



## AGENDA

Zoning Board of Appeals Regular Meeting  
May 3, 2012 – 5:30 p.m.  
Evans Community Complex – 1100 37<sup>th</sup> Street

Zoning Board of Appeals packets are prepared several days prior to the meetings. This information is reviewed and studied by the Board, eliminating lengthy discussions to gain basic understanding. Timely action and/or short discussion on agenda items do not reflect lack of thought or analysis. An informational packet is available for public inspection and is posted on the bulletin board adjacent to the Council Chambers as soon as it is available. It can be accessed Monday through Friday 8:00 a.m. to 5:00 p.m. excluding holidays. You may also subscribe to receive notices of meetings and agendas at [www.cityofevans.org](http://www.cityofevans.org)

1) CALL TO ORDER

2) ROLL CALL:

Chairman: Marty Schanwolf  
Vice-Chairman: Steve Bernardo  
Board Members: Ron Thaden  
John Clark  
Michael Buck

3) APPROVAL OF MINUTES

a. Minutes of April 5, 2012

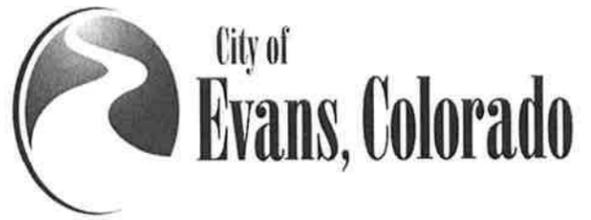
4) APPROVAL OF THE AGENDA

5) AGENDA ITEMS:

- a. Public Hearing —Resolution No. xx-2012 – Variance Request to Sections 19.14 and 19.48 of the Evans Municipal Code for Setbacks - 3205 11<sup>th</sup> Avenue, Evans, Colorado - (Spear Garage)
- b. Public Hearing – Ordinance No. xxx-12 – Adoption of the 2011 National Electrical Code

6) AUDIENCE PARTICIPATION:

(This portion of the Agenda is provided to allow members of the audience to provide comments to the Planning Commission on items that were not considered on the current Agenda.)



- 7) GENERAL DISCUSSION:
  - a. Dates for next meeting

- 8) ADJOURNMENT

**ZONING BOARD OF APPEALS  
INFORMATION SHEET**

**AGENDA ITEM A**

**DATE:** April 20, 2012

**SUBJECT:** Public Hearing —Resolution No. xx-2012 – Variance Request to Sections 19.14 and 19.48 of the Evans Municipal Code for Setbacks - 3205 11<sup>th</sup> Avenue, Evans, Colorado - (Spear Garage)

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, May 15, 2012 at 7:30 pm

| BACKGROUND INFORMATION              |                                  |  |
|-------------------------------------|----------------------------------|--|
| <b>Location:</b>                    | 3205 11 <sup>th</sup> Avenue     |  |
| <b>Applicants:</b>                  | Steven Spear, Owner              |  |
| <b>Existing Land Use:</b>           | R-1, Single Family Residential   |  |
| <b>Proposed Land Use:</b>           | Same                             |  |
| <b>Surrounding Land Use:</b>        | <b>North</b>                     | 32 <sup>nd</sup> Street, single family residential |
|                                     | <b>South</b>                     | Duplex   |
|                                     | <b>East</b>                      | 11 <sup>th</sup> Avenue, The Grove at Campus Crest |
|                                     | <b>West</b>                      | Single family residential                          |
| <b>Existing Zoning:</b>             | R-1                              |  |
| <b>Proposed Zoning:</b>             | Same                             |  |
| <b>Surrounding Zoning:</b>          | <b>North</b>                     | R-1  |
|                                     | <b>South</b>                     | R-1  |
|                                     | <b>East</b>                      | C-3  |
|                                     | <b>West</b>                      | R-1  |
| <b>Future Land Use Designation:</b> | Residential – urban neighborhood |  |

**PROJECT DESCRIPTION:** The City has received an application from Steven Spear, land owner for a variance in order to construct a garage. Please see the attached vicinity map and the attached application for the property location, which is 3205 11<sup>th</sup> Avenue in Evans. The requested variances include the following:

- 8' setback from rear of property line (Code requires 20')

**RECOMMENDATION:** Recommend denial to City Council.

**ANALYSIS:**

**Background:**

The owners of the property, which has been long held in the family, wish to construct an attached garage to protect their vehicles. They will attach the garage to the house via an enclosed walkway per the attached site plan. In recent years the setback to the north was reduced by the need for right of way acquisition to construct 32<sup>nd</sup> Street, and as some point in the past the setback for the home was at 6' from the rear property line. The garage will meet setback requirements from the front yard (facing 11<sup>th</sup> Avenue).

If approved, the applicants will have to come through the site planning process to apply for a building permit, and will be required to adhere to all the standards in the Evans Municipal Code.

**Section 19.14 of the Evans Municipal Code (Accessory Structures):**

The entire Section 19.14 has been attached for the review of the Zoning Board of Appeals and is also included here.

Chapter 19.14

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sections:

- 19.14.010 Intent
- 19.14.020 Permitted uses
- 19.14.030 Special Uses
- 19.14.040 Property development regulations.

19.14.010 Intent. It is the intent of the City of Evans, when establishing the R-1 zone district, to provide a district that is centered around the single-family home neighborhood. The densities and uses required by this chapter are established to enhance the open residential character that is typical to a low density non-business zone district. The allowable nonresidential uses listed here are intended to be harmonious with low density residential living and should support the local neighborhood. (Ord. 005-00: prior code 15.15)

19.14.020 Permitted uses. Permitted use groups in the R-1 district shall be as follows:

- Dwelling, single-family residential;
  - Farming;
  - School;
  - Public service facilities;
  - Accessory building/structure;
  - Accessory use.
- (Ord. 232-03: Ord. 005-00)

19.14.030 Special uses. Uses permitted pursuant to the terms and conditions of a special use permit as required by Chapter 19.44 are as follows:

- Recreational facilities, outdoor extensive;
  - Day care center;
  - Long-term care facility;
  - Group homes;
  - Community facilities.
- (Ord. 005-00)

19.14.040 Property development regulations. Please refer to Table 19-14 for the following requirements: setbacks, lot area, open space, and height regulations. (Ord. 272-04: Ord. 005-00)

| <b>Table 19-14. Minimum lot requirements for the R-1 zone district</b> |   |                    |             |                                       |                   |                                     |
|--|---|--------------------|-------------|---------------------------------------|-------------------|-------------------------------------|
| <b>FRONT</b>   | <b>SIDE</b>   | <b>STREET SIDE</b> | <b>REAR</b> | <b>LOT</b>                            | <b>OPEN SPACE</b> | <b>HEIGHT</b>                       |
| 25'  | 5' or 1 foot for each 3' of building ht. or fraction thereof. | 15'                | 20'         | 2X total floor area, but not <6,000sf | N/A               | 3 stories or 35' which ever is less |

**Section 19.48 of the Evans Municipal Code (Accessory Structures):**

The entire Section 19.48 has been attached for the review of the Zoning Board of Appeals. The applicable sections that are under consideration for this variance application have been pulled out as follows:

- “Garage” shall mean a fully-enclosed structure accessory to a residence or residences and capable of being used for storage of one or more vehicles, i.e., having a garage door.
- “Garage, front-facing,” shall mean a garage with vehicular doors generally parallel to the front property line.

19.48.032 Setbacks.

A. Garages, accessory buildings and structures and storage/utility sheds shall comply with all applicable open space and minimum yard sizes (setbacks), with the following exceptions:

1. *Detached garages, accessory buildings, and structures that are separated from the principal structure by at least ten feet shall be set back from side and rear property lines at least five feet, plus one additional foot for every three feet, or fraction thereof, of building height over 15 feet. This provision notwithstanding, alley-loaded garages shall be setback at least 15 feet from alleys, whether or not attached to the principal structure.*

The proposed variance will NOT meet this code as it does not meet the setback requirements in Section 19.14.

19.48.034 Garages and carports.

A. Driveways required. All garages and carports in all R – Residential – zoning districts, except the R-1E – Estate Residential – zoning district, shall have a minimum ten-foot wide paved driveway extending from the vehicular opening of such structure to the public right-of-way improvements, or to the right-of-way line if public improvements do not exist. Such driveway shall be constructed of asphalt, concrete or similar impervious surface. The Public Works Director has the authority to grant a conditional waiver to the requirement for the paving of such driveway based upon existing public improvements and other factors in the vicinity of the proposed accessory structure. The absence of public improvements in the vicinity shall not automatically guarantee such a waiver.

B. Garages and carports accessory to single-family dwellings.

1. The front plane of an attached front-facing garage shall be no more than five feet closer to the front property line than the front façade of the principal structure, unless (a) the garage is located no less than thirty feet from the front property line, and (b) the house includes a front porch. In no event shall the front plane of a front-facing garage be more than ten feet closer to the front property line than the front façade of the principal structure and in no event shall a front-facing garage encroach into a required front yard.

The proposed variance will meet this code, as the garage (which is front facing) will not be in the front façade of the principal structure (the house).

To the maximum extent feasible, garage entries, carports, and parking garages shall not be located between a principal multifamily building and a street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent public streets. The proposed variance will meet this code.

The applicant has submitted a letter to the Zoning Board of Appeals outlining the request and their situation.

**Section 19.58 of the Evans Municipal Code (Variance Criteria):**

Below are the Criteria for approval of a Variance:

**19.58.030 Criteria for Variances.**

A. The City Council must find all of the following circumstances to be true in order to approve a variance:

1. Approval of the variance would not jeopardize the health, safety, or welfare of any person; **Staff finds the proposed variance would meet this criteria of approval.**
2. Denial of the variance would result in a practical difficulty and unnecessary hardship to the applicant; **Staff finds that this request could be considered a hardship, as a garage is a standard construction item in most homes.**
3. Such practical difficulty and unnecessary hardship are due to an irregular, narrow, or steep lot, or other physical situation or condition of the building or land; **Staff finds that this criteria can be met as the size of the lot is small. However, the size of the garage can also be limited to meet the criteria. The applicant is requesting to build a large garage on a small lot.**
4. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant. **Staff finds that the applicant could locate the garage elsewhere on the property and meet the code, or limit the size of the garage and meet the code (move the garage 7 feet closer to the front property line, for example).**

**Issues:**

The main concern with the application is that the applicant could meet the code as it stands by limiting the size of the garage and/or moving the location of the garage.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

**FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the Spear USR for construction of a garage the following findings of fact and conclusions have been determined:

The variance criteria in Section 19.58 of the Evans Municipal Code cannot be appropriately and sufficiently met.

**STAFF RECOMMENDATION:**

I recommend that the Zoning Board of Appeals forward a recommendation of denial of the requested variance with the findings and conclusions listed above.

**RECOMMENDED ZONING BOARD OF APPEALS MOTION:**

"Mr. Chairman, on the issue of the Spear Garage Variance for construction of a garage, I move that the Zoning Board of Appeals forward a recommendation of denial because it does not meet the criteria outlined in Sections 19.58 of the Municipal Code."

"Mr. Chairman, on the issue of the Spear Garage Variance for construction of a garage, I move that the Zoning Board of Appeals forward a recommendation of approval because it meets the criteria outlined in Sections 19.58 of the Municipal Code."

"Mr. Chairman, on the issue of the Spear Garage Variance for construction of a garage, I move that the Zoning Board of Appeals forward a recommendation of approval with conditions as follows because it meets the criteria outlined in Sections 19.58 of the Municipal Code." Conditions:

---



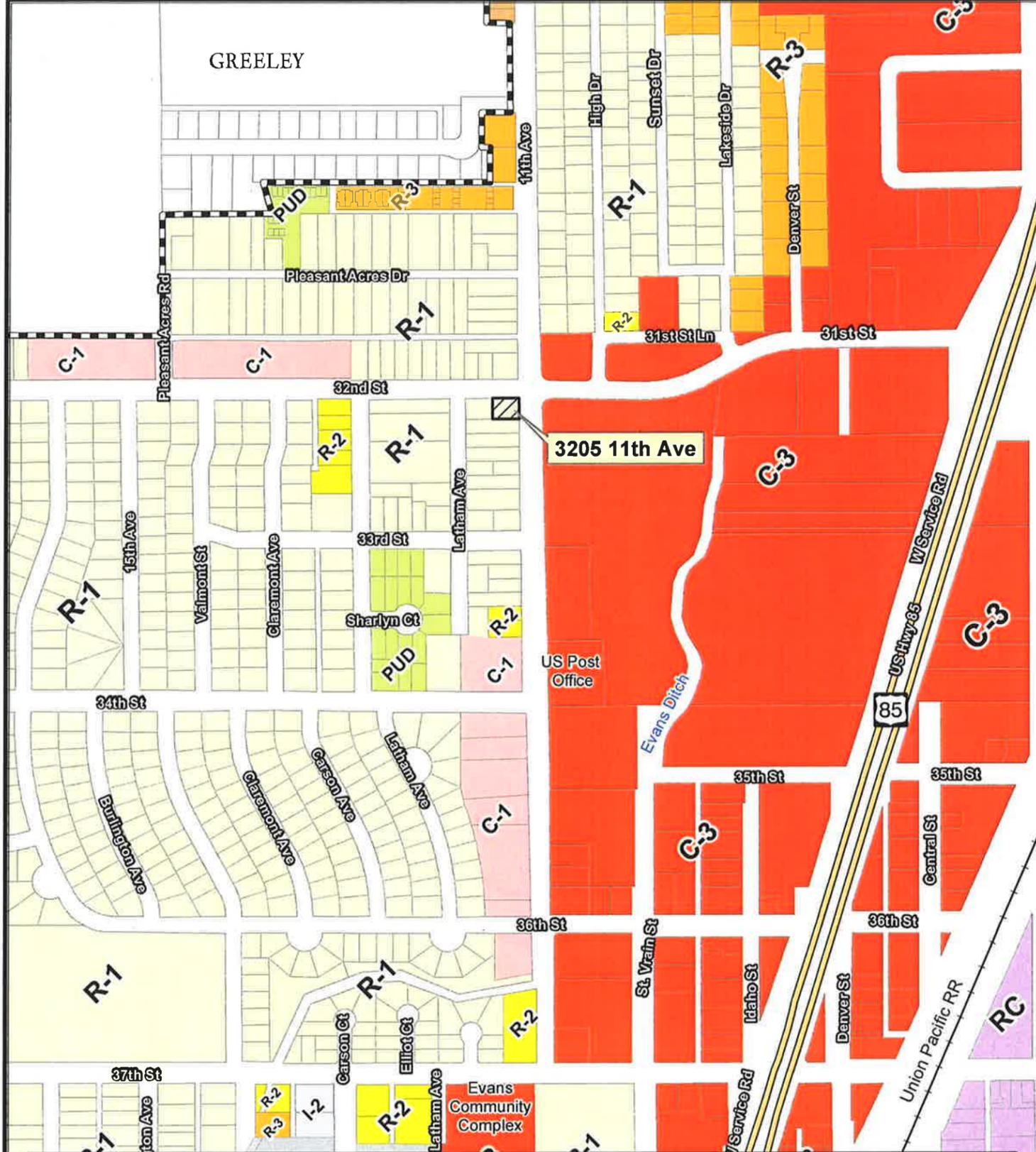
**Legend**

-  Evans City Limits
-  Project Site

**Aerial Map**  
**Variance:**  
**3205 11th Avenue**



GREELEY



3205 11th Ave

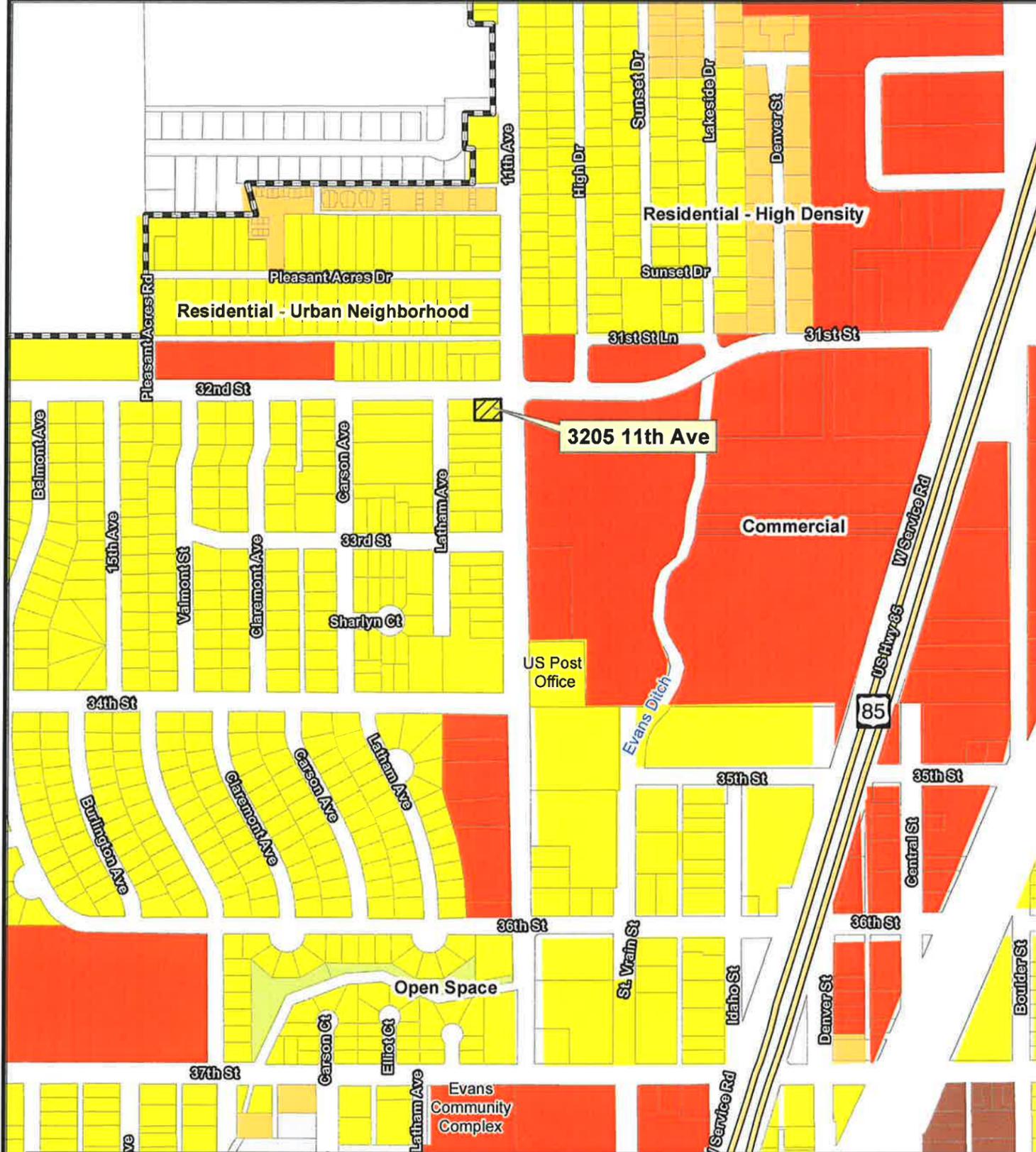
US Post Office

Evans Community Complex

- Legend**
-  Evans City Limits
  -  Project Site

**Zoning Map**  
**Variance:**  
**3205 11th Avenue**

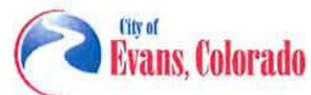




**Legend**

-  Evans City Limits
-  Project Site

**Future Land Use Map**  
**Variance:**  
**3205 11th Avenue**



Reference No. \_\_\_\_\_ (Office Use)



LAND USE APPLICATION FORM (effective January 1, 2010)

APPLICANT: Please print or type and attach additional information as necessary. Applications cannot be processed until all required information is provided. (Application requirements are on reverse side.)

GENERAL DATA REQUIRED

Name of Owner: Stephen Spear Telephone: 970-396-0808 Email: spearguy@greday.net  
Address, City/State/Zip: 3205 11th Ave Evans, Co. 80620

Name of Applicant: Stephen Spear Telephone: 970-396-0808 Email: Same  
Address, City/State/Zip: 3205 11th Ave Evans, Co. 80620

Name of Development: \_\_\_\_\_  
Property Address/General Location: 3205 11th Ave Evans Corner of 11th Ave & 32nd Street

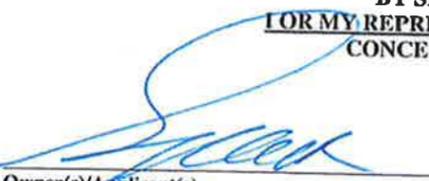
Description of Proposal (Attach a separate sheet if necessary): Build a garage

We need a variance for setback from property line in order to build a garage

| Circle Action(s) Requested:                              | FEE SCHEDULE       | OFFICE USE ONLY:         |
|--|--------------------|--------------------------|
| Zoning Amendment (*PH).....                              | \$155              | Date Received: _____     |
| Use by Special Review (*PH).....                         | \$155              | By: _____                |
| Variance (*PH).....                                      | \$155 <u>15500</u> | Review Schedule: _____   |
| Planned Unit Development (PUD) Plan (*PH).....           | \$520              | P&Z or ZBA Date: _____   |
| PUD Plan Amendment (*PH).....                            | \$155              | Time: _____              |
| Subdivision - Sketch Plan.....                           | \$155              | City Council Date: _____ |
| Preliminary Plan (*PH).....                              | \$520              | Time: _____              |
| Final Plat (*PH).....                                    | \$310              | Comments: _____          |
|  | +\$10 per lot      | _____                    |
| Vesting of Property Rights (*PH).....                    | \$155              | _____                    |
| Neighborhood Development Plan.....                       | \$155              | _____                    |
| Minor Replat or Lot Line Adjustment.....                 | \$155              | _____                    |
| Easement or Right-of-Way Vacation.....                   | \$155              | _____                    |
| *Public Hearing (PH) Publication and Postage... Add \$50 | _____              | _____                    |
| Other _____  | _____              | _____                    |
| AMOUNT DUE.....  | \$ <u>15500</u>    | Date Paid: _____         |
|  |                    | Receipt No.: _____       |

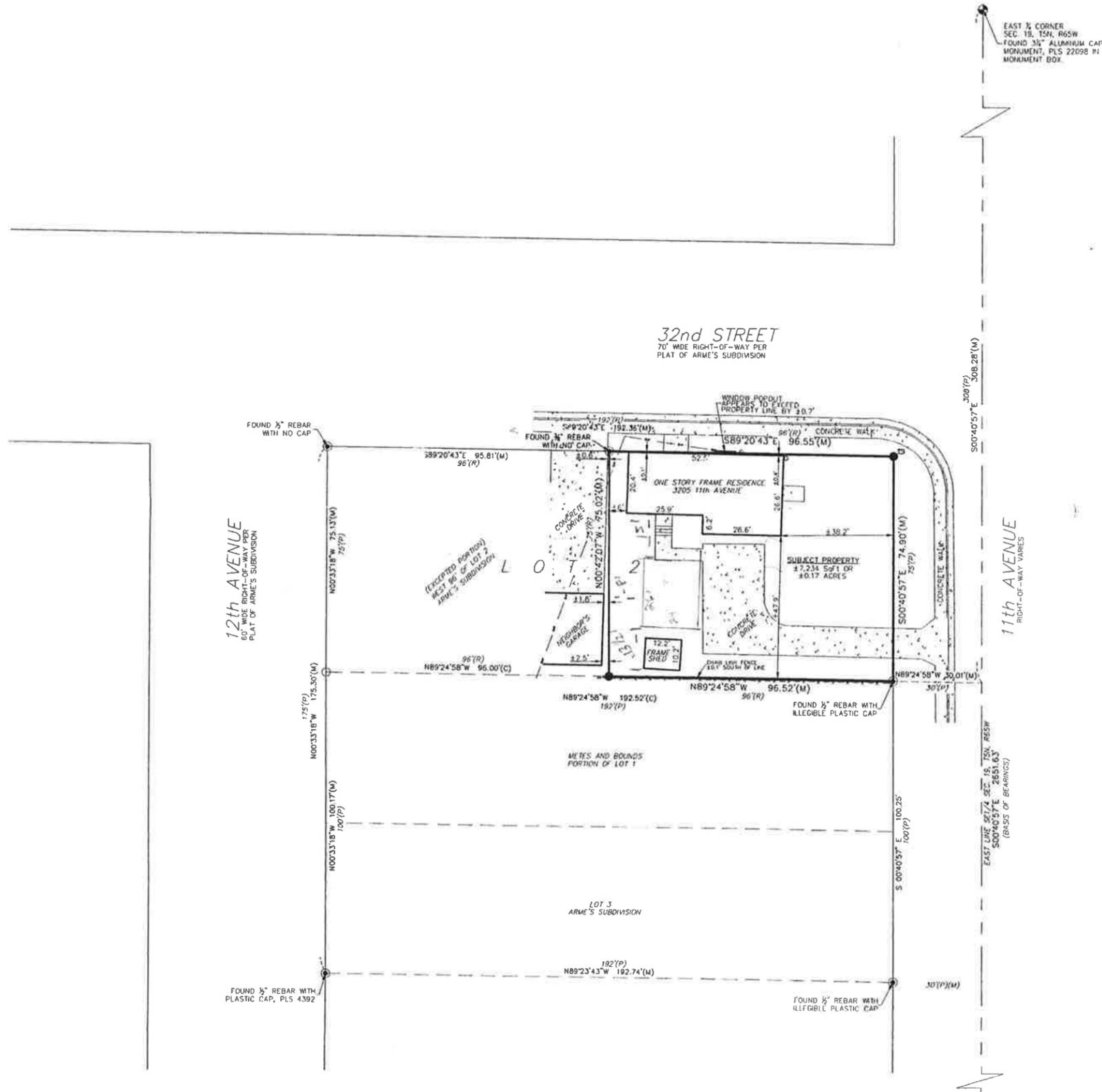
\*If recording, publication, or postage fees exceed amount collected, you will be billed for and agree to pay the additional amount.

CERTIFICATION (Must be signed by owner or applicant)  
I certify that the application submitted herewith is true to the best of my knowledge and that in filing the application I am acting with the consent and knowledge of the property owner(s).

BY SIGNING BELOW I INDICATE THAT I UNDERSTAND  
FOR MY REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS  
CONCERNING THIS APPLICATION. (See review schedule above.)  
  
Owner(s)/Applicant(s) \_\_\_\_\_

# IMPROVEMENT SURVEY PLAT

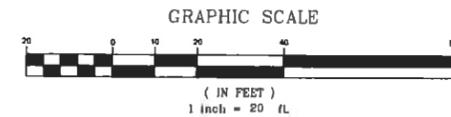
A PORTION OF LOT 2, ARME'S SUBDIVISION  
 BEING LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 19,  
 TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 COUNTY OF WELD, STATE OF COLORADO.



### LEGEND

NOTE: SYMBOLS SHOWN HEREON ARE NOT TO SCALE

- ⊙ INDICATES FOUND MONUMENT AS NOTED HEREON
- INDICATES SET 5/8" REBAR WITH PLASTIC CAP, PLS 37968
- INDICATES CALCULATED POSITION—NOT FOUND OR SET
- X- INDICATES EXISTING FENCE
- ⊠ INDICATES TRAFFIC SIGNAL
- ⊕ INDICATES ELECTRIC METER
- ⊙ INDICATES GAS METER
- O-P- INDICATES OVERHEAD UTILITY LINES



### PROPERTY DESCRIPTION

(SOURCE: PROVIDED BY CLIENT - TAKEN FROM THE WELD COUNTY ASSESSOR INFORMATION)

LOT 2 EXCEPT THE WEST 96 FEET THEREOF, ARME'S SUBDIVISION, CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO.

CONTAINS 7,234 SQUARE FEET OR 0.17 ACRES, MORE OR LESS (BY THIS SURVEY)

SITE ADDRESS: 3205 11th AVENUE  
 EVANS, COLORADO

### SURVEYOR'S CERTIFICATE:

I, ROBERT M. EDMONDS, BEING A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS IMPROVEMENT SURVEY PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION.

ROBERT M. EDMONDS  
 COLORADO P.L.S. 37968

DATE

### NOTES:

- 1) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF SURVEY SHOWN HEREON.
- 2) BASIS OF BEARINGS: BEARINGS FOR THIS SURVEY ARE BASED ON THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., AS BEARING S00°40'57"E, BEING A GRID BEARING ON THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD1983/2007.
- 3) NO TITLE COMMITMENT PROVIDED TO SURVEYOR. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY EDMONDS LAND SURVEYING, INC. TO DETERMINE OWNERSHIP OR ANY EASEMENTS, RIGHTS-OF-WAY OR ENCUMBRANCES OF RECORD. THIS SURVEY IS ONLY A RE-TRACEMENT OF THE PROPERTY DESCRIBED HEREON AND IS NOT INTENDED TO DETERMINE OWNERSHIP OF ANY PROPERTY. ONLY EASEMENTS/RIGHTS-OF-WAY DISCOVERED DURING RESEARCH TO DETERMINE THE PROPERTY BOUNDARY ARE SHOWN AT THE REQUEST OF THE CLIENT.
- 4) NO UNDERGROUND UTILITIES ARE SHOWN HEREON. CALL UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-922-1987 FOR THE MARKING OF UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.

DATE: NOVEMBER 4, 2010  
 SCALE: 1" = 20'  
 DWG: RME  
 CHK: RME  
 PLAT: 05165W19-103

CLIENT: STEPHEN SPEAR

**EDMONDS LAND SURVEYING, INC.**  
 P.O. BOX 641, KERSEY, CO 80544  
 PHONE (970) 686-6970  
 FAX (970) 284-6802  
 www.EdmondsLandSurveying.com

REVISIONS

**IMPROVEMENT SURVEY PLAT**  
 A PORTION OF LOT 2, ARME'S SUBDIVISION,  
 BEING LOCATED WITHIN SECTION 19, TOWNSHIP 5 NORTH,  
 RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 COUNTY OF WELD, STATE OF COLORADO.

To Whom it may concern,

My name is Stephen G Spear, My wife, Virginia Spear and myself, are the current owners of the property located at 3205 11th Avenue in Evans , Co. The purpose for this letter is to apply for a set back variance to construct a garage on our property.

We would like to have an 8 ft. set back from the property on the west side to be able to construct a garage that will meet the needs of our family.

This property has been in my family since 1958. My grandmother Jessie Andree purchased and lived there until the time of her death. My mother Mary Andree lived there (care taker for my grandmother)until her death also. We plan to live at this property until our death as well. We have a handicapped son age thirty that lives with us as he needs full time care.

We need a garage to protect our vehicles and to allow for safe and protected entrance to and from the vehicle for him out of the rain and snow etc.

The city of Evans has taken approx. 30 ft all along the north side of the property to widen 32nd street. That has created a real hardship to use the property as intended.

As you can see by the pictures attached that the property to the west is almost on the property line with no set back at all.

Kind Regards

Stephen Spear

Virginia Spear



To Whom it may concern,

My name is Mel Johnson and currently own and reside at 3211 11th Avenue in Evans Co.

It is my understanding that my neighbor to the north, Stephen and Virginia Spear would like to construct a garage at 3205 11th Ave. This family has always maintained their property well. I have no objection at all for the construction of a garage at their property and the set backs they have asked for, it will in no way effect me as a property owner and I am sure the garage will enhance the area and the property.

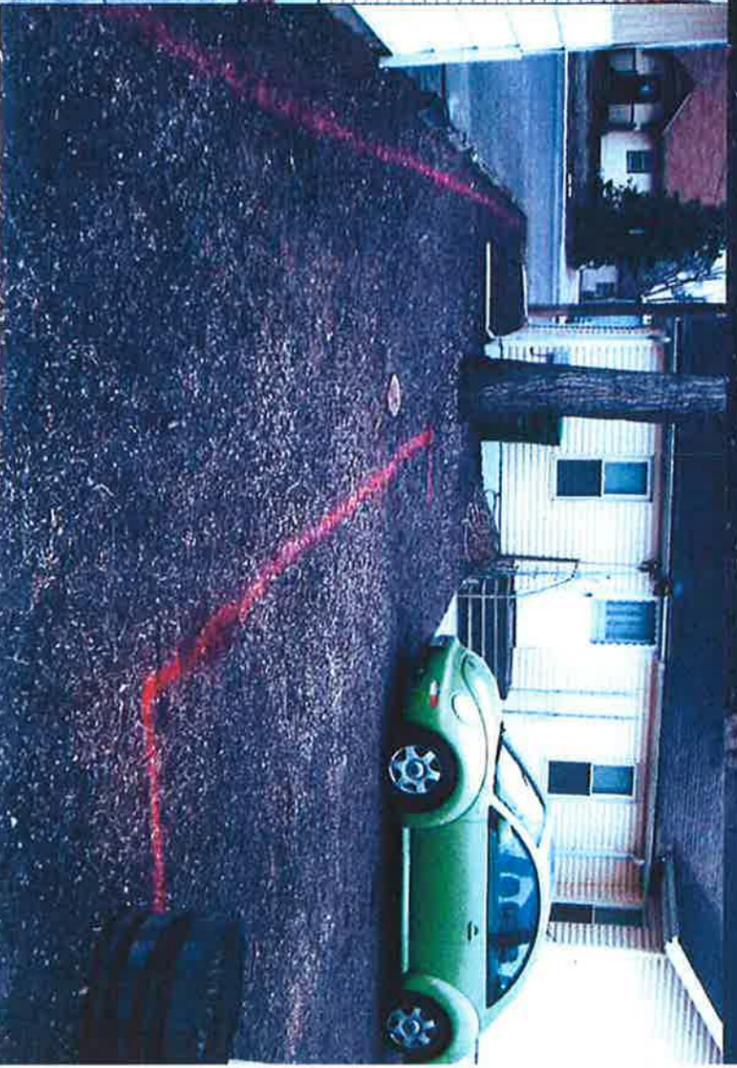
Mel Johnson

A handwritten signature in blue ink, appearing to read 'Mel Johnson', followed by the date '3-26-22'.

To Whom it may concern,

My name is Jack Biggs and currently own and reside at 1130 32nd street in Evans, Co. It is my understanding that my neighbors to the east, Stephen and Virginia Spear would like to construct a garage at 3205 11th avenue. This family has always taken care and maintained their property. I have no objection at all for the construction of a garage at their property and the set backs they have asked for, it will in no way effect me as a property owner and I am sure the garage will enhance the property and the area.

Jack Biggs — *John F. Biggs*







IMG\_0413.JPG



IMG\_0414.JPG



IMG\_0415.JPG



IMG\_0416.JPG



IMG\_0417.JPG



IMG\_0418.JPG



IMG\_0419.JPG



IMG\_0420.JPG



IMG\_0421.JPG

CITY OF EVANS, COLORADO

RESOLUTION NO. xx-2012

A RESOLUTION APPROVING A VARIANCE FROM SECTION 19.14 and 19.48 OF THE EVANS MUNICIPAL CODE TO CONSTRUCT A GARAGE THAT EXCEEDS THE SETBACK REQUIREMENTS AT 3205 11<sup>th</sup> AVENUE, EVANS, KNOWN AS THE SPEAR GARAGE

WHEREAS, the City of Evans has received a request from Steve Spear, property owner, for a variance to Section 19.14 of the Evans Municipal Code in order to be allowed to construct a garage that does not meet the setback requirements, and

WHEREAS, said request has been processed in accordance with Chapter 19.58, Variances, of the Evans Municipal Code, and

WHEREAS, the Zoning Board of Appeals conducted a public hearing on May 3, 2012, and recommended an approval of said variance, and

WHEREAS, the City Council conducted a public hearing, has carefully reviewed the request and finds, by a vote of at least five members of Council, that such request does meet the variance criteria and that it does comply with the purpose of the zoning codes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that the decision of the Zoning Board of Appeals is hereby upheld and a variance is hereby approved from Section 19.14 and 19.48 of the Evans Municipal Code for the property known as the Spear garage, located at 3205 11th Avenue, to construct a garage that does not meet the required 20 foot setback from the rear property line.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 17th day of May, 2012.

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

CITY OF EVANS, COLORADO

RESOLUTION NO. xx-2012

A RESOLUTION DENYING A VARIANCE FROM SECTION 19.14 and 19.48 OF THE EVANS MUNICIPAL CODE TO CONSTRUCT A GARAGE THAT EXCEEDS THE SETBACK REQUIREMENTS AT 3205 11<sup>th</sup> AVENUE, EVANS, KNOWN AS THE SPEAR GARAGE

WHEREAS, the City of Evans has received a request from Steve Spear, property owner, for a variance to Section 19.14 of the Evans Municipal Code in order to be allowed to construct a garage that does not meet the setback requirements, and

WHEREAS, said request has been processed in accordance with Chapter 19.58, Variances, of the Evans Municipal Code, and

WHEREAS, the Zoning Board of Appeals conducted a public hearing on May 3, 2012, and recommended denial of said variance, and

WHEREAS, the City Council conducted a public hearing, has carefully reviewed the request and finds, by a vote of at least five members of Council, that such request does not meet the variance criteria and that it does not comply with the purpose of the zoning codes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that the decision of the Zoning Board of Appeals is hereby upheld and a variance is hereby denied from Section 19.14 and 19.48 of the Evans Municipal Code for the property known as the Spear garage, located at 3205 11th Avenue, to construct a garage that does not meet the required 20 foot setback from the rear property line.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 17th day of May, 2012.

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

**ZONING BOARD OF APPEALS  
INFORMATION SHEET**

**AGENDA ITEM B**

**DATE:** May 3, 2012

**SUBJECT:** Public Hearing —Ordinance No. xx-2012 – Repeal and Re-Enacting of Chapter 15.20 National Electric Code of the Evans City Code.

**PRESENTED BY:** N. Zach Ratkai, Building and Development Manager

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, May 17, 2012 at 7:30 pm

**PROJECT DESCRIPTION:** As of July 1, 2011, the State of Colorado Electrical Board, a division of the Colorado Department of Regulatory Affairs, adopted the 2011 National Electric Code (hereafter known as the NEC) as their minimum standard for electrical design, construction and inspection.

As a result of this adoption by the State, local jurisdictions had until June 1, 2012 to adopt the 2011 NEC for their own regulatory purposes.

In order to bring the City of Evans Building Department into compliance with State regulations as well as coincide with regional jurisdictions and agencies, we present to the Zoning Board of Appeals and subsequently the Evans City Council, an ordinance revoking the prior used 2008 NEC and adopting the 2011 NEC, subject to the amendments listed.

**ANALYSIS:**  
The adoption of the 2011 NEC is in reference to adoption of the entire NEC code book; however, there are a number of amendments outlined within the ordinance itself. These amendments coincide with amendments made during the adoption of the 2011 NEC by the City of Greeley. This was chosen by staff to be included within the Evans adoption due to our relationship with the City of Greeley who, by way of agreement and contract, conducts electrical plan review and inspection for Evans. In addition to that, staff feels that adopting the same amendments as Greeley benefits local contractors and builders and does not show a perceived impediment to building in Evans.

**RECOMMENDATION:** Recommend approval to City Council.

**RECOMMENDED ZONING BOARD OF APPEALS MOTION:**  
“Mr. Chairman, on the issue of the adoption of the 2011 National Electric Code, I move that the Zoning Board of Appeals forward a recommendation of approval to the Evans

City Council.”

“Mr. Chairman, on the issue of the adoption of the 2011 National Electric Code, I move that the Zoning Board of Appeals forward a recommendation of denial to the Evans City Council.”

“Mr. Chairman, on the issue of adoption of the 2011 National Electric Code, I move that the Zoning Board of Appeals forward a recommendation of approval with conditions to the Evans City Council.” Conditions:

---

---

CITY OF EVANS, COLORADO

ORDINANCE NO. 000-12

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 15.20 NATIONAL ELECTRIC CODE (2011) OF THE EVANS MUNICIPAL CODE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

Section 1. Chapter 15.20 of the Evans Municipal Code is repealed in its entirety and re-enacted to read as follows:

Chapter 15.20

2011 NATIONAL ELECTRIC CODE (NEC)

Sections:

- 15.20.010 Document adopted by reference
- 15.20.020 Title for citation
- 15.20.030 Purpose
- 15.20.040 Scope of provisions.
- 15.20.050 Interpretation of provisions
- 15.20.060 Applicability of regulations
- 15.20.070 NEC Article 90.8(A) Amended – Wiring Planning Provisions
- 15.20.080 NEC Article 110.14 (A) Amended – Terminals
- 15.20.090 NEC Article 110.14(B) Amended – Splices
- 15.20.100 NEC Article 210.11(C)(3) Amended – Bathroom Branch Circuits
- 15.20.110 NEC Article 210.52(G) Amended – Basements, Garages, Accessory Bldgs.
- 15.20.120 NEC Article 210.52(G) Added – Framing in Basements
- 15.20.130 NEC Article 210.52(L) Added – Igniters for Gas-fired Appliances
- 15.20.140 NEC Article 230.70(A)(1) Amended – Readily Accessible Location
- 15.20.150 NEC Article 250.118 Amended – Types of Equipment Conductors
- 15.20.160 NEC Article 334.10 Amended – Used Permitted
- 15.20.170 NEC Article 342.10(B) Amended – Corrosive Environments
- 15.20.180 NEC Article 344.10(B) Amended – Corrosive Environments
- 15.20.190 NEC Article 348.60 Amended – Grounding and Bonding
- 15.20.200 NEC Article 350.60 Amended – Grounding and Bonding
- 15.20.210 NEC Article 408.40 Amended – Circuit Directory or Identification
- 15.20.220 NEC Article 422.12 Amended – Central Heating Equipment.
- 15.20.230 NEC Article 690.47 Added – Additional Electrodes for Array Grounding
- 15.20.240 Permits and Approvals
- 15.20.250 Violation--Penalty

15.20.010 Document adopted by reference. Pursuant to Colorado Revised Statutes 1973, 31-16-201 et seq., as amended, by reference thereto, the National Electric Code, 2011 Edition, as amended and published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02269, is hereby adopted for the City of Evans.

15.20.020 Title for citation. The ordinance codified in this chapter may be known and cited as "the National Electric Code of the City of Evans, Colorado."

15.20.030 Purpose. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems.

15.20.040 Scope of provisions. The subject matter of the electrical code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection, and other matters relating to electrical systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.

15.20.050 Interpretation of provisions. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform electrical regulations.

15.20.060 Applicability of regulations. This chapter shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired. Electrical systems lawfully in existence at the time of the adoption of this code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life, health or property has been created by such electrical system.

15.20.070 NEC Article 90.8(A) is amended to read:

**90.8 Wiring Planning.**

- (A) **Future Expansion and Convenience.** Plans and specifications that provide ample space in raceways, spare raceways, and additional spaces allow for future increases in electric power and communication circuits. Distribution centers located in readily accessible locations provide convenience and safety of operation.

*Provisions shall be provided in the initial electrical installations to allow for future additional loads, feeders and branch circuits. A minimum of three (3), full size breaker spaces shall be provided in each panel board at the time of final inspection. In addition, a minimum of a one (1) inch spare conduit or adequate pull wire provision shall be provided from each flush mounted panel board into the attic space and also into the basement or crawl space for future use.*

- (B) **Number of Circuits in Enclosures.** It is elsewhere provided in this Code that the number of wires and circuits confined in a single enclosure be varyingly restricted. Limiting the number of circuits in a single enclosure

minimizes the effects from a short circuit or ground fault in one circuit.

15.20.080 Article 110.14(A), amended; Terminals

**110.14(A) Terminals.** Connection of conductors to terminal parts shall ensure a thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors (including set-screw type), solder lugs, or splices to flexible leads. *A listed oxide inhibitor compound shall be applied to all aluminum conductor terminations per the manufacturer's installation instructions prior to terminating or landing a conductor to a lug or terminal.* Connection by means of wire-binding screws or studs and nuts that have upturned lugs or the equivalent shall be permitted for 10 AWG or smaller conductors.

Terminals for more than one conductor and terminals used to connect aluminum shall be so identified.

15.20.090 Article 110.14(B), amended; Splices.

**110.14(B) Splices.** Conductors shall be spliced or joined with splicing devices identified for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be spliced or joined so as to be mechanically and electrically secure without solder and then be soldered. *A listed oxide inhibitor compound shall be applied to all aluminum conductor splices per the manufacturer's installation instructions prior to splicing aluminum conductors with wing nuts, split bolts, or other approved devices.* All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulation device identified for the purpose.

Wire connectors or splicing means installed on conductors for direct burial shall be listed for such use.

15.20.100 Article 210.11(C)(3) amended; Bathroom Branch Circuits.

**210.11(C)(3) Bathroom Branch Circuits.** In addition to the number of branch circuits required by other parts of this section, at least one 20-ampere branch circuit shall be provided to supply bathroom receptacle outlet(s). Such circuits shall have no other outlets.

Exception: Where the 20-ampere circuit supplies a single bathroom, outlets for other equipment within the same bathroom shall be permitted to be supplied in accordance with 210.23(A)(1)

and (A)(2). *A minimum of one lighting outlet (not required by this Code to be GFCI protected) shall be connected so as not to be protected by the GFCI personnel protection.*

15.20.110 Article 210.52(G) amended; Basements, Garages, and Accessory Buildings

**210.52(G) Basements, Garages, and Accessory Buildings.** For a one-family dwelling, the following provisions shall apply:

- (1) In each attached garage, and in each detached garage or accessory building with electric power, at least one receptacle outlet, in addition to those for specific equipment, shall be installed at least 450 mm (18 inches) above and no more than 2.0 (6 1/2 feet) above the garage floor. All openings for receptacles, luminaires, heating, refrigeration, and motor loads shall be a minimum of 450 mm (18 inches) above the floor.*
- (2) At least one receptacle outlet, in addition to those for specific equipment, shall be installed in an unfinished basement. Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with this section.*

15.20.120 Article 210.52(J) Added; Framing in Basements.

**210.52(J) Framing in Basement.** *In new construction and remodels, if all or any part of the walls of an unfinished basement is framed, the electrical receptacle outlets as required by NEC<sup>®</sup> 210.52, and switch and luminaire outlets as required by NEC 210.70 shall be installed. If the walls, floors and ceilings are not going to be finished, the outlet devices do not have to be installed, however, the outlet boxes shall have blank cover plates installed on them before the final inspection can be approved. If receptacle outlets are installed, they shall have GFCI protection for personnel, if no floor covering is installed at the time of final inspection.*

15.20.130 Article 210.52(L) Added; Igniters for gas-fired appliances.

**210.52(L) Igniters for gas-fired appliances.** The branch circuit supplying power to an outlet for a gas-fired appliance with an igniter shall not be GFCI protected.

15.20.140 NEC Article 230.70(A)(1) amended; Readily Accessible Location.

**230.70(A)(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.

*For a one-family dwelling, the service disconnecting means shall be located on the exterior of the structure adjacent to or combined with the utility meter enclosure.*

15.20.150 NEC Article 250.118 amended; Types of Equipment Grounding Conductors:

**250.118 Types of Equipment Grounding Conductors.**

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- (1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
- (2) Rigid metal conduit.
- (3) Intermediate metal conduit.
- (4) Electrical metallic tubing.
- (5) *Deleted in its entirety. See Section 15.20.200.*
- (6) *Deleted in its entirety. See Section 15.20.210.*
- (7) Flexible metallic tubing where the tubing is terminated in fittings listed for grounding and meeting the following conditions:
  - a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.
  - b. The combined length of flexible metal tubing in the same ground return path does not exceed 1.8 m (6 ft.).
- (8) Armor of Type AC cable as provided in 320.108.
- (9) The copper sheath of mineral-insulated, metal-sheathed cable.
- (10) Type MC cable where listed and identified for grounding in accordance with the following:
  - a. The combined metallic sheath and grounding conductor of interlocked metal tape-type MC cable.

- b. The metallic sheath or the combined metallic sheath and grounding conductors of the smooth or corrugated tube-type MC.
- (11) Cable trays as permitted in 392.3(C) and 392.7.
- (12) Cablebus framework as permitted in 370.3.
- (13) Other listed electrically continuous metal raceways and listed auxiliary gutters.
- (14) Surface metal raceways listed for grounding.

15.20.160 NEC Article 334.10 amended; Used Permitted.

**334.10 Used Permitted** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two-family dwellings and their attached or detached garages, and their storage buildings.
- (2) Multifamily dwellings permitted to be of Types III, IV, and V construction *up to 3 stories in height only and their accessory structures*, except as prohibited in 334.12.
- (3) *Deleted in its entirety.*
- (4) Cable trays in structures permitted to be Types III, IV, and V where the cables are identified for the use.

15.20.170 NEC Article 342.10(B), amended; Corrosive Environments.

**342.10(B) Corrosive Environments.** *IMC, elbows, couplings, and fittings shall be provided with approved supplementary corrosion protection where incased in concrete or in direct contact with the earth.*

15.20.180 NEC Article 344.10(B), amended; Corrosion Environments.

**344.10(B) Corrosive Environments.**

- (1) ***Stainless Steel and Red Brass RMC, Elbows, Couplings, and Fittings.*** *Stainless steel and red brass RMC elbows, couplings, and fittings shall be permitted to be installed in concrete, in direct contact with the earth, or in areas subject to severe corrosive influences where protected by corrosion protection and judged suitable for the condition.*

**Supplementary Protection of Galvanized Steel and Aluminum RMC.** Galvanized steel and aluminum RMC shall be provided with approved supplementary corrosion protection where encased in concrete or in direct contact with the earth.

15.20.190 NEC Article 348.60, amended Grounding and Bonding.

**348.60 Grounding and Bonding.** Flexible Metallic Conduit shall not be permitted to be used as an equipment grounding conductor.

*An equipment grounding conductor shall be installed in all flexible metallic conduits and shall be installed in accordance with 250.134(B).*

*Equipment bonding jumpers shall be installed in accordance with 250.102.*

15.20.200 NEC Article 350.60 Amended – Grounding and Bonding

**350.60 Grounding and Bonding.** Liquid-tight Flexible Metallic Conduit shall not be permitted to be used as an equipment grounding conductor.

*An equipment grounding conductor shall be installed in all liquid-tight flexible metallic conduits and shall be installed in accordance with 250.134(B).*

*Equipment bonding jumpers shall be installed in accordance 250.102.*

FPN: See 501.30(B), 502.30(B), and 503.30(B) for types of equipment grounding conductors.

15.20.210 NEC Article 408.40 Amended – Circuit Directory or Identification

**408.4 Circuit Directory or Circuit Identification.** Every circuit and circuit modification shall be legibly identified *in typewritten form* as to its clear, evident, and specific purpose or use *on all electrical equipment in all occupancies except residential construction. In other than new construction, and when approved by the AHJ, the identification may be legibly handwritten.* The identification shall include sufficient detail to allow each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is located on the face or inside of the panel door in the case of a panelboard, and located at each switch or circuit breaker in a switchboard. No circuit shall be described in a manner that depends on transient conditions of occupancy.

15.20.220 NEC Article 422.12 Amended – Central Heating Equipment.

**422.12 Central Heating Equipment.** Central heating equipment other than fixed electric space-heating equipment shall be supplied by an individual branch circuit.

*A combination switch/fuse holder unit such as a SSU or SSY shall be installed as the disconnecting means for central heating equipment such as gas, forced-air furnaces and unit heaters. The fuse shall be sized at 125% of the nameplate rating of the heating equipment.*

Exception No.1: Auxiliary equipment such as a pump, valve, humidifier, or electrostatic air cleaner directly associated with the heating equipment, shall be permitted to be connected to the same branch circuit.

Exception No 2: Permanently connected air-conditioning equipment shall be permitted to be connected to the same branch circuit.

*Exception No. 3. A door chime transformer shall be permitted to be connected to the same branch circuit.*

15.20.230 NEC Article 690.47 Added – Additional Electrodes for Array Grounding

**690.47(D) Additional Electrodes for Array Grounding.** *Grounding electrodes shall be installed in accordance with 250.52 at the location of all ground- and pole-mounted photovoltaic and as close as practical to the location of roof-mounted photovoltaic arrays. The electrodes shall be connected directly to the array frame(s) or structure. The dc grounding electrode conductor shall be sized according to 250.166. Additional electrodes are not permitted to be used as a substitute for equipment bonding or equipment grounding conductor requirements.*

*The structure ground- or pole-mounted photovoltaic array shall be permitted to be considered a grounding electrode if it meets the requirements of 250.52. Roof-mounted photovoltaic arrays shall be permitted to use the metal frame of a building or structure if the requirements of 250.52(A)(2) are met.*

*Exception No 1: Array grounding electrode(s) shall not be required where the load served by the array is integral with the array.*

*Exception No 2: Additional array grounding electrode(s) shall not be required if located within 6' of the premises wiring electrode.*

15.20.240 Permits and Approvals

(A) Permits Required. No person, whether or not required to be licensed by the Colorado State Electrical Board as an Electrical Contractor, Master Electrician, Journeyman Electrician or Residential Wireman, shall install, alter, or repair any electrical wiring, apparatus or equipment unless a permit for such electrical work has been issued. A permit must be obtained for

each separate project. Application for permits shall be made on forms provided by the Building Inspection Division and the required permit fee shall accompany each application.

- (B) Homeowner Permit. Any person who obtains a permit to personally install electrical work on their own property or residence shall be required to sign a notarized affidavit stating that they are knowledgeable of the requirements of the *National Electrical Code* and that they will be personally responsible for performing the installation of the electrical work outlined on the permit application.
  
- (C) Working without permit; penalty. Any person who commences any electrical work for which a permit is required without first having obtained such permit shall be subject to punishment as provided in Chapter 1.33 and 16.32.250, and, in addition, shall be obligated to pay a permit fee equal to twice the regular permit fee. However, the foregoing provision regarding punishment and payment of double fees shall not apply to emergency electrical work when it appears to the satisfaction of the chief electrical inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. The foregoing exculpatory provision shall apply only if the person required to obtain the permit does apply for the permit as soon as practical following the installation of the electrical work.
  
- (D) Application.
  - (1) Activity authorized by a permit issued under this *Code* shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this *Code* applicable thereto and in accordance with the approved plans and specifications. No permit issued under this *Code* shall be interpreted to justify a violation of any provision of this *Code* or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidence by the issuance of a new or amended permit.
  - (2) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

**(E) Content.**

Permits shall be issued by the authority having jurisdiction and shall contain the following:

- (1) Operation or activities for which the permit is issued.
- (2) Address or location where the operation or activity is to be conducted.
- (3) Name and address of the permittee.
- (4) Permit number and date of issuance.
- (5) Name of licensed Electrical Contractor (if applicable).
- (6) Inspection requirements.

(F) **Issuance of Permits.** The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to electrical safety hazards pursuant to 16.32.240, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

- (1) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, circuit breakers, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.
- (2) The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.
- (3) Installation of equipment and circuits operating at less than 50 volts, unless required by the International Fire Code for fire alarm systems; however, all work installed under this exception shall meet the applicable requirements of *NEC* Article 720, Article 725, Article 760, Article 770, Article 800, Article 810, Article 820, and/or Article 830 and is subject to inspection by the authority having jurisdiction.

**Note:** This exception shall not be applicable to *NEC* Article 411--- Lighting Systems Operating at 30 Volts or Less.

(G) **Permit Fee Schedule.** The permit fee schedule as established in Chapter 15.08.080 is adopted for all electrical permits issued under the scope of this *Code*.

(H) **Inspection and Approvals.**

- (1) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Electrical Inspector

having jurisdiction, who shall inspect the work within a reasonable time.

- (2) Where the Electrical Inspector finds the installation to be in conformity with this *Code*, local ordinances and all rules and regulations of the Colorado State Electrical Board, the Inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the electric utility company. This connection to the utility company's supply shall be revocable by the Electrical Inspector for cause.
  - (3) When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the placement of parts of the building, the person, firm, or corporation installing the electrical equipment or system shall notify the Electrical Inspector, and such electrical equipment or system shall not be concealed until it has been approved by the Electrical Inspector or until two (2) work days have elapsed from the time of the notification, provided that on large installations, where the concealment of equipment and systems proceeds continuously, the person, firm, or corporation installing the equipment and systems shall give the electrical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.
  - (4) If, upon inspection, any installation is found not to be fully in conformity with the provisions of this *Code*, and all applicable statutes, ordinances, rules, and regulations, the inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.
- (I) **Revocation of permits.** Revocation of permits shall conform to the following:
- (1) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this *Code* is found upon inspection or in case there have been false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.
  - (2) Any attempt to defraud or otherwise deliberately or knowingly design install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this *Code* shall be in violation of this

*Code*. Such violations shall be cause for immediate suspension or revocation of any related certificates or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the ordinances of the City of Greeley and statutes of the State of Colorado.

- (3) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.
- (4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this *Code*, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this *Code*.
- (5) A permit shall be predicated upon compliance with the requirement of this *Code* and shall constitute written authority issued by the authority having jurisdiction to install electrical work. Any permit issued under this *Code* shall not take the place of any other license or permit required by other regulations or ordinances of the City of Greeley.
- (6) The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.
- (7) A permit issued under this *Code* shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

15.20.250 Violation—Penalty

Notice of Violations and penalties shall conform to (A) and (B).

**(A) Violations.**

- (1) Whenever the authority having jurisdiction determines that there are violations of this *Code*, a written notice shall be issued to confirm such findings.
- (2) Any order or notice issued pursuant to this *Code* shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or be delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the

premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

**(B) Penalties.**

- (1) Any person who fails to comply with the provisions of this *Code* or who fails to carry out an order made pursuant to this *Code* or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the City of Greeley as provided in Chapter 1.17.
- (2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.
- (3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and punished pursuant to the provisions of Chapter 1.17, including assessing a fine as outlined in the Citation Fine Schedule shown below.

Section 4. This ordinance after its passage on final reading, shall be numbered, recorded, published and posted as required by the City Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this \_\_\_day of \_\_\_\_\_, 2012.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

PASSED, APPROVED, AND ADOPTED ON SECOND READING this \_\_\_day of \_\_\_\_\_, 2012.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk