

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO,
AMENDING CHAPTERS 3, 6, 7, 8, 10 AND 11 OF THE RIDGWAY MUNICIPAL CODE REGARDING FEES
FOR SALES TAX, LODGING TAX, BUILDING REGULATIONS, PLANNING AND ZONING, MARIJUANA,
NUISANCES AND ANIMALS

WHEREAS, The Town Council of the Town of Ridgway adopted numerous ordinances and resolutions establishing various fees and costs for Town service; and

WHEREAS, it has been almost twenty years since the Town undertook a comprehensive review of its fees, and many fees are out of date; and

WHEREAS, the Town Council desires to bring current the fees in order to come closer to covering the cost of services provided by the Town; and

WHEREAS, the cost of delivering the various services for the Town of Ridgway has increased over time; and

WHEREAS, the Town Council reviewed a draft schedule of proposed fees at the regular meeting of the Town Council on December 12th, 2018, adopting a resolution for fees established by resolution on March 13th, 2019, and introducing this ordinance 2019-02 for various fees described and established herein on March 13th, 2019; and

WHEREAS, the Town Council desires to review fee schedules every three years and update fees as necessary in follow up to such review; and

WHEREAS, the Town Council desires to provide for the deferral, reduction or waiving of fees as appropriate for projects providing significant public benefits, such as permanently restricted affordable or workforce housing.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:

SECTION 1. Sales Tax

Ridgway Municipal Code Section 3-2-3(A) Sales Tax: Sales Tax License, is amended, as follows:

(A) It shall be unlawful for any retailer to engage in the business of selling at retail, without first having obtained an annual license therefore, which license shall be granted and issued by the Town and shall be in force until December 31 of the year issued or until revoked or suspended. Such license shall be granted or renewed only upon application stating the name and mailing address of the person desiring such a license, the name of such business and the location, including the street number of such business, and such other facts as the Town may require. Each

application shall be accompanied by a new application fee of \$30 or renewal fee in the amount of \$25.

* * *

Ridgway Municipal Code Section 3-2-18(B)(1) Sales Tax: Recovery of Taxes, Penalties and Interest, is amended, as follows:

(B) (1) If any person neglects or refuses to make a return in payment of the tax or to pay any tax, as required by this Section, the Town shall make an estimate based on such information as may be available of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of fifty dollars (\$50.00) for such failure or fifteen percent (15%) thereof plus one-half percent (1/2%) per month from the date when due, not exceeding eighteen percent (18%) in the aggregate and interest on such delinquent taxes at the rate set under Subsection 3-2-7. Promptly thereafter, the Town shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which notice shall be sent by first class mail, directed to the last address of such person on file with the Town.

* * *

Ridgway Municipal Code Section 3-2-23(C) Sales Tax: Penalty and Remedies, is amended, as follows:

(C) The Town may assess an administration penalty of \$50 for each day any person required to have a license engages in the business of selling retail within the Town without a license.

* * *

SECTION 2. Lodging Tax

Ridgway Municipal Code Section 3-3-4(B) Lodging Tax: Enforcement is amended, as follows:

(B) A penalty in the amount of 15% of the tax due or the sum of \$50.00, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the 20th of the month, as required by this Section and interest at 1.5%/month shall accrue on the unpaid balance.

* * *

SECTION 3. Building Regulations

Ridgway Municipal Code Section 6-1-3(A)(5) Building Regulations: Changes, Deletions and Exceptions to the Codes Adopted by Reference – The International Building Code, 2006 Edition, is amended, as follows:

(5) Subsection 105.2 Work Exempt From Permit. is hereby amended as follows:

Item number 1: Replace 120 square feet (11 m²), with 150 square feet (13.9 m²), and append the sentence: Provided, however, a site permit must be obtained for such structures from the Town, which shall be subject to a permit fee of \$75 and shall be issued only for lawfully located structures.

Item number 4: Replace 4 feet (1219 mm), with 2 feet (610 mm).

Add the following Items 14 and 15:

14. Re-roofing without alteration of roof deck structure.

15. Re-siding without alteration of wall structure.

* * *

Ridgway Municipal Code Section 6-1-3(A)(8) Building Regulations: Changes, Deletions and Exceptions to the Codes Adopted by Reference – The International Building Code, 2006 Edition, is amended, as follows:

(8) Subsection 108.2 Schedule of permit fees. is hereby amended to read as follows: 108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A-Building Permit Fees, as established by the Uniform Building Code, 1997 Edition.

Plan review fees shall be 65% of the building permit fee as shown in Table 1-A. 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 Subsection 106.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A. In all cases involving new construction, if the Building Official finds that any of the permits required by any of the codes adopted by the Town are duplicative or redundant, the Building Official is empowered to waive the permit requirement or the fee for the permit or both.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain building fees within this Chapter 6 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

* * *

Ridgway Municipal Code Section 6-1-3(A)(10) Building Regulations: Changes, Deletions and Exceptions to the Codes Adopted by Reference – The International Building Code, 2006 Edition, is amended, as follows:

(10) Subsection 108.4 Work commencing before permit issuance. is hereby amended to read as follows:

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$150, whichever is greater.

* * *

Ridgway Municipal Code Section 6-1-3(B)(6) Building Regulations: Changes, Deletions and Exceptions to the Codes Adopted by Reference – The International Residential Code, 2006 Edition, is amended, as follows:

(6) Section R108.2 Schedule of permit fees is hereby amended to read as follows: R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A-Building Permit Fees, as established by the Uniform Building Code, 1997 Edition. Plan review fees shall be 65% of the building permit fee as shown in Table 1-A. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in Table 1-A.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain building fees within this Chapter 6 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

* * *

Ridgway Municipal Code Section 6-2-2(C) Flood Plain Management Regulations: Development Permits, is amended to add a new subsection (6), as follows:

(C) Submitted with the application for a development permit or other applicable permit for property within said Zones A and A-5 shall be the following information:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any structure has been floodproofed.

(3) Certification by a registered professional engineer or architect that the floodproofing methods of any non-residential structure meet the criteria of Subsection 6-2-4(M).

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(5) Other information required by the Town as necessary to administer and enforce the provision of these regulations.

(6) An application fee of \$250.

* * *

Ridgway Municipal Code Section 6-2-5(C) Flood Plain Management Regulations: Variances, is amended, as follows:

(C) Application for a variance shall be accompanied by an application fee of \$150 and by all information necessary to show that the variance is justified in accordance with the criteria of this Subsection.

* * *

Ridgway Municipal Code Section 6-3-2(B) Building and Occupancy Permits for Factory Built Structures, is amended, as follows:

(B) Application for a building permit shall be made in accordance with the requirements of the Town's Building Code to the extent applicable and a building permit shall be required regardless of the value of the work. Accompanying the application shall be a site plan drawn to scale showing the dimensions of the mobile home lot or space, the dimensions of the mobile home itself, setbacks and the location of any other structures, easements or improvements on the lot or space. Building permit fees shall also be determined as follows:

(1) Mobile homes or factory-built housing set up within a lawful mobile home park: \$200 building permit fee. No plan check fee.

(2) All other mobile homes or factory-built structures - the building permit fee determined according to the current Building Code fee schedule based upon the value of the work to be performed, plus the value of the mobile home or the factory built structure. No plan check fee shall be charged for the structure itself.

* * *

Ridgway Municipal Code Section 6-5-4 Outdoor Lighting Regulations Appeals and Variances, is amended, as follows:

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the Planning Commission pursuant to the review procedure of Section 7-3-18 of the Ridgway Municipal Code upon payment of a \$250.00 application fee.

(B) (1) Any person may apply for a variance to the Planning Commission from the provisions of this Section upon payment of the \$250.00 application fee in accordance with the review procedure of Section 7-3-18 of the Ridgway Municipal Code.

(2) The Planning Commission may grant a variance only upon a determination that the following criteria are met:

(a) The variance will be consistent with the public health, safety and welfare.

(b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.

(c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the ability to observe the night sky, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small-town character of Ridgway and promote the Town's master plan.

* * *

Ridgway Municipal Code Section 6-6-6 Enforcement and Administration is amended to add Subsection (G), as follows:

(G) In addition to the fees contained in this Chapter 6, the applicant shall reimburse the Town for all out-of-pocket costs incurred during the review including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated payroll costs for contract employees, plus ten percent to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. Payment is due within 30 days. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. No plat shall be recorded, improvement accepted, lien released, building permit issues, tap approved or other final approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property concerned.

* * *

SECTION 4. Planning and Zoning

Ridgway Municipal Code Section 7-3-12(E)(1) Permits, is amended as follows:

(1) Except for the signs specified in Subsection (B), no sign may be erected and maintained until a Sign Permit has been issued by the building official. Applications for a standard sign permit issued pursuant to this subsection 7-3-12(E) shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$35.00. Applications for permits issued pursuant to Ridgway Municipal Code Section 7-3-12(G), for signs erected over Town-owned streets and alley

rights-of-way pursuant to a revocable right-of-way permit, shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$75.00.

* * *

Ridgway Municipal Code Section 7-3-20 is repealed and replaced, as follows:

(A) The following fees shall be submitted with respect to the indicated application, request or action:

- (1) Temporary Use Permit pursuant to 7-3-13(C): \$150.00
- (2) Conditional Use Permit pursuant to 7-3-14: \$250.00
- (3) Change in a Nonconforming Use pursuant to 7-3-15(B)(3) and (4): \$150.00
- (4) Variances and Appeals pursuant to 7-3-16: \$250.00
- (5) Rezoning pursuant to 7-3-17(A) and (B): \$250.00
- (6) Other Reviews conducted pursuant to the 7-3-18 Review Procedure: \$250.00
- (7) Variance from Flood Plain Regulation pursuant to 6-2-5: \$150.00
- (8) Master Sign Plan pursuant to 7-3-12: \$150.00
- (9) Zoning or Land Use Compliance letters: \$50.00
- (10) Deviation to Single Family Home Design Standards pursuant to 6-6: \$175.00

(B) In addition to the above fees, the applicant shall reimburse the Town for all out-of-pocket costs incurred during the review including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated payroll costs for contract employees, plus ten percent to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. Payment is due within 30 days. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. No plat shall be recorded, improvement accepted, lien released, building permit issues, tap approved or other final approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property concerned.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees within this Chapter 7 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

* * *

Ridgway Municipal Code Section 7-4-12 is repealed and amended, as follows:

(A) The following submittal fees shall apply to these regulations:

- | | | |
|-----|----------------------------------|--|
| (1) | Sketch Plan: | \$300 plus \$10 per lot or unit |
| (2) | Preliminary Plat: | \$1,500 plus \$25 per lot or unit |
| (3) | Resubmittal of Preliminary Plat: | \$750 plus \$25 per lot or unit |
| (4) | Final Plat: | \$600 |
| (5) | Minor Subdivision: | \$450 plus \$25 per lot or unit |
| (6) | Lot Split: | \$450 |
| (7) | (a) Replats | \$150 plus \$25 per lot or unit |
| | (b) Plat Amendments: | \$250 |
| (8) | Statutory Vested Rights | \$1,500 |
| (9) | Planned Unit Developments: | Same as paragraph (A)(2) and (4), above. |

(B) In addition to the above fees, the subdivider shall reimburse the Town for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated costs for contract employees, plus 10% to cover overhead and administration. The Town shall bill the subdivider periodically as such costs are incurred. Each bill shall be due 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1-1/2% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. The Town may suspend review of submittals, inspection of improvements, and processing of the subdivision, as it deems appropriate, unless all amounts are paid as due. Such fees may be certified to the County Treasurer for collection as delinquent charges.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees within this Chapter 7 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

* * *

SECTION 5. Marijuana

Ridgway Municipal Code Section 8-4-1(B) is amended, as follows:

The local application review fee for all Retail Marijuana businesses, with licenses to be issued by the state pursuant to Article 43.4, Title 12, CRS, shall be enacted by Town Council Resolution.

* * *

SECTION 6. Nuisances

Ridgway Municipal Code Section 10-2-2 Nuisances: Abatement of Nuisances is amended, as follows:

(A) In addition to any other powers granted to the Town by law to abate nuisances, any nuisance may be abated in accordance with the provisions of this Subsection. A penalty schedule for such nuisances may be enacted by Town Council Resolution.

* * *

SECTION 7. Animals

Ridgway Municipal Code Section 11-1-14(A) Animals: Penalty is amended, as follows:

(A) Any person convicted of a violation of any of the provisions of this Section shall be punished by a fine not to exceed \$300. A penalty schedule for such violations may be enacted by Town Council Resolution.

* * *

SECTION 8.

Effective Date and Duration. Pursuant to Article III, Section 3-7 of the Charter, this Ordinance shall take effect 30 days following adoption. The rates provided for herein shall be effective as of the effective date of contract rate changes.

SECTION 9.

Publication of Notice. Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

SECTION 10.

Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the 13th day of March, 2019.

TOWN OF RIDGWAY, COLORADO,
A HOME-RULE MUNICIPALITY

By 
John Clark, Mayor

ATTEST:


Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this 10th day of April, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By 
John Clark, Mayor

ATTEST:


Pam Kraft, MMC, Town Clerk

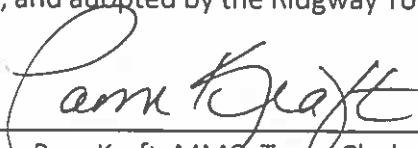
Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on March 13, 2019, published by title and posted thereafter, and adopted by the Ridgway Town Council on April 10, 2019.

(SEAL)



Pam Kraft, MMC, Town Clerk