

## **Ordinance 7, Series 2004**

### **AN ORDINANCE PROVIDING FOR THE ADOPTION OF DRIVEWAY, AND EMERGENCY ACCESS STANDARDS FOR THE TOWN OF JAMESTOWN**

WHEREAS, the Legislature of the State of Colorado has, in applicable State Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of citizens, and

WHEREAS, the Board of Trustees wishes to ensure that each new residence in town is accessible to residents and to emergency vehicles, and

WHEREAS, the Board of Trustees wishes to ensure that construction on steep slopes provides for adequate access and control of erosion, and

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Construction of new residences and commercial buildings after the effective date of this ordinance shall be subject the requirements and limitations set forth in this ordinance. Any building, driveway or private road constructed and in use prior to the effective date of this ordinance shall not be subject to this ordinance. Roads to be constructed, dedicated and accepted by the Town for jurisdiction and maintenance shall be subject to the provisions of Ordinance #3, 1994 as amended or revised.

Section 2. Driveways and Private roads shall be subject to the following standards;

- (1) Prior to commencement of any work the property owner or agent of owner shall apply for, and obtain a driveway permit from the Town. Such application shall be made of a form specified by the Town Clerk and shall clearly demonstrate compliance with any limits or requirements set forth in this ordinance. Each application shall be accompanied by a nonrefundable application fee of \$200.00. The Jamestown Volunteer Fire Department, Chief, or designee, shall inspect the site and approve the proposed driveway plan (in accordance with this ordinance) prior to the issuance of any permit. The permit shall be in the form of an approval letter on the Town letterhead, signed by the Town Clerk, Fire Chief or Mayor.
- (2) Driveways of 150 feet or greater shall be constructed with at least one turnout located approximately equidistant from road and structure. Driveways greater than 300 feet shall have one turnout at approximately 150 feet be constructed with driveway pull-outs as described below. Turnouts may be of "Y" or "Hammerhead" design and shall be approved by the Fire Chief or designee.
- (3) Driveways greater than 300 feet shall, in addition to the required turnout described above, have at least one driveway pull-out of sufficient length and width to allow emergency vehicles to pass, located at appropriate intervals (not greater than 400 feet from the street, any turnout, destination structure or drive way pull-out)
- (4) The minimum width for a driveway shall be 12 feet and 14 feet clear of obstructions. Driveways shall have an unobstructed vertical clearance of 13 feet.
- (5) Erosion control; The application shall include an erosion control plan that may include reseeding, ditches culverts and other devices to control water flow away from private property and public roads, etc.
- (6) The maximum grade shall be 12%, except that the grade may be increased to 14% for a distance not to exceed 200 feet.
- (7) The work shall not interfere with, damage or disturb any pipe conduit, pole wires or other existing facility or any adjacent property without prior written consent of the owner. Consent shall include a requirement to restore such property to its original state.
- (8) All debris and surplus materials shall be removed from the building site within 30 days of generation.

- (9) The maximum grade of any driveway shall not exceed 12% except that the grade may be increased to 14% for a maximum of 200 feet.
- (10) Newly constructed driveways shall be set back 10 feet from private property, except where an easement has been granted.
- (11) Boulder County Standard drawing No.14 (as amended) "Standard for Rural Driveways" and that portion of Standard Drawing No.15 (as amended) "Driveway Profiles", that is applicable to rural driveways, are hereby adopted, except that standards for fill are not adopted, and attached as part of this ordinance.
- (12) The Town reserves the option of contracting with a licensed engineer to ensure that all provisions of this ordinance are effected. Such engineering evaluation shall be paid in advance by the property owner or agent.
- (13) No permit shall be issued unless all fees and costs have been paid.

Section 3a. Variance Process. The Town recognizes that due to variations in terrain, it may not be possible to meet the requirements of this ordinance. Where an equivalent or engineered solution is proposed by the property owner, the Board may approve a variance provided the solution has been evaluated and has the concurrence of the Town Engineer at the expense of the property owner. No variance will be granted without the written approval of the Fire Chief or his designee.

Section 4. Penalty. Any person who violates any provision of this Ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not to exceed ten (10) days or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted by any such person shall be deemed a separate offense.

Section 5. Severability: If any portion of this Ordinance, or application thereof to any person or circumstances, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 6. No Impairment: The repeal or modification of any provision of the Municipal Code of the Town of Jamestown by this Ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings or prosecutions.

Section 7. Repeal: All ordinances or parts of ordinances, of the Town of Jamestown, Colorado in conflict herewith and specifically: Ordinance 4, Series 1996.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL THIS 6<sup>TH</sup> DAY OF DECEMBER 2004.

TOWN OF JAMESTOWN, COLORADO



KENNETH F. LENARCIC, MAYOR

Attest:



MARY ELLEN BURCH, TOWN CLERK