



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting Tuesday, December 19, 2023, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council.
The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your
phone to mute until called on

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Staff Introductions – Justin Perkins

B. Proclamation Recognizing Hogback Pizza

C. Presentation: The Year in Review

D. Consider Ordinance TC 2023-8 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023 (2nd reading)

E. Consider Ordinance TC2023-10 – Ordinance 2021 Building , Residential, Mechanical, Fuel Gas, Plumbing Code Model Electric Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06 Regarding Construction Management Plans and amending Title 15 of the town Municipal Code Accordingly. (2nd reading)

F. Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) regarding pending litigation against Castle Valley Ranch Investors

G. Consider Approval of Longview Phase 1 Subdivision Improvement Agreement (SIA)

H. Consider Resolution TC 2023-14 - A Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges for the Town

I. Consider a Motion to Cancel or Reschedule the January 2, 2024 Regular Council Meeting

J. Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Clerk and Town Treasurer, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

December 5, 2023 Minutes

Hacienda San Miguel Hotel Restaurant Liquor License Renewal

Staff Reports

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Detox

Council Comments

Items for Future Council Agenda

Adjourn



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Introduction to new staff member Justin Perkins
Date: 12/19/23

Purpose:

The purpose of this agenda item is to allow time for town staff to formally introduce our newest team member in the Utility Department.

Wastewater Plant Operator Justin Perkins joined our team in October and has been working with Daniel and the rest of the team to learn the operations and procedures of the Wastewater Treatment Plant facility. Although he has only been with us for a short time, Justin's past work experience and education is proving useful in helping him adapt to his new role. The New Castle team is looking forward to helping Justin advance in his role, progress through certifications and trainings, and become a strong long term member of our staff.

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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Proclamation Honoring Hog Back Pizza
Date: 12/19/23

Purpose:

The purpose of this agenda item is to allow time for the Town Council to recognize Hog Back Pizza business owners Dustin and Diane for their long-standing service to the Town of New Castle. Hog Back Pizza is celebrating a huge milestone by serving the world's best pizza to the residents and visitors of New Castle for 25 consecutive years.

TOWN OF NEW CASTLE, COLORADO

Proclamation

WHEREAS, Dustin and Diane Chapin first opened Hogback Pizza on New Castle's Main Street in 1998; and

WHEREAS, 2023 marks 25 years of continuous service for the restaurant; and

WHEREAS, according to USA Today, the average life span of a restaurant is a mere five years; and

WHEREAS, Hogback Pizza is therefore notable simply because of its longevity; and

WHEREAS, more importantly, it is also notable for its singularly delicious pizza; and

WHEREAS, that pizza is famed throughout the region, bringing true pizza connoisseurs to New Castle; and

WHEREAS, the restaurant also features a varied menu, a unique décor and a friendly staff; and

WHEREAS, Hogback Pizza is a regular supporter of New Castle events and fundraisers;

NOW, THEREFORE, the Town Council of the Town of New Castle salutes Hogback Pizza on its twenty-fifth anniversary and thanks Dustin and Diane for serving extraordinary food to the community.

Let this Proclamation be entered into the official records of the Town

Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

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Memorandum

To: Mayor & Council
From: Rochelle Firth
Re: Agenda Item: 2023 A Year in Review
Date: 12/19/23

Purpose:

The purpose of this Agenda Item is to review Council and staff accomplishments and highlights for 2023. Between a full schedule of Town Events, a host of large capital projects, the onboarding of new staff members, the departure of long-term staff members, and the many daily activities that keep things moving forward, Town Council and Town Staff can be extremely proud of our 2023 accomplishments.

Staff has prepared a short slideshow presentation which captures a few of the moments that helped to make 2023 another successful year.



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Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item: Consider Ordinance TC 2023-08 on Second Reading
Date: 12/19/23

Purpose:

The purpose of this agenda item is to consider Ordinance TC 2023-08 on Second Reading. Ordinance TC 2023-08 summarizes additional expenditures for budget year 2023 as follows:

Utility Fund	\$153,880.00
Conservation Trust Fund	\$9,500.00

During our regular Council meeting on December 5, 2023 Town Council approved TC 2023-08 on first reading, no changes or updates have been made.

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2023-08

An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023.

WHEREAS, on December 5, 2023, the Town Council of the Town of New Castle adopted Resolution No. TC-2022-29, approving a budget for the calendar year beginning on the first day of January 2023, and ending on the last day of December 2023; and

WHEREAS, pursuant to the Home Rule Charter of the Town of New Castle, the Town Administrator has certified that during 2023, there became available for appropriation revenues in excess of those estimated in the 2023 budget, as indicated on Exhibit A attached to and incorporated by reference into this ordinance; and

WHEREAS, the Town Administrator and the Town Finance Director/Treasurer have prepared and submitted a proposed supplemental budget for the 2023 calendar year to the Council for its consideration; and

WHEREAS, on December 5, 2023, the Council held a public hearing on the proposed supplemental budget, after publication in accordance with the Charter of notice of such public hearing and notice that the proposed budget was on file for public inspection in the office of the Town Clerk; and

WHEREAS, after the public hearing, the Council gave due consideration to the input of the public and any issues raised at the hearing; and

WHEREAS, the Council desires to adopt the supplemental budget, as amended in accordance with discussion at the public hearing; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO THAT:

1. The Town Council incorporates the foregoing recitals as findings of fact and determinations by the Town Council.

2. Estimated additional expenditures for each fund are as follows:

General Fund	\$0
Utility Fund	\$153,880
Conservation Trust Fund	\$9,500
Cemetery Fund	\$0

3. The supplemental budget as submitted, amended, and summarized in this ordinance by fund, is approved and adopted as the supplemental budget of the Town of New Castle for the year stated above.

4. The supplemental budget approved and adopted at public meeting by a majority vote of the Town Council, as required by law, shall be signed by the Mayor and the Town Clerk and made a part of the public records of the Town of New Castle.

INTRODUCED on December 5, 2023, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on December 19, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

Attest:

By: _____
Mayor Art Riddile

Town Clerk Mindy Andis, CMC

**EXHIBIT A
TO
TOWN OF NEW CASTLE
ORDINANCE NO. 2023-08**

I, David Reynolds, Town Administrator for the Town of New Castle, County of Garfield, State of Colorado, do certify that during 2023 there became available for appropriation revenues in excess of those estimated in the 2023 budget for the Town as follows:

General Fund	\$0
Utility Fund	\$153,880
Conservation Trust Fund	\$9,500
Cemetery Fund	\$0.00

TOWN OF NEW CASTLE, COLORADO

By: _____
David Reynolds, Town Administrator

STATE OF COLORADO)
COUNTY OF GARFIELD) SS.

Subscribed before me this _____ day of _____, 2023, by David Reynolds, as
Town Administrator for the Town of New Castle, Colorado.

My commission expires: _____

Notary Public



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To: Mayor & Council

From: Paul Smith

Re: Council – Consider Ordinance TC2023-10 for the adoption of the 2021 edition of the International Code Council model code with amendments and the Colorado Electric and Solar Ready Codes – 2nd Reading.

Date: 12/19/2023

Purpose:

The purpose of this agenda item is to consider the adoption of the 2021 International Code Council (ICC) model codes and the new state of Colorado standards for electrical and solar readiness. The proposed code adoption (collectively “ICodes”) includes the Commercial Building Code (IBC), Residential Building Code (IRC), Mechanical Code (IMC), Plumbing Code (IPC), Fire Code (IFC), Electrical Code (NEC), Fuel Gas Code (IFGC), International Existing Building Code (IEBC), the Energy Code (IECC), the Colorado Model Electrical Ready and Solar Ready Code, and adds a new municipal code section, Construction Management.

Changes from 1st Reading

Following 1st reading of the proposed ordinance, Staff revised two sections of the draft ordinance:

1. Fee amounts for construction management violations were moved to the town’s fee schedule to facilitate ease of future price adjustments;
2. Amendments to IRC section R309.6 & R309.6.1 in Chapter 15.10.020 of the municipal code were deleted. Chapter 15.30 – Colorado electrical and solar ready codes shall now govern.

Summary of major changes to 2021 code adoption:

On balance, only very select sections of the 2021 ICodes have been amended. In all cases where code amendments were considered, a more restrictive alternative was provided. Moreover, Staff has made minor updates to Chapter 15 of the Municipal Code (parts not included in the ICodes) to better suit the current state of construction in New Castle. The following is a summary of all the major amendments to the ICodes currently contemplated by Staff:

- Addition of Section 15.06 regarding Construction Management;
- Addition of the state of Colorado Model Electric and Solar Ready Code;
- Contractor licenses and testing are eliminated;
- Prohibition of excavation permits (unless subject to Section 15.36 Grading Permits);
- Permit fees aligned with Town of New Castle Schedule of Fees;
- Clarification of required construction documents;

- Stricter provisions for issuance of temporary certificate of occupancy;
- Improved requirements for foundation drains and damp proofing;
- Added requirements for gutters and downspouts;
- Prohibition of atmospherically vented appliances;
- Water & sewer stub outs required prior to foundation installation;
- Requirement for energy consultant review at plan submittal
- Clarification of freeze protection system controls for ice/snow melt systems;
- Automatic sprinkler systems aligned with county requirements;

During the last adoption in 2018, Staff committed to updating the building codes every six years. As the six year goal approaches, Staff asks that Council once again consider these updates as a step in improving the safety and wellbeing of the residents of New Castle both now and in the future.

Thank you,
Paul

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2023-10

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADOPTING BY REFERENCE THE 2021 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL EXISTING BUILDING CODE, COLORADO MODEL ELECTRIC READY & SOLAR READY CODE, THE INTERNATIONAL FIRE CODE, THE NATIONAL ELECTRICAL CODE MOST RECENTLY ADOPTED BY THE STATE OF COLORADO, CERTAIN AMENDMENTS TO THE FOREGOING, ADDING SECTION 15.06 REGARDING CONSTRUCTION MANAGEMENT PLANS, AND AMENDING TITLE 15 OF THE TOWN MUNICIPAL CODE ACCORDINGLY.

WHEREAS, pursuant to Article IV of the Charter of the Town of New Castle (“Town”) and C.R.S. § 31-16-202, the Town is authorized to adopt codes by reference; and

WHEREAS, the Town has previously adopted by reference the 2015 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, the International Fire Code, and the 2009 edition of the International Energy Conservation Code (collectively, the “ICodes”); and

WHEREAS, the International Codes serve as the building codes for the Town as set forth in Title 15 of the New Castle Municipal Code; and

WHEREAS, the Town has also adopted by reference that edition of the National Electrical Code that is adopted and enforced by the State of Colorado Electrical Board as stated in Chapter 15.28 of the Municipal Code; and

WHEREAS, pursuant to C.R.S. §§ 12-23-104 and 12-58-104, the Town is required to adopt and adhere to the minimum standards for electrical and plumbing work adopted by the state electric and plumbing boards; and

WHEREAS, other municipalities near the Town have adopted the 2021 edition of the International Codes; and

WHEREAS, to be consistent with surrounding municipalities, comply with state law, and promote the health, safety, and welfare of Town residents, the Town building official has recommended that the Town adopt the 2021 version of the ICodes and the version of the National Electrical Code adopted by the State of Colorado; and

WHEREAS, Town staff has reviewed the ICodes in light of the Town’s unique physical

setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement of the International Codes; and

WHEREAS, on December 5th, 2023 (FIRST READING), the Town Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the ICodes pursuant to C.R.S. § 31-16-203; and

WHEREAS, on December 19th, 2023 (SECOND READING), the Town Council conducted a duly notice public hearing regarding the adoption of the updated editions of the ICodes pursuant to C.R.S. § 31-16-203; and

WHEREAS, the Town Council finds and determines that the interests of the citizens of New Castle will be best served by adopting by reference the 2021 editions of the ICodes, the version of the National Electrical Code enforced by the State of Colorado subject to the amendments set forth herein, the Colorado Model Electric and Solar Ready Code, and new Section 15.06 regarding Construction Management Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Adoption. The Town Council hereby adopts by reference the following codes, subject to the amendments set forth in Section 4 of this Ordinance: International Building Code, 2021 Edition; the International Residential Code, 2021 Edition; the International Mechanical Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the International Existing Building Code, 2021 Edition; the International Fire Code, 2021 Edition; the International Energy Conservation Code, 2021 Edition, the Colorado Model Electric Ready and Solar Ready Code, and the edition of the National Electric Code that is adopted and enforced from time to time by the State of Colorado Electric Board.

Section 3. Addition. Town Council hereby adds Section 15.06 “Construction Management Plan” regarding provisions for the oversight of new construction projects within Town limits. The text of Chapter 15.06 is set forth in Section 4 of this Ordinance.

Section 4. Code Amendment. Chapters 15.04, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.24, and 15.28 of the Town Code are repealed in their entirety and reenacted as set forth below. Chapter 15.06 set forth below is hereby added to the Town Code. Those chapters of Title 15 not expressly addressed in this Ordinance shall remain unchanged and in full force and effect. All title pages and tables of contents shall be updated accordingly.

Chapter 15.04

GENERAL PROVISIONS

15.04.010 Scope.

The provisions of this title shall apply to the construction or alteration of all dwellings,

buildings, and structures in the entire incorporated area of the town, together with plumbing, mechanical, and electrical installations therein, or in connection therewith, and to storage, handling and use of hazardous substances, materials, and devices and conditions hazardous to life or property in the area of the town. This title shall govern the adoption of the International Building Code, 2021 Edition, the International Residential Code, 2021 Edition, the International Mechanical Code, 2021 Edition, the International Fuel Gas Code, 2021 Edition, the International Plumbing Code, 2021 Edition, the International Existing Building Code, 2021 Edition, the International Fire Code, 2021 Edition, the International Energy Conservation Code, 2021 Edition, the Colorado Model Electric Ready and Solar Ready Code, Section 15.06 Construction Management, and, for special reference resource material purposes only, the edition of the National Electric Code adopted and enforced by the State of Colorado Electric Board from time to time, all to be used collectively as a set of building code regulations.

15.04.020 Code copies.

At least one copy of each of the ICodes adopted herein, certified to be true copies by the mayor and the town clerk, shall be on file in the office of the town building official, and may be inspected by any interested person during normal business hours of the town. Each of the codes as finally adopted shall be available for sale to the public through the office of the town clerk at a moderate price.

15.04.030 Liability of Town.

- A. Nothing in this title including, but not limited to, the adoption of the various construction building codes and the authorization of inspections by the town and its agents and authorized representatives, shall be construed as imposing on the town or any town official, employee, agent or authorized representative, any liability or responsibility for injury or damage to a person caused by anything required or not required by such construction building codes or caused by reason of inspections or the lack thereof authorized by this title or caused by the issuance or lack thereof of a building permit, certificate of occupancy, or other similar document.
- B. The town building official, members of the board of appeals, and any other town employee or authorized agent charged with the enforcement of any code adopted in this Title 15, while acting in good faith and without malice in the discharge of duties required by any such code or other law or ordinance, shall not thereby be rendered personally liable for costs or fees in any action, suit, or proceeding, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
- C. The adoption of any code in this Title 15 or any previous codes shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building, structure, or property for any damages to persons or property caused by defects on or in such premises, nor shall the Town of New Castle, the town building official, town code enforcement officer, or any other town employee, agent, or authorized representative be held as assuming any such responsibility or liability by reason of the adoption of any code or by the exercise of inspections authorized and carried out thereunder, or by the

issuance of any permits or certificates issued pursuant to this code.

15.04.040 - Severability.

If any section, subsection or provision of this title or any code adopted by reference in this title or the application thereof to any person or circumstance is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of this title or such code adopted by reference if they can be given effect without the invalid section, subsection, provision or application.

15.04.050 - Penalties.

- A. It is unlawful for any person or other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the town, or cause or permit the same to be done contrary to or in violation of any of the provisions of the codes adopted by reference under this title.
- B. Any person or other legal entity who is found to have erected, constructed, altered or repaired a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of any code adopted by reference under this title, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued, or permitted.
- C. Any violation of this title and the codes adopted hereunder shall be deemed a misdemeanor crime punishable by a fine not to exceed one thousand five hundred dollars (\$1,500.00) or imprisonment for a term not exceeding ninety (90) days or by both such fine and imprisonment.

15.04.060 Contractor requirements.

- A. All contractors must obtain a business license pursuant to chapter 5.12 of the Town Municipal Code. Prior to the issuance of any building permit under this title, applicants shall provide to the building official evidence of a current and validly issued town of New Castle business license. The building official shall deny the issuance of a building permit if the submission requirements set forth in this section have not been satisfied.
- B. Prior to the issuance of any certificate of occupancy under this title, the applicant must submit evidence of a current and validly issued business license. No certificate of occupancy will be issued unless and until such documentation is provided.

15.04.070 State License Required.

All persons performing plumbing or electrical work of any type regulated or licensed by the State of Colorado must hold a valid State license before engaging in any

trade, job or contractual service within the Town of New Castle.

15.04.080 Compliance with Laws.

All work performed pursuant to this Title shall be in conformity with all applicable provisions of the Municipal Code, ordinances of the Town, and state and federal statutes, codes, rules and regulations, unless such state and federal statutes, codes, rules and regulations have been superseded by the provisions of this Title.

15.04.090 Conflicts.

If the provisions of the building codes, as adopted in this Title, conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**Chapter 15.06
CONSTRUCTION MANAGEMENT PLAN**

15.06.010 Applicability.

This Section shall govern the construction and development of all public and private construction projects in the Town of New Castle. These regulations shall apply to all new commercial, industrial, residential, and mixed-use developments or demolition, improvement, or renovation (interior and/or exterior) of existing structures of 1,500 sf or greater. Such projects shall comply with Chapter 33 (“Safeguards During Construction”) of the 2021 International Building Code as amended in this Section. If conflicts exist between any requirements of this Chapter and Chapter 33, the more restrictive requirement shall apply.

15.06.020 Definitions.

Best Management Practices (BMP’s) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMP’s also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.

Construction Management Plan – A Construction Management Plan (“CMP”) is a collection of diagrams, drawings, and/or written specifications that clearly demonstrate how the impacts associated with any construction project will minimally affect the community.

Exterior Work – Exterior work in context of this chapter shall mean any work

related to an existing building permit performed outside of a fully enclosed structure. Exterior work includes, but is not limited to, deliveries, idling equipment or work vehicles, or permitted work outside of an enclosed structure that emits no sound.

15.06.030 CMP Documentation.

- A. The CMP shall be provided on a sheet or sheets bound together with the approved construction drawings submitted at permit review. The project shall be managed according to the approved CMP until a certificate of occupancy is issued.
- B. ***CMP Content*** - The CMP shall show the project boundaries and include the locations of the following items:
 - i. Each proposed structure on the property;
 - ii. Structures on all adjacent lots;
 - iii. Nearest fire hydrants
 - iv. BMPs;
 - v. Construction fencing and any necessary barriers;
 - vi. Sanitary facilities;
 - vii. Project sign;
 - viii. Proposed utility service locations and curb stops;
 - ix. Temporary electrical pedestal;
 - x. Material storage and staging;
 - xi. Trash facilities;
 - xii. Work trailers;
 - xiii. Construction parking;
- C. ***Emergency Contacts***. The CMP shall provide an emergency contact list located on the 1st page of the CMP documentation. The list will include:
 - i. the owner's name & phone number;
 - ii. the project manager's name & phone number;
 - iii. the fire department phone number;
 - iv. the police department phone number;
 - v. all applicable utility company phone numbers;
 - vi. the Town building department phone number;
 - vii. locate 511 phone number;
 - viii. emergency 911 phone number;
- D. ***Project Sign*** – A project sign shall be constructed and posted within ten (10) feet of the public right-of-way. The project sign shall be 36" x 48" (12 square feet) and shall include the following items:
 - i. The official permit card attached;
 - ii. Street name and address with no smaller than 4" digits and letters;
 - iii. Approved project plans attached in a weather-proof sleeve;

- E. **Construction Hours & Noise Limits** – The CMP shall provide the following limits on construction hours and noise levels as a general note:

“Construction hours for permitted *interior* work are unlimited. However, any noise emitted from a project as a result of *interior* work beyond the timeframes listed in (i.) and (ii.) below or on the days listed in (iii.) below that exceed the levels established in Section 8.04.020(D) shall be prohibited.

Construction hours for permitted *exterior* work shall be limited to the following times and days, subject to the maximum permissible noise levels in Section 8.04.020(D):

- i. 7:00am – 6:00pm Monday through Friday;
- ii. 9am – 5pm on Saturdays & Sundays.
- iii. All exterior work is prohibited on the 4th of July, Memorial Day, Labor Day, Thanksgiving Day, Christmas Day, or New Year’s Day.

All other noise unaffiliated with permitted construction work shall comply with Section 8.04.020.

- F. **Right-of-Way Permit** – The CMP shall describe any proposed work anticipated within the Town right-of-way. Examples of such work may include utility trenching, material staging that exceeds more than two consecutive days, crane or pump operations that exceed more than two consecutive days, etc. Prior to such work, a right-of-way permit shall be obtained through the Public Works Department pursuant to Section 12.04.

- G. **Neighboring Properties** – The CMP shall provide as a general note the following provision:

“No person shall excavate on land close enough to a property line to endanger any adjacent public street, sidewalk, and alley, other public or private property, or easement, without supporting and protecting the property from any damage that might result from construction operations. Temporary staging of excavation materials, storage of construction materials on vacant lots not included in the scope of the permitted project, or the trespassing of neighboring properties to facilitate access to the permitted project is prohibited without written approval from the vacant lot owner, the Building Official, and HOA as applicable.”

- H. **Site Maintenance** – All construction sites including, but not limited to commercial and residential construction, remodeling, or additions, shall be required to be kept clean and free of debris in compliance with the following provisions:

- i. All dirt or other materials tracked or deposited onto any public rights-of-way shall be removed at the end of each workday.

- ii. Dust or any project related airborne particulate shall be mitigated through watering of disturbed soils as necessary.
- iii. All construction materials shall be secured to the ground to prevent from becoming windborne.
- iv. An adequately sized trash receptacle shall be kept on site at all times to dispose of all construction trash. The receptacle is to be removed to a landfill site in an appropriate and timely manner and is to be covered in transit. The trash receptacle may be temporarily stored on the public right-of-way if, at the discretion of the Building Official, there is found to be just cause.
- v. Adequate sanitary facilities shall be maintained and available for all workers.
- vi. Adequate signage and pedestrian protection shall be provided and maintained as required by this Section.
- vii. The site shall be posted and secured to discourage trespassers.

I. ***Safety Fencing*** – The CMP shall list as a general note the need for construction fencing. The project area shall be surrounded by standard four (4) foot construction safety fencing. Safety fencing shall include a fencing “gate” that may be opened or closed before and after each workday. Any necessary construction barriers shall comply with Section 3306 of the IBC.

J. ***Construction Parking*** - The CMP shall provide as a general note a parking strategy for construction operations. Parking is only allowed on public rights-of-way with approved parking lanes or within the property boundary. Parking is not allowed on prohibited areas of public rights-of-way or neighboring lots unassociated with the project.

Exceptions: In cases where limited parking significantly interferes with construction progress, the owner or owner’s representative may request a temporary parking permit from the Police Department approving parking in otherwise prohibited areas within the right-of-way. All approved temporary parking areas must be signed with the following language: “Temporary Construction Parking Only” and is allowed only for the duration of the permit. Parking on adjacent lots may be permitted only with written consent from the vacant lot owner, the Building Official, and HOA (as applicable). Other exceptions may be considered at the discretion of the Building Official.

K. ***Moisture Control During Construction*** - As a preventive measure against mold and water damage during construction, under floor spaces and building construction materials shall be protected from moisture during the duration of a permit as follows:

- i. All construction materials stored onsite and exposed to weather shall be covered with a water-proof membrane at all times unless otherwise recommended by the manufacturer.
- ii. Prior to being enclosed, under floor spaces shall exhibit no standing water, snow, or ice.

- iii. Once enclosed, under floor spaces shall be covered with a disposable water-proof membrane to limit infiltration of water into surrounding soils.
- iv. Once the structure is dried-in from weather, underfloor spaces shall be provided with ongoing ventilation until a certificate of occupancy is issued.

15.06.040 Enforcement.

Each violation of the requirements of this section shall be considered a separate and distinct offense. Furthermore, each day of continued violation shall be considered as a separate and distinct offense. The Town will enforce construction management violations as follows, as may be amended by Town Council:

- i. First offence: written warning;
- ii. Second offence: written warning and monetary fine set in the Town's fee schedule;
- iii. Third offence: written warning and monetary fine set in the Town's fee schedule;
- iv. Fourth offence: project will be issued a stop work order and shall be subject to the penalties imposed in Section 15.04.050.

Chapter 15.08 INTERNATIONAL BUILDING CODE

15.08.010 Adoption.

Pursuant to the power and authority conferred by the Town Charter C.R.S. §§ 31-16-201, *et seq.*, there is adopted by reference thereto the International Building Code, 2021 Edition, and Appendices B, G, I, and J thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to establish the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within the Town by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

15.08.020 Amendments

The International Building Code, 2021 Edition, is amended as follows:

Section 101.1 insert the "Town of New Castle"

Section 101.4.4 Property Management. All references to the International Property Maintenance code within this code shall be deleted without substitution.

Section 104.1 is amended to read as follows:

Section 104.1 General. The building official or any authorized representative, is hereby authorized and directed to enforce all provisions of this code; however, a guarantee that all buildings and structures have been constructed in accordance with all provisions of this code is neither intended nor implied. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically required in this code.

Section 104.8 is hereby deleted. See Section 15.04.030 of the Municipal Code.

Section 105.2 #2 is hereby deleted. Section 15.48 of the Municipal Code shall control.

Section 105.3 is amended to include the following language:

A survey of the building lot may be required by the building official to verify that the structure is located in accordance with the approved site plans. A site development plan shall be submitted with any building permit application which involves the construction of a new building or the expansion of an existing building. The site development plan shall be submitted in triplicate, shall be drawn to scale, and shall show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot with reference to legally established property lines, and such other information as may be necessary to provide for the enforcement of the Municipal Code. Prior to issuance of a building permit, the building official may require monumentation of property boundaries and corners in accordance with the standards set forth in C.R.S. '38-51-101 et seq., as amended, in order to fulfill the purposes of this section. A record of all site development plans and other survey information shall be kept in the office of the building official.

Section 105.5 is amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more

than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void eighteen (18) months from the date of issuance of such permit. The building official may extend the time for completion by the applicant for a period not exceeding 18 months upon written request by the applicant showing the circumstances beyond the control of the applicant that prevented completion of the permitted work. No permit shall be extended more than once nor beyond three (3) years from the date of issuance of such permit.

Section 107.3.3 is amended to read as follows:

Section 107.3.3 Phased approval for excavations. The building official is authorized to issue a permit for the excavation of a building site only after the documents for the entire building or structure have been submitted and approved by the building official and any necessary grading permit subject to the provisions of Chapter 15.36 has been approved by the Town engineer. Phased approval for excavations on properties not subject to Section 15.36 will not be granted.

Section 107.6 is hereby added:

Section 107.6 Building lot survey and improvement location certificate. A survey of the building lot may be required by the building official to verify that the structure is located in accordance with the approved site plans. Prior to issuance of a building permit, the building official may require monumentation of property boundaries and corners in accordance with the standards set forth in C.R.S. 38-51-101 (Article 51), as amended, in order to fulfill the purposes of this section. The owner and/or contractor shall sign a waiver absolving the Town of all responsibility regarding building location prior to commencing work.

A foundation location or improvement location certificate prepared by licensed surveyor shall be provided within 7 days of the approval of the foundation inspection. Work may be stopped if a foundation location or improvement location certificate is not provided within 7 days of the approval of the foundation inspection. The Improvement Location Certificate shall show building setbacks and building envelope. A record of all site plans and other survey information shall be kept in the office of the building official. The owner and/or contractor shall sign a waiver absolving the Town of all responsibility regarding building location prior to commencing work.

Exception: For additions to existing buildings the building official may authorize the use of an existing improvement location certificate prepared

by licensed surveyor to verify that the addition is properly located on the site.

Section 109.2 is amended to read as follows:

109.2 Schedule of permit fees. A fee for each building permit shall be paid to the building department as set forth in the Building Permit Fee Schedule adopted by the Town, as may be amended. The determination of value or valuation under any of the provisions of this Code shall be made by the building official based on the Valuation Schedule published in the most current edition of the “Building Safety Journal” magazine by the International Code Council, multiplied by a price-per-square-foot valuation multiplier to be set by the Town not more frequently than annually and published in the Town Fee Schedule. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The building official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the Building Permit Fee Schedule adopted by the Town, as may be amended. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 109.6 is amended to read as follows:

109.6 Refunds. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

Section 109.6.1 is added to read as follows:

109.6.1 Processing fee. There shall be a minimum \$60.00 fee for processing refunds.

Section 109.6.2 is added to read as follows:

109.6.2 Permit fee refund. The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section 109.6.3 is added as follows:

109.6.3 Plan review fee refunds. The building official may authorize the refunding of 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 cancelled before any plan reviewing is done.

Section 109.6.4 is hereby added as follows:

109.6.4 Fee refund application. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of the fee payment.

Section 109.7 is hereby added as follows:

109.7 Plan review fee. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of building permit issuance . Said plan review fee shall be 65 percent of the building permit fee. The plan review fees specified in this Section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown on the Building Permit Fee Schedule.

Section 109.8 is hereby added as follows:

109.8 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding ninety (90) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and plan review fee. Said plan review fee shall be sixty-five percent (65%) of the building permit fee as shown on the Building Permit Fee Schedule.

Section 110.7 is hereby added as follows:

110.7 Re-inspections. A re-inspection fee may be assessed when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. A re-inspection fee may be assessed for failure to post a readily visible address as required in Section 501.2

In instances when re-inspection fees have been assessed, the applicant shall pay the re-inspection fee in accordance with the Building Permit Fee Schedule. No additional inspection of the work will be performed until the required fees have been paid.

Section 111.1 is hereby amended to read as follows:

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

A certificate of occupancy shall not be issued until all monies owed to the Town related to the construction of the project, including utility bills, have been paid in full. In addition, any damage to Town property resulting from work done on the site shall be repaired by the owner of the site in compliance with Town standards prior to the issuance of a certificate of occupancy.

A certificate of occupancy shall not be issued until the owner establishes or re-establishes, as necessary, any lot boundary monumentation or provides an improvement survey or improvement location certificate prepared by a surveyor licensed in the State of Colorado required pursuant to Section 107.6, as amended, or C.R.S. '38-51-101 (Article 51), as amended. In addition, no certificate of occupancy will be issued unless

complete compliance with the approved development application is obtained.

Exceptions:

1. Certificates of Occupancy are not required for work exempt from permits under Section 105.2.
2. For remodels or repairs that do not involve a change of use or occupancy, and that do not cause the discontinuance of the occupancy by the owners and /or general public, the building official may issue a certificate of completion in lieu of a certificate of occupancy which is a written notification to the owner that the work covered under the permit is complete and the permit is closed. Issuance of a certificate of completion shall not be construed as an approval of a violation of this code or of other ordinances of the jurisdiction.
3. For minor additions and remodels the Building Official may at his discretion waive the requirement for an improvement survey or improvement location certificate prepared by a surveyor licensed in the State of Colorado.

Section 111.3 is hereby amended to read as follows:

111.3 Temporary certificate of occupancy. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure upon receipt of a certificate of occupancy deposit as set in the town's fee schedule as amended. Upon satisfactory completion of all originally permitted work, a certificate of occupancy shall be issued and the deposit refunded less a processing fee as set in the town's fee schedule. If the temporary certificate of occupancy expires with the original permit requirements left unsatisfied, the Building Official may elect to issue an extension, subject to the provisions below, or issue a stop work order with temporary occupancy revoked subject to Section 111.4. In either case, the certificate of occupancy deposit shall not be refunded.

A temporary certificate of occupancy shall expire at a date deemed appropriate by the building official; however, such expiration date shall not exceed 180 days from the date of issuance. Any applicant holding a non-expired temporary certificate of occupancy may apply for a one-time extension of the time to complete required work and such extension may be granted by the building official in his or her sole discretion provided a

written request is submitted by the applicant showing that circumstances beyond the control of the applicant have prevented actions from being taken. An additional processing fee, as set in the town's fee schedule, shall be paid for the one-time extension.

Section 114.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Section 708.3 is hereby amended to delete the second exception referenced in Section 708.3.

Section 1502.4 is hereby deleted. Section 504.4 of the 2021 Wildland Urban Interface Code shall govern.

Section 1503.6 is hereby added as follows:

1503.6 Snow shed barriers. Roofs shall be designed to prevent accumulations of snow from shedding above or in front of gas utility or electric utility meters and egress doors.

Section 1503.6.1 is hereby added as follows:

1503.6.1 Mechanical barriers are required for metal roof shingles, metal roof panels or for other roofing materials with 12:12 pitch or greater to protect walkways from snow slides. Mechanical barriers for metal roof shingles and metal roof panels. Mechanical barriers installed to prevent snow shedding from the roof shall be secured to roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions. Individual devices installed in a group of devices to create a barrier to prevent snow shedding shall be installed in at least two rows with the first row no more than 24 inches from the edge of the roof or eave. The rows shall be parallel with the exterior wall line and the devices in each row shall be staggered for a spacing of no more than 24 inches on center measured parallel with the exterior wall line. Continuous snow barriers shall be secured to roof framing at no more than 48 inches on center. Continuous barriers shall be installed parallel with the exterior wall line and no more than 24 inches from the edge of the roof or eave.

Section 1608.2 is hereby amended to read as follows:

1608.2 Ground snow loads. The minimum ground snow load for buildings or structures within the Town of New Castle shall be fifty-seven (57) pounds per square foot. Potential accumulation of snow at valleys, parapets, roof structures, and offsets of roofs in of uneven configuration shall be considered. The following criteria for climatic and geographic design shall apply, as may be amended by resolution of the Town.

Section 1801.2 is hereby added as follows:

1801.2 Grading permits required. Any construction subject to the provisions of Chapter 15.36 shall require a grading permit before any excavation or grading may commence. It shall be the obligation of the owner or person in charge of the property and the person(s) who will actually perform the grading to jointly obtain a grading permit. Engineered grading plans shall be submitted unless waived by the Building Official.

Section 1807.2.1 is hereby amended to read as follows:

1807.2.1 General. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls over 5 feet in height measure from bottom of footing to the top of wall shall be engineered by a Colorado licensed professional engineer or architect.

Section 1810.1 is hereby amended to read as follows:

1810.1 General. Deep foundations shall be analyzed, designed, detailed and installed in accordance with Sections 1810.1 through 1810.4 and designed by a Colorado licensed architect or engineer. The Town of New Castle will not inspect the drilling, reinforcement and placement of piers, piles or shafts. The engineer of record shall perform all inspections of the installation and provide the Town with a sealed letter approving the work prior to the final inspection of the building or structure.

Section 3001.6 is added as follows:

Section 3001.6 Permits required. Elevator permits and inspections are required through the Northwest Colorado Council of Governments (NWCCOG). As required by the division of Oil and Public Safety (OPS), the following codes and standards shall apply to all conveyance equipment and conveyance equipment installations.

ASME A17.1 – 2013 Safety Code for Elevators and Escalators

ASME A18.1 – 2011 Safety Standard for Platform Lifts and Stairway Chair Lifts

15.08.030 Copy on file and available for sale.

At least one copy of the International Building Code, 2021 Edition, and the appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or town building official. Copies of the code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

15.08.040 International Building Code Commentary.

The Commentary to the International Building Code, 2021 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Road, Illinois 60478-5795 is hereby adopted as an enforcement and interpretive guide. The building official, or any authorized representative, shall have the discretion to apply the contents of the commentary and handbook referenced in this section in a given circumstance, but the building official is not required to strictly apply such contents in every conceivably relevant circumstance.

Chapter 15.10 INTERNATIONAL RESIDENTIAL CODE

15.10.010 Adoption by Reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201, *et seq.*, there is adopted by reference thereto the International Residential Code, 2021 Edition, and Appendices AH, AJ, & thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose and subject matter of this code is to regulate and govern the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the Town.

Section 15.10.020 Amendments.

The International Residential Code, 2021 Edition, is hereby amended as follows:

Section R101.1 Title. insert the “Town of New Castle”

Section R104.8 is hereby deleted. See Section 15.04.030 of the Municipal Code.

Section 105.1 is amended to include the following provision as a new paragraph:

Grading, landscaping, or storage of any construction materials associated with an application for a building permit shall be prohibited until permit issuance.

Section R105.2 #1 is amended to read as follows:

R105.2 #1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m²) and the height does not exceed 10 feet. Unless otherwise regulated by the Town of New Castle Municipal Code, there shall be a limit of one non-permitted detached accessory structure per dwelling unit.

Section R105.2 #2 is hereby deleted. Section 15.48 of the Municipal Code shall control.

Section R105.3 is amended to include the following language:

A survey of the building lot may be required by the Building Official to verify that the structure is located in accordance with the approved site plans. A site development plan shall be submitted with any building permit application which involves the construction of a new building or the expansion of an existing building. The site development plan shall be submitted in duplicate, shall be drawn to scale, and shall show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot with reference to legally established property lines, and such other information as may be necessary to provide of the enforcement of the Municipal Code. Prior to issuance of a building permit, the Building Official may require monumentation of property boundaries and corners in accordance with the standards set forth in C.R.S. '38-51-101 et seq., as amended, in order to fulfill the purposes of this section. A record of all site development plans and other survey information shall be kept in the office of the building official.

Section R105.5 is amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void eighteen (18) months from the date of issuance of such permit. The building official may extend the time for completion by the applicant for a period not exceeding 18 months upon written request by the applicant showing the circumstances beyond the control of the applicant that prevented completion of the permitted work. No permit shall be extended more than once nor beyond three (3) years from the date of issuance of such permit.

Section R106.1 is amended to read as follows, with the existing subsections of Section R106.1 to remain in full force and effect:

R106.1 Submittal documents. Submittal materials consisting of construction drawings and other supporting documents shall be submitted in two or more sets, and digital format, with each building permit application. All such documents for the proposed erection, construction,

reconstruction, structural alteration, or remodeling shall bear the seal of an architect or engineer licensed by the State of Colorado, unless the preparation of such documents is exempted by C.R.S. § 12-25-303. Construction drawings prepared by architectural or engineering sub-disciplines shall be so designated and shall bear the seal and signature of the architect or engineer for that sub-discipline.

A geotechnical report prepared by an approved agency shall be submitted for all new construction. Geotechnical reports shall include foundation bearing conditions and design recommendations as well as recommendations for lot drainage, foundation damp-proofing, and landscape retaining walls as necessary. Foundation plans for all new construction shall be prepared and stamped an architect or engineer licensed and registered in the State of Colorado.

Exception: The building official may waive the requirements for geotechnical reports and foundation plans prepared and sealed by an architect or engineer licensed in the State of Colorado for additions to existing buildings if the soils report and stamped plans for the original construction are available for use as a reference. The building official may waive the requirements for geotechnical reports and foundation plans prepared and sealed by an architect or engineer licensed in the State of Colorado for minor interior remodels totally within the limits of an existing building or structure.

Section R106.6 is hereby added as follows:

Section 106.6 Building lot survey and improvement location certificate. Building Lot Survey. A survey of the building lot may be required by the building official to verify that the structure is located in accordance with the approved site plans. Prior to issuance of a building permit, the building official may require monumentation of property boundaries and corners in accordance with the standards set forth in C.R.S. '38-51-101 (Article 51), as amended, in order to fulfill the purposes of this section. The owner and/or contractor shall sign a waiver absolving the Town of all responsibility regarding building location prior to commencing work.

A foundation location or improvement location certificate prepared by licensed surveyor shall be provided within 7 days of the approval of the foundation inspection. Work may be stopped if a foundation location or improvement location certificate is not provided within 7 days of the approval of the foundation inspection. The Improvement Location Certificate shall show building setbacks and building envelope. A record of all site plans and other survey information shall be kept in the office of

the building official. The owner and/or contractor shall sign a waiver absolving the Town of all responsibility regarding building location prior to commencing work.

Exception: For additions to existing buildings the building official may authorize the use of an existing improvement location certificate prepared by licensed surveyor to verify that the addition is properly located on the site.

