

ORDINANCE 18, SERIES 2014

AN EMERGENCY ORDINANCE PROVIDING FOR RELIEF FROM CERTAIN PROVISIONS OF:  
**WATERWORKS ORDINANCE 17, SERIES 2014**  
**WATERSHED ORDINANCE 4, SERIES 2011**  
**MOBILE HOME ORDINANCE 4, SERIES 1995 AND**  
**LAND DEVELOPMENT FEES ORDINANCE 1, SERIES 2012**  
FOR THE PURPOSE OF ENABLING THE EFFICIENT CONSTRUCTION AND  
REPAIR OF STRUCTURES

WHEREAS, the Town has adopted certain ordinances providing for Public Health and Safety, Water Treatment and Water Quality as authorized by C.R.S §§ 31-15-401, 25-9-101, and 25-8-101 et seq., and

WHEREAS, the Town suffered damage to, and destruction of dozens of residences and outbuildings during the floods of September 12-14, 2013, and

WHEREAS, the Town Board of Trustees wishes to facilitate residential recovery and has determined that certain provisions of adopted ordinances may delay reconstruction and/or unnecessarily increase costs associated with rebuilding, new construction and recovery;

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

Section 1. Applicability: the provisions of this ordinance are intended to provide temporary relief from certain provisions of effective ordinances, described in Section 2 of this ordinance, in order to facilitate repair and reconstruction of flood damaged properties and new construction; provided such repairs or reconstruction are in compliance with applicable requirements of the Town Floodplain Management Ordinance 8, Series 2012, and amended by Ordinance 5, 2014 and as may be further amended or revised, and provided that the property owner or his/her agents have obtained all and any applicable permits associated with their project. No other relief is granted from any effective ordinance except those listed herein.

Section 2. Suspension of Provisions of Applicable Ordinances:

Section 2 (a). **Waterworks Ordinance 17, Series 2014:** Relief is granted from the provisions of Article I of **Ordinance 17, Series 2014** that prohibit the transfer of water taps between properties. In accordance with the *Jamestown Stream Corridor Master Plan*, if a flood damaged property is deemed to be unbuildable, the owner may transfer the water tap permit for that property to another property. There shall be no additional permit fees associated with this relief. However, costs for installing new service lines, water mains, curb boxes and valves shall be in accordance with the Article I of **Ordinance 17, Series 2014** except that Article I, Section 5(d) is amended, when applicable under this ordinance, to require the applicant to pay for all costs associated with the installation, including service lines from the main to curb box and the curb box, which upon installation shall become the property of the Town.

The property owner shall notify the Town Clerk in writing of intent to transfer a water tap permit under this provision and the Town Clerk shall record the change in the Town water tap records. No transfer shall be recognized by the Town unless recorded on the Town water tap records and accompanied by the property owner's notice of intent, which shall be signed by all owners of the transferring property and in a form required by the Town. No partial transfers are permitted. Further, a tap issued for one type of use (e.g. residential) may not be transferred to another type of use (e.g. commercial) unless approved by the Board of Trustees which may impose terms and conditions upon such a transfer. The sale of Water Tap Permits by anyone other than the Town is prohibited.



In addition, relief is granted from the provisions of Article 1 of Ordinance 17, Series 2014 that require a tap fee of \$16,000 for a new water tap. If a flood damaged property was not previously a subscriber to the Town's water system, the owner may purchase a new water tap permit for the property. There shall be no additional permit fees associated with this relief. However, costs for installing new service lines, water mains, curb boxes and valves shall be in accordance with the Article I of Ordinance 17, Series 2014. The property owner shall notify the Town Clerk in writing to obtain a water tap permit under this provision.

In addition, the provisions of Article III, Section 28 relating to prohibitions for water main construction during freezing weather are suspended.

Section 2 (b). Watershed Ordinance 4, Series 2011: Permit requirements and building restrictions adopted in Ordinance 4, Series 2011 shall not apply to properties within the Town boundaries. Construction or repair of On Site Wastewater Systems are subject to state law as administered by the Boulder County Health Department.

Section 2 (c). Mobile Home Ordinance 4, 1995: Relief is granted from the provisions of Section 2 of Ordinance 4, Series 1995 provided that the mobile home is occupied by the property owner and/or the property owner's immediate family. The mobile home may remain on the property during the period of construction starting with the issuance of the Building Permit and ending 30 days after the issuance of certificate of occupation. The property owner shall notify the Town Clerk prior to placing the mobile home on the property. The Town Clerk shall issue a permit for the duration of construction and such permit shall remain in effect after expiration of this ordinance.

Section 2 (d). Land Development and Impact Fee Ordinance 1, Series 2012: The provisions of this ordinance shall not apply to any residential or commercial construction related to recovery from the floods of September, 2013.

Section 3. Repeal and Expiration: This ordinance repeals **Ordinance 11, Series 2014** in its entirety. It is not intended to permanently repeal any other ordinance or any part of any other ordinance. This ordinance shall expire on January 1, 2019 unless sooner repealed.

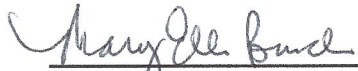
Section 4. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

Section 5. Safety Clause: Ordinance Immediately Effective: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY  
TITLE THIS 17th DAY OF NOVEMBER, 2014.

**TOWN OF JAMESTOWN, COLORADO**

Attest

A handwritten signature in cursive script, appearing to read "Mary Ellen Burch", written over a horizontal line.

Mary Ellen Burch, Town Clerk

A handwritten signature in cursive script, appearing to read "Tara Schoedinger", written over a horizontal line.

Tara Schoedinger, Mayor