



TOWN BOARD WORK SESSION

July 1, 2013 – 6:00 P.M.

301 Walnut Street, Town Board Chambers, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the public in attendance who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.

AGENDA

- 6:00 p.m. 1. International Building Code (sump pump & greywater)
- 6:45 p.m. 2. Impact fees as it relates to heavy industry (oil & gas)
- 7:25 p.m. 3. Future Meetings Agenda



MEMORANDUM

Date: July 1, 2013
To: Mayor and Town Board
Via: Work session packets
From: Ian D. McCargar, Town Attorney
Re: Adoption of International Building Code family and amendments
Item #: Work session - 1

Background / Discussion:

SUMP PITS & SUMP PUMPS (IRC § R405.3).

The Town has historically adopted the International Building Code (IBC) family by reference, with Town-specific amendments suggested by Safebuilt Colorado. The idea behind the amendments is to be sure that the particular needs of the Windsor community are met when adopting the IBC family. On first reading, we highlighted some specific amendments that addressed the need for sump pits and sump pumps in high groundwater situations. These amendments were approved on first reading of Ordinance No. 2013-1452. Between first and second reading, further revisions were made to the sump pit/pump language in consultation with the building community. Staff highlighted the revisions during the discussion on second reading. The Ordinance did not pass on second reading, and was postponed until the sump pit/pump language could be further refined. The concerns expressed at second reading centered on the variation in groundwater levels, and the difficulty of determining a representative groundwater level in any particular case.

In the weeks following, we have revised the sump pit/pump language with the participation of Mayor Vazquez and the building community. The revised language appears on page 10 of the attached Ordinance No. 2013-1452. This new text relies on pre-subdivision geotechnical surveys to identify high-groundwater areas. The revision then requires that, prior to construction on any lots within identified high-groundwater areas, a "lot-specific" groundwater test must be performed. Based on the lot-specific test, the location of the foundation and requirements for sump pits and pumps are determined.

The revisions do not profess to assess *all* groundwater situations. Staff recognizes that groundwater levels vary from location to location and from season to season. Timing and location of tests can make a difference in assessing groundwater status. The logic behind the new text is to balance the need for geotechnical data gathering against the need for lot owners to develop their property on a reasonable time table. Staff recognizes that there will be locations that encounter groundwater levels at variance from test data, but staff feels these amendments are a good-faith effort to address the problem of high groundwater that appears in our area.

GREY WATER SYSTEMS

Recent legislation at the State level has approved the use of grey water recycling systems in Colorado. Town staff is prepared to implement grey water regulations in keeping with State law, but does not want the local building codes to contain grey water system provisions without a thorough understanding of these systems. Therefore, the grey water recycling provisions of the IBC family have been deleted in the attached Ordinance. These deletions are found in various locations within the IBC family. The plan at this time is evaluate these systems, confer with the building community, and arrive at Town-specific provisions that are a good fit for Windsor.

Financial Impact: None.

Relationship to Strategic Plan: Managed growth

Recommendation: Consider final adoption of attached Ordinance Adopting By Reference The 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, As Amended By The Town Of Windsor, Colorado; And The 2011 National Electrical Code, As Amended By The Town Of Windsor, Colorado.

Attachments: Ordinance Adopting By Reference The 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, As Amended By The Town Of Windsor, Colorado; And The 2011 National Electrical Code, As Amended By The Town Of Windsor, Colorado.

TOWN OF WINDSOR

ORDINANCE NO. 2013-1452

AN ORDINANCE ADOPTING BY REFERENCE THE 2012 INTERNATIONAL BUILDING CODE; 2012 INTERNATIONAL EXISTING BUILDING CODE; 2012 INTERNATIONAL RESIDENTIAL CODE; 2012 INTERNATIONAL MECHANICAL CODE; 2012 INTERNATIONAL PLUMBING CODE; 2012 INTERNATIONAL FUEL GAS CODE; 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; 2009 INTERNATIONAL ENERGY CONSERVATION CODE, AS AMENDED BY THE TOWN OF WINDSOR, COLORADO; AND THE 2011 NATIONAL ELECTRICAL CODE, AS AMENDED BY THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor Home Rule Charter Article IV, Section 4.13, authorizes the Town Board to adopt codes by reference as provided by applicable State statutes; and

WHEREAS, the Town of Windsor has previously adopted certain uniform building codes by reference; and

WHEREAS, the Town of Windsor desires to repeal and readopt updated versions of certain building codes by reference as permitted by the Town of Windsor Home Rule Charter; and

WHEREAS, the Town of Windsor specifically wishes to repeal certain Articles found within Chapter 18 of the Windsor Municipal Code, and to in their stead adopt by reference the International Building Code (2012 Edition); The International Residential Code for One – and Two – Family Dwellings (2012 Edition); The International Fuel Gas Code (2012 Edition); The International Plumbing Code (2012 Edition); The International Mechanical Code (2012 Edition); The International Existing Building Code (2012 Edition); The International Property Maintenance Code (2012 Edition); The International Energy Conservation Code (2009 Edition), Promulgated by the International Code Council, Inc, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, with specified amendments to each; and

WHEREAS, the Town of Windsor specifically wishes to adopt the 2011 National Electrical Code, promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169; and

WHEREAS, by adopting the various codes by reference as described herein, the Town Board finds it necessary to make other revisions to Chapter 18 of the Windsor Municipal Code to assure ease of reference and convenience to the public; and

WHEREAS, the adoption of the foregoing codes by references promotes the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Windsor, Colorado:

Section 1. Chapter 18, Article II of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

ARTICLE II

International Building Code

Sec. 18-2-10. Adoption of International Building Code.

Pursuant to state law, The International Building Code, 2012 Edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001. Chapters 1 through 35 inclusive and Appendix Chapter I, is hereby adopted by reference as the Town of Windsor Building Code as if fully set forth fully herein, with the additions deletions insertions and changes as follows:

IBC Section 101.1 IBC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IBC Section 101.4.3 IBC Section 101.4.3 (Plumbing) is amended by deletion of the last sentence.

IBC Section 101.4.5 IBC Section 101.4.5 (Fire prevention) is amended by replacing “International Fire Code” with “adopted fire code”.

IBC Section 101.4.6 IBC Section 101.4.6 (Energy) is amended by replacing the words “International Energy Conservation Code” to “2009 International Energy Conservation Code”.

IBC Section 105.1 IBC Section 105.1 (Required) is amended by replacing the words “building official” with “town”.

IBC Section 105.2 IBC Section 105.2 (Work exempt from permit) is amended by deleting:

Exception #1 and replacing with “One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 8 feet above grade measured from a point directly outside the exterior walls of the structure.

Exception #2 is deleted in its entirety and replaced with “Fences not over 6 feet (2134mm) high.

Adding Exception #14 “Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

IBC Section 105.5 IBC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with:

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

IBC Section 109.4 IBC Section 109.4 (Work commencing before permit issuance) is deleted in its entirety and replaced with:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IBC Section 109.6 IBC Section 109.6 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Town may authorize refunding of not more than 80 percent (80%) 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.

The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.”

IBC Section 111.3 IBC Section 111.3 (Temporary occupancy) is amended by deleting the words “building official” in the first and second sentence and replacing it with “Town”.

IBC Section 113.1 IBC Section 113.1 (General) is amended by deleting the last two sentences and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IBC Section 113.3 IBC Section 113.3 (Qualifications) is amended by deleting the section in its entirety.

IBC Section 114.2 IBC Section 114.2 (Notice of Violation) is amended by adding “Notice of Violations shall be delivered in accordance with section 107 of the IPMC” after the last paragraph.

IBC Section 202 IBC Section 202 (Definitions) is amended by addition of the following:

“Sleeping Room” (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IBC Section 501.2 IBC Section 501.2 (Address Identification) is amended by deleting the second paragraph and replacing with “Each character shall be not less than 3 inches in height and not less than 0.5 inch in width.”

IBC Section 1013.2 IBC Section 1013.2 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

IBC Section 1029.5.1 IBC Section 1029.5.1 (Minimum Size) is amended by the addition of the following;

For all building permits issued after the effective date of Ordinance 1999-1021, June 14, 1999, all escape and rescue windows requiring a window well pursuant to the International Building Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of Ordinance 1999-1021, June 14, 1999, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Town's regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the Town.

IBC Section 1301.1.1 IBC Section 1301.1.1 (Criteria) is amended by replacing "International Energy Conservation Code" with the "2009 International Energy Conservation Code".

IBC Section 1612.3 IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Windsor" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the Town of Windsor dated September 27, 1991, or any flood insurance study for the Town of Windsor subsequently adopted and in effect.

IBC Section 3401.3 IBC Section 3401.3 (Compliance with other codes) is amended by deleting International Fire Code and inserting in its place "adopted fire code", deleting International Private Sewage Disposal Code, and deleting NFPA 70 and inserting in its place "National Electrical Code adopted by the State of Colorado"

IBC Section 3412.2 IBC Section 3412.2 (Applicability) is amended by the insertion of "the effective date of this Building Code pursuant to the Ordinance codified herein."

Sec. 18-2-20. Purpose and scope.

The purpose of the International Building Code is to safeguard the public health and safety by establishing minimum regulations for building systems using prescriptive and performance-related provisions.

Sec. 18-2-30. Modifications and amendments.

The International Building Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Building Code shall be deleted.