Section R108.2 is hereby amended to read as follows:

R108.2 Schedule of permit fees. A fee for each building permit shall be paid to the building department as set forth in the Building Permit Fee Schedule adopted by the Town, as may be amended. The determination of value or valuation under any of the provisions of this Code shall be made by the building official based on the Valuation Schedule published in the most current edition of the “Building Safety Journal” magazine by the International Code Council, multiplied by a price-per-square-foot valuation multiplier to be set by the Town not more frequently than annually and published in the Town Fee Schedule. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. The building official may waive the building permit fee for any public entity when such entity is applying for a building permit for a governmental use or a proprietary purpose.

Section R108.3 is amended to read as follows:

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit valuation at the time of application. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such work including but not limited to, excavation, utility service line installation, foundations, framing, interior and exterior finish, decks and porches, gas, mechanical, plumbing, and other permanent systems. The building official shall also make a determination of permit value or valuation based on the Valuation Schedule published in the most current edition of the “Building Safety Journal” magazine published by the International Code Council, multiplied by a price-per-square-foot valuation multiplier to be set by the Town not more frequently than annually and published in the Town Fee Schedule. The building official shall at his discretion use the value most applicable to the work proposed. If, in the opinion of the building official, the valuation stated on the application is underestimated, the building official shall use the calculated valuation to determine the permit fees,

unless the applicant can show detailed estimates supporting the valuation stated on the application to meet the approval of the building official.

Section R108.5 is amended to read as follows:

R108.5 Refunds. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

Section R108.5.1 is hereby added as follows:

R108.5.1 Processing fee. There shall be a minimum \$60.00 fee for processing refunds.

Section R108.5.2 is added as follows:

R108.5.2 Refund of Permit fee. The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section R108.5.3 is added as follows:

R108.5.3 Plan review fee refunds. The building official may authorize the refunding of 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 cancelled before any plan reviewing is done.

Section R108.5.4 is hereby added as follows:

R108.5.4 Fee refund application. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of the fee payment.

Section R108.7 is hereby added as follows:

R108.7 When submittal documents are required by Section 106, a plan review fee shall be paid at the time of building permit issuance . Said plan review fee shall be 65 percent of the building permit fee. The plan review fees specified in this Section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees. When submittal documents are changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown on the Building Permit Fee Schedule.

Section R108.8 is hereby added as follows:

R108.8 Expiration of plan review. Applications for which no permit is

issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and plan review fee. Said plan review fee shall be sixty-five percent (65%) of the building permit fee as shown on the Building Permit Fee Schedule.

Section R108.9 is hereby added as follows:

R108.9 Re-inspections. A re-inspection fee may be assessed per the rate shown in the Building Permit Fee Schedule when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

In instances when re-inspection fees have been assessed, the applicant shall pay the re-inspection fee in accordance with the Building Permit Fee Schedule. No additional inspection of the work will be performed until the required fees have been paid.

Section R108.10 is hereby added as follows:

R108.10 Investigation fees. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth in the Building Permit Fee Schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 110.4 is hereby amended to read as follows:

110.4 Temporary certificate of occupancy. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure upon receipt of a certificate of occupancy deposit as set in the town's fee schedule. Upon satisfactory completion of all originally permitted work, a certificate of occupancy shall be issued and the deposit refunded less a processing fee as set in the town's fee schedule. If the temporary certificate of occupancy expires with the original permit requirements left unsatisfied, the Building Official may elect to issue an extension, subject to the provisions below, or issue a stop work order with temporary occupancy revoked subject to Section 111.4. In either case, the certificate of occupancy deposit shall not be refunded.

A temporary certificate of occupancy shall expire at a date deemed appropriate by the building official; however, such expiration date shall not exceed 180 days from the date of issuance. Any applicant holding a non-expired temporary certificate of occupancy may apply for a one-time extension of the time to complete required work and such extension may be granted by the building official in his or her sole discretion provided a written request is submitted by the applicant showing that circumstances beyond the control of the applicant have prevented actions from being taken. An additional processing fee, as set in the town's fee schedule, shall be paid for the one-time extension.

Section R113.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Section R115 is hereby added as follows:

R115 Unsafe Structures and Equipment. Section 116 of the 2021 edition of the International Building Code shall also apply to this part of the 2021 edition of the International Residential Code.

TABLE 301.2 shall provide as follows:

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	ICE SHIELD UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			WEATHERING	FROST LINE DEPTH	TERMITE	DECAY					
57 PSF	90 mph	C	Severe	36"	Slight to moderate	Slight	-2 F	Yes	Yes/10-15- 85	2500	48 F

Manual J Design Criteria

Elevation	Altitude correction factor	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
5600ft	0.82	58°	30%	70°	2°	68°
Latitude	Daily ranger	Summer design gains	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
39°N	H	-30 to -58	50%	75°	92°	17°

Those provisions of TABLE R301.5 set forth below are amended as follows, with the remainder of the table remaining unchanged and in full force and effect:

Habitable attics and attics served with fixed stairs	40 psf.
Sleeping rooms	40 psf.

Table R302.6 is amended to provide that all the materials identified therein shall be changed to 5/8" Type X gypsum board. All other provisions in Table R302.6 shall remain in full force and effect.

Section 302.7 is hereby amended to read as follows:

R302.7 Under stair protection. Enclosed accessible space under stairs shall have walls, under-stair surface and soffits protected on the enclosed side with fire taped 5/8" gypsum board.

Sections R309.6 and R309.6.1 and subsections are hereby deleted in their entirety. EV charging requirements shall comply with new Chapter 15.30.

Section R313 and subsections are hereby delated and amended to read as follows:

Section R313 Automatic Fire Sprinkler Systems for R-2 and R-3 Occupancy Classifications. Requirements for automatic fire sprinkler systems shall comply with the 2021 International Fire Code Section 903.2 as amended. Installed systems must be designed and installed in accordance with Section P2904 or NFPA 13D.

Section R401.4 is hereby amended to read as follows:

R401.4 Soils tests. Soil tests prepared by an approved agency shall be submitted for all new construction.

Exceptions:

1. The building official may waive the requirements for soil tests for additions to existing buildings if the soils report and sealed plans for the original construction are available for use as a reference. The building official may waive the requirements for geotechnical reports and foundation plans prepared and sealed by an architect or engineer licensed and registered in the State of Colorado for minor interior remodels totally within the limits of an existing building or structure.
2. Soils reports are not required for freestanding accessory structures and decks constructed in accordance with Section R403.

Section R405.1 is hereby amended to read as follows:

R405.1 Concrete or masonry foundation drains. Except where specified otherwise by an approved soils engineer, perforated PVC drainpipe on top of a waterproof membrane shall be provided around concrete or masonry foundations that retain earth and enclose habitable or usable spaces, including conditioned crawlspaces, located below grade.

Section R406.1 is hereby amended to read as follows:

R406.1 Concrete and masonry foundation dampproofing. Except where required by Section R406.2 to be waterproofed, foundation walls that retain earth and enclose interior spaces, and floors below grade including conditioned crawlspaces, shall be dampproofed from the finished grade to the higher of the top of the footing or 6 inches (152mm) below the top of the basement floor.

Section R903.4.2 Shall be added to read as follows:

R903.4.2 Gutters and Downspouts. Any Group R or U occupancy with roof edges less than four (4) feet from the structure's foundation shall be provided with gutters and downspouts to direct water away from the foundation. Downspouts shall daylight no less than four (4) feet from the foundation wall. Downspouts shall be sleeved below obstructions that prevent surface water from draining away from the foundation. Water from roof drainage shall be prevented from draining on to adjacent lots by means of landscape swales, PVC yard drain assemblies, sumps, or any combination thereof. For zero-lot-line developments where roof projects are allowed by deed covenant or ingress/egress easements, gutters and downspouts shall be provided to direct water away from adjacent lot. Roof projections shall not exceed eighteen (18) inches.

Section R903.5 is hereby added as follows:

R903.5 Snow shed barriers. Roofs shall be designed to prevent accumulations of snow from shedding above or in front of gas utility or electric utility meters and egress doors.

Section R903.5.1 is hereby added as follows:

R903.5.1 Mechanical barriers are required for metal roof shingles, metal roof panels or for other roofing materials with 12:12 pitch or greater to protect walkways from snow slides. Mechanical barriers for metal roof shingles and metal roof panels. Mechanical barriers installed to prevent snow shedding from the roof shall be secured to roof framing members or to solid blocking secured to framing members in accordance with the manufacturer's installation instructions. Individual devices installed in a group of devices to create a barrier to prevent snow shedding shall be installed in at least two rows with the first row no more than 24 inches from the edge of the roof or eave. The rows shall be parallel with the exterior wall line and the devices in each row shall be staggered for a spacing of no more than 24 inches on center measured parallel with the exterior wall line. Continuous snow barriers shall be secured to roof framing at no more than 48 inches on center. Continuous barriers shall be installed parallel with the exterior wall line and no more than 24 inches from the edge of the roof or eave.

Section R1004.4 is hereby amended to read as follows:

R1004.4 Unvented gas log heaters. Installation of un-vented gas log heaters is prohibited.

Chapter 11 is hereby deleted in its entirety and replaced with the 2021 International Energy Conservation Code as amended in this Title.

Section M1308.3 is hereby added as follows:

M1308.3 LPG (liquid petroleum gas) appliances. LPG appliances shall not be installed in a pit, basement or similar location where heavier than air gases collect unless such location is provided with an approved means for removal of unburned gas.

Section M1401 is amended to add the following subsection:

M1401.6 LPG (liquid petroleum gas) appliances. LPG appliances shall not be installed in a pit, basement or similar location where heavier than air gases collect unless such location is provided with an approved means for removal of unburned gas.

Section M1801.5 is amended to read as follows:

M1801.5 Atmospheric venting prohibited. Atmospherically vented appliances are prohibited in the following occupancies:

1. All R occupancies;
2. Any mixed occupancy structure which includes an R occupancy;
3. Any garage attached to an R occupancy.

Exception: Any replacement of an atmospherically vented appliance originally installed prior to the adoption of this code section.

To the extent these provisions conflict with another code, this section shall control.

Section M1801.5.1 is added to read as follows:

M1801.5.1 Mechanical draft systems. A mechanical draft system shall be used only with appliances listed and labeled for such use. Provisions shall be made to prevent the flow of fuel to the equipment when the draft system is not operating. Forced draft systems and portions of induced draft systems under positive pressure during operation shall be designed and installed to prevent leakage of flue gases into a building.

Section G2425.6 (501.6) is amended to read as follows:

G2425.6. (501.6) Atmospheric venting prohibited. Atmospherically vented appliances are prohibited in the following occupancies:

1. All R occupancies;
2. Any mixed occupancy structure which includes an R occupancy;
3. Any garage attached to an R occupancy.

Exception: Any replacement of an atmospherically vented appliances originally installed prior to the adoption of this code section.

To the extent these provisions conflict with another code, this section shall control.

Section G2425.6.1 (506.1) is added to read as follows:

G2425.6.1 (501.6.1) Positive pressure. Where an appliance equipped with a mechanical forced draft system creates a positive pressure in the venting

system, the venting system shall be designed for positive pressure applications.

Section G2445, Unvented Room Heaters, is hereby amended prohibiting unvented room heaters.

Section P2904.1.1 shall be amended to read as follows:

Section P2904.1. Requirements for automatic fire sprinkler systems shall comply with the 2021 International Fire Code Section 903.2 as amended. If a residential automatic fire sprinkler system is proposed, such a system shall be designed in accordance with Section P2904 (IRC) or NFPA 13D.

Chapters 34 – 43 Part VIII, Electrical, are hereby deleted in their entirety. Electrical requirements for residential structures shall be governed by applicable statutes and regulations of the State of Colorado.

15.10.030 - Copy on file and available for sale.

At least one copy of the International Residential Code, 2021 Edition, and the appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or town building official. Copies of the code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

15.10.040 International Residential Code Commentary.

The Commentary to the International Residential Code, 2021 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Road, Illinois 60478-5795 is hereby adopted as an enforcement and interpretive guide. The building official, or any authorized representative, shall have the discretion to apply the contents of the handbook referenced in this section in a given circumstance, but the building official is not required to strictly apply such contents in every conceivably relevant circumstance.

Chapter 15.12 INTERNATIONAL MECHANICAL CODE

Section 15.12.10 Adoption by Reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto the International Mechanical Code, 2021 Edition, and appendices thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to regulate and control the design, construction, quality of materials, erection, replacement, addition to, use, or maintenance of mechanical systems in the town.

15.12.020 Amendments

The International Mechanical Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Title: insert “Town of New Castle” for (Name of Jurisdiction).

Section 104.8. is hereby deleted. See Section 15.04.030 of the Municipal Code.

Section 109.6 is hereby amended as follows:

109.6 Refunds. Refunds may be authorized by the building official per Section 109.6 of the 2021 International Building Code as amended..

Section 109.7 is hereby added as follows:

109.7 Re-inspection fee. A re-inspection fee may be assessed per Section 110.7 of the 2021 International Building Code as amended.

Section 115.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Section 116.4 is hereby amended so that the last sentence reads as follows:

Section 116.4 Failure to Comply. Any person who shall continue to work on the system 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 for a fine as prescribed in Section 15.04.050 of the Town of New Castle Municipal Code.

Section 303 is amended by adding the following subsection:

303.10 LPG Appliances. Appliances burning LPG (Liquid Petroleum Gas) shall not be installed in a pit basement or similar location where heavier-than-air gases may collect unless such location is provided with an approved means for removal of unburned gas.

Section 801.9 is amended to read as follows:

801.9 Atmospheric venting prohibited. Atmospherically vented appliances are prohibited in the following occupancies:

1. All R occupancies;
2. Any mixed occupancy structure which includes an R occupancy;
3. Any garage attached to an R occupancy.

Exception: Any replacement of an atmospherically vented appliances originally installed prior to the adoption of this code section.

To the extent these provisions conflict with another another code, this section shall control.

Section 801.9.1 is added to read as follows:

801.9.1 Positive pressure. Where an appliance equipped with a mechanical forced draft system creates a positive pressure in the venting system, the venting system shall be designed for positive pressure applications.

Section 805 is amended by adding a new section to read as follows:

805.3.1 Factory-built chimneys shall be effectively fire blocked within any chase at each floor-ceiling level and at the roof. The vertical distance between adjacent fire blocking shall not exceed 10 feet. See IBC for additional requirements.

Section 903.3 is hereby amended to read as follows:

903.3 Unvented gas log heaters. Unvented gas log heaters are prohibited.

Section 15.12.030 Copies on file and available for sale.

At least one copy of the International Mechanical Code, 2021 Edition, and the appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. § 31-16-206.

Section 15.12.040 International Mechanical Code Commentary.

The Commentary to the International Mechanical Code, 2021 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Road, Illinois 60478-5795 is hereby adopted as an enforcement and interpretive guide. The building official, or any authorized representative, shall have the discretion to apply the contents of the handbook referenced in this Section in a given circumstance, but the building official is not required to strictly apply such contents in every conceivably relevant circumstance.

Chapter 15.14
INTERNATIONAL FUEL GAS CODE

Section 15.14.10 Adoption by Reference

Pursuant to the power and authority conferred by C.R.S. § 31-16-201 *et seq.*, there is adopted by reference thereto the International Fuel Gas Code, 2021 Edition, and appendices thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to establish minimum regulations governing the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and the design and installation of gas systems and gas-fired appliances.

Section 15.14.020 Amendments

The International Fuel Gas Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Insert: Town of New Castle

Section 104.8 is hereby deleted. Section 15.04.030 of the Municipal Code shall control.

Section 115.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Section 116.4 is hereby amended so that the last sentence reads as follows:

Section 116.4 Failure to Comply. Any person who shall continue to work on the system 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 for a fine as prescribed in Section 15.04.050 of the Town of New Castle Municipal Code.

Section 406.4.1 is hereby amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than ten (10) psig, irrespective of design pressure. Where the test pressure exceeds one hundred twenty-five (125) psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than fifty percent (50%) of the specified minimum yield strength of the pipe.

Section 501.6 is amended to read as follows:

501.6 Atmospheric venting prohibited. Atmospherically vented appliances are prohibited in the following occupancies:

1. All R occupancies;
2. Any mixed occupancy structure which includes an R occupancy;
3. Any garage attached to an R occupancy.

Exception: Any replacement of an atmospherically vented appliances originally installed prior to the adoption of this code section.

To the extent these provisions conflict with another code, this section shall control.

Section 501.6.1 is added to read as follows:

501.6.1 Positive pressure. Where an appliance equipped with a mechanical forced draft system creates a positive pressure in the venting system, the venting system shall be designed for positive pressure applications.

Subsection 501.8 #8 is hereby deleted.

Section 621 is hereby amended to provide that unvented room heaters are prohibited and to delete all remaining sections of Section 621

Section 15.14.030 Copies on file and available for sale.

At least one copy of the International Fuel Gas Code, 2021 Edition, and all appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

**Chapter 15.16
INTERNATIONAL PLUMBING CODE**

Section 15.16.10 Adoption by Reference

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto the International Plumbing Code, 2021 Edition, and appendices thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to regulate and control the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the town.

Section 15.16.020 Amendments

The International Plumbing Code, 2021 edition, is hereby amended as follows:

Section 101.1 Insert: Town of New Castle

Section 104.8 is hereby deleted. See Section 15.04.030 of the Municipal Code.

Section 109.5 is hereby amended to read as follows:

109.5 Refunds. Refunds may be authorized by the building official per Section 109.6 of the 2021 International Building Code as amended.

Section 115.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Section 116.4 shall be amended so that the last part of the last sentence shall read:

Section 116.4 Failure to Comply. Any person who shall continue to work on the system 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 for a fine as prescribed in Section 15.04.050 of the Town of New Castle Municipal Code.

Section 301.3.1 is hereby added to read as follows:

301.3.1 Building drain under footings. When installed under footings, building drains shall be placed, pressure tested, and inspected by the Town of New Castle Public Works Department prior to footing placement, unless such installation is determined to be infeasible by the Building Official.

Section 301.4.1 is hereby added to read as follows:

301.4.1 Water supply under footings. When installed under footings, water supply lines shall be placed, pressure tested, and inspected by the Town of New Castle Public Works Department prior to footing placement, unless such installation is determined to be infeasible by the Building Official.

Subsection 305.4.1 is hereby amended as follows:

305.41 Sewer depth. Building sewers shall be a minimum of fifty-four inches (54") below grade.

Section 312.10 is hereby amended to read as follows:

312.10 Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with sections 312.10.1 and 312.10.2 and any requirements of the Colorado Department of Public Health and Environment. If any conflicts exist between the two, the more restrictive requirement shall control.

Section 903.1.1 is hereby amended to read as follows:

903.1.1 Insert: twelve (12) inches

Section 15.16.030 Copies on file and available for sale.

At least one copy of the International Plumbing Code, 2021 Edition, and all appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

Section 15.16.040 International Plumbing Code Commentary.

The International Plumbing Code Commentary, 2021 Edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is hereby adopted as an enforcement guide. The building official, or any authorized representative,

shall have the discretion to apply the contents of the commentary referenced in this Title in a given circumstance, but the building official is not required to strictly apply such contents in every conceivably relevant circumstance.

Chapter 15.18

INTERNATIONAL EXISTING BUILDING CODE

15.18.010 Adoption by reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201, *et seq.*, there is adopted by reference thereto the International Existing Building Code, 2021 Edition, and all appendices thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose and subject matter of this code is to regulate and govern the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings in the town.

15.18.020 Amendments.

The International Existing Building Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Insert: “Town of New Castle” for the (Name of Jurisdiction)

Section 104.8 is hereby deleted. See Section 15.04.030 of the Municipal Code.

Section 113.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

15.18.030 Copies on file and available for sale.

At least one copy of the International Existing Building Code, 2021 Edition, and all appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

Chapter 15.22

INTERNATIONAL ENERGY CONSERVATION CODE

15.22.010 Adoption by reference.

Pursuant to the power and authority conferred by C.R.S. §31-15-602, there is adopted by reference thereto the International Energy Conservation Code, 2021 Edition, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to establish the minimum regulations governing energy use and conservation for all property, buildings, and structures within the Town.

15.22.020 Amendments

The International Energy Conservation Code, 2021 Edition, is hereby amended as follows:

Section C101.1 insert: Town of New Castle

Section C103.1 is hereby amended to read as follows:

C103.1 General. Construction documents and other supporting data shall be submitted in at least one paper set and in digital format with each permit application. The construction documents shall be prepared and reviewed for code compliance by an *approved* third party energy consultant prior to submission to the *code official*.

Section R101.1 insert: Town of New Castle

Section R103.1 is hereby amended to read as follows:

R103.1 General. Construction documents and other supporting data shall be submitted in at least one paper set and in digital format with each permit application. The construction documents shall be prepared and reviewed for code compliance by an *approved* third party energy consultant prior to submission to the *code official*.

Section R403.7 is hereby amended to read as follows:

R403.7 Equipment sizing and efficiency rating. Heating and cooling equipment shall be sized in accordance with ACC Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. All new or replacement heating and cooling equipment shall have an Energy Star efficiency rating pursuant to Section 15.22.030.

Exception. Replacement appliances shall only be required to have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed when, at the discretion of the Building Official, such installation is deemed to be infeasible.

Section R403.9.1 is hereby added as follows:

R403.9.1 Freeze protection system controls. Freeze protection systems, such as heat tracing or outdoor piping and heat exchangers, including self-regulating heat tracing, shall include automatic controls configured to shut off the systems when outdoor air temperature are above 40°F (4°C) or when the conditions of the protected fluid will prevent freezing.

15.22.030 Additional provisions:

The following additional standards are hereby adopted as a part of the requirements of this Chapter. To the extent these provisions conflict in any manner with the 2021 IECC, the more restrictive provisions shall control.

- A. The following equipment and appliances installed in connection with a non-exempt permit must be ENERGY STAR rated at the time of purchase or installation of the equipment and appliances:
- a. boilers
 - b. furnaces
 - c. air conditioners (both room and central air systems)
 - d. refrigerators
 - e. stand alone freezers
 - f. clothes washers and dryers
 - g. water heaters
 - h. dishwashers
 - i. cooking appliances

**Chapter 15.24
INTERNATIONAL FIRE CODE**

15.24.010 Adoption by Reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto the International Fire Code, 2021 Edition, and all appendices, except A, E, G, and J thereto, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose and subject matter of this code is to regulate and govern the safeguarding of life and property from conditions hazardous to life or property in the occupancy of buildings and premises in the town and provide for the issuance of permits and collection of fees therefor.

15.24.020 Amendments.

The International Fire Code, 2021 edition, is hereby amended as follows:

Section 101.1 Insert: Town of New Castle

Section 102.5 is hereby deleted

Subsection 106.1 is hereby amended to read as follows:

106.1 Submittals. Construction documents shall be submitted in one or

more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional. All plans for fire alarms systems submitted for approval shall have affixed the signature of a NICET Level III or higher in fire alarm design.

Exception: Where the fire alarm system designer has the equivalent of NICET Level III training, all certificates and documentation shall be presented for compliance.

Section 111.1.1 is hereby added to read as follows:

111.1.1 Timing of appeal. The applicants requesting to appeal a decision shall make their request to the board of appeals within (10) days of the decision they are appealing.

Subsection 112.2.2 is hereby added to read as follows:

112.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the notice of violation pertains.

1. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the notice of violation requires additions to or changes in the building or premises such as would be considered real estate and become the property of the owner, said notice and order shall be directed to such owner of the building or premises.
2. Except for cases where immediate compliance is required, violations pursuant to this chapter may be appealed as set forth in Section 111.1.
3. In cases where immediate compliance is required, the notice of violation so stating shall be final and conclusive.

Section 112.4 is hereby deleted. Section 15.04.050 of the Municipal Code shall govern the penalties imposed for violations of this code.

Subsection 308.3 is hereby amended to read as follows with the stated exceptions remaining in full force and effect.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy. The use of indoor pyrotechnic displays in a Group A occupancy is prohibited.

Subsection 308.3.2 is hereby amended to read as follows:

308.3.2 Theatrical performances. The use of indoor pyrotechnic displays is prohibited.

Subsection 507.5.4 is hereby amended to add a new last sentence to read as set forth below:

507.5.4. Snow removal operations shall not prevent fire hydrants from being immediately discernible or hinder gaining immediate access.

Section 903.2 is hereby amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in all buildings and structures shall be provided in the locations described in this section and in the following locations:

1. In every story of all non-IRC regulated buildings that are three stories or more in height.
2. In every story, basement, and mezzanine of any building where the total floor area (including basement and mezzanine) exceeds the limits shown in Table A below:

Table A

Type of Construction	Maximum Floor Area (sf)
III-B, V-B	7,500
V-A, II-B	9,000
II-A, III-A, IV-HT, I-A	12,000

3. Whenever any addition to an existing building causes the total floor area of the building to exceed the limits set forth in the preceding item number 2, the entire building shall be provided with an approved automatic sprinkler system or a firewall conforming to Section 706 of the International Building Code (IBC) must be installed. Openings in these walls shall conform to the IBC and be controlled by actuation of a smoke detector. When the automatic-closing fire assembly is installed in a building with an approved fire detection system, the fire assembly actuating smoke detectors shall be a part of the fire detection.

4. Existing structures and facilities. When in any twenty-four (24) month period the floor area of an alteration, remodel or modification to any existing building exceeds forty percent (40%) of the floor area of the building being improved, the entire building shall be made to comply with the requirements of Chapter 9 in the International Building Code, 2021 Edition, as amended and adopted by the Town. When the regulations set forth in the International Existing Building Code, 2021 Edition, apply to the renovation, remodel or modification of an existing building, the more restrictive shall apply to the building.
5. All occupancies to be built in a location that is difficult to access or has limited fire flow water supply as determined by the fire code official, will be reviewed by the fire code official for the need to be equipped with an approved automatic fire suppression system.

Section 903.2.8, Group R, is amended to add the following Exceptions:

Exceptions:

1. Group R-3 and boarding house occupancies, unless maximum floor area exceeds the provisions of Table A as amended in Section 903.2 #2.
2. Group R-2 with occupancy of 5 or less (1000 sq. ft. floor area Table 1004.1.2 IBC), unless floor maximum area exceeds the provisions of Table A as amended in Section 903.2 #2.

Section 907.1 is amended to add 907.1.4 as follows:

907.1.4 Installation. All fire alarm systems installations shall be supervised by a NICET level II or higher in fire alarm installations.

Section 907.1.2 is amended to add the following two comments:

Shop drawings for fire alarms must bear the seal and signature of a graduate Fire Protection Engineer or a qualified State of Colorado licensed engineer practicing in their respective field of expertise or a NICET Level III or higher in fire alarm design.

A sealed set of these shop drawings, complete with review comments, shall be made available at all times at the work site for fire department inspection. An identical set of shop drawings shall be given to the owner.

Chapter 11 is hereby deleted in its entirety.

A new Exception 5 is hereby added to Subsection 5601.1.3:

5601.1.3 Fireworks.

5. The storage, sale, use and handling of toy caps, sparklers and smoke snakes shall be permitted.

Subsection 5604.10.8 is hereby added as follows:

5604.10.8 Certification. The handling and firing of explosives shall only be performed by the person possessing a valid explosives certificate issued by the State of Colorado.

Section 5608.1 is hereby amended by adding a new last sentence to read as set forth below, with all other provisions of said section remaining in full force and effect:

5608.1 General. The use of indoor pyrotechnic displays shall be prohibited.

Subsection 5706.2.4 is hereby amended to read as follows:

5706.2.4 Permanent and temporary tanks. The capacity of permanent above ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed 500 gallons (1892 L). Tanks shall be of the single-compartment design.

15.24.030 Copy on file and available for sale.

At least one copy of the International Fire Code, 2021 Edition, and all appendices thereto, together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available for sale to the public at a moderate price, as required by C.R.S. Section 31-16-206.

**Chapter 15.28
NATIONAL ELECTRIC CODE**

15.28.010 Adoption by Reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto that edition of the National Electric Code ("NEC"), and all appendices thereto, that is adopted and enforced by the State of Colorado Electrical Board from time to time pursuant to Article 23 of Title 12 C.R.S. The NEC is promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. The NEC is adopted by reference with the sole intent to be utilized by the town as a special reference resource material for specific items and used with and for

clarification of items in the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Existing Building Code, Uniform Code for the Abatement of Dangerous Buildings, and International Fire Code, as well as for all electrical wiring, fixtures, and appliances installed, altered, or repaired within the town, or in connection with any building therein. It is not the intention of the town to enforce the provisions or requirements of the NEC, but to recognize the authority of any Colorado state official who reviews matters covered in the NEC within the town to do so. The NEC is adopted as if set out in full for the purposes as stated herein. The purpose of this code is to provide guidance in being consistent with nationally recognized good practices for protecting the safety of life and property in electrical installations.

15.28.20 Work permit.

- A. Required. No alterations or additions shall be made in the wiring of any building, nor shall any building be wired for electric lights, motors or heating or cooling devices, nor shall any electrical apparatus be installed, without first securing a permit therefore from the State Electrical Inspector.
- B. Application. Applications for permits required by this section shall be in writing, filed before the work is started, upon forms describing the work contemplated and providing such information as may be required by the State Electrical Inspector.
- C. Permit Fees—Administrative and Appeal Procedures. The permit fees and the administrative and appeal procedures for electrical work performed pursuant to this article shall be as set forth in C.R.S. Section 12-23-101 et seq., as amended.

15.28.030 Inspectors.

The State Electrical Inspector shall serve as electrical inspector for the town.

15.28.40 Inspections.

- A. Inspection Generally. Electric current shall not be turned on until the electrical installation shall have been inspected, approved and marked in a conspicuous place by the electrical inspector. The electrical inspector shall carefully inspect all electrical installations prior to and after completion, and he is hereby authorized and empowered to remove any and all obstructions such as lath, plastering, boarding, partitions or any other obstruction which interferes with a thorough and complete inspection. Inspections may be made at any time during the installation that the inspector deems is expedient or necessary.
- B. Issuance of Certificate of Inspection. Upon final inspection of an electrical installation, the electrical inspector shall issue his certificate of compliance or prescribe changes necessary for such compliance. Upon such changes being made to the satisfaction of the inspector, he shall issue the certificate of inspection, which shall authorize the commencement of the electrical service. After issuance of any such certificate, no change shall be made either by way of addition, alteration or taking from the same without the

written consent of the inspector.

C. Notice and Discontinuance of Service When Defect Discovered Through Inspection.

1. Whenever the electrical inspector, during an electrical installation, shall find any wire or wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department, he shall notify the owner or the person using or operating such wires or equipment to remedy the defect. Every person who fails or refuses to remedy such defects within ten (10) days, or a longer period when the same is granted by the inspector, after receipt of notice shall be subject to penalties set forth in Section 1.20.010 of this code.
2. The electrical inspector is hereby authorized and empowered to enforce a discontinuance of electrical service in every case where wiring or equipment is found to be defective or in noncompliance with this chapter; and, when service has been ordered discontinued, electrical service shall not be restored or reconnected until the defect has been remedied.

Chapter 15.30

COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE

15.30.010 Adoption by Reference.

Pursuant to Colorado HB22-1362 regarding Building Greenhouse Gas Emissions and the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto the Colorado Model Electric Ready and Solar Ready Code, published June 1, 2023, promulgated by the State of Colorado Energy Office, 1600 Broadway, Suite 1960, Denver, CO 80202. The purpose and subject matter of this code is to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems.

15.30.020 Amendments.

The Colorado Model Electric Ready and Solar Ready Code, 2023 Edition, is hereby amended as follows:

Section 101.1 Insert: Town of New Castle

15.30.030 Copy on file.

At least one copy Colorado Model Electric Ready and Solar Ready Code together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available to the public at a moderate price, as required by C.R.S. Section 31-16-206.

Section 5. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 6. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on December 5th, 2023, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on December 19th, 2023, read by title and number, passed with amendments, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk

**SUBDIVISION IMPROVEMENTS AGREEMENT
FOR LAKOTA CANYON RANCH, FILING 8, PHASE 1**

THIS SUBDIVISION IMPROVEMENTS AGREEMENT FOR LAKOTA CANYON RANCH, PHASE 8, PHASE 1 (hereinafter “SIA” or “Agreement”) is made this ____ day of _____, 2023, by and between the TOWN OF NEW CASTLE, COLORADO, a home rule municipality (hereinafter the “Town”), and RG Longview Dev Co, Inc. (hereinafter “Developer”):

W I T N E S S E T H:

WHEREAS, Developer is the owner of certain real property located within Lakota Canyon Ranch in the Town of New Castle, Colorado, more particularly described on **Exhibit A** hereto (the “Property”); and

WHEREAS, the Property constitutes Filing 8 (also known as Longview) of the Lakota Canyon Ranch PUD, which filing was approved by Ordinance No. 2023-2, recorded on _____, 2023, at Reception No. _____; and

WHEREAS, Filing 8 was approved for the phased subdivision and development as described and depicted on the Lakota Canyon Ranch PUD Filing 8, Longview Master Plat/Plan dated April 5, 2023; and

WHEREAS, by Ordinance No. 2023-2, Town Council approved the final plat for Phase 1 of Filing 8 (the “Final Plat”) to subdivide the Property into 3 single-family lots (“Phase 1”) and 3 future development parcels, provided that Developer enter this SIA with the Town; and

WHEREAS, at its regular meeting held on _____, Town Council approved this SIA; and

WHEREAS, the approvals cited above are contingent upon the express condition that all obligations and duties created by this SIA are faithfully performed by the Developer.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as material representations and acknowledgments of the parties.

2. Purpose. The purpose of this SIA is to set forth the terms and conditions to be met by the Developer in connection with Lakota Canyon Ranch Filing 8, Phase 1; to set forth the fees to be paid by the Developer in connection with the subdivision of Phase 1; and to constitute the Subdivision Improvements Agreement provided for in the Ordinance

No. 2023-2 and Section 16.32.010 of the Town Code with respect to Phase 1. All terms and conditions contained herein are in addition to all terms and conditions of Ordinance No. 2023-2, the Town Code, and state and federal statutes, and are not intended to supersede any requirements contained therein, except where specifically provided herein.

3. Definition of the Submittal. For purposes of this agreement, the “Submittal” or the “Application” consists of all the documents and information provided by Developer to Town staff in connection with Filing 8, Phase 1.

4. Phasing and restrictions. This Agreement applies to Phase 1 only. No lots shall be sold within Phase 1 or any of the future development parcels identified on the Phase 1 Final Plat unless and until (i) a final plat depicting such lot has been approved by the Town and recorded in the Office of the Garfield County Clerk and Recorder, and (ii) the public improvements required for the particular phase have been constructed and accepted by the Town or adequate security covering the cost of construction of the same has been provided to and accepted by the Town. The final plat for future phases of Filing 8 may not be recorded until the Developer has entered into a subsequent subdivision improvements agreement with the Town pursuant to which security is provided to the Town in an amount sufficient for the public improvement required for such phase.

5. Representations Reflected in the Minutes. The Developer shall comply with all representations made by the Developer or its agents or representatives and reflected in the minutes of any Town Council hearings and meetings regarding the Application.

6. Public Improvements. The Public Improvements required by this Agreement are listed in **Exhibit B** attached hereto (the “Public Improvements”), and the estimated costs for construction of such improvements are set forth therein. All Public Improvements shall be installed and completed at the expense of the Developer. The Public Improvements shall be constructed in conformance with the plans and specifications submitted by the Developer and approved in writing by the Town Engineer, the Town of New Castle Public Works Manual then in effect, and any utility plan (hereinafter collectively referred to as “Plans and Specifications”). The Developer shall install the Public Improvements in compliance with the Plans and Specifications and in accordance with the terms and provisions of this Agreement and the Town Code. To the extent that any underground public improvements are installed within easements outside the public right-of-way, the Town shall have no duty to repair or restore sidewalks, stairs, landscaping, or other private improvements that may be damaged or removed during excavation for repair, maintenance, or replacement of such underground facilities. Maintenance of any onsite drainage easements and detention ponds shall be the responsibility of any owner’s association or sub-association and not the Town; provided that if the association or sub-association fails to do so then the Town shall have the right, but not the obligation, to perform such maintenance and to charge such expenses to the association or sub-association.

7. Construction Observation and Inspection.

- A. Pre-Construction Meeting. Developer shall hold a pre-construction meeting between the Town Engineer, Public Works Director, and the Developer, its engineer and contractor for the purpose of discussing all construction issues that will be required for this project. Prior to the pre-construction meeting, Developer shall submit a construction phasing and management plan for Phase 1 as required in Ordinance 2023-2.
- B. Construction Inspection by Developer. Developer shall be responsible for ensuring that its certified professional engineer provides construction inspection services as necessary to allow Developer's engineer to provide, when improvements are submitted to the Town for acceptance, a stamped certification that the Public Improvements have been constructed in accordance with the Plans and Specifications approved by the Town.
- C. Construction Observation by the Town. The Town shall have the right to make engineering inspections at reasonable intervals and at the Developer's expense during construction of the Public Improvements. Observation, acquiescence in, or approval by any engineering inspector of the construction of any physical facilities, at any particular time, shall not constitute Town acceptance of any Public Improvements. Town approvals shall be made only after completion of construction and in the manner hereinafter set forth. To assist the Town in monitoring the installation of the Public Improvements, a supervisor employed by the Developer shall inspect the Public Improvements on at least a weekly basis and shall provide the Town Engineer with the supervisor's field and inspection notes relating to the installation of the Public Improvements. The supervisor shall regularly apprise the Town Engineer of the status of the work on the Public Improvements. Further, the Developer, at its own expense, shall have an approved geotechnical engineer monitor the methods of construction and backfill to ensure such work is being completed in conformance with the approved Plans and Specifications, and accepted standards for such work. The geotechnical engineer shall conduct inspections and testing as reasonably directed by the Town Engineer. The Town agrees to respond to requests for interim inspections in a timely manner and to respond not later than ten (10) business days after a request for a final inspection. Nothing in this paragraph shall be construed to constitute an acceptance by the Town of the Public Improvements, which approval and acceptance shall only occur pursuant to Paragraphs 8 and 9 below.

8. Completion of Public Improvements; Approval. The Developer shall complete all Public Improvements no later than one year from the date of recording of the Final Plat. Said period may be extended in writing by Town staff for a period of up to six (6) months, provided the performance guarantee provided pursuant to Paragraph 11 is

similarly so extended by the Developer in a form approved by Town staff. The Developer is entitled to begin construction of the Public Improvements at any time after the Final Plat is recorded, the performance guarantee required under Paragraph 11 is provided to the Town, and all necessary permits have been obtained. However, any construction performed in a public right-of-way and all ties to Town utilities must be completed (1) within 180 days of the date such construction begins, and (2) no later than one year from the issuance of a building permit, unless said date is otherwise extended as provided herein.

Upon the Developer's completing construction of the Public Improvements, the Developer or its engineer shall certify in writing that the improvements have been completed in conformance with the Plans and Specifications and submit to the Town a completed acceptance checklist on a Town-approved form. Thereafter, and within ten (10) business days after the Developer's request for final inspection, the Town Engineer shall inspect the Public Improvements and notify the parties in writing and with specificity of their conformity or lack thereof to the Plans and Specifications. The Developer shall make all corrections necessary to bring the Public Improvements into conformity with the Plans and Specifications. The Developer shall, at its expense, have "as-built" drawings prepared by a professional engineer and a registered land surveyor, which drawings shall include all legal descriptions the Town may require. The Developer shall also prepare a summary of the actual construction costs of all Public Improvements to be dedicated to the Town. The "as-built" drawings and costs summary shall be forwarded to the Town for review and approval. Once the as-built drawings and costs summary are approved, and any and all corrections are completed, the Town Engineer shall promptly notify the parties in writing that all Public Improvements are in conformity with the Plans and Specifications, and the date of such notification shall be known as the Engineering Acceptance Date. The Town shall be under no obligation to provide any water or sewer service until all water and sewer Public Improvements are brought into conformance with the Plans and Specifications as determined by the Town Engineer.

9. Town Council Acceptance; Conveyance. Within thirty (30) days of the Engineering Acceptance Date, the Developer shall execute a bill of sale conveying any portion of the Public Improvements constituting personal property to the Town, free and clear of all liens and encumbrances. The matter shall be submitted to the Town Council for final acceptance in accordance with the procedures set forth in Section 16.32.020 of the Town Code. As a condition precedent to Town Council's acceptance of the Public Improvements, Developer shall provide the Town with a policy of title insurance for at least \$25,000 to insure title to any real property dedicated to the Town, which shall be free and clear of any liens or encumbrances. The effective date of any resolution of acceptance under said section shall be known as the Final Acceptance Date. The Town Council may condition Final Acceptance on the provision of additional collateral from the Developer to secure warranty obligations pursuant to Section 16.32.020(B) of the Town Code, which collateral will not to exceed fifteen (15) percent of the total cost of all Public Improvements secured by this Agreement.

