

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTION 18-1-10 OF THE MUNICIPAL CODE CONCERNING CERTIFICATES OF OCCUPANCY

WHEREAS, the Town of Blue River, Colorado (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in furtherance the public health, safety, and welfare of the inhabitants of the Town, the Board of Trustees of the Town adopted building and safety codes found at Chapter 18 of the Blue River Municipal Code; and

WHEREAS, the Town desires to amend Section 18-1-10 to clarify the requirements for the issuance of a certificate of occupancy upon completion of improvements; and

BE IT ORDAINED by the Board of Trustees of the Town of Blue River, Colorado, as follows:

Section 1. Amendment of Section 18-1-10. Section 18-1-10 of the Municipal Code of the Town of Blue River titled *Certificate of occupancy* is hereby amended to read in full as follows:

Sec. 18-1-10. Certificate of occupancy.

Prior to the issuance of a certificate of occupancy and the occupancy of any building, structure, or improvement, any person who builds or erects any structure subject to this Chapter must contact the Building Official to obtain inspection and approval for issuance of the certificate of occupancy. Approvals by the appropriate septic/sewer authority, the fire protection district, and other service providers may be required at the discretion of the Town Manager. In addition to completion of the or improvements subject to the certificate of occupancy in accordance with all applicable building and safety codes, approval may, at the Town Manager's sole discretion, require completion of the following:

- (1) Installation of culverts deemed necessary to protect the integrity and maintenance of any driveway or streets leading to the lot or to manage drainage to prevent damage to property
- (2) Grading or re-grading any disturbed or damaged roads or driveways or other areas necessary for proper drainage.
- (3) Any dirt, boulders or other material stored or remaining on the property resulting from grading and/or construction activities shall be removed from

the lot or shall be distributed, integrated into the lot, and arranged in such a manner as to serve as natural appearing landscaping features. Such dirt, boulders, and other materials may be incorporated into a berm only in accordance with a berm permit as may be authorized by the Municipal Code and Land Use Code.

(4) All construction materials and debris shall be removed from the site and properly disposed.

(5) All runoff created by or redirected by construction, grading, and landscaping on the property shall be treated, contained and controlled so that there are no increases in runoff volume, direction, or frequency, or creation of adverse drainage consequences resulting from the construction, grading, and landscaping. ~~If weather conditions are such that the foregoing requirements cannot be determined or performed prior to the issuance of the certificate of occupancy, the person building or erecting the structure and requesting the certificate of occupancy shall pay to the Town, in cash or a letter of credit acceptable to the Town, an amount equal to one hundred fifty percent (150%) of the Town's estimated cost for performing such improvements. The Town shall hold these funds in a non interest bearing account. The funds may be commingled with other Town funds. If the improvements are not completed, the Town may use the funds to complete the improvements. Any unused funds shall be returned to the owner.~~

Section 2. **Addition of Section 18-1-10.5.** A new Section 18-1-10.5 of the Municipal Code of the Town of Blue River titled *Limited Certificate of Occupancy* is hereby added to read in full as follows:

Sec. 18-1-10.5. Limited Authorization for Temporary Occupancy.

The Town may, at its discretion, authorize the temporary and limited occupancy of a residential structure to address exceptional and unreasonably burdensome circumstances for the property owner prior to issuance of a certificate of occupancy. The issuance of a limited authorization for occupancy shall be the exception to the rule, and shall be strictly limited to the following circumstances if found to exist by the Town Manager:

- (1) Temporary occupancy is requested by the owner of the property to permit the owner's occupancy and is not requested to provide for occupancy by a tenant, renter, guest, or to accommodate a short-term rental or to allow for marketing of the property for sale or lease;
- (2) All requirements for the issuance of a certificate of occupancy are completed and are confirmed by the Town to be in compliance with the applicable building and safety codes with the exception of the deficiencies identified to justify the limited authorization for occupancy;

- (3) The only deficiencies for the property that prevent the issuance of a certificate of occupancy are external to buildings or structures such as: landscaping; earth, dirt, or Boulder removal or relocation; or minor drainage improvements that deficiencies will not adversely subject the occupants to potential harm or impact adjacent properties;
- (4) The deficiencies preventing issuance of a certificate of occupancy cannot be completed due to impending weather conditions or other circumstances that are outside of control of the owner and are not the result of the owner or the owner's agent(s) actions, inactions, neglect, or poor planning or scheduling. Financial hardship shall not justify issuance of a limited authorization for occupancy; and
- (5) The owner must execute an agreement in a form approved by the Town Attorney and Town Manager which provides, at a minimum, for the following:
 - (a) The delivery of a written statement and estimates from the owner deemed credible by the Town itemizing the work necessary and the costs associated with curing or resolving all deficiencies which prevent the issuance of a certificate of occupancy;
 - (b) A commitment to cure or resolve all cited deficiencies to the Town's satisfaction prior to the June 15 following the date of the agreement unless another date is approved by the Town Manager;
 - (c) The provision of an irrevocable letter of credit or a cash deposit by the owner in the amount of 150% of the estimated costs to fully and timely cure the cited deficiencies. A cash deposit shall be deposited in an interest-bearing account if required by state law. Such letter of credit or cash deposit (and interest, if any) shall remain available to Town until such time that all deficiencies are cured or resolved in the opinion of the Town Manager and shall be available for use by the Town for the Town's completion of the deficiencies, at the Town's discretion.
 - (d) A commitment by the owner to vacate occupancy and cease all use of the property and all structures within 10 days of the deadline for curing or resolving the cited deficiencies if such deficiencies remain uncured or unresolved in the opinion of the Town Manager. Subsequent occupancy shall be authorized only upon issuance of a final certificate of occupancy.
 - (e) Acknowledgement that failure to resolve or complete the deficiencies by the stated deadline of the agreement shall constitute a violation of the Municipal Code. Each day a deficiency remains unresolved or uncompleted shall constitute a separate violation and shall subject the owner to an

automatic minimum daily penalty in the amount of \$500 or a greater amount otherwise established in accordance with the Municipal Code; and

- (f) Any other provisions or requirements deemed necessary by the Town to ensure that the property will timely meet all obligations for issuance of a certificate of occupancy by the stated deadline, or which will best ensure the Town’s ability to enforce the agreement.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 6. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 202__.

Mayor

ATTEST:

Town Clerk

Published in the Summit County Journal _____, 202__.