Sec. 18-2-40. Copy on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Building Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 2. Chapter 18, Article III of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE III

International Residential Code

Sec. 18-3-10. Adoption of code by reference.

Pursuant to State law, the International Residential Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 43 inclusive and Appendix Chapters G and H, is hereby adopted by reference as the Town of Windsor Residential Building Code as if set forth fully herein, with the additions deletions insertions and changes as follows:

IRC Section R101.1 IRC Section R101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IRC Section R105.1 IRC Section R105.1 (Required) is amended by replacing the words “building official” with “Town”.

IRC Section R105.2 IRC Section R105.2 (Work Exempt from Permit) is amended by deleting Exception #1, and replacing with:

One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure.

Exception #2 is deleted in its entirety.

Exception #10 is deleted in its entirety and replaced with “Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.”

IRC Section 105.5 IRC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with:

Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.*

* SOURCE: Section 106.4.4 1997 Uniform Building Code

IRC Section R108.4 Section R108.4 (Related Fees) is amended by creating a new subsection as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IRC Section R108.5 IRC Section R108.5 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Town may authorize refunding of not more than 80 percent (80%) 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.

The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

IRC Section R109.1.5 IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

R109.1.5.2 Insulation Inspection Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed.

IRC Section R110.4 IRC Section R110.4 (Temporary occupancy) is amended by deleting the words “building official” in the first and second sentence and replacing it with “Town”.

IRC Section R112.1 IRC Section R112.1 (General) is amended by deleting the last three sentences and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IRC Section R112.3 IRC Section R112.3 (Qualifications) is amended by deleting this section in its entirety.

IRC Section R113.2 IRC Section R113.2 (Notice of Violation) is amended by adding “Notice of Violations shall be delivered in accordance with section 107 of the International Property Maintenance Code adopted by reference in this Chapter.” after the last paragraph.

IRC Section R202 IRC Section R202 (Definitions) is amended by addition of the following:

“Sleeping Room” (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IRC Table R301.2 (1) IRC Table R301.2 (1) is filled to provide the following:

Table R301.2 (1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth	Termite					
30psf	90	No	B	Severe	30 in.	Slight to Moderate	1	NO	9-27-91*	1000	45°F

IRC Section R302.1 IRC Section R302.1 (Exterior walls) is amended by the deletion of the wording; “or dwellings equipped throughout with an automatic sprinkler system installed in accordance with section P2904 shall comply with table R302.1(2).”

IRC Table R302.1 (2) IRC Table R302.1 (2) is deleted in its entirety.

IRC Section R302.2 IRC Section R302.2 (Townhouses) is amended by replacing “1-Hour fire resistance-rated wall” with “2-Hour fire resistance-rated wall”.

IRC Section R302.3 IRC Section R302.3 (Two-family dwelling) is amended by replacing “1-Hour fire-resistance rating” with “2-Hour fire-resistance rating”.

IRC Section R303.4 IRC Section R303.4 (Mechanical Ventilation) is amended by replacing “5 air changes per hour” with “7 air changes per hour” and replacing the words “in accordance with section N1102.4.1.2” with “in accordance with section 402.4.2.1 of the International Energy Conservation Code 2009 Edition”.

* or any flood insurance study for the Town of Windsor subsequently adopted and in effect

IRC Section R309.5 IRC Section R309.5 (Fire sprinklers) is amended by the deletion of this section in its entirety.

IRC Section R310.1 IRC Section R310.1 (Emergency Escape and Rescue Openings) is amended by the deletion of the first paragraph and replaced with “All windows located in basements, habitable attics and sleeping rooms shall meet all the requirements of section R310.1 through R310.2.2”.

IRC Section R310.1.1 IRC Section R310.1.1 (Minimum opening area) is amended by the deletion of the exception.

IRC Section R310.2 IRC Section R310.2 (Window wells) is amended by the addition of the following;

For all building permits issued after the effective date of Ordinance 1999-1021, June 14, 1999, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of Ordinance 1999-1021, June 14, 1999, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Town’s regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the Town.

IRC Section R310.2.1 IRC Section R310.2.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

Exception: Only one window well ladder shall be required in an unfinished basement.

IRC Section R312.1 IRC Section R312.1 (Guards required) is amended by the addition of a third paragraph as follows:

All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

Exceptions:

1. The access side of stairways need not be protected.

2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310.4 of this Code.
3. Covers and grates may be used over stairways and other openings used exclusively for service access or for admitting light or ventilation.

IRC Section R313 IRC Section R313 (Automatic Fire Sprinkler Systems) is amended by the deletion of this section in its entirety.

IRC Section R319 Section R319 is amended by the deletion of the 4th paragraph and replacing with; “Numbers shall be a minimum of 3 inches high with a minimum stroke width of ½ inch.”

IRC Section R401.2 IRC Section R401.2 (Requirements) is amended by the addition of the following:

Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer’s soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies.

IRC Section R405.1 IRC Section R405.1 (Concrete or masonry foundations) is amended with the addition of the following after the first sentence:

All foundation drains shall be designed and inspected by a State of Colorado registered design professional.

IRC Section R405.2.3 IRC Section R405.3 (Drainage System) is amended by the deletion of this section and replaced with:

If the Town determines that pre-subdivision geotechnical groundwater analysis reveals the presence of high ground water levels within a location, the issuance of a building permit for each lot within such location shall be conditioned upon a lot-specific ground water test as further described in this sub-section. No foundation components shall be installed until the location of the ground water table is determined and applicability of sump and/or sump pump requirements are addressed as provided herein.

In no case shall the bottom of the basement floor or crawl space finished grade lie within three (3) feet of the ground water table (determined as provided in this sub-section below). In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie between three (3) feet and five (5) feet of the

ground water table (determined as provided in this sub-section below), a sump and functioning sump pump shall be provided to drain the porous layer and footings. In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie five (5) feet or more above the ground water table (determined as provided in this sub-section), a sump shall be provided to drain the porous layer and footings.

The sump required in this Section shall be at least 24 inches (610 mm) in diameter or 20 inches square (0.0129 m²), shall extend at least 24 inches (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

For purposes of this sub-section, the “lot-specific ground water test” required herein shall be certified by a Licensed Professional Engineer, and shall be subject to the following additional criteria:

1. The lot-specific ground water test hole shall be drilled within fifteen feet (15’) of the lowest point of the proposed foundation;
2. The data from the lot-specific ground water test hole shall be valid for one (1) year from the date the test data was certified by the Licensed Professional Engineer; and
3. Upon expiration of the aforesaid one-year time period, another lot-specific ground water test must be obtained in accordance with the criteria set forth in sub-paragraphs 1 and 2 above, and the data from each subsequent lot-specific ground water test shall be valid for one (1) year from the date such subsequent test data was certified by the Licensed Professional Engineer.

IRC Section R501.3 IRC Section R501.3 (Fire protection of floors) is amended by the deletion of this section in its entirety.

IRC Chapter 11 IRC Chapter 11 (Energy Efficiency) is deleted in its entirety and replaced with the 2009 International Energy Conservation Code.

IRC Section M1502.4.4.2 IRC Section M1502.4.4.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

IRC Section G2415.12 IRC Section G2415.12 (Minimum burial depth) is amended by the addition of the following:

All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IRC Section G2415.12.1 IRC Section G2415.12.1 (Individual outside appliances) is deleted in its entirety.

IRC Section G2417.4.1 IRC Section G2417.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

IRC Section G2417.4.2 IRC Section G2417.4.2 (Test Duration) is amended by replacing “10 Minutes” with “15 Minutes”.

IRC Section P2503.5.1 IRC Section P2503.5.1 (Rough plumbing) is amended by deleting the first paragraph and replacing with “DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage.”

IRC Section P2603.5.1 IRC Section P2603.5.1 (Sewer depth) is amended by filling in both areas where indicated to read “12 inches (305 mm)”.

IRC Section P 3009 (Grey Water Recycling Systems) is deleted in its entirety.

IRC Section P3103.1 IRC Section P3103.1 (Roof extension) is amended by replacing the words “6 inches” with “12 inches”.

Sec. 18-3-20. Purpose and scope.

The purpose of the International Residential Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

Sec. 18-3-30. Modifications and amendments.

The International Residential Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Residential Code shall be deleted.

Sec. 18-3-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Residential Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 3. Chapter 18, Article IV of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE IV

International Mechanical Code

Sec. 18-4-10. Adoption of code by reference.

Pursuant to State law, the International Mechanical Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Windsor Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IMC Section 101.1 IMC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IMC Section 504.6.4.2 IMC Section 504.6.4.2 (Manufacturers Instructions) is amended by the deletion of this section in its entirety.

Sec. 18-4-20. Purpose and scope.

The purpose of the International Mechanical Code is to safeguard the public health and safety by establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions.

Sec. 18-4-30. Modifications and amendments.

The International Mechanical Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Mechanical Code shall be deleted.

Sec. 18-4-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Mechanical Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 4. Chapter 18, Article V of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE V

International Fuel Gas Code

Sec. 18-5-10. Adoption of code by reference.

Pursuant to State law, the International Fuel Gas Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001,

Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Windsor Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IFGC Section 101.1 IFGC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IFGC Section 404.12 IFGC Section 404.12 (Minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IFGC Section 406.4.1 IFGC Section 406.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

IFGC Section 406.4.2 IFGC Section 406.4.2 (Test duration) is amended by changing the second paragraph to read:

When testing a system having a volume less than 10 cubic feet or a system in a single family dwelling, the test duration shall be not less than 15 minutes.

IFGC Section 614.6.5.2 IFGC Section 614.6.5.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

Sec. 18-5-20. Purpose and scope.

The purpose of the International Fuel Gas Code is to safeguard the public health and safety by establishing minimum regulations for fuel gas systems and gas-fired appliances, using prescriptive and performance-related provisions.

Sec. 18-5-30. Modifications and amendments.

The International Fuel Gas Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Fuel Gas Code shall be deleted. (Ord. 2008-1315)

Sec. 18-5-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Fuel Gas Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 5. Chapter 18, Article VI of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VI

International Plumbing Code

Sec. 18-6-10. Adoption of code by reference.

Pursuant to State law, the International Plumbing Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Windsor Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IPC Section 101.1 IPC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IPC Section 305.4.1 IPC Section 305.4.1 (Sewer depth) is amended by filling in both areas where indicated to read “12 inches (305 mm)”.

IPC Section 312.3 IPC Section 312.3 (Drainage and vent air test) is amended by deleting the first paragraph.

IPC Section 904.1 IPC Section 904.1 (Roof extension) is amended by inserting the number “12” (152.4 mm) where indicated in the second sentence.

IPC Chapter 13 (Grey Water Recycling Systems) is deleted in its entirety.

Sec. 18-6-20. Purpose and scope.

The purpose of the International Plumbing Code is to safeguard the public health and safety by establishing minimum regulations for plumbing systems, using prescriptive and performance-related provisions.

Sec. 18-6-30. Modifications and amendments.

The International Plumbing Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Plumbing Code shall be deleted.

Sec. 18-6-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Plumbing Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 6. Chapter 18, Article VII of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VII

International Energy Conservation Code

Sec. 18-7-10. Adoption of code by reference.

Pursuant to State law, the International Energy Conservation Code, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 5 inclusive, is hereby adopted by reference as the Town of Windsor Energy Conservation Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IECC Section C101.1 IECC Section C101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IECC Section 109.1 IECC Section 109.1 (General) is amended by deleting the last three paragraphs and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IECC Section 109.3 IECC Section 109.3 (Qualifications) is amended by the deletion of this section in its entirety.

Sec. 18-7-20. Purpose and Scope

The purpose of the International Energy Conservation Code is to safeguard the public health and safety by establishing minimum regulations for energy conservation systems systems, using prescriptive and performance-related provisions.

Sec. 18-7-30. Modifications and amendments.

The International Energy Conservation Code, together with any appendices thereto, is adopted by reference with the following specific deletion: all sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Energy Conservation Code shall be deleted.

Sec. 18-7-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Energy Conservation Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 7. Chapter 18, Article VIII is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VIII

International Property Maintenance Code

Sec. 18-8-10. Adoption of code by reference.

Pursuant to State law, the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Windsor Property Maintenance Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IPMC Section 101.1 IPMC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IPMC Section 102.3 IPMC Section 102.3 (Application of Other Codes) is amended by the deletion of the last paragraph.

IPMC Section 103.5 IPMC Section 103.5 (Fees) is amended by deleting the section in its entirety.

IPMC Section 111.2 IPMC Section 111.2 (Membership of board) is amended by deleting the section in its entirety and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IPMC Section 111.2.1 IPMC Section 111.2.1 (Alternate Members) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.2 IPMC Section 111.2.2 (Chairman) is amended by deleting the section in its entirety.

IPMC Section 111.2.3 IPMC Section 111.2.3 (Disqualification of member) is amended by deleting the section in its entirety.

IPMC Section 111.2.4 IPMC Section 111.2.4 (Secretary) is amended by deleting the section in its entirety.

IPMC Section 111.2.5 IPMC Section 111.2.5 (Compensation of members) is amended by deleting the section in its entirety.

IPMC Section 111.3 IPMC Section 111.3 (Notice of Meeting) is amended by the deletion of this section in its entirety.

IPMC Section 111.4 IPMC Section 111.4 (Open Hearing) is amended by the deletion of this section in its entirety.

IPMC Section 302.3 IPMC Section 302.3 (Sidewalks and Driveways) is amended by the deletion of this section in its entirety.

IPMC Section 302.4 IPMC Section 302.4 (Weeds) is amended by deleting this section in its entirety.

IPMC Section 302.8 IPMC Section 302.8 (Motor Vehicles) is amended by deleting this section in its entirety.

IPMC Section 304.3 IPMC Section 304.3 (Premises Identification) is amended by deleting the 4th paragraph and replacing with “Numbers shall be a minimum 3 inches in height with a minimum stroke width of .5 inch.”

IPMC Section 304.14 IPMC Section 304.14 (Insect Screens) is amended by the deletion of this section in its entirety.

IPMC Section 308 IPMC Section 308 (Rubbish and Garbage) is amended by the deleting this section in its entirety.

IPMC Section 309 IPMC Section 309 (Pest Elimination) is amended by the deletion of this section in its entirety.

IPMC Section 604.2 IPMC Section 604.2 (Service) is amended by replacing “NFPA 70” with “Electrical Code adopted by the State of Colorado.”

Sec. 18-8-20. Purpose and Scope.

The purpose of the International Property Maintenance Code is to safeguard the public health and safety by establishing minimum regulations for property maintenance, using prescriptive and performance-related provisions.

Sec. 18-8-30. Modifications and amendments.

The International Property Maintenance Code, together with any appendices thereto, are adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Property Maintenance Code shall be deleted.

Sec 18-8-40. Copy of codes on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Property Maintenance Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 8. Chapter 18, Article IX of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE IX

International Existing Building Code

Sec. 18-9-10. Adoption of code by reference.

Pursuant to State law, the International Existing Building Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Windsor Existing Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

International Existing Building Code is amended by replacing all references to “ICC Electrical Code” with “Electrical Code adopted by the State of Colorado”.

IEBC Section 101.1 IEBC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IEBC Section 1301.1 IEBC Section 1301.1 (Conformance) is amended by deleting the section in its entirety and replacing it with the following:

Structures moved into or within the jurisdiction shall comply with the provision of this Code for new structures.

Sec. 18-9-20. Purpose and Scope.

The purpose of the International Existing Building Code is to safeguard the public health and safety by establishing minimum regulations for existing buildings, using prescriptive and performance-related provisions.

Sec. 18-9-30. Modifications and amendments.

The International Existing Building Code, together with any appendices thereto, are adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Existing Building Code shall be deleted.

Sec 18-9-30. Copy of codes on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Existing Building Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 9. Chapter 18, Article X of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE X

National Electrical Code

Sec. 18-10-10. Adoption of code by reference.

Pursuant to State law, the National Electrical Code, 2011 Edition, as promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, is hereby adopted by reference as the Town of Windsor Electrical Code as if set forth fully in this Article.

Sec. 18-10-20. Purpose and scope.

The purpose of the National Electrical Code is the practical safeguarding of persons and property from hazards arising from the use of electricity.

Sec. 18-10-30. Modifications and amendments.

The National Electrical Code, together with all appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the National Electrical Code.

Sec. 18-7-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the National Electrical Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 10. Chapter 18, Article XI of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XI

Fire Zones

Sec. 18-11-10. Fire Zone I established.

All areas in the Town as shown on the Official Zoning Map of the Town to be in a Central Business CB District shall be in Fire Zone I as described in the adopted building code as adopted in Article II hereof.

Sec. 18-11-20. Fire Zone II established.

All areas in the Town as shown on the Official Zoning Map of the Town to be in a High-Density Multifamily Residential MF-2 District and Neighborhood Commercial NC District shall be in Fire Zone II as described in the adopted building code, as adopted in Article II of this Chapter.

Sec. 18-11-30. Fire Zone III established.

All other zoning classifications shown on the Official Zoning Map of the Town and all areas in the Town not specifically zoned shall be in Fire Zone III as described in the adopted building code, as adopted in Article II of this Chapter.

Section 11. Chapter 18, Article XII of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XII

Building Numbering

Sec. 18-12-10. Numbering required; system established.

All buildings that are now or shall hereafter be erected within the corporate limits of the Town, facing upon any street or avenue, shall be separately numbered by the owner or owners, occupant or occupants or the agent thereof, according to the following plan, to wit:

(1) Buildings on streets or avenues running east and west in the Town shall be numbered from 0 Street, as a base line, with odd numbers on the south side and even numbers on the north side, progressing alternately from side to side.

(2) Buildings on streets or avenues running north and south in the Town shall be numbered from Ash Street, as a base line, with odd numbers on the east side and even numbers on the west side, progressing alternately from side to side.

Sec. 18-12-20. Size and placement of numbers.

The figures of each number shall be not less than three (3) inches in length, shall be legible and placed in a conspicuous place on the front of each building.

Sec. 18-12-30. Town Clerk to assign numbers.

It shall be the duty of the Town Clerk, upon request therefor, to advise the owner or owners, occupant or occupants or the agent thereof of the proper number assigned, under the provisions of this Article, to any building that is now or may hereafter be erected in the Town.

Section 12. Chapter 18, Article XIII is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XIII

General Provisions

Sec. 18-13-10. Code indemnification provisions repealed.

(a) Any and all provisions contained in any international or uniform codes pertaining to building inspection and construction adopted by reference by the Town and purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of such codes are, by force of this Article, excluded from such international or uniform codes, as adopted by the Town, and are hereby repealed.

(b) This Section shall generally apply to all indemnification provisions contained in any international or uniform codes adopted by the Town relating to building inspection and construction, which contravene the stated purpose of this Article, but shall be applicable specifically to the following sections of the following international codes:

- (1) 2012 International Building Code — Section 104.8.
- (2) 2012 International Residential Code — Section 104.8.
- (3) 2012 International Fuel Gas Code — Section 103.4.
- (4) 2012 International Plumbing Code — Section 103.4.
- (5) 2012 International Mechanical Code — Section 103.4.
- (6) 2012 International Existing Building Code — Section 104.8.
- (7) 2012 International Property Maintenance Code — Section 103.4.

Sec. 18-13-20. Town not liable for inspectors.

Under no circumstances shall the Town defend, insure, indemnify, hold harmless or be responsible for the actions of private inspectors with whom the Town may contract to perform services pursuant to the codes referred to in Section 18-13-10 above.

Section 13. Chapter 17 of the Windsor Municipal Code is hereby amended by the addition of a new Article XVI, which shall read as follows:

ARTICLE XVI

Reimbursement Agreements

Sec. 17-16-10. Reimbursement agreements.

(a) Any person constructing a street, water line, storm drainage line or sewer line through

undeveloped areas of the Town to reach and serve such person's property, or any person constructing such a street or line on the perimeter of his or her property, shall be responsible for the entire cost of such construction. Any person constructing such improvements shall hereinafter be referred to as "the developer."

(b) Any developer who constructs a street, water line, storm drainage line or sewer line as aforesaid may enter into a reimbursement agreement with the Town, the terms of which are more fully described herein. In the event such an agreement is entered into, the Town is hereby authorized to assess a charge against each property owner specially benefited by the improvements for the cost of the improvements at the time access to the street is granted or a connection permit to the water line, storm drainage line or sewer line is issued.

(c) In the event an agreement is entered into and a charge is collected, the Town shall reimburse the developer to the extent of such collection after deducting a service charge of three percent (3%), representing the Town's administrative costs. All costs of construction of the street, water line, storm drainage line or sewer line must be fully paid by the developer before the developer will be entitled to any reimbursement under any agreement which may be entered into pursuant to this Section. Reimbursement to the developer is absolutely contingent upon actual collection of the charge by the Town.

(d) The amount of reimbursement which the Town shall assess shall be based upon the original cost of design and construction. In order to obtain approval of a reimbursement agreement with the Town, the developer shall first provide the Town with copies of the following:

(1) Completed bid forms from at least three (3) qualified contractors with an indication of which contractor was awarded the project. All bid forms must contain the description, estimated quantity and unit price for each item included in the project.

(2) Satisfactory evidence that all engineering, construction and other costs in connection with the project have been paid in full.

(3) A map which shall include the following:

a. The location of the improvements;

b. The name of the owner of each property specially benefited by the improvement and the amount of that benefit;

c. The legal description of each property benefited by the improvement; and

d. Such additional information which the Town Manager or Town Engineer may deem necessary.

(e) In the event the foregoing information is not submitted by the developer within ninety (90) days from final acceptance of the improvement by the Town, there shall be no

reimbursement agreement. In the event the information is timely submitted, the Town will review such information and prepare an appropriate reimbursement agreement to be executed by the developer and the Town.

(f) The term of any reimbursement agreement shall not exceed a period of ten (10) years from the date of its execution. The Town Board may approve one (1) extension of the agreement not to exceed an additional ten (10) years if application for extension is made prior to the expiration of the original ten-year period. The Town is not liable for any portion of the uncollected balance.

(g) The books and records of the developer relating to the cost of the construction of the improvements for which the developer seeks reimbursement shall be open to the Town at all reasonable times for the purpose of auditing and verifying the developer's costs.

Section 14. Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 15. 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 heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Introduced, passed on first reading and ordered published this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Passed on second reading, and ordered published this 8th day of April, 2013.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: July 1, 2013
To: Mayor and Town Board
Via: Work session packets
From: Ian D. McCargar, Town Attorney
Re: Infrastructure fee for heavy truck traffic
Item #: Work Session - 2

Background / Discussion:

SUMMARY

In order to defray the cost of maintaining and repairing roadways damaged by heavy-truck traffic*, the Town may legally impose a fee upon land owners whose site plans call for heavy-truck traffic at the site. For purposes of this Memorandum, the fee will be referred to as a "heavy-truck infrastructure fee".

INFRASTRUCTURE FEE DISTINGUISHED FROM TRAFFIC IMPACT FEES

The heavy-truck infrastructure fee is not a statutory traffic impact fee. Traffic impact fees are intended solely to address the demand for *future roadway improvements* within a defined roadway system when development of land causes the government to add to its roadway system. The Town currently has in place a Road Impact Fee Ordinance, codified in Chapter 17, Article 50 of the Windsor Municipal Code. The heavy-truck infrastructure fee would not be used to fund new roadway improvements, but would instead be used to *repair and maintain roadways* whose useful lives have been diminished by heavy-truck traffic.

LEGAL ESSENTIALS

The legal essentials for the heavy-truck infrastructure fee are:

- An identified cost to the Town for maintenance and repair of streets stressed by heavy-truck traffic. Presumably, the Engineering Department can quantify a level of service and a funding stream that takes into account accelerated declines in street quality due to heavy-truck traffic.
- An identified pool of fee payers, all of whom contribute to the accelerated decline in street quality due to heavy-truck traffic originating or terminating within their property.

* For purposes of this Memorandum, "heavy-truck traffic" refers to vehicles that carry large quantities of commodities, such as water, chemicals, sand and other materials used in industrial and oilfield applications. "Heavy-truck traffic" does not refer exclusively to the *volume* of traffic generated by the site user.

For example, the property owners within the Great Western Industrial Park whose business consists of heavy-truck traffic fall within this category, but the pool's definition would not necessarily be limited to GWIP. The Planning Department would help us identify these land users for new site plans.

- A computation which fairly apportions the identified cost of maintenance and repairs among the payer-pool members, leaving room open for additional pool members and allowing for cost increases over time. The computation need not be mathematically exact, but must only be reasonably related to the expenses incurred by the Town in carrying out its legitimate goal of maintaining an effective network of streets. The fee could be based upon a required heavy-truck traffic estimate from the land user for new site development, or on-site fleet size or an actual traffic count limited to heavy-truck trips to and from a site.
- The use of the fee revenue must confer a special benefit on the fee payers, so that the fee is tied to a service delivered to industrial land users. The Town could restrict use of the revenue to the streets most-travelled by heavy-truck traffic (Great Western Drive, Eastman Park Drive, etc.), in order to confine the benefit more closely.
- A system for refunds of excess fee collections. Excess fee collections cannot be retained indefinitely by the Town, and cannot pour over into uses other than the fee's stated purpose.

APPLICATION TO OILFIELD OPERATIONS

The fee could be applied to oil & gas operators whose sites call for heavy-truck traffic, even though such traffic may be occasional or short-term or even out-of-town. As a condition of CUG approval for in-town oilfield activity, the Town could require such users to notify the Town whenever heavy-truck oilfield activity is expected to take place. Of particular concern is hydraulic fracturing, and the quantities of water trucked into a site for this phase of the oilfield operation. We would need to distinguish this fee as a fee to compensate the Town for infrastructure declines due to heavy-truck traffic, not as a fee on the hydraulic fracturing operation itself. For out-of-town sites, we may encounter logistical challenges identifying the fee-paying users, but there is authority for assessing out-of-town users for damage to Town streets.

NEXT STEPS

The concept will take some work and further discussion before it goes to a policy level.

Financial Impact: Unknown; depends revenue and expenditure assessments

Relationship to Strategic Plan: Managed growth

Recommendation: Discuss concepts, provide staff direction.



FUTURE TOWN BOARD MEETINGS
Work Sessions & Regular Meetings will be held in the Board Chambers
unless otherwise noted.

July 8, 2013 5:30 p.m.	Recreation Center expansion de-brief and next steps discussion
July 8, 2013 6:40 p.m.	Kern Board Meeting
July 8, 2013 7:00 p.m.	Town Board Meeting
July 15, 2013 5:00 p.m. 6:45 p.m.	Town Board Work Session CIP tour – start at National Guard Facility Great Western Development & Great Western Railroad update and discussion
July 22, 2013 6:00 p.m.	Town Board Work Session Joint work session with Planning Commission
July 22, 2013 7:00 p.m.	Town Board Meeting
July 29, 2013	Fifth Monday
August 5, 2013 6:00 p.m.	Town Board Work Session Citizen's Survey review
August 12, 2013 5:30 p.m. - First floor conference room	Board/Manager/Attorney Monthly Meeting
August 12, 2013 7:00 p.m.	Town Board Meeting
August 19, 2013 6:00 p.m.	Town Board Work Session
August 26, 2013 6:00 p.m.	Town Board Work Session Joint work session with the Downtown Development Authority
August 26, 2013 7:00 p.m.	Town Board Meeting
September 2, 2013	Labor Day – Offices closed
September 9, 2013 5:30 p.m. – First floor conference room	Board/Manager/Attorney Monthly Meeting
September 9, 2013 7:00 p.m.	Town Board Meeting Kern Board Meeting
September 16, 2013 6:00 p.m.	Town Board Work Session
September 23, 2013 6:00 p.m.	Town Board Work Session
September 23, 2013 7:00 p.m.	Town Board Meeting
September 30, 2013	Fifth Monday

Additional Events

October 12, 2013

Budget work session

Future Work Session Topics

None.