10. Warranty. Developer shall warrant any and all Public Improvements and facilities conveyed to the Town pursuant to this SIA for a period of twenty-four (24) months from the Final Acceptance Date. Specifically, but not by way of limitation, Developer shall warrant that:

- A. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
- B. Any and all facilities so conveyed shall be free of any defects in materials or workmanship for a period of two (2) years, as stated above; and
- C. The title conveyed shall be good and its transfer rightful.

11. Performance Guarantee. The total amount of required security for the Public Improvements for Phase 1 shall be the amount specified on Exhibit B, which includes a 15% contingency.

- A. In order to secure the construction and installation of the Public Improvements above described for which the Developer is responsible, the Developer shall, prior to recording of the Final Plat, provide the Town with an irrevocable letter of credit issued or confirmed by a commercial banking institution acceptable to the Town, which letter of credit shall be valid for at least 14 months from the date of recording of the Final Plat (sometimes herein, “letter of credit” or “Performance Guaranty”). If the time for completion of the Public Improvements is extended, the letter of credit shall be similarly extended. Under the terms of the letter of credit, the Town shall be allowed to present drafts and accompanying documents to the banking institution by overnight courier. The Town shall have the right to review and approve all terms and conditions of the letter of credit prior to accepting it.
- B. Developer’s failure to complete the Public Improvements within the time required by this SIA shall constitute a default. If the guarantee is not sufficient to pay the actual costs, the Developer shall be responsible for the balance. A portion of the performance guarantee may be released as specific improvements are completed and approved as provided herein.
- C. The required security for the Public Improvements is the amount mutually agreed upon by the Developer and the Town Engineer as set forth on Exhibit B attached hereto, which includes a 15% contingency. The parties agree that this amount does not necessarily reflect the Town Engineer’s estimate of what the actual cost to the Town would be if the Town were required to fund construction of all of the Public Improvements. In the event the costs of the Public Improvements exceed the amount set forth on Exhibit B, Developer shall be solely responsible for the actual cost. The purpose of Exhibit B is solely to determine the amount of security and shall be revised as necessary to reflect the actual costs, and the

performance guarantee required by this Agreement shall be adjusted accordingly. No representations are made as to the accuracy of these estimates, and the Developer agrees to pay the actual costs of all such Public Improvements.

- D. No more frequently than once every quarter, Developer shall be entitled to request partial releases or reductions of the Performance Guaranty as portions of the Improvements are completed and approved by the Town as provided in Section 16.32.020(A) and this Agreement. In order to obtain a partial release or reduction of the Performance Guaranty, Developer shall submit to the Town clerk a Certificate of Partial Completion signed by Developer's Engineer describing the portion of the Public Improvements completed, and the cost allocation associated with such completed improvements. Such Certificate of Partial Completion shall certify that the Public Improvements have been completed and installed in substantial conformance with the Plans and Specifications and shall include a summary of the actual costs for Public Improvements incurred to the date of the Certificate. After delivery of a Certificate of Partial Completion, the Town shall have a period of thirty days within which to inspect such portion of the Public Improvements. Following inspection, the Town Engineer shall either (i) provide written notice to Developer of any deficiencies in the Public Improvements, describing the deficiency between the Public Improvements as constructed and the Plans and Specifications; or (ii) make a written report to the Town Council as to the status of the Public Improvements included in the Certificate of Partial Completion and the acceptance process and recommending whether and to what extent the Performance Guaranty should be released. If the Town provides Developer a letter of deficiency with respect to any portion of the Public Improvements for which Developer has filed a Certificate of Partial Completion, then the Town's Engineer shall meet with Developer's engineer to discuss and agree on any requirements necessary to bring such Improvements into conformity with the Plans and Specifications.

If no notice of deficiency is provided, or after all deficiencies have been resolved, Town Council shall approve (with or without conditions) or deny the request for partial release at the next regularly-scheduled Town Council meeting, subject to notice requirements and available time on the agenda as determined by the Town clerk. Upon approval of a partial release of the Performance Guaranty by Council, the Town shall prepare and deliver to Developer all documents reasonably requested to release the portion of the Performance Guaranty.

The portion of the Performance Guaranty proposed to be released shall be an amount based on the relationship between actual and estimated costs of such portion of the Public Improvements as provided on Exhibit B so that the remaining amount of the Performance Guaranty related to the then-

incomplete portion of the Public Improvements is sufficient for completion of such remaining portion of the Public Improvements. For example, if Developer has completed 50% of the work associated with any particular Public Improvement and actual costs for the construction of such 50% of the Improvement are 10% above the estimated cost of 50% of such Public Improvement, then it shall be assumed that the actual cost of the remaining 50% of such Public Improvement will be 10% above the estimated cost for such remaining 50%.

The amount proposed for release shall be the total amount of the Performance Guaranty associated with the particular Public Improvement minus an amount sufficient to pay for the revised estimated completion amount (as calculated based on actual costs in accordance with the preceding paragraph). In no case shall the amount released reduce the amount remaining below the then-estimated amount to complete the remaining Public Improvement(s). Notwithstanding the foregoing, the amount of the Performance Guaranty ultimately released shall be subject to review and approval by Town Council as provided in this subsection.

- E. The parties expressly agree that Developer's preparation and submission to the Town of as-built drawings and a summary of actual construction costs for the Public Improvements to be dedicated to the Town are essential requirements of this Agreement. In the event that Developer fails to provide the as-built drawings and summary to the Town fifteen (15) business days prior to the expiration of the Performance Guarantee or any extension thereof, such failure shall constitute a breach of this Agreement with regard to the completion of the Public Improvements, damages for which are impossible to ascertain, entitling the Town to liquidated damages in the amount of \$10,000, which the Town may collect pursuant to the default and breach provisions of this Agreement.
- F. Neither approval of any reduction to the letter of credit, nor any other reduction in security, shall be construed as the approval or acceptance of any of the Public Improvements, which approval and acceptance shall only occur in accordance with Section 16.32.020 of the Town Code.

12. Intentionally Omitted.

13. Revegetation and Weed and Dust Control. Prior to issuance of a building permit, Developer shall submit a Weed and Dust Management Plan that complies with the Town of New Castle Noxious Weed Management Plan. Developer agrees to comply with and be bound by this plan throughout the development and approved operation of the Phase 1. Developer further agrees to reseed Phase 1 and any other necessary portions of the Property according to the seed mix used and approved by the Town's Park Department. All seeding and revegetation of all disturbed areas shall be considered part of the Public Improvements within the meaning of this SIA. Upon Developer's completion of the

landscaping, revegetation, and weed control measures required herein, Developer shall certify such completion in writing. Once the Town approves the landscaping and revegetation in writing, Developer shall warrant the landscaping for two full growing seasons after planting. Failure of Developer to honor such warranty shall be a breach of this SIA.

14. Off-Site Easements and Dedications. Prior to issuance of a building permit, the Developer shall cause documents of conveyance for all off-site easements and/or dedications, if any, to be recorded in accordance with forms subject to approval of the Town Attorney.

15. Title Policy. Prior to the recordation of the Final Plat, the Developer shall provide the Town with a commitment for a title insurance policy, indicating that the Property is free and clear of all encumbrances whatsoever that would impair the use of the Property as proposed by the Submittal. Further, said title commitment, and/or an additional title commitment, shall show that any other property to be dedicated to the Town pursuant the approved Final Plat is free and clear of all encumbrances that would make said dedications unacceptable as the Town in its reasonable discretion determines. All onsite and offsite dedications of rights of way, open space, parks, easements, and other real property interests shall be insured by a policy of title insurance in the amount of \$25,000. The title insurance policy may contain exceptions only as reasonably determined by the Town Attorney. All requirements of the commitment for title insurance shall be met prior to recordation of the Final Plat. At the time of recording, the title insurance policy(s) shall be provided to the Town, and the premium(s) for the title insurance shall be paid by the Developer. In the event the title commitment(s) reflect encumbrances that would impair the use of the Property as proposed or that would make the public dedications unacceptable, the Town shall notify the Developer, who shall cure or otherwise remove or subordinate said encumbrances to the satisfaction of the Town prior to the recordation of the Final Plat.

16. Water Rights Dedication. Developer or its successor shall pay to the Town, prior to and as a condition of recordation of the Final Plat, cash in lieu of water rights dedication for three (3) EQRs in the amount of \$6,000 per EQR, or such other amount as may be in effect at the time of recordation of the Final Plat.

17. Tap Fees. Developer or its successor shall pay water and sewer tap fees in the amount provided in Chapter 13.20 of the Town Code, as may be amended or recodified from time to time. Tap fees shall be paid at the time Developer or its successor applies for utility service for one or more lots, *i.e.* at the time of issuance of a building permit for the construction of a residential unit.

18. Recreational Facilities Development Fee. At the time of building permit, Developer or its successor shall be required to pay the Recreational Facilities Development Fee pursuant to the provisions of Chapter 15.40 of the Town Code in the amount in effect at the time of the building permit application.

19. Owners Association; Covenants. Developer shall subject all lots within Phase 1 to the covenants, conditions, and restrictions for Lakota Canyon Ranch.

20. Grading and Excavation. No grading or excavation shall occur on within Phase 1 until the Final Plat has been recorded and security has been provided for all Public Improvements as required by this Agreement.

21. Subdivision Exclusion/Exemption Map. Prior to recordation of the Final Plat, Applicant shall submit a revised and updated subdivision exemption/exclusion map (the “Exemption Map”) depicting all approved lots and boundary line adjustments within the Lakota Canyon Ranch PUD as of the date of the submittal. The Exemption Map may be approved on an administrative level and recorded in the real estate records of Garfield County without further action by the Planning Commission or Town Council, provided that such Exemption Map shall not create any new lots or parcels or redefine the boundaries of such parcels except for the dedicated right-of-way to the Town provided for in Ordinance 2023-2.

22. Intentionally Omitted.

23. Conditions of Building Permit/Certificate of Occupancy. In addition to all requirements of the Town Code, the Town Building Code, other provisions of this Agreement, and any requirements imposed by operation of state, federal, or local law, no building permits shall be issued for Phase 1 until:

- A. The Final Plat and this SIA have been approved by Town Staff, signed by all required parties, and recorded with the office of the Garfield County Clerk and Recorder.
- B. The Performance Guarantee has been provided to the Town in accordance with this SIA.
- C. Town staff approves a construction phasing plan that identifies, at minimum, each of the following components and any others set forth in Ordinance 2023-2:
 - 1. Traffic flow for construction equipment as each phase is completed;
 - 2. Traffic flow for pedestrians and private vehicles;
 - 3. Safety measures or procedures isolating construction from occupied units;
 - 4. Safety measures or procedures for occupants of finished units;
 - 5. Schedule submitted by Developer that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction; and
 - 6. Storage and staging areas for construction equipment and materials.

- D. All conditions and concerns identified by the Public Works Department and/or the Town Engineer have been addressed and resolved to the satisfaction of Town staff.
- E. All complete construction plans, drawings, and estimates and all other plans required under the Town Code or this Agreement, including, but not limited to, a dust and weed mitigation plan and lighting plan, have been submitted to and approved by Town staff.
- F. All invoices from the Town have been paid by the Developer.
- G. All off-site easement and/or dedication conveyance documents are fully-executed and properly recorded with the Garfield County Clerk & Recorder's office.

In addition, no Certificate of Occupancy shall be issued until the Town Engineer has determined that Phase 1 has adequate access and that all water and sewer utility improvements have been completed and accepted by the Town; and

24. Fees and Expenses. Developer agrees to reimburse the Town for any and all fees and expenses actually incurred by the Town in connection with or arising out of the development of the Property and the applications and approvals referenced in this Agreement, including, without limitation, all of the Town's planning, engineering, surveying, and legal costs, copy costs, recording costs, and other expenses whatsoever. Developer shall pay all such fees and costs as they come due.

25. Voluntary Agreement. Notwithstanding any provision of the Town Code, this Agreement is the voluntary and contractual agreement of the Developer and the Town. Developer agrees that all terms and conditions of this Agreement, including, specifically, the payment of all fees, and the completion and satisfaction of all terms and conditions of Ordinance No. TC 2023-2, are agreed to and constitute the voluntary actions of the Developer.

26. Breach by Developer; Town's Remedies. In the event of any default or breach by Developer of any term, condition, covenant, or obligation under this Agreement, the Town Council shall be notified immediately. The Town may take such action as it deems necessary to protect the public health, safety, and welfare and to protect the citizens of the Town from hardship. The Town's remedies include:

- A. Refusing to issue to Developer or its successor any building permit or certificate of occupancy; provided, however, that this remedy shall not be available to the Town until after the affidavit described below has been recorded;
- B. Recording with the Garfield County Clerk and Recorder of an affidavit, approved in writing by the Town Attorney and signed by the Town

Administrator or his designee, stating that the terms and conditions of this Agreement have been breached by Developer. At the next regularly scheduled Town Council meeting, the Town Council shall either approve the filing of said affidavit or direct the Town Administrator to file an affidavit stating that the default has been cured. Upon the recording of such an affidavit, no further development may occur on the Property until the default has been cured. An affidavit signed by the Town Administrator or his designee and approved by the Town Council stating that the default has been cured shall remove this restriction;

- C. A demand that the security given for the completion of the Public Improvements be paid or honored;
- D. The refusal to consider further development plans within the Property; and/or
- E. Any other remedy available at law.

Unless necessary to protect the immediate health, safety, and welfare of the Town or Town residents, the Town shall provide Developer ten (10) days' written notice of its intent to take any action under this paragraph during which ten-day period Developer may cure the breach described in said notice and prevent further action by the Town. Furthermore, unless an affidavit as described above has been recorded with the Garfield County Clerk and Recorder, any person dealing with Developer shall be entitled to assume that no default by Developer has occurred hereunder unless a notice of default has been served upon Developer as described above, in which event Developer shall be expressly responsible for informing any such third party of the claimed default by the Town.

27. Assignment. This Agreement may not be assigned by the Developer other than to a wholly-owned affiliate or subsidiaries of Developer without the prior written consent of the Town, which consent shall not be unreasonably withheld and shall be based upon the financial capability of the proposed assignee to perform the terms of this Agreement. In the event Developer desires to assign its rights and obligations herein, it shall so notify the Town in writing together with the proposed assignee's written agreement to be bound by the terms and conditions contained herein.

28. Indemnification. Developer agrees to indemnify and hold the Town harmless from any and all claims or losses of any nature whatsoever incurred by the Town resulting from the development of the Property. This indemnification shall include actual attorneys' fees incurred in the event that any party brings an action against the Town concerning any of the approvals described herein. The parties hereto intend not to duplicate any legal services or other costs associated with the defense of any claims against either party described in this section. The parties hereto agree to cooperate in full to minimize expenses incurred as a result of the indemnification herein described.

29. Waiver of Defects. In executing this Agreement, Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the Town to impose conditions on Developer as set forth herein, and concerning the procedure, substance, and form of the ordinances or resolutions adopting this Agreement.

30. Final Agreement. This Agreement supersedes and controls all prior written and oral agreements and representations of the parties concerning the Phase 1 Public Improvements, with the exception of any other agreements or representations expressly set forth herein.

31. Modifications. This Agreement shall not be amended, except by subsequent written agreement of the parties recorded in the Garfield County records.

32. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

33. Invalid Provision. If any provisions of this Agreement shall be determined to be void by any court of competent jurisdiction, then the remainder of this Agreement shall be interpreted to as fully as possible give force and effect to the intent of the parties as evidenced by the original terms and conditions of this Agreement, including the invalidated provision.

34. Governing Law. The laws of the State of Colorado shall govern the validity, performance, and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that the venue of such suit or action shall be in the state courts located in Garfield County, Colorado, and all parties consent and agree to the jurisdiction and venue of such courts.

35. Attorney Fees; Survival. Should this Agreement become the subject of litigation to resolve a claim of default in performance by the Developer, the prevailing party shall be entitled to attorney fees, expenses, and court costs. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

36. Authority. Each person signing this Agreement represents and warrants that he or she is fully authorized to enter into and execute this Agreement, and to bind the party it represents to the terms and conditions hereof.

37. Counterparts; Signatures. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed one and the same instrument. The parties hereto consent to the use of electronic signatures, which shall be as binding as if they were handwritten.

38. Notice. All notices required under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. A courtesy copy may also be sent

by e-mail. All notices so given shall be considered effective three (3) mail delivery days after deposit in the United States mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

Notice to Town: Town of New Castle
P. O. Box 90
New Castle, CO 81647
Phone (970) 984-2311; Fax (970) 984-2312

With a copy to: David H. McConaughy, Esq.
Garfield & Hecht, P.C.
910 Grand Avenue, Suite 201
Glenwood Springs, CO 81601
Phone (970) 947-1936; Fax (970) 947-1937
Email: dmcconaughey@garfieldhecht.com

Notice to Developer: RG Longview Dev Co, Inc.
350 Market St., Ste. 304
P.O. Box 4100
Basalt, CO 81621
Phone: (970) 273-3100
Email: drmero@romero-group.com

With a copy to: Joseph E. Edwards, III
Klein Cote Edwards Citron LLC
101 South Main Street, Ste. 200
Aspen, CO 81611
Phone: (970) 925-8700
Email: jee@kceclaw.com

RG LONGVIEW DEV CO, INC., a
Colorado corporation

BY: _____
Dwayne Romero, President

[illegible]

Acknowledged and signed before me this ____ day of _____, 2023,
by Dwayne Romero, President of RG Longview Dev Co, Inc., a Colorado corporation.

WITNESS my hand and official seal.

My Commission expires:_____

Notary Public

EXHIBIT A
Legal Description

Lots 36, 37 and 38 according to the Final Plat, Lakota Canyon Ranch PUD, Filing 8, Longview, Phase 1, recorded December ___, 2023, as Reception No. _____ of the Garfield County Clerk and Recorder's Office.

Table 1 - Lakota Canyon Ranch - Longview Phase 1 Engineer's Estimate of Probable Construction Costs

All items are installed in place.

ITEM	DESCRIPTION	UNITS	Est Qty	UNIT PRICE (\$)	AMOUNT
1	Asphalt Cut 4 trenches, and 4 Patches	LS	1	\$ 12,000.00	\$ 12,000.00
2	Water service Saddle Tap, pipe, curb stop	Ea	3	\$ 4,000.00	\$ 12,000.00
3	Sewer Service Stubs	Ea	3	\$ 7,500.00	\$ 22,500.00
4	Concrete Sidewalk Curb Cut, removal, replacement	Ea	4	\$ 1,500.00	\$ 6,000.00
5	Concrete Pad mailboxes, relocate mail boxes	Ea	1	\$ 3,000.00	\$ 3,000.00
6	Dry Utility, Possible conduit install at end of Lakota Dr	Ea	1	\$ 1,500.00	\$ 1,500.00
7	Dry Utilities			by provider	\$ -
				Subtotal	\$ 57,000.00
Contingency, Surveying, Testing, Inspections				15%	\$ 8,550.00
				Phase 1 Total	\$ 65,550.00





Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor & Council
From: Mindy Andis Town Clerk
Re: Agenda Item: Consider Resolution TC 2023-14
Date: 12.19.23

Purpose:

The purpose of this agenda item is to consider Resolution TC 2023-15, adopting changes to the Town's Directory of Fees and Charges. Each year staff presents Council with proposed changes and updates to the Town's Directory of Fees and Charges. This year staff would like to recommend additions and updates to the list of Fees and Charges which include:

p.4 Section 2 A:	Dog License	Increase by \$10.00
p.5 – p.7 Section 3:	Multiple Changes - Building	
p.7 Section 4 A:	Business License	Increase by \$25.00
p.8 Section 4 A 2c:	Special Event Business License	
p. 15 – 18 Section 16 A-K:	Water, sewer and affiliated services	3% increase
	Bulk Water	6.5% increase
	Raw Water	3% increase Will do more
research at the beginning of the year for hard service numbers, will reevaluate in the spring		
p. 18 Section 16 J:	Trash Removal Service	4% increase

Please see the attached Directory of Fees and Charges which has been redlined in the areas of proposed updates.

These new fees, if approved, will be effective January 1, 2024.

**TOWN OF NEW CASTLE
RESOLUTION NO. TC-2023-14**

A Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges for the Town.

WHEREAS, Town of New Castle Ordinance 2007-11 adopted a schedule of fees for Town services; and

WHEREAS, due to changing circumstances, certain fees in the current fee schedule are not necessarily reflective of current conditions; and

WHEREAS, the Town Council wishes to adopt fees that reflect current conditions.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of New Castle, Colorado:

1. The Town Council adopts the foregoing recitals as findings of fact and determinations of the Council.
2. The Directory of Fees and Charges attached to this resolution as Exhibit A is effective January 1, 2024 and is adopted until such time as it is altered by resolution.

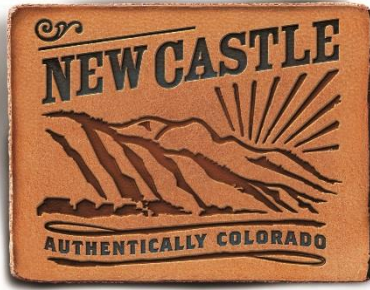
Introduced, Read and Adopted at a Regular Meeting of the Town Council of the Town of New Castle, Colorado, on December 19, 2023.

TOWN OF NEW CASTLE

Mayor Art Riddile

ATTEST:

Town Clerk Mindy Andis, CMC



Town of New Castle

Directory of Town Fees and Charges

January 1, 2024

Directory of Town Fees and Charges

Table of Contents

Section 1: Administrative Services

A. Photocopying	1
B. Fax	1
C. Notary Public	1
D. Administrative Staff Time	1

Section 2: Animals

A. Dog Licenses.....	2
B. Impound Fees	2

Section 3: Building Permits

A. Valuation of Structures.....	3
B. Building Permit Fees	3
C. Plan Review Fees.....	4
D. Other Fees	4
E. Deposits – Plan Review Fees	4

Section 4: Business and Contractor Licensing

A. Business Licenses	5
B. Contractor Licenses	5
C. Tobacco Retailer License	5

Section 5: Cemetery.....6

Section 6: Historic Preservation.....7

Section 7: Land Development

A. Annexation	8
B. Conditional Use/Special Review Use	8
C. Condominium	8
D. Floodplain Development Permit	8
E. Grading Permit	8
F. Lot Line Adjustment/ Dissolution	8
G. Lot Split	8
H. Mobile Home Park Permit	8
I. Planned Unit Development	8
J. Site Specific Development Plan (vested property rights)	8
K. Subdivision	8
L. Variance	8
M. Zoning Amendment.....	8

N. Zoning – Rezoning	8
O. Interest on Delinquent Land Use Application Costs	8
P. Cash Payment in Lieu of Parkland Dedication	8
Q. Fee to Appeal to Board of Zoning Adjustment	8
R. Review of Applications for Wireless Communication Facilities	9
S. Review of Applications for Wireless Communications Towers	9
T. Building Permit for Wireless Communications Facilities/Towers	9

Section 8: Liquor Licensing

A. Application Fees	10
B. Annual License Fees.....	10
C. Special Event Liquor Permits and Other Permits	10
D. Other Liquor-Related Applications.....	11

Section 9: Parks, Open Space, and Trails

A. Recreational Facilities Development Fee	12
B. Private Encroachment Fee	12
C. Special Event Permit Fee	12
D. Park Amenity Memorial Fees	12

Section 10: Police Department Fees

A. Vehicle Identification Number Inspection	13
B. Fingerprints	13
C. Police Reports	13
D. Fire/Fireworks Ban Exemption Permit.....	13
E. Sex Offender Registration	13
F. Animal Impound	13
G. Vehicle Tow & Impound	13
H. Other Services	13

Section 11: Public Works

A. Fees for Use of Town Equipment.....	14
B. Fees for Use of Town Labor.....	14

Section 12: Sign Permits..... 15

Section 13: Recreation..... 16

A. Park Shelters	16
B. Athletic Fields	16
C. Community Center Rental.....	16

Section 14: Streets and Rights-of-Way

A. Right-of-Way Excavation Permits.....	17
---	----

Section 15: Town Records

A. Duplication	18
B. Certification	18
C. Research and Retrieval.....	18

Section 16: Water, Sewer, and Trash Removal Services

A. Utility Account Administration	19
B. Water Meters	19
C. Raw Water Service	19
D. Bulk Water	19
E. Water Rates	20-21
F. Fees for No Meter & Broken Meter.....	21
G. Sewer Rates	21-22
H. Fee in Lieu of Water Rights Dedication	22
I. Watershed Protection District Permit.....	22
J. Trash Removal Service	22
K. Industrial Water Surcharges	22

Section 1: Administrative Services

A. Photocopying

1. Customer documents
 - a. Black and white copies \$0.25 per page
 - b) Color copies..... \$0.50 per page
2. Town documents – see Section 14: Town Records

B. Fax

1. Send to local phone number..... \$0.25 per page
2. Send to long distance phone number \$0.50 per page
3. Receive \$0.25 per page

C. Notary Public

1. For Town residentsno charge
2. For non-residents \$2.00 per document

D. Administrative Staff Time \$45.00/hr

Section 2: Animals

A. Dog Licenses

1. Unneutered male or unspayed female \$25.00 ~~35.00~~ per year
2. Neutered male or spayed female ~~\$10.00~~ ~~20.00~~ per year

B. Impound Fees

1. Dog **

Impound fees are charged by the Animal Shelter and are subject to change

Section 3: Building Permits

A. Valuation of Structures:

~~Valuation of Structures. Pursuant to Municipal Code Section 15.08.020, the building valuation for new construction within the scope of the IBC that is used to calculate permit fees shall be based exclusively on the valuation schedule set forth in the most current edition of the Building Safety Journal ("BSJ") published by the International Code Council. Pursuant to Municipal Code Section 15.10.020, the building valuation for new construction within the scope of the IRC that is used to calculate permit fees shall be the valuation most representative of the work based on either the applicant's estimate or the valuation schedule set forth in the most current version of the BSJ, as determined by the Building Official.~~

Commercial Structures:

Pursuant to Municipal Code Section 15.08.020, the building valuation for new construction within the scope of the IBC that is used to calculate permit fees shall be based exclusively on the valuation schedule set forth in the most current edition of the Building Safety Journal ("BSJ") published by the International Code Council multiplied by a local correction factor of plus 30%.

Residential Structures:

Pursuant to Municipal Section 15.10.020, the building valuation for new construction within the scope of the IRC that is used to calculate permit fees shall be determined by the Building Official based on the valuation most representative of the work based on either the applicant's estimate, or the valuation schedule set forth in the most current version of BSJ multiplied by a local correction factor of plus 30%.

B. Building Permit Fees

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$24.00
\$501 to \$2,000	\$24.00 for the first \$500 plus \$3.00 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$40,000	\$69.00 for the first \$2,000 plus \$11.00 for each additional \$1,000, or fraction thereof, to and including \$40,000
\$40,001 to \$100,000	\$487.00 for the first \$40,000 plus \$9.00 for each additional \$1,000, or fraction thereof, to and including \$100,000

\$100,001 to \$500,000	\$1,027.00 for the first \$100,000 plus \$7.00 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827.00 for the first \$500,000 plus \$5.00 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327.00 for the first \$1,000,000 plus \$3.00 for each additional \$1,000.00, or fraction thereof, to and including \$5,000,000
\$5,000,001 and up	\$18,327.00 for the first \$5,000,000 plus \$1.00 for each additional \$1,000.00, or fraction thereof

C. Plan Review Fee 65% of building permit fee

D. Other Fees

<i>Other Inspections and Fees</i>	<i>Fee</i>
Inspections outside of normal business hours (minimum charge 2 hours)	\$65.00/hr*
Re-inspection fees (minimum charge 1 hour)	\$65.00/hr*
Inspections for which no fee is specifically indicated (minimum charge ½ hr)	\$65.00/hr*
Additional plan review required by changes, additions or revisions to plans	\$65.00/hr*
For use of outside consultants for plan checking and inspections, or both	Actual cost**
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	
**Actual costs include administrative and overhead costs.	
Basement finish on existing structure	\$450.00
Re-roofing of one building or structure	\$95.00 10.00
Backflow Preventer	\$50.00
Fence	\$25.00
HUD Manufactured Home Installation Permit	\$375.00
HUD Manufactured Home Plan Review	\$275.00
Installation of mechanical appliances	\$70.00
Mechanical HVAC systems Application Fee	\$70.00-75.00
Mechanical HVAC: Replacement or addition of each appliance systems: new construction residential or commercial	\$70.00-25.00 each

Mechanical HVAC: Replacement or addition of each duct/vent/flue	\$25.00 each
Mechanical HVAC: New dwelling unit or commercial unit HVAC system	\$150.00
Water heater installation and inspection	\$70.00
Plumbing Systems: Application Fee new construction residential or commercial	\$70.00-75.00
Plumbing Systems: New Dwelling Unit or Commercial Unit HVAC System addition, alteration or remodel (includes 2 inspections)	\$70.00-150.00
Plumbing Systems: Replacement or addition of each vent/drain/waterline	\$25.00 each

E. Deposits – Plan Review Fees

Manufactured Home	\$275.00
New Home or New Commercial Project:	
Value up to \$500,000	\$500.00
Value \$501,000 or more	\$1,000.00

Remodels or Additions:

Value up to \$2,000 to \$25,000	\$100.00
Value \$25,001 to \$100,000	\$250.00
Value \$100,001.00 to \$500,000	\$500.00
Value \$500,001 +	\$1,000.00

Section 4: Business and Contractor Licensing

A. Business Licenses

1. General Business License.....~~\$25.00~~ **50.00**

2. Special Business Licenses

a. Adult Entertainment Establishment Licenses

Adult Entertainment Establishment License - Initial	\$1,200.00
Adult Entertainment Establishment Employee Permit - Initial	\$75.00
Adult Entertainment Establishment License - Renewal	\$600.00 per year
Adult Entertainment Establishment Employee Permit - Renewal	\$50.00 per year
Adult Entertainment Establishment License - Transfer	Non-Transferable

b. Arborist License.....\$25.00 per year

~~c. Special Event Business License.....\$5.00~~

~~e. Contractor Business License.....\$25.00~~

d. Tobacco Retailer License\$25.00

Section 5: Cemetery

A. Burial Plots

1. For Town residents \$800.00 per plot

2. For non-residents \$1600.00 per plot

Section 6: Historic Preservation

A. Fee to Appeal Historic Preservation Commission

Decision Regarding Acceptability of Application

for Building or Demolition Permit.....\$45.00

Section 7: Land Development

A. Annexation

<i>Acreage</i>	<i>Fee</i>	<i>Deposit</i>
Less than 5 acres	\$625.00	\$3,000.00
5 to 35 acres	\$2,250.00	\$3,000.00
Over 35 acres to 100 acres	\$3,550.00	\$3,000.00
Over 100 acres	\$6,500.00	\$3,000.00

B. Conditional Use/Special Review Use Permit	\$500.00	\$500.00
C. Condominium	\$275.00	\$275.00
D. Floodplain Development Permit	\$150.00	\$150.00
E. Grading Permit	\$125.00	\$125.00
F. Lot Line Adjustment/ Dissolution.	\$175.00	\$175.00
G. Lot Split.	\$275.00	\$275.00
H. Mobile Home Park Permit.	\$275.00	\$275.00

I. Planned Unit Development*

<i>Application</i>	<i>Fee</i>	<i>Deposit</i>
1. Sketch Plan	\$600.00	\$3,000.00
2. Preliminary or Master Plan	\$750.00	\$6,000.00
3. Final Plan	\$350.00	\$6,000.00

J. Site Specific Development Plan (vested property rights).	\$500.00	\$3,000.00
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K. Subdivision*

<i>Application</i>	<i>Fee</i>	<i>Deposit</i>
1. Sketch Plan	\$600.00	\$3,000.00
2. Preliminary Plat	\$750.00	\$6,000.00
3. Final Plat	\$350.00	\$6,000.00
4. Amended Plat	\$300.00	\$800.00
5. Minor Subdivision	\$285.00	\$800.00

L. Variance	\$500.00	\$500.00
M. Zoning Amendment.	\$275.00	\$800.00
N. Zoning/Rezoning	\$275.00	\$800.00
O. Interest on Delinquent Land Use Application Costs	1.5% per month	
P. Cash Payment in Lieu of Parkland Dedication . . .	\$120,000.00 per acre	
Q. Fee to Appeal to Board of Zoning Adjustment	\$175.00	

*In the case of combined PUD/subdivision applications, only one fee shall be required.

R. Review of Wireless Communication Facilities: base stations, alternative tower structures, alternative tower structures in the ROW, small cell facilities and eligible facilities.	\$275.00
S. Review of Applications for Wireless Communications Towers.	\$660.00
T. Building Permit for the Installation of Each Wireless Communication Facility.	\$50.00

Section 8: Liquor Licensing

A. Application Fees

1. New License.....	\$1000.00
2. New License with concurrent review by state	\$1000.00
3. Transfer of Ownership	\$750.00
4. Annual Renewal.....	\$100.00

B. Annual License Fees

1. Art License.....	\$41.25
2. Beer & Wine License	\$48.75
3. Brew-Pub License	\$75.00
4. Distillery Pub	\$75.00
5. Club License	\$41.25
6. Hotel & Restaurant License	\$75.00
7. Hotel & Restaurant License with optional premises.....	\$75.00
8. Liquor Licensed Drugstore	\$22.50
9. Lodging & Entertainment License	\$75.00
10. Optional Premises License.....	\$75.00
11. Racetrack License	\$75.00
12. Retail Gaming Tavern	\$75.00
13. Resort Complex License	\$75.00
14. Fermented Malt Beverage On Premises.....	\$3.75
15. Fermented Malt Beverage Off Premises.....	\$3.75
16. Fermented Malt Beverage On/Off Premises	\$3.75
17. Retail Liquor Store License	\$22.50
18. Tavern License	\$75.00
19. Vintner's Restaurant.....	\$75.00

C. Special Event Liquor Permits and Other Permits

1. Alcohol Beverage Tasting Permit.....	\$25.00
2. Art Gallery Permit.....	\$3.75
3. Art Gallery Renewal Application	\$100.00
4. Bed & Breakfast Permit	\$3.75
5. Each Resort-Complex-Related Facility Permit	\$15.00
6. Mini Bar Permit with Hotel/Restaurant license	\$48.75
7. Special Events Permit (Liquor)	\$50.00
8. Special Events Permit (3.2%).....	\$50.00
9. Temporary Permit.....	\$100.00
10. Private Party Alcoholic Beverage Permit	\$50.00

D. Other Liquor-Related Applications

1. Addition of related facility permits to
existing Resort Complex License \$100.00
2. Change of Location \$750.00
3. Corporate/LLC Change \$100.00 per person
4. Hotel/Tavern Manager's Registration \$75.00
5. Late Renewal Application \$500.00

Section 9: Parks, Open Space, and Trails

A. Recreational Facilities Development Fee \$3000.00

B. Private Encroachment Permit

1. Application Fee \$150.00
2. Fee to maintain property
encroached upon To be set by Town Administrator

C. Special Event Permit Fee

- Event of 25 to less than 40 people: \$25.00 *per day*
- Event of 40 to less than 100 people: \$25.00 *per day*
- Event of 100 to less than 500 people: \$50.00 *per day*
- Event of more than 500 people: \$100.00 *per day*

D. Park Amenity Memorial Fees To be set by Town Council

Section 10: Police Department Fees

A. Vehicle Identification Number Inspection

1. For Town residents\$20.00
2. For non-residents\$30.00

B. Fingerprints

1. For Town residents\$20.00
2. For non-residents\$30.00

C. Police Reports

NOTE: Criminal Histories are referred to CBI – www.cbirecordscheck.com

1. Application for Police Reports (inc. first 2 pages) \$5.00
2. For each page following first 2 pages \$.25
3. Records Check\$15.00
4. Crime Report (copies) \$.25 per page
5. Research – Intensive Check (1st hr. free) \$30.00 per hour
6. Accident Report \$5.00
7. Photographs (digital) \$30.00 per CD
8. Application for Sex Offender List..... \$5.00

D. Fire/Fireworks Ban Exemption Permit\$25.00

E. Sex Offender Registration

1. Initial Registration\$35.00
2. Renewal, Information updates, etc.\$15.00

F. Animal Impound Fees

1. Dog **
- **Impound fees are charged by the Animal Shelter and are subject to change**

G. Vehicle Tow & Impound Fee

1. Impound Fee.....\$40.00
2. Storage Fee Per Day \$40.00
3. Towing Fee **

Towing Fees are Charged by the Towing Company and are Subject to Change

H. Other Services

1. Breath Test (Portable Breath Tester Only) \$5.00

I. 911 Tape Recordings\$30.00

Section 11: Public Works

A. Fees for Use of Town Equipment

1. Light Truck\$30.00 per hour
2. Heavy Truck/Equipment\$120.00 per hour
3. Light Equipment/Tools.....\$50.00 per hour

B. Fees for Use of Town Labor

1. Maintenance Worker\$35.00 per hour
2. Supervisor\$45.00 per hour

Section 12: Sign Permits

A. \$35.00 base fee, plus \$2.50 for each square foot of sign area

Section 13: Recreation Fees

A. Park Shelter Fee \$30.00 per 2 hours

B. Athletic Field Fee \$60.00 per 2 hours

C. Community Center Rental Fees:

- Non-Profit/Gov'n't. Rate.....\$25.00/hr. Small Room
- Non-Profit/Gov'n't. Rate.....\$35.00/hr. Large Room
- Private Parties/General Public\$30.00/hr. Small Room
- Private Parties/General Public\$50.00/hr. Large Room

D. Community Center Deposit Fees:

- Monday thru Thursday Rentals.....\$200.00
- Friday, Saturday, Sunday Rentals.....\$350.00

Section 14: Streets and Rights-of-Way

A. Right-of-Way Excavation Permits

1. Permit \$10.00 per square yard of right-of-way
2. Deposit..... \$90.00 per square yard of right-of-way

Section 15: Town Records

A. Duplication

1. Records in 8½ x 11 inch format..... \$0.25 per page, plus
Research & Retrieval Costs
2. Records in other formatsActual reproduction cost, plus
Research & Retrieval Costs

B. Certification\$1.00 for each certificate and seal

C. Research and Retrieval Costs .. \$33.58 per hour (1st hour free per statute)

Section 16: Water, Sewer, and Trash Removal Services

A. Utility Account Administration

1. Administrative charge for ownership change (transfer fee).....\$15.00
2. Administrative charge for adding tenant to account..... \$5.00
3. Utility hookup charge estimated costs of labor, materials, and other expenses incident to the installation of corporation stop, curb stop, curb box, meter, remote readout, and appurtenances, plus a 10 percent administration charge
4. Short check fee\$25.00
5. Administrative charge for processing shutoff notice\$30.00
6. Delinquency charge on unpaid utility charges 1%
7. Disconnect charge for delinquent accounts.....\$75.00
8. Reconnect charge for delinquent accounts\$75.00
9. Charge to certify delinquent utility charges to County Treasurer 10%
10. Lien Filing Fee \$100.00
11. Disconnect charge for vacancy request\$15.00
12. Reconnect charge for vacancy request.....\$15.00
13. Reduced water charges for vacancy period.....per month: ~~\$20.94~~ **21.57**
plus charge for water maintenance and operationsper EQR: ~~\$5.58~~ **5.75**
14. Reduced sewer charges for vacancy period.....per month: ~~\$37.88~~ **39.02**
plus charge for sewer maintenance and operations .. .per EQR: ~~\$4.68~~ **4.82**
15. Administrative charge for inactive water tap.....per year: \$25.00
16. Administrative charge for inactive sewer tapper year: \$25.00
17. Reconnect fee after disconnect for watering restriction violation: ... \$50.00

B. Water Meters

1. Water meter and accessories (3/4-inch) \$292.00
2. Water meter and accessories (1-inch) \$388.00
3. Deposit for removal/testing of meter.....~~\$75.00~~ **125.00**
4. Fee to reinstall water meteramount charged by licensed plumber pursuant to plumber's contract with Town
5. Service charge for water meter by-passing, tampering or unauthorized metering \$1,000.00

C. Raw Water Service

1. For raw water diverted from East Elk Creek via Red Rock Ditch for 2,500 sf or part thereof of irrigated lawn/garden per month: ~~\$6.45~~ **6.64**
2. For raw water diverted from Colorado River via CO. River Pump Station for 2,500sf or part thereof of irrigated lawn/garden per month: ... ~~\$9.39~~ **9.67**

- D. Bulk Water per thousand gallons:~~\$12.96~~ **13.80**

E. Water Rates

Water Usage (gallons per month per EQR)	Monthly Water Service Charges	
	Users within Town Limits	Users outside Town Limits
Minimum monthly charge Includes up to 12,000 gallons of water usage	\$32.22 33.19	\$49.45 50.93
Each additional 1,000 gallons (or part thereof) over 12,000 gallons, up to 20,000 gallons	\$3.07 3.16	\$4.45 4.58
Each additional 1,000 gallons (or part thereof) over 20,000 gallons, up to 30,000 gallons	\$4.79 4.93	\$7.08 7.29
Each additional 1,000 gallons (or part thereof) over 30,000 gallons, up to 40,000 gallons	\$9.57 9.86	\$13.68 14.09
Each additional 1,000 gallons (or part thereof) over 40,000 gallons	\$10.87 11.20	\$17.11 17.62

Monthly water service charges for the following "special users" only shall be computed as follows:

Category of Special User	Monthly Water Service Charges
<u>Senior:</u> Users <i>within</i> Town limits in where the owner (or primary tenant who is a co-signer on the account) is 65 or older, has applied for and been approved for a senior discounted rate	The minimum monthly charge, including up to 12,000 gallons of water usage per EQR, shall be \$22.17 22.84 per EQR. Charges for each additional 1,000 gallons (or part thereof) of water usage per EQR over 12,000 gallons shall be computed according to the in-Town rate schedule set forth in Subsection above.
<u>Senior:</u> Users <i>outside</i> Town limits where the owner (or primary tenant who is a co-signer on the account) is 65 or older, has applied for and been approved for a senior discounted rate	The minimum monthly charge, including up to 12,000 gallons of water usage per EQR, shall be \$33.65 34.66 per EQR. Charges for each additional 1,000 gallons (or part thereof) of water usage per EQR over 12,000 gallons shall be computed according to the out-of-Town rate schedule set forth in the water usage table above.
Schools	The minimum monthly charge, including up to 12,000 gallons of water usage per EQR, shall be \$27.09 27.90 per EQR. Charges for each additional 1,000 gallons (or part thereof) of water usage per EQR over 12,000 gallons shall be computed according to

	the in-Town rate schedule set forth in the water usage above.
Vacant Property qualifying under municipal code §13.16.050(A)	63% of applicable monthly charges

F. Fees for No Meter and Broken Meters

Period	Surcharge Fee
For first month (or part thereof) without water meter	\$132.82 136.80 per EQR per month
For second consecutive month (or part thereof) without water meter	\$265.62 273.59 per EQR per month
For third consecutive month (or part thereof) without water meter	\$531.23 547.17 per EQR per month
For fourth consecutive month (or part thereof) and each subsequent month (or part thereof) without water meter	\$664.05 683.97 per EQR per month

G. Sewer Rates

Category of User	Monthly Sewer Service Charges	
Users within Town Limits	Senior: Owner (or primary tenant who is a co-signer on the account) is 65 or older, has applied for and been approved for a senior discounted rate	The minimum monthly charge for up to 6,000 gallons of water usage per EQR shall be \$50.88 per EQR. Charges for water usage over 6,000 gallons per EQR shall be \$6.96 per EQR for each additional 1,000 gallons (or part thereof).
	All other users	The minimum monthly charge for up to 6,000 gallons of water usage per EQR shall be \$58.27 per EQR. Charges for water usage over 6,000 gallons per EQR shall be \$8.20 per EQR for each additional 1,000 gallons (or part thereof).
Users outside Town limits	Senior: Owner (or primary tenant who is a co-signer on the account) is 65 or older, has applied for and been approved for a senior discounted rate	The minimum monthly charge for up to 6,000 gallons of water usage per EQR shall be \$67.26 per EQR. Charges for water usage over 6,000 gallons per EQR shall be \$8.66 per EQR for each additional 1,000 gallons (or part thereof).
	All other users	The minimum monthly charge for up to 6,000 gallons of water usage per EQR shall be \$69.53 per EQR.

		Charges for water usage over 6,000 gallons per EQR shall be \$10.19 per EQR for each additional 1,000 gallons (or part thereof).
Vacant Property qualifying under municipal code §13.16.050(A)	63% of applicable monthly charges	

- H. Fee in Lieu of Water Rights Dedication..... \$6,000.00
per Equivalent Residential Unit
- I. Watershed Protection District Permit
1. Activity to take place on single-family residential property
 - a. Application fee \$150.00
 - b. Deposit \$500.00
 2. All other activity
 - a. Application fee \$500.00
 - b. Deposit \$1,500.00
- J. Trash Removal Service
1. Users in owner-occupied residences occupied by one or more senior citizens..... ~~\$30.55~~ **31.77** per month
 2. All other users..... ~~\$34.57~~ **35.95** per month
- K. Industrial Wastewater Surcharges
1. BOD discharges in excess of 250mg/L.....\$0.8230 per pound
 2. TSS discharges in excess of 250 mg/L.....\$0.4073 per pound
 3. Sampling and analysis charge\$100.00 per sampling

**Town of New Castle**

450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Memorandum

To: Mayor & Council

From: Dave Reynolds

Re: Agenda Item: Council Update concerning Salary Survey and Reviews

Date: 12/19/23

Purpose:

The purpose of this Executive Session is to update Town Council concerning the status of salary levels throughout town staff and to inform Council on the results of our 2023 Salary Survey.

**New Castle Town Council Regular Meeting
Tuesday, December 5, 2023, 7:00 PM**

Call to Order

Mayor Art Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Present	Councilor Carey (Attended by ZOOM)
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
	Councilor Mariscal

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Mindy Andis, Town Treasurer Viktoriya Ehlers, Assistant Town Attorney Haley Carmer, Town Planner Paul Smith, and members of the public.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2023-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Town Clerk Mindy Andis said the Staff Introduction for Justin Perks should be removed.

Attorney Haley Carmer said item G. consider ratification/approval of settlement agreement in Castle Valley Ranch Investors litigation following 12/4/23 mediation should be removed.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney –present for agenda items only.
Consultant Engineer – not present.

Items for Consideration

~~Staff Introductions – Justin Perkins~~

Town Council Meeting
Tuesday, December 5, 2023

1
2 **Consider Resolution TC 2023-12, A Resolution of the New Castle Town Council**
3 **Approving a Conditional Use Permit for A Small Truck and Trailer Rental Facility**
4 **on Property Located in the C-1 Zone District.**
5

6 Administrator Dave Reynolds said Business owner Jim Schrull has successfully operated
7 his U-Haul Business at its current location of 589 West Main Street (Texaco Service
8 Station) since Conditional Use Approval was granted by the Town Council in 2001. With
9 over 20 years in business as a service garage and U-Haul Rental facility Mr. Schrull now
10 seeks to limit his business by removing automotive repair elements and limiting his
11 operations to the U-Haul business only. Mr. Schrull is in the process of selling his Texaco
12 property to local business owners who can reimagine the property in a way that brings a
13 new business element to the Downtown core. Mr. Schrull is seeking approval for the
14 operations of his U-Haul Business under a *Conditional Use Permit* to be relocated to the
15 town owned property at 667 W. Main Street. During a Public Hearing on 11/29/23, the
16 Planning and Zoning Commission considered Mr. Schrull's CUP application as well as took
17 public comment.

18
19 Town Planner Paul Smith reviewed his staff report with the council.
20

21 **I. Background:**

22 *The Applicant proposes relocating their current U-Haul business and private garage from*
23 *589 W Main St. to the "Premises" at 667 W Main St. and the western forty (40) feet of the*
24 *"Kamm Lot" (Assessor Parcel No. 212331301004). The Premises consists of empty*
25 *parking area and a 1,200 square foot warehouse structure. The warehouse is currently an*
26 *unfinished shell building containing a restroom and gas heater. As proposed, the*
27 *warehouse will accommodate a U-Haul office as well as the Applicant's personal workshop*
28 *and storage. The exterior parking area will provide private vehicle parking for the tenant,*
29 *additional personal storage area, and parking for the rotating fleet of U-Haul rental*
30 *vehicles and trailers.*

31 *Pursuant to Chapter 17.36 of the Municipal Code, a trailer rental facility is listed as a*
32 *conditional use, 17.36.050 (B) (3). Though the Applicant was originally approved for a*
33 *conditional use for the U-Haul business at 589 W Main St. in 2001, conditional use permits*
34 *(CUP) are location specific and may not transfer to another site without Council approved.*
35 *Upon approval, the Applicant has consented to signing a commercial lease with the Town*
36 *and comply with the terms therein as well as any additional conditions approved as part of*
37 *this application. As part of the CUP process, the Planning Commission (P&Z) is required to*
38 *hold a public hearing in accordance with the procedures set forth in Municipal Code*
39 *Section 16.08. Within 30 days of the hearing, P&Z must make one of these three*
40 *recommendations to Town Council:*

- 41
42 1) Approve the CUP unconditionally;
43 2) Approve the CUP with conditions;
44 3) Deny the CUP.
45

1 **II._ Application Requirements:**

2 *The purpose of a CUP is to determine if the nature of the proposed use is appropriate*
3 *to the location and character of the surrounding development, whether service capacity is*
4 *sufficient to meet the use's demand and determine if there are potential negative*
5 *environmental or nuisance concerns, among other factors, that the Town may deem*
6 *relevant to the type of land use.*

7 1. *Site Plan: (Exhibit A)*

8 a. *Adjacent land uses and location of adjacent structures;*

9 **Staff Comment** – *The land uses proposed are consistent with surrounding*
10 *commercial uses including Reiger's automotive repair and the Town's*
11 *wastewater treatment facility. Compatibility with the residential uses across*
12 *U.S. 6 will generally involve compliance with all performance standards and*
13 *nuisance codes.*

14
15 b. *Boundary and size of lot;*

16 **Staff Comment** – *The subject property is located at 667 W Main Street in*
17 *addition to the western forty (40) feet of the Kamm Lot public parking lot.*
18 *The CUP does not include the remaining eastern portion of the public parking*
19 *lot. The Premises is approximately 9,000 square feet (SF), which is well*
20 *within the C-1 district minimum lot area of 2,500 SF per unit.*

21
22 c. *Building location, height and setbacks;*

23 **Staff Comment** – *The warehouse is 14 ft tall and approximately 8 ft setback*
24 *from the alleyway in rear. Maximum commercial building height is 40 ft and*
25 *the only setback requirement for the principal building is 5 ft in rear. The*
26 *proposed lease currently allows for a single storage shed encroaching the*
27 *rear setback. Since setbacks are designed for life-safety, it is recommended*
28 *as a condition of this approval that no other structure or objects be*
29 *permanently placed in the rear setback.*

30
31 d. *Off-street parking and loading areas;*

32 **Staff Comment** – *There are no off-street parking requirements for the*
33 *proposed uses in the C-1 District. However, there shall be at least one ADA*
34 *van-compliant off-street parking space that is appropriately signed since no*
35 *other off-street parking is being proposed. Any loading, unloading, or*
36 *staging is to be performed exclusively on the Premises. The U-Haul business*
37 *activity shall not occur in the eastern sixty (60) feet of the Kamm Lot, or on*
38 *US 6 (Main Street). Though, U-Haul customers may use the Kamm Lot drive*
39 *aisle to exit the Premises.*

40
41 e. *Points of ingress and egress;*

42 **Staff Comment** – *The main entrance for the Premises is from Main Street*
43 *across from the 7th Street intersection. Staff is amenable to the use of the*

Kamm Lot as an exit provided the eastern fence opening maintains a minimum drive aisle of 20 ft permanently accessible. The eastern portion of the Kamm Lot shall remain public parking free from U-Haul activity.

f. Service and refuse areas;

Staff Comment – The refuse area, labeled Trash Bin in, shall be accessible for weekly pickup. Other than routine deliveries and trash removal, no other services are anticipated.

g. Signs and exterior lighting;

Staff Comment –the intended signage for the business, with one mounted sign, like that on the current facility, and a portable 2 ft x 3 ft sign advertising prices. A decorative petrol sign will also be attached to the front gable. Exterior lighting will be unchanged. If the applicant finds additional exterior lighting for security is necessary, the new illumination shall be dark-sky compliant. Lighting requiring new circuitry shall apply for an electrical permit.

h. Fencing, landscaping and screening;

Staff Comment –The applicant has expressed interest in potentially installing a split rail fence at the eastern boundary of the subject property. Staff suggests adding a condition for signs and fence to be installed to delineate the Kamm lot boundary and deter the general public from parking on the Premises.

i. Compliance with performance standards;

Staff Comment – Performance standards are requirements, agreed to by the Applicant, assuring compliance with the Town's nuisance code, (Section 17.72.090). The Applicant has signed the Performance Standards.

j. Anticipated utility requirements;

Staff Comment – Electrical utilities for the Premises are located at the northwest corner of the warehouse and southwest corner of the lot. The general location of the water service valve for the warehouse and the electrical panel for Kamm Lot's EV charger is labeled "Utilities". Staff does not anticipate the proposed uses negatively affecting existing utilities. As long as performance standards and parking requirements are followed, the mere relocation of the U-Haul business and private garage should have no additional impacts to the police or fire departments.

III. Planning Commission Questions and Comments

The applicant introduced the application to the Planning Commission on November 29, 2023. The Commissions provided constructive feedback, some of which is summarized

below:

A. P&Z Questions/Applicant or Staff Answers

- How long is the lease term? *Two years with options.*
- Has the Applicant received complaints of current business? *No official complaints to the Town about U-Haul Business.*
- Will added exterior lights be dark-sky compliant? *Any additional lighting will be reviewed by staff for dark-sky compliance.*
- Would the Town and Applicant consider renting the south parking spaces of the Kamm Lot instead of the western 40 feet for sake of sidewalk appeal along Main Street? *Staff and Applicant are in support of this option.*
- Should be consider a parking cap? *A southside Kamm parking alignment would support up to 12 spaces.*
- How can we improve enforcement of the CUP? *The lease agreement will include penalties for breach. The conditional Use Agreement will include performance requirements.*

Councilor Hazelton said he liked the idea of parking on the south side of the lot but had a concern for the sight view when approaching the railroad tracks and if there is a box truck at the corner of the lot. Councilor Hazelton suggested parking the flatbed trailers at the southeast corner of the lot and park the trucks and trailers closer to the building.

Planner Smith said the biggest truck to be parked is 26 feet and the lot is roughly 113 feet, therefore Mr. Shrull could park a total of 12 trucks/trailers along the south side of the lot.

Councilor G. Riddle asked about the functionality of the rest of the lot. Planner Smith said the middle of the Kamm Lot will be functional and Mr. Shrull can use it as staging area only. The middle to be open for an ingress and egress for the lot. The drop off area would be in front of the building.

IV. Staff Recommendations:

Staff recommends approval of a Conditional Use Permit for a small truck and trailer rental facility as portrayed on the site plan, with the following conditions:

A. *The U-Haul trucks and trailers allowed on the Property are limited to the Following:*

- i. *One (1) permanent 26-foot box truck*
- ii. *One (1) 6' x 12' enclosed trailer*
- iii. *One (1) 5' x 8' enclosed trailer*
- iv. *One (1) 6' x 12' open bed trailer*
- v. *The maximum number of U-Haul trucks and trailers, including those dropped off by customers in the ordinary course of business, on the Property shall not exceed ____.*

B. *The following outdoor decorations & signage shall be permitted on the*

property:

- i. One (1) 1' x 1.5' U-Haul sign hanging on warehouse;
 - ii. One (1) 3' x 2' portable advertisement sign to be located out of public ROW, parking spaces and ingress/egress areas; and
 - iii. "Standard Oil" decorative sign above overhead doors and/or an antique, decorative gas pump in front of the building
- C. Applicant shall clean up and restore the exterior of Applicant's prior Uhaul business location (589 W. Main Street) and remove all outdoor cars, equipment, and other personal property on or before March 31, 2024;
- D. Applicant shall provide ADA van parking and loading areas that shall be signed, available, and accessible directly in front of the U-Haul office door per International Existing Building Code (IEBC) section 410;
- E. All vehicles associated with the Proposed Use are to load, park, stage, etc. only on the Property. The portion of Parcel No. 212331301004 not included in the Property and public on-street parking in the Town are not to be used for Applicant's business or personal storage and shall remain public parking; provided, however, that said area may be used for access to the Property so long as a 20-foot wide drive aisle is maintained;
- F. Aside from the personal storage shed and temporary parking of vendor truck as shown on the approved site plan for the Application, customers and personal loading, parking, and storage is prohibited behind and along the western side of the warehouse. The storage shed and vendor truck shall be located so as not to disrupt access to utilities located at the southwest corner of the warehouse;
- G. Office hours of operation of the Proposed Use shall be limited to 9 am to 4 pm, Monday through Friday, which hours shall be clearly posted on the exterior of the building. The office hours of operation do not include or prohibit vehicle drop-off by customers or personal use of the Property by Applicant.
- H. Applicant shall install a split rail fence along the north end of the eastern boundary of 667 W. Main to match existing fence along Kamm Avenue. Staff shall approve the location and length of the fence prior to installation.
- I. One year after the effective date of this Resolution, Town staff shall conduct a review of Applicant's business operations on the Property, the functionality of the approved site plan and maximum U-Haul parking, and compliance with all conditions of approval of the Proposed Use.

- 1 J. Prior to issuance of the Conditional Use Permit, Applicant shall execute a
2 lease for the Property with the Town.
3
- 4 K. The Proposed Use approved in the Application shall not be conducted until
5 the Town Planner has issued a conditional use certificate. That certificate
6 shall be issued only after the Applicant has entered into an agreement with
7 the Town specifying that all conditions imposed by the Town council will be
8 completed and that the use and improvements will be in accordance with the
9 approved application site plan and development schedule. The conditional
10 use certificate must be issued within one year of the date of final approval by
11 Town Council, or the application is deemed withdrawn by the Applicant and is
12 of no further force and effect;
13
- 14 L. No approved conditional use may be altered, structurally enlarged, expanded
15 in parking area or expanded in ground area unless the site plan is amended
16 and approved in accordance with the procedures applicable to approval of a
17 conditional use as set out in § 17.84.070 of the Code;
18
- 19 M. In the event the Town receives any complaints about the use of the site in
20 violation of the conditional use approval or other Code requirements or
21 observes or becomes aware of any violations of the conditional use approval,
22 the Applicant and/or owner may be summoned before the Town Council in a
23 public meeting to show cause why the permit should not be revoked,
24 suspended, or additional conditions imposed. Such show-cause hearing shall
25 be open to the public and the applicant or owner may present testimony or
26 offer other evidence on its behalf;
27
- 28 N. Applicant shall comply with all applicable building and municipal code
29 requirements, including the sign code and all accessibility requirements;
30
- 31 O. Any added exterior lighting will be dark sky compliant pursuant to the
32 Comprehensive Plan Goal EN-4;
33
- 34 P. All representations of the Applicant in written and verbal presentations
35 submitted to the Town or made at public hearings before the planning
36 commission or Town Council shall be considered part of the application and
37 binding on the Applicant; and
38
- 39 ~~Q. Applicant shall reimburse the Town for any and all expenses incurred by the~~
40 ~~Town regarding this approval, including without limitation all costs incurred~~
41 ~~by the Town's outside consultants such as legal and engineering costs.~~

42 Councilor G. Riddle asked what the original number of vehicle Mr. Shrull could have on
43 the lot. Planner Smith said 1 permanent 26-foot U-Haul box truck, 1 6x12 enclosed U-
44 Haul trailer, 1 5x8 U-Haul trailer and 1 6x12 open U-Haul trailer. Councilor Leland asked

1 what the maximum trucks have been on the current lot. Mr. Shrull said the trucks and
2 trailers are constantly rotating and changing constantly. Councilor Carey said P&Z had
3 discussed providing a number to Mr. Shrull so he understands how many vehicles and
4 trailers he can have on the lot at one time. It would give Mr. Shrull the ability to contact
5 U-Haul to relocate the extra vehicles or trailers. Mr. Shrull said it could take up to three
6 days for U-Haul to relocate the vehicles. Councilor Hazelton asked if the parking along the
7 northside of Mail Street would become public parking and will there be signage to show
8 what is public parking vs. U-Haul parking. Planner Smith said yes. Attorney Carmer said
9 there needs to be a clear of what the dimensions are of the southern portion of the lot.
10 The dimensions will become part of the resolution and in the lease.

11
12 Attorney Carmer reviewed with council the changes to the resolution as follows:

- 13
14 * Condition 3 A V. The maximum number of U-Haul trucks and trailers, including those dropped off
15 by customers in the ordinary course of business, on the Property shall not exceed 10.at anytime
16 * Adding a condition: Only open trailers and low-profile vehicles shall be parked in
17 the tow easternmost parking spots on the property.
18 * Adding to the legal description: southern 26 feet of 645 W. Main Street.
19 * Deleting condition Q.
20

21 **MOTION: Councilor G Riddile made a motion to approve Resolution TC 2023-12,**
22 **A Resolution of the Town Council of the Town of New Castle Adopting a Budget**
23 **for A Resolution of the New Castle Town Council Approving a Conditional Use**
24 **Permit for A Small Truck and Trailer Rental Facility on Property Located in the C-**
25 **1 Zone District with the described changes. Councilor Carey seconded the motion**
26 **and it passed unanimously.**

27
28 **MOTION: Councilor Carey made a motion to move agenda item I to be heard**
29 **next. Councilor Mariscal seconded the motion and it passed unanimously.**
30

31 **Approval of the Kamm Lot Lease**

32 Attorney Carmer said the only change in the lease agreement is the change of the legal
33 description of the property that will be leased would add southern 26 feet of 645 W.
34 Main Street. The Council would need to authorize the Mayor to sign the lease once the
35 changes have been made.
36

37 **MOTION: Mayor A. Riddile made a motion to approve the revised lease**
38 **agreement and authorize the mayor to sign the lease. Councilor G. Riddile**
39 **seconded the motion and it passed unanimously.**
40
41
42
43

Consider Resolution TC2023-11 A Resolution of the Town Council of the Town of New Castle Adopting a Budget for the Town of New Castle, Colorado, for the Fiscal Year Beginning on January 1, 2024 and Ending on December 31, 2024, Appropriating the Amounts Specified in the Budget as Expenditures from the Funds Indicated, Levying the Property Tax Proposed in the Budget, and Reserving and Designating Certain Amounts in Each Fund.

Administrator Reynolds reviewed the budget message for 2024 (**Exhibit D**).

Town Treasurer Viktoriya Ehlers greeting the council. She reviewed the following changes to the 2024 budget:

General Overview

1. General Fund went from \$80,410 to \$12,060
2. Utility Fund went from \$1,286 to \$35,543

Personnel

- Updated Health Insurance costs to account for staff members who switched from Individual Health insurance plans to Family insurance plans which adds approximately \$12,000 in expenses.

General Fund updates

- Workers' Compensation Insurance from Pinnacol increased by \$6,000 from the preliminary quote in August. Higher wages in 2024, as well as all of the claims we had in 2023 influenced that increase.
- New Kamm Lot Lease Agreement is reflected in 2024.
- Reduced General Property Taxes by \$20,000.

Utility Fund

- Additional \$29,000 in expenses for Digester Blower project was moved from 2024 expenditures to 2023 due to contractors working ahead of schedule.

Mayor A Riddile opened the public hearing at 7:49 p.m.

There was no public testimony.

Mayor A Riddile closed the public hearing at 7:50 p.m.

MOTION: Councilor G Riddile made a motion to approve Resolution TC 2023-11, A Resolution of the Town Council of the Town of New Castle Adopting a Budget for the Town of New Castle, Colorado, for the Fiscal Year Beginning on January 1, 2024 and Ending on December 31, 2024, Appropriating the Amounts Specified in the Budget as Expenditures from the Funds Indicated, Levying the Property Tax Proposed in the Budget, and Reserving and Designating Certain Amounts in Each Fund. Councilor Mariscal seconded the motion and it passed unanimously.

Town Council Meeting
Tuesday, December 5, 2023

Consider Ordinance TC 2022-8 - An Ordinance of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023 (1st reading)

Administrator Reynolds explained the supplemental budget was something that the town had to do. He said anytime that the town goes over in expenditures any fund, the town will need to submit a supplemental budget to the state. Treasurer Ehlers explained the expenditures as follows:

Utility Fund

Actual expenses exceeded budgeted expenses by \$153,800. Red Rocks Ditch project was initiated in 2023 and funded by ARPA funds but wasn't initially in the works during the adaption of 2023 budget.

Conservation Trust Fund

Actual expenses exceeded budgeted expenses by \$9,500. Pass through \$10,000 grant from Garfield County CTF towards the construction of Burning Mountain Trail.

Mayor A Riddile opened the public hearing at 7:55 p.m.

There was no public testimony.

Mayor A Riddile closed the public hearing at 7:56 p.m.

MOTION: Councilor Leland made a motion to approve Ordinance TC 2023-8, A Ordinance of the Town Council of the Town of New Castle, Colorado summarizing additional expenditures for the Utility Fund, Conservation Trust Fund and Cemetery Fund, and adopting a supplemental budget for the Town of New Castle, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023 (1st reading) Councilor Hazelton seconded the motion and it passed on a roll-call vote: Councilor Hazelton: yes; Councilor G. Riddile: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor Carey: yes; Councilor Copeland: yes; Mayor A. Riddile: yes.

Consider Ordinance TC2023-10 – Ordinance 2021 Building , Residential, Mechanical, Fuel Gas, Plumbing Code Model Electric Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06 Regarding Construction Management Plans and amending Title 15 of the town Municipal Code Accordingly. (1st reading)

Town Council Meeting
Tuesday, December 5, 2023

1 Planner Smith reviewed with council the purpose of the code adoption and the proposed
2 amendments.
3 He said the *adoption of the 2021 International Code Council (ICC) model codes and the*
4 *new state of Colorado standards for electrical and solar readiness. The proposed code*
5 *adoption (collectively "ICodes") includes the Commercial Building Code (IBC), Residential*
6 *Building Code (IRC), Mechanical Code (IMC), Plumbing Code (IPC), Fire Code (IFC),*
7 *Electrical Code (NEC), Fuel Gas Code (IFGC), International Existing Building Code (IEBC),*
8 *the Energy Code (IECC), the Colorado Model Electrical Ready and Solar Ready Code, and*
9 *adds a new municipal code section, Construction Management.*

10 **What are International Building Codes?**

11 *The ICodes are model building standards endorsed by the latest in building science and*
12 *industry best practices. The codes are recognized by municipalities as the minimum*
13 *standards to which structures are to be designed, engineered, and inspected. These*
14 *recognized standards include codes for residential buildings, commercial buildings,*
15 *electrical, plumbing, mechanical, fire protection, and more.*

16 **What are the Colorado Model Electric Ready and Solar Ready Codes?**

17 *Any municipality which adopts the 2021 IECC standards is required by HB 22-1362 to*
18 *include these standards as part of the adoption. The codes regulate the design and*
19 *construction of buildings to prepare new buildings for solar photovoltaic or solar thermal,*
20 *electric vehicle charging infrastructure, and electrification of building systems. This code is*
21 *intended to provide flexibility and balance upfront construction costs with the future cost*
22 *to retrofit buildings to accommodate these systems. This code is not intended to abridge*
23 *safety, health or environmental requirements contained in other applicable codes or*
24 *ordinances.*

26 **Why do Towns Amend Building Codes?**

27 *Building conditions can vary drastically around the country. Homes in Florida might be*
28 *built to withstand tropical storms, homes in Alaska might be built to withstand extreme*
29 *cold, offices buildings in California should be built to withstand significant seismic events.*
30 *Some towns might desire that their homes have built in fire sprinkler systems, other*
31 *towns may think that this is adding too much cost and burden to the homeowner.*
32 *For many reasons it is important for each municipality to adopt the ICodes with*
33 *appropriate amendments that help to modify the codes in a way that makes sense for the*
34 *community, the local engineers and architects, the builders, and the homeowners.*

36 **Background:**

37 *New Castle is currently on the 2015 ICodes. Though new versions of the ICodes are*
38 *modified and released every three years, most municipalities in our area try to create a*
39 *cycle of adopting the updated building codes at least every six years. Municipalities near*
40 *New Castle currently using the 2015, 2018, or 2021 editions. Aspen, Glenwood Springs,*
41 *and Carbondale (est. adoption 2024) are currently on the 2021 edition.*
42 *There are several reasons why it is advantageous for New Castle to consider adopting the*
43 *proposed building codes:*

- 1) *The latest codes provide significant improvements to energy efficiency.*
- 2) *The latest codes provide improved life safety.*
- 3) *The latest codes improve project management practices.*
- 4) *Architects and engineers tend to design to the latest or even more restrictive standards.*
- 5) *Local builders are better served when codes are consistent across municipalities.*
- 6) *Homeowner's insurance rates can be negatively affected by a municipality's use of outdated codes.*
- 7) *Training of code officials is based on current codes.*
- 8) *The state provides incentives for municipalities on the latest codes.*

Actions taken to date:

- *Staff has taken the better part of 2023 to study and received training in the 2021 editions and consider how the codes as written, might apply to New Castle.*
- *Staff has studied the current adopted codes of neighboring communities in order to find avenues to create a more consistent code adoption wherever possible.*
- *Staff has discussed the adoption of the 2021 code with other local building officials, local architects/engineers, contractors, and building suppliers.*
- *Staff has discussed various elements of the code adoption and amendment with legal counsel in order to obtain legal advice related to the adoption of questionable areas of the code.*
- *Staff has conferred with the area Fire Marshall and communicated the intent of our proposed code adoption.*
- *Staff has prepared all applicable amendments needed in order to present an adoption of the 2021 codes that is suitable for the Town, fair and equitable to area builders, holds as true as possible to the intent of the International Code Council, and brings the Town up to a current minimum building standards that is consistent with other municipalities in our region.*

Summary of major changes to 2021 code adoption:

On balance, only very select sections of the 2021 ICodes have been amended. In all cases where code amendments were considered, a more restrictive alternative was provided. Moreover, Staff has made minor updates to Chapter 15 of the Municipal Code (parts not included in the ICodes) to better suit the current state of construction in New Castle. The following is a summary of all the major amendments to the ICodes currently contemplated by Staff:

- *Addition of Section 15.06 regarding Construction Management;*
- *Addition of the state of Colorado Model Electric and Solar Ready Code;*
- *Contractor licenses and testing are eliminated;*
- *Prohibition of excavation permits (unless subject to Section 15.36*

1 *Grading Permits);*

- 2 ▪ *Permit fees aligned with Town of New Castle Schedule of Fees;*
- 3 ▪ *Clarification of required construction documents;*
- 4 ▪ *Stricter provisions for issuance of temporary certificate of occupancy;*
- 5 ▪ *Improved requirements for foundation drains and damp proofing;*
- 6 ▪ *Added requirements for gutters and downspouts;*
- 7 ▪ *Prohibition of atmospherically vented appliances;*
- 8 ▪ *Water & sewer stub outs required prior to foundation installation;*
- 9 ▪ *Requirement for energy consultant review at plan submittal*
- 10 ▪ *Clarification of freeze protection system controls for ice/snow melt*
- 11 *systems;*
- 12 ▪ *Automatic sprinkler systems aligned with county requirements;*

13
14 *During the last adoption in 2018, Staff committed to updating the building codes every six*
15 *years. As the six year goal approaches, Staff asks that Council once again consider these*
16 *updates as a step in improving the safety and wellbeing of the residents of New Castle*
17 *both now and in the future.*

18
19 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC2023-10-**
20 **2021 Building, Residential, Mechanical, Fuel Gas, Plumbing Code Model Electric**
21 **Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06**
22 **Regarding Construction Management Plans and amending Title 15 of the town**
23 **Municipal Code Accordingly. (1st reading) Councilor Carey seconded the motion**
24 **and it passed on a roll-call vote: Councilor Leland: yes; Councilor Mariscal: yes;**
25 **Mayor A. Riddile: yes; Councilor Copeland: yes; Councilor Carey: yes; Councilor**
26 **Hazelton: yes; Councilor G. Riddile: yes.**

27
28 **Executive Session for a conference with the Town Attorney for the purpose of**
29 **receiving legal advice on specific legal questions under CRS Section 24-6-**
30 **402(4)(b) regarding pending litigation against Castle Valley Ranch Investors**

31 **Motion: Councilor Leland made a Motion at 8:21 p.m. to go into Executive**
32 **Session for a conference with the Town Attorney for the purpose of receiving**
33 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding**
34 **litigation filed by Castle Valley Ranch Investors, Inc. Councilor Carey seconded**
35 **the motion and it passed unanimously.**

36
37 Executive session concluded.

38
39 At the end of the executive session, Mayor A. Riddile made the following statement:

40
41 "The time is now 9:33p.m. and the executive session has been concluded. The
42 participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor
43 Hazelton; Mayor A. Riddile; Councilors Copeland, G Riddile, Councilor Leland, Town
44 Administrator Reynolds, Town Clerk Andis, Town Planner Smith, Town Attorney Carmer

1 and Town Treasurer Ehlers. For the record, if any person who participated in the executive
2 session believes that any substantial discussion of any matters not included in the motion
3 to go into the executive session occurred during the executive session, or that any
4 improper action occurred during the executive session in violation of the Open Meetings
5 Law, I would ask that you state your concerns for the record."

6
7 No concerns were stated.

8
9 ~~**Consider ratification/approval of settlement agreement in Castle Valley Ranch**~~
10 ~~**Investors litigation following 12/4/23 mediation**~~

11
12 **Consider Resolution TC 2023-13 - A Resolution of the New Castle Town Council**
13 **Approving a Memorandum of Understanding with Garfield County Older Adult**
14 **Programs**

15 Administrator Reynolds said Memorandum of Understanding (MOU) between seven
16 partnering agencies which include Municipalities, Garfield County BOCC, and RFTA. The
17 purpose of this MOU is to document the cooperation between the agencies in order to
18 establish funding of a county-wide meal and transportation services for the Garfield
19 County Older Adult Programs for the calendar year 2024. The MOU is effective as of
20 January 1, 2024. There is an ask of \$9,244.41, which is 1,019 meals to be served in New
21 Castle.

22 **MOTION: Mayor A. Riddile made a motion to approve Resolution TC2023-13 A**
23 **Resolution of the New Castle Town Council Approving a Memorandum of**
24 **Understanding with Garfield County Older Adult Programs. Councilor Mariscal**
25 **seconded the motion and it passed unanimously.**

26
27 **Consent Agenda**

28 November 7, 2023 Minutes

29 November 21, 2023 Minutes

30 November Bills \$545,971.04

31 Black Bear Bar & Grill Hotel Restaurant Liquor License Renewal

32 Stop N Save Fermented Malt Beverage Off-Premises Liquor License Renewal

33 **MOTION: Mayor A. Riddile made a motion to approve the consent agenda.**
34 **Councilor Mariscal seconded the motion and it passed unanimously.**

35 **Staff Reports**

36 Town Administrator – Administrator Reynolds Thanked everyone who had participated in
37 the Tree Light Ceremony. Had a great turn out and believe it was one of the better events
38 than in the years past. Public Works is working on building a downtown ice rink on the
39 basketball court. Staff is working on a lot of year end projects. Town Staff will be hosting
40 a senior BINGO at the Lakota Senior Housing tomorrow (Wednesday, December 6, 2023)
41 from 2pm-4pm. There will be another senior BINGO at the Castle Valley Ranch Senior
42 Housing on Wednesday, December 20, 2023, from 2pm-4pm. He has a manager's
43 meeting in Carbondale with other valley managers to discuss the regional migrant status.

Town Council Meeting
Tuesday, December 5, 2023

1 He will be taking a long weekend vacation from Thursday, December 7, 2023 –
2 Wednesday, December 13, 2023. He said Friday, December 22, 2023, is a half day for
3 staff because the half day Town Hall will be closed all day for team building exercises.
4 Mayor A. Riddile said regarding the migrant situation the council is opposed to housing but
5 open to help financially somehow.

6
7 Town Clerk – Clerk Andis said she had exciting news from the clerk’s office, Deputy Remi
8 Bordelon had received her Certified Municipal Clerk Certification (CMC). Receiving the CMC
9 is a big accomplishment for a municipal clerk. A lot of hours and training goes into
10 receiving the certification. The is an international certification and is recognized in many
11 countries. With Deputy Bordelon receiving her certification there are now two certified
12 clerks in the clerk’s office.

13
14 Town Treasurer – Treasurer Viktoriya Ehlers said she had a meeting with Pinacol
15 Insurance and asked the representative to submit a quote for cyber insurance. The town
16 currently had the cyber insurance with CIRSA. She is working on a survey for local
17 governments, working on year end, quarter end and starting the new year.

18
19 Town Planner – Planner Smith said he is busy with land use applications. He received
20 another application for TC Fuels. They own the commercial parcel next to KSE.

21
22 Public Works Director – not present.

23 24 **Commission Reports**

25 Planning & Zoning Commission – Councilor Carey said a conditional use application for Mr.
26 Shrull was presented to P&Z. P&Z had a couple of concerns regarding code enforcement
27 for residential and commercial parking for the downtown. Also, more communication for
28 P&Z matters specifically noticing of the required community meetings. Attorney Carmer
29 said the applicant is not required to do more than what the code says. If the town wants
30 to do more publicizing then there would need to be either a policy or code change. Each
31 application needs to be treated the same.

32
33 Preservation Commission – didn’t meet.

34 Climate and Environment Commission – didn’t meet

35 Senior Program – didn’t meet

36 RFTA – didn’t meet

37 AGNC – didn’t meet

38 GCE – nothing to report.

39 EAB – nothing to report.

40 Detox – nothing to report.

41 42 **Council Comments**

43 Councilor Mariscal apologized for missing the Tree Light Celebration

44 Councilor Carey said she wanted to meet with Administrator Reynolds regarding

45 Community Builders. Administrator Reynolds said Colorado River Valley Economic

46 Development Partnership is putting together a program to have a town representative go

1 to the meetings. She said she had a non-town resident report to her some concerns
2 regarding the work that is being done on the Red Rocks Ditch. Administrator Reynolds
3 said Public Works Director John Wenzel is addressing the concerns.
4 Councilor Hazelton thanked Councilor Carey and Councilor G. Riddile for going to Denver
5 and representing the town for the court mediation.
6 Councilor G. Riddile said CDOT does have a low bidder for the roundabout project. He said
7 since Garfield County has said they would give the town \$450,000 towards the project, he
8 wanted to make sure the town stay in communication with the county.
9 Councilor Leland said the bell ringing is currently happening at City Market. The sign up
10 for the bell ringing is posted at the kettle and also on Visit New Castle Facebook page.

11
12 **Items for Future Council Agenda**

13 There were no comments for future council agenda.

14
15 **MOTION: Mayor A. Riddile made a motion to adjourn. Councilor G. Riddile**
16 **seconded the motion and it passed unanimously.**

17
18 The meeting adjourned at 9:55 p.m.

19
20 Respectfully submitted,

21
22
23
24
25 _____
26 Mayor Art Riddile
27

28
29 _____
30 Town Clerk Mindy Andis, CMC
31

Submit to Local Licensing Authority

**HACIENDA SAN MIGUEL
3007 D 1/4 ROAD
Grand Junction CO 81504**

Fees Due	
Renewal Fee	625.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

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

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name HACIENDA SAN MIGUEL INC		Doing Business As Name (DBA) HACIENDA SAN MIGUEL	
Liquor License # 03-18153	License Type Hotel & Restaurant (city)		
Sales Tax License Number 95376636	Expiration Date 02/14/2024	Due Date 12/31/2023	
Business Address 201 WEST MAIN STREET New Castle CO 81647		Phone Number 970 984 0351	
Mailing Address 3007 D 1/4 ROAD Grand Junction CO 81504		Email hererra@1020@gmail.com	
Operating Manager Carolina Herrera	Date of Birth [REDACTED]	Home Address 3007 D 1/4 Rd, Grand Junction CO 81504	Phone Number 970 822 6249
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 07/01/2024			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ Yes ☒ No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☐ Yes ☒ No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Carolina Herrera Herrera</i>	Title <i>President</i>
Signature <i>Carolina Herrera</i>	Date <i>11/30/2023</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For		Date
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, Carolina Herrera Herrera am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Hacienda San Miguel Corp (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Hacienda San Miguel Corp</u>		Social Security Number/Tax Identification Number <u>88-2944517</u>	
Address <u>201 West main street</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>9708226299</u>		Business/Work Phone Number <u>970 984 0351</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Carolina Herrera Herrera</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Carolina Herrera Herrera</u>			Date signed <u>11/30/2023</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).