on a basis commonly known as "software as a service" whereby USER has access to, but does not receive a copy of, SOTAR™ and obtains no right, title or interest whatsoever in or to the SYSTEM.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and the recitals as set forth above, the PARTIES hereby agree as follows:

1. **TERM OF AGREEMENT.** It is mutually agreed by the parties that the initial term of this Agreement shall commence as of January 1, 2020 through December 31, 2020. Thereafter, this Agreement shall automatically renew for each subsequent calendar year, unless terminated as outlined in Section 2 below. Prior to the expiration of the initial term (and each subsequent renewal term), USER will be invoiced the amount outlined in Section 4 below. This Agreement and/or any extension of its original term shall be contingent upon annual funding being appropriated, budgeted and otherwise made available for such purposes.
2. **TERMINATION.** Either party shall have the right to terminate this Agreement with at least 30 days' written notice and effective upon January 1st of the next renewal term. Upon termination of this Agreement, USER shall immediately and permanently discontinue using, in any manner whatsoever, the SYSTEM.

3. **SERVICES.** DCSO will provide USER non-exclusive, limited access to SOTAR for only the following activities: view the portion of SOTAR™ available to law enforcement personnel (which includes access to all data input by jurisdictions that participate in SOTAR™), view the portion of SOTAR™ available to the general public and, subject to Section 7 below, access SOTAR™ so that USER can input data regarding sex offenders residing in its jurisdiction (all of the above collectively are “SERVICES”). DCSO may suspend or terminate the SERVICES in the event USER fails to comply with any of the terms and conditions of this Agreement and may pursue all other remedies that DOUGLAS COUNTY has available to it against USER. USER shall not be entitled to a credit or refund in the event this Agreement is terminated pursuant to Section 2.
4. **USAGE.** USER agrees that its access to and use of the portion of SOTAR™ available to law enforcement, access to the data repository underlying SOTAR™, and all associated documentation will be limited to the law enforcement personnel employed by USER and the Local Administrators designated by USER. USER shall not, directly or indirectly, disclose, copy, distribute or publish to any third party any information from SOTAR™ except for information obtained from the portion of SOTAR™ available to the general public. USER may inform the general public that SOTAR™ exists and how to access the portion of SOTAR™ available to the general public. The general public will only be able to view the portion of SOTAR™ available to the general public. USERS shall not violate any federal (including CJIS), state or local statutes, charter provisions, ordinances, rules, regulations, or standards that apply to the storing, handling and disclosure of information regarding any person listed in the SYSTEM.

A. **FBI Criminal Justice Information Services (CJIS) Compliance:**

1. CCIC OSN Validation – Individuals authorized to access SOTAR will have a unique and active OSN that is validated and authorized by the Colorado Bureau of Investigation. Individuals will not share logins. USER is responsible for inactivating users who leave the agency or are otherwise ineligible for access to CJIS protected data.
 2. USER will adhere to the current CJIS Security Policy regarding the proper access, use, and dissemination of Criminal History Record Information and associated procedures.
 3. USER Agency’s Jurisdiction Administrator has the ability to enter this information if available. If these conditions are not met, SOTAR™ SYSTEM access will be limited to non-CJIS information using the public view of the system.
5. **SERVICE FEE.** Beginning for the 2020 contract year, SOTAR will have a Tiered Agency Participation Cost. Below is the SOTAR Cost per Agency depending on population. The population for your agency is calculated by either: County’s by adding all the unincorporated population plus any contracted cities that you serve, City’s by looking at the total population for the city. Please check the box next to the population that best fits your County/City population the most accurately:

SOTAR Tiered Cost Table

| Population | Annual Cost |
|--|-------------|
| <input type="checkbox"/> 0 - 1,000 | \$1,000 |
| <input type="checkbox"/> 1,001 - 10,000 | \$1,500 |
| <input type="checkbox"/> 10,0001 - 50,000 | \$2,000 |
| <input type="checkbox"/> 50,001 - 100,000 | \$2,500 |
| <input type="checkbox"/> 100,001 - 250,000 | \$3,000 |
| <input type="checkbox"/> 250,001 - 500,000 | \$3,500 |
| <input type="checkbox"/> 500,001 + | \$4,000 |

6. COMPLIANCE WITH ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION (IF APPLICABLE TO USER):

Notwithstanding other provisions in this Agreement to the contrary, the PARTIES understand and acknowledge that they are subject to Article X, Section 20 of the Colorado Constitution ("TABOR").

- i. The PARTIES do not intend to violate the terms and requirements of TABOR by the execution of this Agreement.
- ii. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, all payment obligations of the PARTIES are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the PARTIES' current fiscal period ending upon the next succeeding December 31.
- iii. Financial obligations of the PARTIES payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with ordinances and resolutions of the responsible party and other applicable law.
- iv. Failure of a party to make appropriation of amounts required in any fiscal year, if not promptly cured, shall result in termination of this Agreement.

7. DEPLOYMENT AND OPERATION. DCSO shall provide the SYSTEM in its "AS IS" condition. DCSO shall use reasonable efforts to maintain the servers and infrastructure necessary to run the SYSTEM. Provided, however, inaccessibility of the SYSTEM related to technical difficulties shall not be a breach of this Agreement. USER shall call 303-814-7040 (or such other number USER is notified to call) for any issues in accessing SOTAR or the proper function of the SYSTEM. DCSO may modify (add, delete or change) the functions and format of the SYSTEM at any time and in any way without any advance notice to USER.

8. LOCAL ADMINISTRATORS. USER will designate a Local Administrator within USER'S jurisdiction and provide DCSO with their contact information and notify

DCSO promptly if they are removed or replaced. DCSO will provide and maintain a contact number and email address, through which only USER'S designated Local Administrator may communicate to DCSO any issues or concerns with SYSTEM availability or performance. DCSO will communicate via the contact information for the Local Administrator it has on file regarding the SYSTEM including, but not limited to, any planned system maintenance or outages or known system defects.

9. **USER ACCESS AND MAINTENANCE; LICENSE.** As a condition of granting USER access to the SYSTEM, USER shall input data on all existing and new sex offenders in USER'S jurisdiction and manage existing data in the data repository underlying SOTAR™. DCSO will provide the Local Administrator with secure access limited system documentation and instructions for acceptable use. USER'S Local Administrator shall be responsible for provisioning, de-provisioning, maintaining and supporting system operators in USER'S jurisdiction. Only the Local Administrator for that jurisdiction shall have access to the user management feature for the USER'S jurisdiction. USER understands and agrees that USER shall be solely liable for any errors, omissions or claims arising out of or related to the data USER input into the data repository underlying the SOTAR™ application. USER understands and agrees that all data input by USER will be viewable by all other authorized users of the SYSTEM.
10. **USE OF USER INFORMATION.** USER understands and agrees that, even if USER discontinues its use of the SOTAR™ application, DCSO and all active users of the SOTAR™ application shall have the continued right to use the data contributed by USER, provided such use complies with this Agreement. Neither DCSO nor any other authorized USERS shall have any obligation at any time to segregate or stop using the information USER contributes to the data repository underlying SOTAR™.
11. **NO REVERSE ENGINEERING.** USER shall not reverse engineer, decompile, decrypt, or otherwise derive the design, internal logic, structure or inner workings (including algorithms and source code) of any software, products, models or prototypes related to the SYSTEM. USER shall not copy any part of the SYSTEM for any reason, including that information input by USER or related to USER'S jurisdiction.
12. **NO THIRD PARTY USE OR ACCESS.** USER shall not sell or in any manner, directly or indirectly, give any access to SOTAR™, the data repository underlying SOTAR™, documentation, or derivative works to any third party, including but not limited to, any governmental agency in USER'S jurisdiction, any other government agency, or any for profit or non-profit entity. All inquiries from third parties regarding access to the SYSTEM must be directed to DCSO.
13. **EXCLUSIVE OWNERSHIP.** It is expressly understood and agreed by USER that the SYSTEM is protected by copyright and other intellectual property laws and that DOUGLAS COUNTY is the sole owner of all right, title and interest in and to the SYSTEM, and that through this Agreement, DCSO is conveying only the limited access rights expressly contained in this Agreement, but DCSO is not conveying to USER any right, title or interest in or to the SYSTEM or derivative works.

14. **DISCLAIMER OF WARRANTY.** The SYSTEM is provided by DCSO on an “AS IS, WHERE IS” basis, with no warranties whatsoever except as expressly set forth in this Agreement. DCSO hereby disclaims all other warranties, express or implied, including the implied warranties of merchantability, fitness for a particular purpose, title, non-infringement of intellectual property rights and course of dealing. DCSO makes no warranties or representations regarding applicability of the SYSTEM to USER or compatibility of the SYSTEM with the infrastructure used by USER. DCSO makes no warranties as to the accuracy of the information contained in the data repository or mapping information provided by any third-party vendor. Without limiting the generality of the foregoing, DCSO has no obligation to indemnify or defend USER against any claims arising out of or related to the use of the SYSTEM including, but not limited to, infringement of intellectual property rights.
15. **LIMITATIONS ON LIABILITY.** In no event will DOUGLAS COUNTY be liable for any direct, indirect, incidental, special, consequential or punitive damages arising out of or related to this Agreement regardless of the form of action, whether in contract, tort (including, but not limited to, negligence), strict product liability or otherwise even if DOUGLAS COUNTY is advised in advance of the possibility of the damages in question and even if such damages were foreseeable and even if USER’S remedies fail of their essential purpose.
16. **NOTICE.** Any notice required by this Agreement shall be given, in writing. Any such notice shall be deemed given (a) on the date of delivery, if personally delivered (if a signed receipt is obtained); (b) by electronic transmission, provided electronic or other written confirmation of delivery is obtained; or (c) on the third business day following mailing by registered or certified mail, return receipt requested, provided proper postage was prepaid and the mail was addressed to the address set forth immediately below or such new address that is given to the other PARTY in accordance with this Section 16.

To Wheat Ridge Police Department

AGENCY NAME Wheat Ridge Police Department
AUTHORIZED USER Cindy Case
TITLE Evidence Technician
AGENCY STREET ADDRESS 7500 W. 29th Ave.
CITY, STATE, ZIP Wheat Ridge, CO 80033
PHONE NUMBER 303-235-2928
EMAIL ADDRESS ccase@ci.wheatridge.co.us

To DOUGLAS COUNTY SHERIFF’S OFFICE:

Douglas County Sheriff’s Office
Sheriff’s Office Technology Services
4000 Justice Way
Castle Rock, CO 80109
(303) 814-7006
SOTAR@dcsheriff.net

17. **APPLICABLE LAW.** The PARTIES agree to comply with applicable federal, state and local statutes, charter provisions, ordinances, rules, regulations and standards as are in effect at the time this Agreement is executed and as they may change from time to time. Any disputes arising under this Agreement shall be brought exclusively in Douglas County District Court in the State of Colorado. USER hereby knowingly and voluntarily waives any objection to Douglas County, Colorado as an inconvenient forum and hereby consents to the exercise of personal jurisdiction by the Douglas County District Court in the State of Colorado. The PARTIES may mutually agree to informal resolution of disputes. Prior to filing litigation, the PARTIES shall discuss participation in alternative dispute resolution, which may include pre-suit mediation or settlement conferences.
18. **NON-WAIVER.** The PARTIES shall not be excused from complying with any provisions of this Agreement by the failure or delay of any PARTY to insist upon or seek compliance with such provisions.
19. **SEVERABILITY.** Should any provision(s) of this Agreement be determined to be illegal or unenforceable, such provision shall be modified to make it legal and enforceable to the fullest extent of the law. In the event modification would not make the provision legal and enforceable, such provision shall be deleted from this Agreement and all remaining provisions of this Agreement shall remain fully enforceable. Provided, however, with respect to the deleted provision, the PARTIES shall forthwith enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the PARTIES hereunder.
20. **AMENDMENT.** This Agreement may be amended, modified, or changed, in whole or in part, only by written Agreement executed by the PARTIES hereto.
21. **ASSIGNABILITY; SUBLICENSING.** USER shall not assign or sublicense its rights or delegate its duties under this Agreement without the prior written consent of DCSO.
22. **HEADINGS FOR CONVENIENCE.** Headings and titles contained herein are intended for the convenience and reference of the PARTIES only and are not intended to combine, limit, or describe the scope or intent of any provision of this Agreement.
23. **GOVERNMENTAL IMMUNITY.** The PARTIES hereto understand and agree that the PARTIES and their commissioners, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101 to 120, C.R.S., or otherwise available to the PARTIES.
24. **OPEN RECORDS.** The PARTIES expressly agree that if any request is made that subjects the subject matter of this Agreement to disclosure pursuant to the Colorado Open Records Act, Section 24-72-201, C.R.S. *et. seq.*, or the Colorado Criminal Justice Records Action, Section 24-72-301, C.R.S. *et. seq.* then the data will be disclosed in printed, hardcopy form, and not in digital form, so long as the law allows this discretion.

In the event it must be disclosed in digital form, the recipient shall sign a non-disclosure and non-use agreement related to the SYSTEM (which will be supplied by DCSO) prior to obtaining the digital information.

25. **THIRD PARTY BENEFICIARIES.** DOUGLAS COUNTY does not intend by the Agreement to assume any contractual obligations to anyone other than the USER, and the USER does not intend by the Agreement to assume any contractual obligation to anyone other than DOUGLAS COUNTY. DOUGLAS COUNTY and USER do not intend that there be any third-party beneficiary to this Agreement.
26. **SURVIVAL:** Where the context of this Agreement reasonably requires such an interpretation, the provisions of this Agreement shall survive termination.
27. **EXECUTION.** This Agreement may be executed in counterparts.

THEREFORE, IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement, the day and year first above written.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO:**

BY: _____

Tony G. Spurlock
Sheriff

Date: _____

APPROVED AS TO LEGAL FORM:

Kelly Dunnaway,
Deputy County Attorney

Date: _____

APPROVED AS TO FISCAL CONTENT:

Andrew Copland,
Finance Director

Date: _____

CITY OF WHEAT RIDGE, COLORADO:

Bud Starker, Mayor

Date: _____

ATTEST:

Steve Kirkpatrick, City Clerk

Date: _____

REQUEST FOR CITY COUNCIL ACTION

**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE
SUBSEQUENT PAYMENTS TO HDR, INC., DENVER, CO, IN
AN AMOUNT NOT TO EXCEED \$23,692 FOR
PROFESSIONAL SERVICES FOR EASEMENT
ACQUISITION SERVICES FOR 52ND AVENUE/WARD ROAD
INTERSECTION IMPROVEMENTS**

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO



Engineering Manager



City Manager

ISSUE:

Improvements at the intersection of 52nd Avenue and Ward Road are being done in cooperation with the Colorado Department of Transportation (CDOT). These improvements require that easements be acquired at three corners of the intersection. HDR, Inc. has been contracted to perform property acquisition services for The Wheat Ridge · Ward Station planning area. An additional task order needs to be approved to acquire easements for these improvements.

PRIOR ACTION:

For several years, the City has led extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on April 1, 2019 on the status of the planning area and on private developments in the area.

On December 10, 2018, Council approved a contract with HDR, Inc. to perform property acquisition services in the station area. Task Order #1 for the acquisitions along Ridge Road east of Tabor Street was also approved at that time for \$75,139.

On June 24, 2019, Council approved Task Order #2 for the acquisitions for the pedestrian bridge and the multi-use trail that connect the station to the properties south of the tracks for \$118,847.

FINANCIAL IMPACT:

Professional service fees in the amount of \$23,692 are available in the Wheat Ridge · Ward Road Station 2E Bond Fund for right-of-way (ROW) acquisition services.

BACKGROUND:

The Wheat Ridge · Ward Station planning area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase.

Earlier this year, CDOT and City staff met to discuss the necessary improvements to the 52nd Avenue and Ward Road intersection. The plans at that time only showed improvements to the east side of the intersection. CDOT expressed a desire to upgrade the entire traffic signal from the existing span wire signal to a modern pole/mast arm signal.

At a subsequent meeting with CDOT, both agencies agreed to share the cost of the intersection upgrade equally. An Intergovernmental Agreement (IGA) has been started with CDOT and is currently in review by City staff. The IGA will be brought to Council soon for approval.

On June 24, 2019, Council authorized SEH to prepare the construction drawings, coordinate the proposed traffic signal upgrade with the affected utility companies and other agencies, and obtain the necessary approvals to construct the project. SEH discovered that some of the existing traffic signal equipment and much of the planned improvements at the northeast corner of the intersection are outside of the existing ROW.

CDOT is in the process of obtaining a permanent easement at the northeast corner for a separate traffic signal controller/cabinet replacement project, so additional ROW at that corner will no longer be needed. However, temporary easements are still needed at the other three corners to facilitate reconstructing the intersection.

SEH recently completed revisions to the preliminary (60%) plans for the intersection. Those plans will be shared with the property owners from the four corners on December 4. The final (90%) plans are expected to be completed by the end of the year and the project should be ready to be advertised for bids in Spring 2020.

To date, the following task orders have been approved by Council or staff for ROW acquisition services for the station area:

| <u>Task Order</u> | <u>Location</u> | <u>Contract</u> |
|-------------------|-------------------------|-----------------|
| #1 | Ridge Road | \$75,139 |
| #2 | Pedestrian Bridge/Trail | \$118,847 |
| #3 | Ridge/Ward Intersection | <u>\$32,777</u> |
| Total | | \$226,763 |

Since Task Order #3, for the acquisitions at the southeast corner of the Ridge Road/Ward Road intersection, was only \$32,777, staff authorized that task order on July 17, 2019. With Task Order #4 bringing the total amount that has not been authorized by Council to \$56,469, staff felt it necessary to bring this task order to Council for approval.

Task Order #4, \$23,692, authorizes HDR to prepare the necessary documents and coordinate with CDOT and the private property owners to obtain the necessary easements to construct the project.

RECOMMENDATIONS:

Staff recommends authorizing Task Order #4 to HDR to obtain the necessary easements to construct the 52nd Avenue/Ward Road intersection improvements.

RECOMMENDED MOTION:

“I move to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$23,692 for property acquisition services for the Ridge Road/Ward Road intersection improvements.”

Or,

“I move to deny the award of a contract and subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$23,692 for property acquisition services for the Ridge Road/Ward Road intersection improvements for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Mark Westberg, Project Manager
Lauren Mikulak, Planning Manager
Steve Nguyen, Engineering Division Manager
Jennifer Nellis, Purchasing Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Scope of Work and Fee for Right-of-Way Services for Project Improving 52nd Avenue/Ward Road intersection



November 1, 2019

City of Wheat Ridge – Public Works

Attn: Mark A. Westberg, PE, CFM

7500 West 29th Avenue

Wheat Ridge, CO 80033

RE: *Scope of Work and Fee for Right-of-Way Services for Project Improving 52nd Avenue/Ward Road Intersection*

Dear Mark,

We are pleased to submit our scope and fee estimate for Right-of-Way Services for the project improving the 52nd Avenue/Ward Road intersection. The attached scope outlines our project approach along with proposed deliverables that we plan to complete. The proposed fee based on the identified scope of work is \$23,691.79.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'R. Bradley Martin'.

R. Bradley Martin

Senior Vice President

Attachments:

Scope of Work and Fee Proposal

SECTION 1: PROJECT SPECIFIC INFORMATION

PROJECT BACKGROUND

The Wheat Ridge ▪ Ward Station (Ward Station) is the end of the line station for the RTD G Line commuter rail. The G Line runs 11.2 miles from the Ward Station through Arvada, Adams County and Denver to downtown Union Station. The G line offers the City a redevelopment opportunity in the Ward Station area.

A tremendous amount of planning has been focused on the area of the station in the last 15 years. The Wheat Ridge ▪ Ward Station Vision, issued in 2016, positions Ward Station as the premier location in the metro area for outdoor recreation focused companies and employers by introducing outdoor recreation focused co-working spaces within the station area. The outdoor recreation focus of the station area will be supplemented by on-site recreational amenities that will complement development. The approval of the 2E Investing 4 the Future bond program provides important funding for several infrastructure projects in the Ward Station area. As a result of a competitive request for qualifications (RFQ) process, HDR was awarded the opportunity to provide right-of-way (ROW) services for the City of Wheat Ridge's (City) Ward Station area projects.

This next project in these infrastructure projects requiring ROW is improvements to the 52nd Avenue/Ward Road intersection (Project). SEH is the Project designer. The ROW acquisition initially envisioned for this project is temporary easement parcels from three (3) owners. The anticipated acquisitions are as follows:

| Owner Name | Property Address | AIN/Parcel ID | Location of ownership | Temporary Easement |
|---------------------------|------------------------------|---------------|-----------------------|--------------------|
| CITYWIDE BANKS | 12501 W 52 nd Ave | 39-172-03-023 | NW Quadrant | X |
| WARD 70 BUSINESS PARK LLC | 5171 Ward Road | 39-173-01-002 | SW Quadrant | X |
| PESTER MARKETING COMPANY | 5190 Ward Road | 39-174-05-012 | SE Quadrant | X |
| | | | | |

As a result of the funding for this project, the Colorado Department of Transportation (CDOT) will have oversight of the ROW process and the ROW process will need to be administered pursuant to the CDOT Right of Way Manual and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. HDR will be responsible for the preparation of ROW plans, legal descriptions, valuations, and acquisition negotiations for the parcels needed from these ownerships. This scope of work defines the tasks needed for these services. HDR's ROW team will provide the work described in this document.

PROJECT GOALS

The goals of the ROW acquisition for the Project are to timely acquire the ROW needed for the Project to support the preconstruction schedule while providing considerate treatment to affected property owners.

PROJECT LIMITS

The Project is located at the 52nd Avenue/Ward Road intersection. The affected ownerships are in the NW, SW and SE quadrants of the intersection.

WORK DURATION

The primary time period for the work is estimated to begin in November 2019. The project schedule and work duration will be determined by the City and HDR, after HDR is under contract for the Project.

ROW TEAM RESPONSIBILITIES AND DUTIES

- Title Services
- Preparation of ROW Plans and Legal Descriptions for ROW Parcels
- Valuation of ROW Parcels
- Acquisition Negotiation for ROW Parcels
- Support for Condemnation (if needed)

WORK PRODUCT

- ROW Schedule
- ROW Budget
- ROW Project Coordination
- Meeting Minutes
- Vesting Deeds
- Legal Descriptions
- Waiver Valuations
- Acquisition Files, including Offer Packets, Agreements, Conveyance Deeds, Easement Agreements, Negotiation Logs
- Condemnation Request Packages (if needed)

Requirements are further described in the sections that follow.

TABLE OF CONTENTS

This scope of work will consist of the following six tasks:

1. ROW Project Management, Meetings and Coordination.
2. Title Services - Obtain vesting deeds from a subconsultant title company.
3. Right of Way Plans and Legal Descriptions - subconsultant professional land surveying company (PLS) to prepare ROW plans legal descriptions for the ROW parcels.
4. Valuation - Waiver valuations will be prepared for ROW parcels.
5. Acquisition Negotiation – negotiate with landowners to acquire the ROW parcels.
6. Closings.

Condemnation Support is not a specific task, however if a condemnation is needed, HDR can provide support for the condemnation, but additional fee for such support will need to be negotiated.

TASK 1: ROW PROJECT MANAGEMENT, MEETINGS AND COORDINATION

Task 1.1 Project Records Set Up

Set up parcel files and tracking sheets.

Task 1.2 Subconsultant Management

This task covers the negotiation and management of contracts with Precision Surveying & Mapping, Inc. (Precision) for survey and preparation of ROW plans and legal descriptions and with the subconsultant title company for title and closing.

Task 1.3 Invoicing

Prepare, review and provide to City monthly invoices. This task includes reviewing, processing and paying subconsultants on their subconsultant contracts.

Deliverables:

- Eight (8) monthly invoices

Task 1.4 ROW Kickoff Meeting

The ROW Team will conduct a ROW kickoff meeting with the City. The meeting will include coordination with SEH and the City on the engineering design of the Project, public involvement of affected landowners during the Project's development, the ROW survey and its integration with the engineering design survey, the ROW process for the Project and protocol for coordinating with CDOT. The parameters for an acquisition incentive program for the Project will also be discussed, if the City wants to use an incentive program for this Project. An initial ROW Project schedule and budget will be prepared following the meeting. Following the kickoff meeting, HDR will compile and send out minutes from the meeting.

Deliverables:

- One (1) meeting agenda
- Preparation of minutes from meeting

Task 1.5 External Project Coordination Meetings

HDR and the City will meet as required (typically two meetings per month) to monitor progress on the ROW process, discuss issues and obtain required City decisions. Discussion items may include, modifications to the schedule and budget, progress on ROW phases (ROW plans and legal descriptions, valuation, acquisition negotiation and condemnation), review of acquisition tracking sheets, responses to counteroffers, strategies for challenging negotiations, coordination with CDOT, other issues and problem solving. Following the coordination meetings, HDR will compile and send out minutes of the meeting.

Deliverables:

- Ten (10) meeting agendas
- Preparation of minutes from 10 meetings
- One ROW project schedule, updated, as needed
- One ROW project budget, updated as needed

- Acquisition tracking sheets

Task 1.6 Internal Coordination

This task is for HDR's tasks associated with administering the project. This task includes the ROW Team's internal coordination, internal ROW Team meetings, updating acquisition tracking sheets, updating the ROW Project schedule and budget, as needed.

TASK 2: TITLE

Task 2.1 Coordinate and Review Title Documents

Order and coordinate delivery of vesting deeds for the temporary easement only parcels. .

Title Subconsultant Deliverable No. 1:

- Three (3) vesting deeds from subconsultant title company.
- Estimated fee for title work is \$75, consisting of \$25/vesting deed X three (2) vesting deeds.

Assumptions:

- Three (3) vesting deeds will be needed for the parcels. This number may change as the design advances and ROW impacts are better defined. If more than three (3) vesting deeds are needed, additional fee may need to be negotiated.

TASK 3: LEGAL DESCRIPTIONS

Task 3.1 Coordination for Survey and Design for ROW Parcels

Coordinate with Precision, SEH, the City and CDOT (if needed) on the survey Precision will need to support preparation of the legal descriptions for the ROW parcels. Additional coordination to make design decisions relevant to ROW parcel configuration and to determine size, shape, location and type of parcels to be acquired.

Subconsultant PLS (Precision) Deliverable No. 1 – Survey

- A survey, including project control and topography (if needed) to support preparation of legal descriptions for ROW parcels.
- Right of entries for such survey.

Assumptions:

- SEH will survey the existing condition to support design of the Project. Precision will review and consider such survey, but Precision will need to independently verify some information and obtain additional survey to support preparation of ROW plans and legal descriptions. Precision and SEH's surveys will be on the same datums. The two surveys from the two consultant firms will complement each other.
- CDOT will NOT require right of way plans on the CDOT ROW plans template for the parcels. Metes and bounds legal descriptions with attached exhibits will be acceptable to CDOT.

Task 3.2 Legal Descriptions

Coordinate with Precision, SEH, the City and CDOT on preparation of exhibits and legal descriptions for the ROW parcels. Prepare such exhibits and legal descriptions.

Subconsultant PLS (Precision) Deliverable No. 2 – ROW Plans and Legal Descriptions

- Exhibits and legal descriptions for ROW parcels prepared in compliance with City and CDOT standards.

Assumptions:

- This task assumes preparation of legal descriptions for three (3) temporary easements. If more than these are needed, additional fee may need to be negotiated.

TASK 4: PARCEL VALUATIONS

Task 4.1 Waiver Valuations

Review market sales data to determine land values to be used in waiver valuations. Prepare waiver valuations in compliance with City requirements. Submit waiver valuation to the City for review and approval. Waiver valuations will be the basis for the offers made to the landowners.

Deliverables:

- Three (3) waiver valuations.

Assumptions:

- Three (3) waiver valuations will be needed. This number may change as the design advances and ROW impacts are better defined. If more than three (3) waiver valuations are needed, additional fee will need to be negotiated.
- If the estimated just compensation for the acquisitions from any ownership exceed the threshold value for a waiver valuation, and such acquisitions are required to be appraised, an additional fee for the appraisal and appraisal review will need to be negotiated.
- If an acquisition is required to be resolved through condemnation, an appraisal of the ROW parcel(s) may be needed to provide valuation evidence in hearings or trials. If an appraisal(s) of the ROW parcel(s) is needed, additional fee for such appraisal(s) will need to be negotiated.

TASK 5: ACQUISITION NEGOTIATION

Task 5.1 Preparation and Delivery of Acquisition Documents

Prepare and send notice of intent to acquire, offer letters, summaries of just compensation, final offer letters and additional correspondence as agreed to by the City and HDR.

Deliverables:

- Notice of intent to acquire.
- Offer packet.
- Additional correspondence and documents, as needed.
- Final offer, if required.

Assumptions:

- Acquisition negotiations from three (3) landowners will be needed. This number may change as the design advances and ROW impacts are better defined. If acquisitions from more than three (3) landowners are needed, additional fees will need to be negotiated.

Task 5.2 Conduct Acquisition Negotiations

Negotiate consensual agreements for the acquisition of property rights.

Deliverables:

- Signed settlement agreements.
- Justification for administrative settlements and other City required settlement forms.
- Negotiation logs.

Assumptions:

- Negotiations will be limited to three (3) in person meetings. Negotiations result in consensual agreements. If an agreement cannot be reached on a negotiation, the matter will be discussed with the City. If the City determines that it will resolve the acquisition through condemnation, HDR will prepare and submit a condemnation packet to the City (the fee for preparation of condemnation packets is in Section 6.1). This SOW and fee estimate do not include tasks and fees for participation in condemnation proceedings. If the City authorizes condemnation on an acquisition and additional ROW services are needed from HDR to support the condemnation, additional SOW and fee for such services will be negotiated.

Task 5.3 File Maintenance, QA/QC Review and Submittal

One (1) hard copy file will be maintained by HDR for each acquisition. At a minimum, the file will contain: the notice of intent to acquire; appraisal or value finding; offer letter; closing documents; typed and signed negotiation logs of contacts with owners; and the related correspondence regarding the parcel acquisition. Upon completion of each acquisition, files will be finalized, QC'd and delivered to the City.

Deliverables:

- Final files – hard copy and digital

Assumptions:

- Three (3) final files will be needed.

TASK 6: CLOSING

Task 6.1 Coordinate Closings or Prepare Condemnation Package for Attorneys

For the acquisitions for the temporary easements only that are resolved through consensual agreements, HDR will administer the closings. If an agreement cannot be reached on the acquisition negotiation, the matter will be discussed with the City. If the City determines that it will resolve the acquisition through condemnation, submission of a condemnation packet will be a substitute for the closing coordination.

Deliverables:

- Three (3) closings conducted by HDR.
- Substitution of a condemnation packet if the negotiation cannot be resolved by a consensual agreement, if the City authorizes condemnation.

Assumptions:

- HDR will conduct all closings. No closing will be completed by a title company and no title insurance policies will be issued.

CONDEMNATIONS

Support for Condemnation Actions

If a condemnation is filed, HDR may be requested to provide services to support the condemnation, including testimony at depositions and hearings, participation in litigation preparation and strategy meetings, participation in mediations or other alternative dispute resolution efforts, and preparation of exhibits and trial exhibits. No fee proposal is included for this task because it is difficult to predict how many, if any, condemnations will be filed. If condemnations are filed and HDR is requested to provide support services for such condemnations, a separate fee will need to be negotiated for such services.

Assumptions:

- Aside from the possible fees for HDR condemnation support services described herein, the City will be responsible for other costs of condemnations, including court filing fees, attorney's fees and court costs.

ROW PROJECT SCHEDULE

The HDR team will work with Wheat Ridge to develop a schedule for the tasks described herein. HDR will monitor progress on the schedule and work with Wheat Ridge to update it, if needed.

PROJECT COST WORKSHEET (COST PLUS FIXED FEE)

Project Number _____ Ward Station/52nd Avenue and Ward Road Intersection Improvements
 Location _____
 Firm Name _____ HDR Engineering, Inc. Contract: _____ OLA#: _____
 Name of Preparer _____ Greg Jamieson Phone no. _____
 Scope of Work Date _____
 Type of Proposal: **COST PLUS FIXED FEE** Contract Term: _____

1A. LABOR RATES

| EMPLOYEE NAME | EMPLOYEE CLASSIFICATION | DIRECT SALARY COST/HOUR (a) | INDIRECT COST (%) (b) | MULTIPLIER (c) | LABOR RATE \$/HOUR (d) |
|--------------------------|-----------------------------|-----------------------------|-----------------------|----------------|------------------------|
| Office Personnel | | | | | |
| Jamieson, Gregory A | Project Manager IV | \$ 74.73 | 155.44 | 2.5544 | \$ 190.89 |
| Lee, Melinda (Mel) | Project Manager III | \$ 61.54 | 155.44 | 2.5544 | \$ 157.20 |
| Vallard, Konrad Wayne | Right-of-Way Specialist | \$ 44.37 | 155.44 | 2.5544 | \$ 113.34 |
| Pietri, Carlos A | Planner I | \$ 32.25 | 155.44 | 2.5544 | \$ 82.38 |
| Lopez, Claudia (Claudia) | Planner I | \$ 26.00 | 155.44 | 2.5544 | \$ 66.41 |
| Fisher, Sandra Folse | Accountant | \$ 32.69 | 155.44 | 2.5544 | \$ 83.50 |
| Diekmann, Lindsey Marie | Administrative Assistant II | \$ 25.00 | 155.44 | 2.5544 | \$ 63.86 |
| Bryan, Kathryn N | Administrative Assistant II | \$ 24.50 | 155.44 | 2.5544 | \$ 62.58 |

1B. LABOR COSTS

| EMPLOYEE NAME | EMPLOYEE CLASSIFICATION | LABOR RATE \$ / HOUR (d) | ESTIMATED NUMBER OF WORK HOURS (e) | ESTIMATED COST PER EMPLOYEE |
|--------------------------|-----------------------------|--------------------------|------------------------------------|-----------------------------|
| Office Personnel | | | | |
| Jamieson, Gregory A | Project Manager IV | \$ 190.89 | 24.00 | \$ 4,581.36 |
| Lee, Melinda (Mel) | Project Manager III | \$ 157.20 | 11.00 | \$ 1,729.20 |
| Vallard, Konrad Wayne | Right-of-Way Specialist | \$ 113.34 | 16.00 | \$ 1,813.44 |
| Pietri, Carlos A | Planner I | \$ 82.38 | 13.00 | \$ 1,070.94 |
| Lopez, Claudia (Claudia) | Planner I | \$ 66.41 | 65.00 | \$ 4,316.65 |
| Fisher, Sandra Folse | Accountant | \$ 83.50 | 22.00 | \$ 1,837.00 |
| Diekmann, Lindsey Marie | Administrative Assistant II | \$ 63.86 | 4.00 | \$ 255.44 |
| Bryan, Kathryn N | Administrative Assistant II | \$ 62.58 | 4.00 | \$ 250.32 |
| 159.00 | | | | |

TOTAL LABOR \$ 15,854.35**FIXED FEE \$ 2,378.15****2. FEE 15.00%****FCCM - Office 0.5525%****FCCM - Field 0.3406%****\$ 34.29****\$ -****TOTAL \$ 18,266.79****3A. OTHER DIRECT COST RATES (IN-HOUSE)*:**

| ITEM | ESTIMATED UNITS | UNIT RATES | ESTIMATED COST |
|---|-----------------|------------|--------------------------|
| Mileage | 96.1536 | \$ 0.520 | \$ 50.00 |
| *Prior Approval from CDOT Project Manager required | | | SUBTOTAL \$ 50.00 |

3B. OTHER DIRECT COSTS (OUTSIDE)*:

| ITEM | ESTIMATED UNITS | UNIT RATES | ESTIMATED COST |
|---|-----------------|-------------|----------------------------|
| Overnight/Curriers | | Actual Cost | \$ - |
| Outside Reproduction | | Actual Cost | \$ 50.00 |
| Airfare & Travel | | Actual Cost | \$ - |
| Per Diem Meals | 0 | \$0.00 | \$ - |
| Per Diem Lodging | 0 | \$0.00 | \$ - |
| Long Term Lodging | 0 | \$0.00 | \$ - |
| Other | | Actual Cost | \$ - |
| *Prior Approval from CDOT Project Manager required | | | SUBTOTAL \$ 50.00 |
| | | | ODC TOTAL \$ 100.00 |

4A. OUTSIDE SERVICES RATES (SUBCONSULTANTS)

| | ESTIMATED COST |
|-------------------------------------|----------------|
| Title Company | \$ 75.00 |
| Precision Surveying & Mapping, Inc. | \$ 5,250.00 |

4B. OUTSIDE SERVICES (VENDORS)*:

| FIRM NAME | ESTIMATED COST |
|-----------|----------------|
| | \$ - |

Prior Approval from CDOT Project Manager required*TOTAL OUTSIDE SERVICES \$ 5,325.00**

TOTAL HDR SERVICES \$ 18,366.79
TOTAL ESTIMATED COST \$ 23,691.79

I am a representative of HDR Engineering, Inc., duly authorized to contractually bind the firm. My signature below constitutes formal agreement (without further signature) to a Task Order, which is issued by the State pursuant to the terms of this Task Order Proposal, without substantive change. I also declare that to the best of my knowledge the wage rates and other factual unit rates supporting the compensation to be paid by the Department for the professional services on this document are accurate, complete, and current at the time of contracting, and include no unallowable or duplicate costs.

R. Bradley Martin, Sr. Vice President
TYPED NAME



SIGNATURE

11/1/19

DATE



Precision Survey & Mapping, Inc.

professional land surveying consultants

9025 E Kenyon Ave., Suite 150, Denver, CO 80237
tel.: (303) 753-9799, mob.: (303) 885-7161
www.precision-survey.com

August 20, 2019

Greg Jamieson
Senior Right of Way Manager
HDR
1670 Broadway, Suite 3400
Denver, CO 80202-4824
D 303.323.9790 M 303.929.9367
Gregory.Jamieson@hdrinc.com

Re: City of Wheat Ridge-52nd Ave. & Ward Rd. Intersection-Revised 8-26-19

Dear Greg:

Precision Survey & Mapping, Inc. is pleased to submit a revised fee proposal for the City of Wheat Ridge-52nd Ave. & Ward Rd. Intersection Project. Thank you again for the opportunity to provide our Land Surveying Services.

Sincerely,
Christopher P. Juliana, PLS



PURPOSE OF PROJECT

Precision Survey & Mapping, Inc. (PSM) will provide surveying services for the City of Wheat Ridge-52nd Ave. & Ward Rd. Intersection Project. Said project area is generally shown on the attached Exhibit "A".

This survey work will include field and office work associated with the preparation of Exhibit and Legal Descriptions associated with the temporary easements.

The scope of work is further described as follows:

TASK 1-PREPARATION OF EXHIBIT & LEGAL DESCRIPTIONS

Provide necessary office work for preparation of Exhibit and Legal Descriptions for required right-of-way acquisition, permanent and temporary easements. SHE will provide CAD Linework of the proposed Temporary Easements. Said Exhibit & Legal Descriptions will be in compliance with City of Wheat Ridge Standards. Provide said Exhibit & Legal Descriptions to HDR Inc. for City of Wheat Ridge and CDOT review. Address any comments.

ADDITIONAL TASKS ASSOCIATED WITH THE PROJECT

PROPERTY BOUNDARY RECORDS RESEARCH

- Acquire county records data including, assessor's records, deeds, subdivision plats, land survey plats, section monument records, road right-of-way/county commissioner road petitions and BLM plats.
- Provide necessary office calculations and boundary line analysis for determination of property and right-of-way lines.
- Collaborate with SEH to ensure that the boundary is in agreement with civil and right-of-way plan sets.

TITLE INFORMATION BINDERS

- HDR Inc. will provide Procurement of all required Title Information Binders.
- Precision Survey & Mapping, Inc. will review said information binders and reflect any easements and encumbrances reflected in the Schedule B Documents in electronic format.

CONTROL SURVEY

- Establish horizontal control based on the design survey prepared by SEH Architects.

PROJECT COORDINATION

- Provide necessary project coordination with SEH Architects in order to establish project control and property lines.

RIGHTS OF ENTRY:

Right of entry will be provided by PSM as a part of this scope of work if deemed necessary.

DELIVERABLES

- Exhibit & Legal Descriptions in an Adobe PDF format.



TASK 2-STAKE PARCELS FOR LAND OWNER VISITS/REVIEW

Provide field work to stake Temporary Easements. Survey points will be marked by a 60d spike nail with a florescent pink hub chaser attached thereto and a 48" surveyors lath with surveyors flagging marked appropriately.

SURVEYING FEES

Task 1-PREPARATION OF EXHIBIT & LEGAL DESCRIPTIONS: \$4,000

Task 2-STAKE PARCELS FOR LAND OWNER VISITS/REVIEW: \$1,250

EXHIBIT "A"



REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO ELECT THE MAYOR PRO TEM**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO**City Manager****ISSUE:**

Each year City Council Members elect by a majority vote a Mayor Pro Tem who serves until their successor is elected. The election is conducted according to Section III (B) of the City Council Rules of Order and Procedure as follows:

B. MAYOR PRO TEM

1. At the first or second Regular meeting in November of each year, the Council shall elect a Mayor Pro Tem who shall serve until their successor is elected. The procedure shall be as follows:
 - a) The Chair will announce that the floor is open for nominations for the position of Mayor Pro Tem.
 - b) Nominations will be taken from City Council members by voice. No second is needed.
 - c) Each nominee will have the opportunity to address the Council.
 - d) A motion and second is then in order to elect one of the nominees to the position of Mayor Pro Tem. If the motion is not carried, additional motions are in order until a Mayor Pro Tem is elected by a majority of Council present.

FINANCIAL IMPACT:

None

BACKGROUND:

Mayor Pro Tem authority and duties include:

1. In the absence of the Mayor, the Mayor Pro Tem shall preside as the Chair and shall have the voting privileges of a regular Council Member
2. Function as the Council Parliamentarian
3. Review and set the Agenda prior to Council Meetings and add emergency items for discussion if necessary
4. Remove any item from the Agenda or any Regular Meeting or Study Session, before publication, with the exception of:
 - a. Any item placed on the Agenda by two (2) Council Members or by the Mayor and one (1) Council Member prior to the meeting
 - b. An item added by the Council by majority vote of Council present during any meeting
5. Arrange for and coordinate the orientation of all newly elected officials, including a review of Rules of Order and Procedure for the City Council

RECOMMENDED MOTION:

"I move to elect _____ as Mayor Pro Tem, effective immediately, term to expire upon election of their successor."

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager