



AGENDA

Zoning Board of Appeals

May 21, 2015 – 6:00 p.m.

Evans Community Complex – 1100 37th 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.evanscolorado.gov

1) CALL TO ORDER

2) ROLL CALL:

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

3) APPROVAL OF MINUTES

a. Minutes of April 8, 2015 Meeting

4) APPROVAL OF THE AGENDA

5) AGENDA ITEMS:

Review of the Comprehensive Changes to Title 15.20 of the Evans Municipal Code, also known as the 2014 National Electrical Code.

6) OPEN DISCUSSION

7) ADJOURNMENT

MINUTES

Zoning Board of Appeals

April 08, 2015 – 6:00 p.m.

Evans Community Complex – 1100 37th Street

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1) CALL TO ORDER

Meeting was called to order at 6:00pm by Chairman Marty Schanwolf on 4/8/2015.

2) ROLL CALL:

Chairman: Marty Schanwolf - present
Vice-Chairman: Steve Bernardo - present
Board Members: John Clark - present
Michael Buck - absent

3) APPROVAL OF MINUTES

a. Minutes of December 14, 2014 Meeting

Board Member Steve Bernardo, made the motion, seconded by Board Member John Clark to approve the minutes of December 14, 2015. All approved, motion passed.

4) APPROVAL OF THE AGENDA

There were no changes to the agenda.

5) AGENDA ITEMS:

ARB Rail Terminal Variance Requests (File #15-VAR-01): Review of a Variance Request submitted by ARB Rail Terminal to exceed the maximum height allowance of 40-feet in the I-2 Industrial Zone for three different structural uses, at a site located at 7300 47th Avenue. Requested variance includes additional height allowances from 50-feet to 179-feet. Recommendation to City Council.

Staff Report: Sean Wheeler

ZONING BOARD OF APPEALS COMMUNICATION

DATE: April 8, 2015

AGENDA ITEM: ARB Rail Terminal Variance (File #15-VAR-01)

STAFF CONTACT: Sean Wheeler, City Planner

ACTION: Recommendation To City Council

APPROVED BY: Fred Starr, Public Works Director/Community Development Dir

CITY COUNCIL: To Be Determined

BACKGROUND INFORMATION		
Location:	7300 47 th Avenue; on the east side of Weld County Road #33 (See Attached Map)	
Applicant:	ARB Niobrara Connector LLC Larry Stockton	
Existing Land Use:	Undeveloped Agricultural Land	
Proposed Land Use:	Crude Oil Trans-Loading Terminal	
Surrounding Land Use:	North	Envirotech Services Site, Undeveloped
	South	Weld County, Agricultural
	East	Weld County, Agricultural
	West	Weld County, Agricultural
Existing Zoning:	I-2 Industrial	
Proposed Zoning:	I-2 Industrial	
Surrounding Zoning:	North	City of Evans, I-2 Industrial
	South	Weld County, AG Zoning
	East	Weld County, AG Zoning
	West	Weld County, AG Zoning
Future Land Use Designation:	Industrial	

PROJECT DESCRIPTION:

1. The applicant is seeking a Variance of the existing 40-foot maximum height limit allowed in the I-2 Industrial Zone District. As part of the Crude Oil Trans-loading Terminal, the applicant is proposing to construct crude oil storage tanks, which would have a domed top approximately 83-feet in height, VCU (Vapor Combustion Unit) towers used to burn off gases that would be approximately 50-feet in height and Frac Sand Storage Silos that would reach approximately 179-feet in height. Graphic information provided by the applicant is attached to this report for illustration.
 2. The site is located on the east side of Weld County Road #33, south of Weld Co. Rd 394 as shown on the attached vicinity map. The subject property is approximately 222.43 acres.
 3. Additional Applications and Process:
 - A. In addition to the height variance request, the applicant is also processing requests for an Annexation Agreement Amendment, Site Plan approval and Subdivision Plat approval. These requests are separate applications which have been submitted to the City of Evans for review and processing. The Site Plan may be modified pending the result of the Height Variance request.
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1. ANALYSIS / ISSUES:

Variance requests are subject to the requirements found in Chapter 19.58 (Variances) of the Evans Municipal Code.

A. 19.58.030 Criteria for Variances: The City Council must find all of the following circumstances to be true in order to approve a variance: Each of the review criterial is shown in bold below, with Staff’s assessment immediately following each:

1. Approval of the variance would not jeopardize the health, safety or welfare of any person.

There does not appear to be any significant health, safety or welfare issue related to the height variance requests.

2. Denial of the variance would result in a practical difficulty and unnecessary hardship to the applicant.

The applicant has indicated they have alternatives which can be constructed should the request for a height variance be denied. At this time, the applicant has not provided any drawing or representations of these alternatives. By way of review, the “cost factor” is not generally considered a hardship issue.

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.

Based on the size and existing topography of the site, there is clearly no irregular, narrow or steep lot situation or other physical situation that supports the variance requests. This is a 222-acre site, and it is essentially flat.

4. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

The property was rezoned from AG-Agriculture to the present I-2, Medium Industrial on November 2, 2004.

FINDINGS OF FACT AND CONCLUSIONS:

Section 19.58.030 - Criteria for Variances, of the City of Evans Municipal Code, identifies the four (4) criteria for a variance which all must be found true to consider a request for a variance. The ARB Rail Terminal variance request must appropriately and sufficiently meet all of the Review Criteria found in Section 19.58.030 of the Evans Municipal Code to be granted a variance.

RECOMMENDED MOTIONS:

1. "I move to Approve the request for a height variance from the 40-foot maximum height limit in the I-2, Medium Industrial Zoning District as defined in Section 19.15.50 of the City of Evans Municipal Code for the purposes as identified in the Project Description section of this staff report, based upon a finding of hardship"
 2. "I move to Deny the request for a height variance from the 40-foot maximum height limit in the I-2, Medium Industrial Zoning District as defined in Section 19.15.50 of the City of Evans Municipal Code for the purposes as identified in the Project Description section of this staff report, based upon a finding that the applicant has failed to demonstrate a hardship"
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Attachments:

Vicinity Map
Zoning Map
Variance Application Materials

Sean Wheeler, City Planner – Zoning Board of Appeals Notes

1. The Zoning Board of Appeals considered the variance requests at a hearing on April 8, 2015 and voted in favor of the request by 2 in support and 1 opposed.
2. Discussion between board members and those in attendance focused on the arrangement of uses on the site, and the reasoning for the height variance requests for the individual structures.

Other comments focused on the number of uses planned on the site. The ARB representative clarified that they are partnering with Hi-Crush (and various oil and gas interests) to incorporate a variety of different uses at the site. ARB notes that because of the various uses proposed and set back requirements for each (including that needed by the rail line for safety purposes) provides the basis for the variance requests.

3. Board members also raised concerns with regard to impacts on surrounding property owners should the variance be approved. The Board discussed how to mitigate negative impacts through the use of landscaping and berms, with the applicant indicating they intended to obtain trees with a 4" caliper for use on the site. Of particular concern were visual impacts from the storage tanks on residential uses to the south. Finally some of the discussion was directed to why uses could not be reorganized to reduce the impacts on neighbors, with the applicant referring to a revised lay out they provided at the hearing.

4. The public in attendance spoke in opposition to and in favor of the request, citing concerns about visual and lifestyle impacts from the proposed uses, to concerns about the layout and why it cannot be changed. Also, the ARB representative indicated that they ultimately intend to have a total of 4 storage tanks with two shown immediately and two planned. The representative for Hi-Crush also clarified their intent is to have a total of eight (8) silos on the site, not two or four.

Chairman Marty Schanwolf: We will now hear from the applicant, ARG Midstream, to present their case for a Height Variance at 7300 47th Ave.

Applicant: ARB Midstream, Adam Bedard
New information: There are four height variances, noted in the packet.

Applicant: Larry Stockton, Head of Engineering – presented board with additional plans and went over their proposal.

City Staff: Ron Pristera, it would be premature for staff to comment on the plans since they are different from what was submitted. His concern would be the size of the tanks that are now being brought to the committee.

Applicant: Chad McEver, Hi-Crush
He explained about the Frac Sand that will be transported out of this facility; they will be using the silo's.

Applicant: Regan McGillis, ARB

Applicant: William Barker, Hi-Crush

Resident: Tim Laurie Cook, 22740 WCR 33, LaSalle, CO – opposed, adjacent property owners. They are concerned about the impact for the neighboring properties. They have met with ARB but were sent out limited information. They do not feel as though ARB has been trying to be a good neighbor.

Resident: Wayne Howard – in favor of ARB coming in, feels it would be good for the City of Evans.

Resident: James Ewing – He is in favor of ARB coming in and wants to be a good neighbor. His only concern is irrigation for his land in that area if they do any road improvements.

Chairman Marty Schanwolf: Closed the public hearing, the board will have a discussion.

Question for ARB Midstream from Chairman Schanwolf, what type of lighting will be in this plan.

Larry Stockton: Mr. Stockton explained the lighting will be directional lighting. Most of the 24 hour operations will be in the building they have on the site plan so that lighting will not be an issue for neighbors.

Motion by Board Member John Clark to deny the height variance application. No second. Motion does not carry.

Motion to hear a variance for approval by Vice-Chairman Steve Bernardo with their recommendation for City Council. Chairman Marty Schanwolf seconded that motion, City Council will have the final review. Two Ay, one Nay. Motion carries. The next City Council meeting is scheduled for April 21.

6) OPEN DISCUSSION

7) ADJOURNMENT: Motion to adjourn by Vice Chairman Steve Bernardo, seconded by Board Member John Clark. All members say “Ay”, motion carried. Meeting commenced at 7:40pm

Chairman Schanwolf

Date

Staff Report: Sean Wheeler

ZONING BOARD OF APPEALS COMMUNICATION

DATE: April 8, 2015

AGENDA ITEM: ARB Rail Terminal Variance (File #15-VAR-01)

STAFF CONTACT: Sean Wheeler, City Planner

ACTION: Recommendation To City Council

APPROVED BY: Fred Starr, Public Works Director/Community Development Dir

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RECOMMENDED MOTIONS:

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6) OPEN DISCUSSION

7) ADJOURNMENT: Motion to adjourn by Vice Chairman Steve Bernardo, seconded by Board Member John Clark. All members say “Ay”, motion carried. Meeting commenced at 7:40pm

Chairman Schanwolf

Date

ZONING BOARD OF APPEALS

INFORMATION SHEET

AGENDA ITEM A

DATE: May 21, 2015

SUBJECT: Review of the Comprehensive Changes to Title 15.20 of the Evans Municipal Code, also known as the 2014 National Electrical Code.

PRESENTED BY: N. Zach Ratkai, Flood Recovery, Building & Neighborhood Services Manager

ACTION: Recommendation to City Council

CITY COUNCIL DATE: Tuesday, June 2, 2015 at 7:30 pm

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PROJECT DESCRIPTION: The City of Evans has currently adopted the 2011 National Electrical Code (NEC) in its review and inspection of electrical activity in construction activities within the City. The State of Colorado has adopted the 2014 NEC, the effective date is July 1, 2014. In accordance with State Statute and Department of Regulatory Affairs (DORA) regulations, the City of Evans must adopt the 2014 NEC within one year of State adoption; therefore, the Building Division of the Public Works Department for the City of Evans is proposing the adoption of the 2014 National Electrical Code, subject to amendments and revisions attached to this report.

RECOMMENDATION: Recommend approval to City Council.

RECOMMENDED ZONING BOARD OF APPEALS MOTION:

“Mr. Chairman, on the issue of the amendments to Title 15.20 of the Evans Municipal 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 amendments to Title 15.20 of the Evans Municipal 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 the amendments to Title 15.20 of the Evans Municipal 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. ____, 2015

AN ORDINANCE REPEALING AND RE-ENACTING MUNICIPAL CODE CHAPTER 15.20, ELECTRICAL 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

2014 NATIONAL ELECTRIC CODE (NEC)

15.20.010 Document adopted by reference. The, *National Electrical Code*[®], 2014 Edition, referred to in this Chapter as this *Code* or the *NEC*[®], is hereby adopted by reference by the City of Greeley. The *National Electrical Code*[®] is published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269 and is referenced as NFPA 70. The City of Greeley finds that *The National Electrical Code*[®] provides for the minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical systems. To ensure the safety of the public, this *Code* is to be enforced as published or as amended in this Chapter. Enforcement and administrative procedures are also established in this Chapter.

Amendments, Deletions, and Additions Designated.

NEC[®] Articles 90.8(A), 110.14(A), 110.14(B), 210.11(C)(3), 210.52 (G), 230.70(A)(1), 250.118, 334.10, 342.10(B), 344.10(B), 348.60, 350.60, 408.4 and 422.12 of the *National Electrical Code*[®] are hereby amended; Annex H of the *NEC*[®] is hereby deleted; and Articles 210.52(J), 210.52(K), and 210.52(L) are added as set out in Sections 16.32.080 through 16.32.091.

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 shall be provided in each panelboard 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 panelboard 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.

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 identified insulation device.

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 120-volt, 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, at least one receptacle outlet shall be installed, in the areas specified in 210.52(G)(1) through (3). These receptacles shall be in addition to receptacles required for specific equipment.

(1) **Garages.** In each attached garage, and in each detached garage with electric power. *The receptacle outlet shall 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.* The branch circuit supplying this receptacle(s) shall not supply outlets outside of the garage. At least one receptacle outlet shall be installed for each car space.

(2) **Accessory Buildings.** In each accessory building with electric power.

(3) **Basements.** *In each separate unfinished portion of a basement, or where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion, in addition to those for specific equipment.*

(a) *In new construction and remodels, if all or any part of the walls of an unfinished basement are framed, the electrical receptacle outlets as required by NEC[®] 210.52, and switch and luminaire outlets as required by NEC[®] 210.70 shall be installed.*

(b) *If the walls, floors and ceilings will not be finished, the outlet devices are not required to be installed, however, the outlet boxes shall have blank cover plates installed on them prior to final inspection approval.*

(c) *If receptacle outlets are installed, they shall have GFCI protection for personnel, if floor covering is not installed at the time of final inspection.*

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

210.52 (J) Sump Pit Receptacle Outlets. *A 125-volt, single-phase, 15- or 20-ampere receptacle outlet shall be installed adjacent to and within 18” of the sump pit as required by 16.28.460. This receptacle outlet shall be on a dedicated branch circuit and shall be GFCI protected.*

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 16.32.150.*
- (6) *Deleted in its entirety. See Section 16.32.160.*
- (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.*

(2) *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. *Liquidtight Flexible Metallic Conduit shall not be permitted to be used as an equipment grounding conductor.*

An equipment grounding conductor shall be installed in all liquidtight 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 an approved degree of detail that allows 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.

15.20.240 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 evidenced 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 Evans 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 by 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 1.16.

- (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 _____, 2015.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED, AND ADOPTED ON SECOND READING this ___ day of _____, 2015.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk