



CITY OF LEADVILLE

800 HARRISON AVE.
LEADVILLE, CO 80461

REGULAR COUNCIL MEETING AGENDA

Tuesday,
September 6, 2022

6:00 P.M.

Council Chambers & Zoom

<https://leadville-co-gov.zoom.us/j/83526944548?pwd=aEdjdGtpNlEyZmt5YVQ1bDBQbnN4dz09>

Meeting ID: 835 2694 4548

Passcode: 80461

Dial by your location

+1 719 359 4580 US

- 6:00 pm**
1. **Call to order of Regular Meeting of City Council**
 2. Roll Call
 3. Approval of Agenda
 4. Housekeeping Matters
 5. Public comments about items not on the agenda
Citizens wishing to speak to Council on issues, not on the agenda are requested to send a message in the chat section or raise their hand in the participants' section of Zoom or in person. Staff will call on the public in order. Comments are limited to three (3) minutes (not including council questions). Action, if required, will be assigned to city staff. For matters on the agenda, public input will be heard prior to a vote being taken on the matter.
- 6:20 pm**
6. Presentations and Discussions
 - A. City Administrator Report – Laurie Simonson
- 6:30 pm**
7. Consent Agenda:
 - A. Approval of the August 16, 2022 minutes
 - B. **Resolution No. 37, Series 2022:** A Resolution Designating the Planning Official for the City of Leadville
- 6:40 pm**
8. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses
 - A. 930 Hemlock Resubmitted COA – Continued from 8/16/22
 - B. Practice St Patrick's Day change TUP
 - C. Zero Day Coffee application for a new liquor license
 - D. Floyd's Fine Cannabis Retail Recreational Renewal License Application
- 7:45 pm**
9. Resolutions and Ordinances
 - A. **Ordinance No. 9, Series of 2022:** An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks (First Reading)

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



- B. **Ordinance No. 7, Series of 2022:** An Ordinance Repealing and Reenacting Chapters 15.04, 15.08, 15.12, and 15.16 of the City of Leadville Municipal Code to Adopt by Reference the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2020 National Electrical Code, the 2018 International Energy Conservation Code, and the 2018 International Fire Code; Making Specific Amendments Thereto; and Providing Penalties for Violations Thereof (Second Reading and Public Hearing)
- C. **Resolution No. 29, Series of 2022:** A Resolution Opting Out of the Paid Family and Medical Leave Insurance ("FAMLI") Program

- 8:45 p.m. 10. Public Meetings Planner
- 11. Mayor's Report
- 12. Council Reports
- 9:00 p.m. 13. Adjournment

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



CITY OF LEADVILLE

REGULAR COUNCIL MEETING MINUTES

800 HARRISON AVE.
LEADVILLE, CO 80461

Tuesday,
August 16, 2022

6:00 PM

Council Chambers & Zoom

1. **Call to order** of regular council meeting at 6:01 pm.

2. **Roll call:**

- a. **Present:** 7- Mayor Labbe, MPT Greene, CM Hill, CM Lauritzen, CM Luna-Leal, and CM Grant. CM Forgensi appeared via Zoom.
- b. **Absent:** 0

Staff Members Present: City Administrator Laurie Simonson, Deputy City Clerk Mayda Silver, Financial Director Dawna Schneider, and Fire Chief Dan Dailey. Police Chief Hal Edwards and Animal Shelter Manager Caitlin Kuczko arrived at 7:04 pm and departed at 7:18 pm. Administrative Assistant Lori Tye appeared via Zoom at 7:03 pm and departed at 8:30 pm.

3. **Approval of the agenda:** CM Lauritzen **moved** to approve the **amended** agenda, and CM Grant **seconded**. All present were in favor.

- a. **Agenda Revisions:** The swearing-in of Officer Brenda Caraveo will be added to today's agenda.

4. **Housekeeping Matters:**

- a. CM Lauritzen said that she was almost "t-boned" on 12th Street due since there is no Stop sign there.
- b. CM Forgensi inquired as to when the construction on Pine Street would be completed as it has been about 2 months since it has been worked on. Mayor Labbe responded that the Sanitation Department has been behind on completing the manholes in that area and that he is unsure when the Sanitation Department will complete that task. Discussion ensued regarding the paving of different streets throughout the city.
- c. CM Grant has heard concerns regarding the closure of E. 6th Street. She mentioned that it was closed on Wednesday. Several Councilmembers concurred. Mayor Labbe stated that he would check the TUP because, in the past, it was usually closed Thursday evening.
- d. Mayor Labbe stated that the Liam O'Sullivan Irish Memorial Statue was placed today. The statue was crafted in Ireland but forged in Loveland, Colorado.
- e. Mayor Labbe would like to offset expenses for the performers on August 27th at the Tabor Opera House in the amount not to exceed \$1000 using Contingency Funds. Discussion regarding the Contingency Funds amount ensued. All present agreed.
- f. CM Hill commented on how well the detour from Harrison to Poplar worked during Boom Days. Mayor Labbe concurred.
- g. CM Hill mentioned that the EV Station is up and running again. City Administrator Simonson would like to thank Deputy City Clerk Silver for contacting Charge Point regarding this issue. Mayor Labbe noted that he received a call from Phoenix from the technician who was able to reset the station remotely.

5. Public comments for items not on the agenda:

- a. Through Zoom, Andy Hofer spoke about the base camp sign on 601 W. 6th Street. He said that the sign blew down and that it is being rebuilt. He spoke with Lori Tye and wanted to find out if the sign had been legally built, to begin with, or if it went against code. He said that she was able to tell him that the sign has been there for a while and that it has been approved. He would like to contest the sign going back up if it wasn't erected according to code. CM Lauritzen said that Mr. Hofer contacted her, and she had done some research regarding the sign. She found that the sign was considered a legal nonconforming sign because it went up before the sign code was adopted. The code states that a legal nonconforming sign can be "replaced." She feels that the sign is not being replaced but that it is being upgraded which would not be allowed and that a variance should be requested through City Council. City Administrator Simonson spoke about the difference between the difference in code for public and private property. She will speak further with City Attorney McCormick to check on the status of the new sign. The city will follow up with Mr. Hofer.
- b. Mr. Hofer also wanted to discuss the sporadic Yield signs that he feels should be Stop signs. Mayor Labbe has spoken to the Streets Department about the Yield sign on 8th and will speak with them about the signs again.
- c. Lake County Manager Tim Bergmann wanted to thank the city for their participation in the County's OHV Town Hall meeting.
- d. Kristi Galarza from Lake County Build a Generation wanted to inform City Council regarding the subcommittee's work to apply to HUD for homelessness projects. In January, the strategic planning for homelessness will be a robust process, and she would like to see participation in this planning from any departments that deal with homelessness. Mayor Labbe asked about the homelessness survey. Ms. Galarza informed Council regarding the survey.

6. Approval of Minutes:

- a. Mayor Labbe noticed a typo and stated that the word "staggering" to "staggered" be changed on page 3, Item B, subsection d
CM Luna-Leal **moved** to approve the amended minutes of 08/02/2022; CM Hill **seconded**. All present were in favor.

7. Oath of Office for New Police Officer Brenda Caraveo:

- a. Municipal Judge Floyd swore in Officer Caraveo.

8. Auditors' Presentation of the 2021 Audit

- a. Paul Backes Certified Public Accountant of McMahan and Associates, LLC provided an overview of the audit and the departments included in the audit. He proceeded to explain who the audit goes to such as the federal government, the state of Colorado, and other entities such as creditors. He stated that the City of Leadville had a "clean audit."
- b. Mayor Labbe asked about FDIC insurance. Mr. Backes responded to Mayor Labbe's question and explained the Public Deposit Protection Act.
- c. Mayor Labbe asked about what the proper amount would be for the City's reserves. Mr. Backes stated that it would be up to the City and that different governmental entities have different expectations. Discussion continued regarding revenue and expenditures.
- d. Recommendations were given as well.
- e. Discussion was held regarding Cyber Security Insurance Coverage.

CM Hill **moved** to accept the 2021 Audit by McMahan and Associates, and MPT Greene **seconded**. All present were in favor.

9. Department Reports

- a. Departments gave their monthly reports
- b. **Bills-** CM Hill **moved** to pay the bills; CM Forgensi **seconded**. All present were in favor.

10. Proclamations and Requests

A. Schedule Budget Work Sessions

- a. The dates for the 2023 Budget Work Sessions are

9/27/2022

6:00pm – 7:00pm

Revenues

7:00pm – 8:00pm

Capital Request Prioritization

10/11/2022

6:00pm – 7:00pm

Leadville City Hall Budget

7:00pm – 8:00pm

Leadville Police Dept Budget

10/25/2022

6:00pm – 7:00pm

Leadville Street Dept Budget

7:00pm – 8:00pm

LLCFR Budget

11/09/2022

6:00pm – 7:00pm

Animal Shelter

7:00pm – 7:30pm

Municipal Court

7:30pm – 8:00pm

CTF Parks

8:00pm – 9:00pm

Final considerations/directions to staff to formalize a prepared budget

for adoption 12/06/2022

11. Presentations & Requests:

A. Tabor Opera House Quarterly Update

- a. Sarah Dae, Executive Director, with board members, Amy Tait and Carl Schafer, gave an update on the events and tours happening at the Tabor Opera House along with the updating of the Tabor Ghost Sign.
- b. They also presented information regarding the Theater Projects Team, the Historic Scenery Collection, and Phase II of the restoration.
- c. Ms. Dae invited any city employees to a tour of the Tabor Opera House.

B. City Administrator's Report – Laurie Simonson updated the City Council regarding the following:

- a. City Administrator Simonson wanted to share the positive feedback she received regarding Boom Days and the Lifetime Fitness Mountain Bike Race.
- b. Lake County had a Town Hall OHV meeting. The turnout was wonderful. Everyone was respectful. She wanted to thank the county for including the City, even though the county had different issues than the City with respect to OHVs. Ms. Simonson would like the City to consider having an expert come in to help with a noise ordinance and to decide whether

there should be a moratorium on OHV/ATV businesses in the City of Leadville. CM Lauritzen asked about a speed limit sign on East 7th Street. She also felt that there should be a moratorium on rentals that do not tour and have unaccompanied drivers. Mayor Labbe would like a moratorium on the current ATVs/OHVs.

- c. Accommodation Taxes are being worked on by Financial Director Schneider and Deputy City Clerk Silver.
- d. Deputy City Clerk Silver is also working on Business Licenses.
- e. On Monday, 8/22, Chapin LaChance, our new Planning Director, will begin. He comes to us from Breckenridge.
- f. City Attorney McCormick is working on the 809 Spruce Street house's Temporary Use Permit.
- g. Discussion regarding the sandwich signs was held and more information will be forthcoming.

At 8:05 pm City Council adjourns for a 5-minute break.

At 8:12 pm City Council reconvenes.

12. Certificates of Appropriateness/Conditional Use Permits/Temporary Use Permits/Licenses

A. 930 Hemlock COA Resubmittal

- a. The applicants did not appear at today's meeting.
- b. Administrative Assistant Lori Tye gave her staff report regarding the COA.
- c. Nancy Bailey spoke regarding the Historic Preservation Committee's viewpoint regarding the COA.
- d. Lori Tye requested that the two letters provided to her opposing the COA be added to the record.

Mayor Labbe opened the public hearing at 8:17 pm. There were no public comments.

CM Lauritzen **moved** to **continue** the consideration of the resubmitted Certificate of Appropriateness for 930 Hemlock to the September 6, 2022 meeting; MPT Greene **seconded**. **The vote was 7-0-0-0.**

13. Resolutions & Ordinances:

B. Resolution No. 36, Series 2022: A Resolution Appointing Members to the Leadville Lake County Regional Housing Authority Board of Directors

- a. Discussion was held regarding the members chosen by the Lake County Board of County Commissioners and requested a Joint Work Session between Lake County and the City of Leadville to discuss the selection of the At Large Members.
- b. CM Lauritzen commented that the four chosen board members would need to choose the At Large members.
- c. Discussion about the possible Joint Work Session will be tabled until a later time.
- d. Discussion regarding the City Council applicants transpired.

City Council	Votes for CM Grant	Votes For CM Hill	Votes for CM Luna-Leal
CM Forgensi		x	x
CM Hill		x	x
Mayor Labbe		x	x
CM Greene			x
CM Luna-Leal	x		x
CM Lauritzen	x		x
CM Grant		x	x

MPT Greene **moved** to adopt Resolution No. 36, Series of 2022, A Resolution Appointing Members to the Leadville Lake County Regional Housing Authority Board of Directors and appoint **Christian Luna-Leal and Tim Hill** to the Authority's Board. I further move to direct City staff to update the Resolution prior to signing it to reflect the names of these appointees.

CM Luna-Leal seconded. **Vote was 7-0-0-0.**

14. Public Meetings Planner:

- a. Deputy City Clerk Silver stated that she would add the Work Sessions for the budget meetings.

15. Mayor's Report:

- a. The mayor spoke about Area Median Income (AMI). He received AMI and passed out the information that he received to City Council.
- b. The mayor met with City Administrator regarding the six-month review. He is very happy with her work initiative and ethic.

16. Council Reports:

- a. CM Grant attended the music in the park at Zaitz Park.
- b. CM Grant also wanted to ask about whether there can be a request to entertain parallel parking spots instead of angled parking. CM Luna-Leal agreed with CM Grant regarding the parallel parking on East 7th Street.
- c. CM Lauritzen would like to know why The Delaware Hotel has half a block of free parking.
- d. CM Hill expressed that the diagonal parking on 11th Street is great.
- e. CM Luna-Leal spoke regarding Full Circle's program assisting the underprivileged population with housing assistance. That funding has ended.
- f. CM Forgensi wanted to commend CM Luna-Leal and Full Circle for their work with the underserved population in Leadville. He is currently in Santa Fe helping as a disaster recovery coordinator. He spoke about the effect the fire had on the underserved community in Santa Fe

relocating people, and how it has impacted the environment, thereby impacting basic necessities.

Adjournment: 9:06 pm.

APPROVED this 6th day of September by a vote of in favor, against, abstaining, and absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk



AGENDA ITEM # 7B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Resolution No. 37, Series of 2022: A Resolution Designating Mr. Chapin LaChance as the Planning Official for the City of Leadville

PRESENTED BY: Laurie Simonson, City Administrator

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 37, Series of 2022 ("Resolution"), which designates Mr. Chapin LaChance as the city's Planning Official.

II. BACKGROUND INFORMATION:

The City Council recently authorized the creation of a new full-time position of Planning Director, and the city has since hired Mr. LaChance as the Planning Director with his employment beginning August 22, 2022. Upon the City Council's designation, Mr. LaChance as the city's Planning Director will serve as the Planning Official for the various functions required throughout the Leadville Municipal Code's Title 16 (Subdivision Regulations) and Title 17 (Zoning).

For example, the Planning Official is responsible for review and decision-making regarding administrative site plan applications and other administrative permits under Title 17 and Title 16, can issue written administrative interpretations and decisions of the City's subdivision regulations to assist the city in the consistent application of Title 16, and determines whether subdivision applications and certain land use applications are complete and ready for processing.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

N/A

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 37, Series of 2022.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Resolution.
2. Adopt the Resolution with amendments.
3. Table for further discussion and consideration.

VIII. PROPOSED MOTION:

A motion to approve the consent agenda will approve this Resolution.

If, however, City Council removes this item from the consent agenda for discussion or questions, staff recommends the following motion:

“I move to adopt Resolution No. 37, Series of 2022, A Resolution Designating Mr. Chapin LaChance as the Planning Official for the City of Leadville.”

IX. ATTACHMENTS:

Resolution No. 37, Series of 2022

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 37
SERIES OF 2022**

**A RESOLUTION DESIGNATING THE PLANNING OFFICIAL FOR THE
CITY OF LEADVILLE**

WHEREAS, Title 16 (Subdivision Regulations) and Title 17 (Zoning) of the Leadville Municipal Code assign various responsibilities to the Planning Official, an individual designated by City Council; and

WHEREAS, the position of Planning Director was recently authorized by the City Council, and the City has hired Mr. Chapin LaChance as Planning Director effective August 22, 2022; and

WHEREAS, it is appropriate for the Planning Director to be appointed as the Planning Official for the purposes of administering Title 16 (Subdivision Regulations) and Title 17 (Zoning) of the Leadville Municipal Code; and

WHEREAS, Mr. LaChance possesses the experience, capability, and professional qualifications to serve as the Planning Official; and

WHEREAS, the City Council desires to designate Mr. LaChance as the Planning Official, which designation shall commence on September 6, 2022 and shall expire upon any future termination of his employment with the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. **Designation.** The City Council hereby designates Mr. Chapin LaChance as Planning Official for the City effective September 6, 2022. This designation shall expire upon any future termination of his employment with the City.

Section 3. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

**ADOPTED this 6th day of September 2022 by a vote of ____ in favor, ____ against,
____ abstaining, and ____ absent.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk



AGENDA ITEM # **8A**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6th, 2022 - Continued from August 16th, 2022
SUBJECT: John R. Slate and Gina C. Vigletti Resubmitted Certificate of Appropriateness for Residential Infill at 930 Hemlock Street
PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Consideration of a Resubmitted Certificate of Appropriateness for the purposes of Residential Infill at 930 Hemlock Street, of a Container Home in the National Historic Landmark District.
- II. **BACKGROUND INFORMATION:** The Historic Preservation Commission met on Tuesday, August 9th, 2022 for consideration of Resubmitted COA for Residential Infill at 930 Hemlock St in the National Historic Landmark District. 930 Hemlock is a parcel that was part of the original St. Vincent's Hospital. The proposed build is a container home constructed of 4 used shipping containers, 2 on bottom, 2 on top. The commission heard from Dean McAllister and Melissa Shelly, Colorado Container Homes and staff. The HPC reviewed the COA criteria regarding residential infill, and any impacts that would have on the neighboring structures. The HPC also reviewed the Compatible Residential Infill Design Guidelines and Standards, and what criteria were met or not met.

The HPC originally denied the COA application on June 14th, the applicant withdrew the COA from the City Council agenda on June 21st, as the applicant submitted a new design the HPC had not seen. Applicant then resubmitted to the HPC, and on July 26th the HPC continued the Resubmitted COA so the applicant could incorporate the HPC's recommendations. The HPC heard the Continued, Resubmitted COA on August 9th, 2022. A motion was made to **Approve** the Resubmitted COA for Residential Infill at 930 Hemlock Street, it was seconded and unanimously voted to Approve and recommend to City Council for Approval.

III. **FISCAL IMPACTS:**

N/A

IV. LEGAL ISSUES:

N/A

- VI. STAFF RECOMMENDATION:** Consider the Historic Preservation Commission's recommendation on this proposed Resubmitted Certificate of Appropriateness. The applicant has revised the design to better incorporate the HPC Infill Guidelines, and to make the infill structure fit in more with the historic district. Applicant did take all of the HPC's recommendations and incorporate them into the new design. Staff recommends that the Council **Approve** the Resubmitted Certificate of Appropriateness for the residential infill of 930 Hemlock St.

- VII. COUNCIL OPTIONS:** Approve, Approve with Conditions, Deny or request a Continuance for more information.

PROPOSED MOTION: Motion to **Approve** COA for 930 Hemlock Street:

I move to approve the Resubmitted Certificate of Appropriateness for Residential Infill at 930 Hemlock Street, Leadville CO 80461 based on the criteria set forth in the related COA application materials and staff report dated August 9th, 2022, the City of Leadville's municipal code, Sections 17.44, the 2015 Leadville Comprehensive Plan and Leadville Historic Preservation Commission Compatible Residential Infill Design Guidelines and Standards for the Leadville National Historic Landmark District.

OR

Motion to **DENY** COA for 930 Hemlock Street:

I move to deny the Resubmitted Certificate of Appropriateness for Residential Infill at 930 Hemlock Street, Leadville CO 80461 based on the criteria set forth in the related COA application materials and staff report dated August 9th, 2022, the City of Leadville's municipal code, Sections 17.44, the 2015 Leadville Comprehensive Plan and Leadville Historic Preservation Commission Compatible Residential Infill Design Guidelines and Standards for the Leadville National Historic Landmark District.

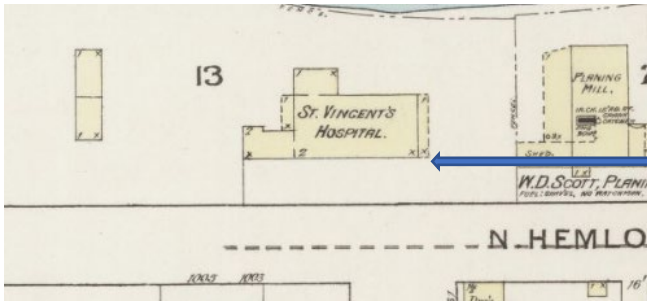
- VIII. ATTACHMENTS:** Complete 930 Hemlock St Certificate of Appropriateness application, staff report dated August 9th, 2022 and this cover sheet.

STAFF REPORT

Date: August 9th, 2022
 To: Historic Preservation Commission
 From: Lori Tye, Administrative Assistant
 Subject: 930 Hemlock Street Residential Infill in National Historic Landmark District
 Resubmitted COA – **Continued** from 7/26/2022 (updates in red)
 Leaseholder: John Slate and Gina Viglietti
 Property Owner: John R. Slate and Gina C Viglietti (JT)

Project Summary:

Applicant, Dean McAllister and Melissa Shelly of Colorado Container Homes, is seeking a Residential Infill of a Container Home, on a vacant lot. Proposed structure is a 3 bedroom, 3 bath 1,280 sq ft home. Applicant's Resubmitted COA application was heard by the Historic Preservation Commission on July 26th. The HPC voted to CONTINUE the COA until August 9th, giving the applicant time to redesign the structure per HPC recommendations. Applicant has new design drawings for the HPC to consider.



Historical Background:

There currently is no structure where the proposed Residential Infill is to be placed. Assessor's Office has the legal description as PARCEL OF LAND CONT A PT OF LOT 1000, BLK 13 COOPER'S, 0.127 acres. This is a parcel of the Old St. Vincent's Hospital, very southern portion (left, 1886 Sanborn map), and is in a very historic part of Leadville. 1012 Hemlock, St. Vincent's Hospital, is listed on the Leadville Historical Building Inventory.

Project Description:

The applicant is requesting approval of a Resubmitted Certificate of Appropriateness (COA) for residential infill. Single family home to be constructed from 4 containers, 2 on bottom, 2 on top.

Applicant's Design Philosophy: Colorado Container Homes is about building home with aesthetic charm, as well as an architectural design with strong structural integrity. Our homes are built to reflect the individual personality of the homeowner, all while having the ability to weather extreme climates, ideal for our beautiful state of Colorado.

In addition to being environmentally friendly, by reusing high quality shipping containers, our builds completely transform something that was once seen as obsolete, into a warm and inviting home.

Craftsmanship is at the forefront of each of our designs, because it is craftsmanship that ultimately stands the test of time.

Criteria for Reviewing Entity Decision:

Per the City Municipal Code, there are 17 criteria that must be met for a project to receive an approved Certificate of Appropriateness. The historic preservation commission and city council should consider if the proposed residential infill satisfies each of the 17 criteria, as referenced below:

1) Fits with Leadville Comprehensive Plan

- *Developed Residential* – This designation includes partially or completely built-out platted subdivisions that are unlikely to change significantly in coming decades. This designation encourages the maintenance and replacement of existing residential uses, but does not point towards a desired future that is in any way different than what is in place today.
- *Future Land Use Plan* - The following approach guided the development of the Future Land Use Plan:
 - a) Balancing housing and commercial development so that people can live and work in Leadville.

b) Encouraging infill and redevelopment in the residential neighborhoods in the historic town site and creating a diversity in housing types.

c) Re-establishing the vitality of the historic commercial and mixed-use blocks east and west of Harrison.

2) Character, interest and value of structure as part of the development, heritage, history and culture of the city and state

- National Historic Landmark District – YES, parcel is in NHL district
- Listed in the Leadville Historical Building Inventory – NO, NO STRUCTURE, but parcel is adjacent to 1012 Hemlock, St. Vincent's Hospital which IS listed.

3) Location of structure and relationship to historic events

- Original site of St. Vincent's Hospital



The original 1879 St. Vincent's Hospital is the building to the right, with the 1901 hospital to the left. The 1901 building is currently condominiums.

(Photo courtesy of St. Vincent Hospital archives and Sisters of Charity)

4) Identification of structure with historically significant persons

- Sisters of Charity

5) Importance to cultural, historical, social and economic heritage

- Parcel was a part of the original St. Vincent Hospital built in 1879

6) Visual features typical of or unique to historic period of relevance

- Current structure proposal will **not** have features typical of or unique to historic period of significance.

7) Relationship to surrounding structures or other features of importance

- Current structure proposal is adjacent to the Old St. Vincent's Hospital & on the same block as the old S&L Lumber (Freight & S.Lumber Yard)

8) Minimal alteration and redesign to fit use

- Redesign is residential use

9) Original characteristics shall not be destroyed, nor shall historic material or architectural features be removed or altered when possible

- No Current Structure

10) The significance of architectural changes sign original construction shall also be recognized and respected

- No Current Structure

11) Distinctive stylistic features or skilled craftsmanship shall be treated with sensitivity and preserved whenever possible

- No Current Structure

12) Deteriorated architectural features shall be repaired rather than replaced whenever possible and, if they must be replaced, new materials shall match replaced materials in composition, color, texture and shape

- No Current Structure

13) Cleaning and restoring surfaces should be done with least disruptive methods; sandblasting and other techniques that damage surfaces is highly discouraged

- No Current Structure

14) Additions and alterations should be done in such a way as to ensure the essential form and integrity of the original structure would be undamaged

- No Original Structure

15) Structures shall be recognized as products of their own time and place; alterations with no historical basis that seek to artificially create an earlier appearance are discouraged

- No Current Structure

16) Contemporary style structures, alterations and additions shall not be discouraged so long as they are compatible with the size, scale, texture and color of the existing structure and/or existing structures in the area

- HPC is tasked with determining if the proposed new structure is compatible in size, scale, texture and color of existing structures in the area.

17) The unique historical and visual appearance of Leadville, as it exists in the present, shall be honored and protected in so far as possible

- HPC is tasked with determining if the proposed new structure honors and protects the unique historical & visual appearance of Leadville.

Leadville Historic Preservation Commission Compatible Residential Infill Design Guidelines and Standards for the Leadville National Historic Landmark District

Section 2: NHL District Design Guidelines and Standards

These design guidelines apply to new residential construction in the NHL District. New residential construction is defined as construction requiring a foundation plan as part of the building permit process.

The purposes of the Leadville Historic Preservation Commission Compatible Residential Infill Guidelines and Standards for the Leadville National Historic Landmark District are to make clear the goals and objectives of the City of Leadville for enhancing its natural and historic sense of place. Below are four precepts to consider on any potential project.

- Keep it simple.
- Keep it in scale.
- Respect the historic resources.
- Make all new design compatible to the existing context.

In order to protect the district, new construction should reinforce the basic characteristics that were established early in the city's development. Projects should also enhance the residential qualities of the neighborhoods.

The NHL District should develop in a coordinated manner so that an overall sense of continuity is achieved. Natural assets, including views, should be protected and enhanced. The scale of projects in the area should be compatible with the overall scale of the city, as well as with the scale of buildings on adjacent properties. Emphasis should be placed on developing new buildings that respect their neighbors. Where properties abut a historical building, special care should be taken in relating to these precious resources.

The NHL District is of great importance to the community, both in terms of preserving its integrity as a historic resource and of protecting the value and character of the property owners and residents. These

standards and guidelines seek to reinforce social objectives of retaining the residential qualities of the neighborhood. For purposes of this document:

- The use of “shall” indicates the standard is mandatory
- The use of “should” indicates the guideline is advisory, but strongly recommended.

Section 3: Policies

1. Policy: Relationship to Site Context

The sloping topography and open pattern of development in the treatment area provides most buildings with solar exposure and views of the mountains. Smaller, lower buildings located on the alleys traditionally allowed views and solar exposure of the nearby primary residences. These assets **shall** be preserved for as many sites as feasible.

A. CAREFULLY relate new construction to buildings that contribute to the historic neighborhood context.

- a. New projects shall be compatible with the historic character of the Leadville NHL District as well as those buildings adjacent to the project.
- b. Historic proportions of height, width and depth are very important to be compatible with the historic mass and scale of the NHL district and the city. Compatibility with the traditional mass, scale and building materials of the area is especially important.

2. Policy: Views

Views to natural and historic features abound in Leadville and should be preserved. Of special importance are the views of the mountains and historic landmarks that contribute to the city's unique setting.

A. Position a new building so that view corridors are preserved.

3. Policy: Site Planning

A new project can significantly affect neighboring properties. Such impacts include views, solar access and snow shedding.

A. Coordinate the site plan of individual building lots with those adjacent properties.

1. Unusual setbacks may be appropriate when they help protect views to significant features.

- a. Consideration for the views **shall** come from within, through and outside the site.
- b. Consider seasonal factors, such as snow accumulations or dense foliage.
- c. Maintain views along alleys by keeping buildings small in scale.

2. Minimize the number of driveways, parking and service areas through cooperative planning with adjoining properties. This helps reduce the visual impacts of these elements on the neighborhood.

4. Policy: Building Orientation

Traditionally, a building was oriented with its primary wall planes in line with the parcel's property lines. Since most buildings were rectangular in form, this siting pattern helped reinforce the image of the city grid.

A. Maintain traditional patterns of building orientation by respecting a property's lot lines. This applies to both primary and alley structures.

B. Orient the primary entrance of a building toward the street.

- a. Clearly define the primary entrance using such things as porches on residential structures.
- b. Rear or side entrances should be secondary to the front.

5. Policy: Building Setbacks

Most front facades align at a relatively uniform setback from the street in each block. The rhythm created by the placement of buildings and side yards are an especially important

feature. The historic development pattern contributes to the visual continuity of the NHL district.

- C. Decks, balconies and porches **shall** not significantly encroach into front and side yard setbacks.

6. **Policy: Parking Design**

For the majority of the period of significance the primary transportation vehicle was the horse and carriage. The associated site and building features were the barn, stable carriage house and drives. The accommodations for automobiles of driveways, garages and parking areas require sensitivity to the visual impacts and the historic transportation mode.

Care should be taken to provide pedestrian circulation that does not conflict with vehicular circulation.

- A. Screen parking areas from street view with site features.
- B. Design parking areas should be accessed from alleys or rear drives rather than from the primary street. Parking facilities such that they are subordinate to other site features.
 - a. In a residential context, the use of a detached garage, located along the alley, is especially encouraged.
 - b. If parking is located within a garage, minimize the size of the driveway.
 - c. An on-site parking area should be located inside or behind a building, where its visual impacts will be minimized, unless site conditions (such as steep slopes) prevent this arrangement.
 - d. Minimize the surface area of paving and consider using materials that blend with the natural colors and textures of the region. Options include: modular pavers, gravel and grasscrete or concrete.
 - e. Curb cuts and driveways should be minimal in width and shared when feasible.
 - f. Design the parking layout so that all spaces are accessible and usable year-round.

7. **Policy: Mass and Scale**

A variety of building styles occur in this area but a similarity of forms, materials and scale still prevails. Projects that include a primary building with subordinate secondary structures reinforce the city's historic character.

Traditionally, exterior wall materials were horizontal siding, with the exception of a few brick homes. Stone was used occasionally for foundations and fireplaces. Decorative shingles were sometimes applied to eaves and dormers.

- A. Maintain the traditional perceived scale of buildings.
 - 1. The tradition of one- and two-story street facades **shall** be continued.
- B. New construction **shall** appear similar in mass and scale to historic structures found traditionally in the NHL district.
- C. Break up the massing of larger buildings into components. A larger building may be divided into modules that reflect the traditional scale of construction.
 - 1. Modules should be expressed three dimensionally by having significant architectural changes.
 - 2. Step down the mass of larger buildings to minimize the perceived scale at the street.
 - 3. Historic proportions of height, width and depth are important features to be compatible with historic mass and scale.
 - 4. Building elements **shall** be in scale with the overall mass of the building.
- D. Roofs shall be similar in scale to those used historically on comparable buildings.
 - 1. The length of the roof **shall** not exceed those seen historically on comparable buildings.

8. **Policy: Building Form**

The traditional residential building form consists of a simple rectangular mass with a gabled or hipped roof. Additions are usually located to the rear of the main building and step down in scale from the central mass. It's the combinations of these shapes that establish a neighborhood's scale. These forms **shall** be preserved, in their height, width and depth, throughout the NHL district. New construction that does not respect these forms could diminish the integrity of the NHL district.

9. **Policy: Roof Form**

Roofs of similar shapes reoccur in the NHL district. Gabled roofs, generally oriented with the ridge perpendicular to the street, and hip roofs are typical.

The size, shape and type of roof **shall** be similar to those found traditionally in the city. Consideration of environmental and climate determinants such as snow and ice shedding, drainage and solar exposure **shall** also be integral to the roof design.

1. Sloping roof forms, such as gable, hip and shed, **shall** be the dominant roof shapes. These forms **shall** be symmetrically designed. Avoid flat roofs and barreled roofs.

10. **Policy: Architectural Character**

Traditionally, buildings in Leadville were simple in character. This is a fundamental characteristic that is vital to the preservation of the historical integrity of the city. Regardless of stylistic treatment, a new building **shall** appear simple in form and detail. Buildings also **shall** be visually compatible with older structures in the NHL district without being direct copies of historic buildings.

A. Respect the sense of time and place in all projects.

B. New interpretations of traditional building styles are encouraged, such that they are seen as products of their own time, yet compatible with their historic neighbors.

1. New designs **shall** draw upon the fundamental traits of historic buildings without copying them. This will allow them to be seen as products of their own time yet compatible with their historic neighbors.

11. **Policy: Building Components**

Projecting elements, such as dormers, bays, stairs, chimneys and cornices, help to provide visual interest to a building and can influence its perceived scale. These features **shall** be compatible in size, shape and type with those found in historic buildings and should be treated as an integral part of the building design.

12. **Policy: Pattern of Building Materials**

The pattern created by the unit size of the materials (bricks, siding, shingles, etc.) Application **shall** be similar to those materials used traditionally in the city and in the treatments area. These **shall** be configured in combinations that express human scale.

A. Materials **shall** appear similar in scale, texture and finish to those used traditionally.

1. A hierarchy of building materials **shall** be used, with heavier coarser materials used as foundations and more refined materials used above.
2. The dimensions of brick units, clapboard siding and other building materials should be similar to those used historically.
3. Exterior wood finishes **shall** be painted in colors designated on any Historic Color Palette or in rustic natural wood stains and finishes.

B. Maintain the existing range of exterior wall materials found in the NHL District. Reuse of existing materials is encouraged. A mix of wood frame, stone and brick construction is typical.

1. Foundation finish materials may include stone, concrete, board formed concrete, wood lattice and vertical boards. A clear distinction between

foundation and wall material should be present. Clapboard siding should not extend to the ground.

2. Appropriate materials for primary structures included horizontal and vertical siding, shingles (in limited applications) and brick.
3. The lap dimensions of siding should be similar to those found traditionally. Masonry unit sizes should also be similar to those found traditionally.
4. Siding materials that are not allowed include stucco, reflective materials such as mirrored glass or polished metals and rustic shakes.
5. Corrugated metal and other acceptable metal siding may also be considered on structures and foundation skirting.

C. Roof material shall appear similar to those used traditionally.

13. Policy: Windows

Windows are some of the most important character-defining features of most structures. They give scale to buildings and provide visual interest to the façade's or elevation's composition. Distinct window designs often define many historic building styles. They were commonly inset into relatively deep openings or they have surrounding casings and sash components with substantial dimensions. These cast shadows that significantly contribute to the character of the building.

- A. Windows should be of a traditional size and relate to a pedestrian scale.
 1. Windows should be simple in shape, arrangement and detail.
 2. Unusually shaped windows, such as triangles and trapezoids **shall** be considered as accents only and limited to one per building façade or elevation.
 3. The number of different window styles should be limited.
- B. The window-to-wall ratio should be similar to that seen on comparable historic buildings in the treatment area.
 1. Large surfaces of glass are inappropriate on residential structures and **shall** not be allowed.
 2. If necessary, divide large glass surfaces into smaller windows that are in scale with those seen traditionally.
- C. Windows with vertical emphasis are encouraged.
 1. A general rule is that the height should be twice the dimension of the width.
 2. Windows with traditional depth and trim are preferred.
- D. The placement and grouping of windows **shall** be similar to that seen historically.

14. Policy: Doors

A door, which is often an important character-defining feature, gives scale to a building and provides visual interest to the composition of a building's primary façade.

- A. Maintain the traditional pattern of doors along streets and alleys
 1. All buildings that face the street should have a well-defined front entrance.
 2. Openings should be similar in location, size and type to those seen traditionally. The entrance should be at, or near, grade level.
 3. A garage door should be designed to minimize the apparent width of the opening.
 4. The material and detailing of garage doors should be utilitarian, to be compatible with nearby sheds when located on an alley, or detailed as part of the building if located on the front.
- B. Doors should be designed and finished with trim elements similar to those used traditionally.

15. Policy: Utilities

Minimize the visual impacts of utilities and service equipment.

16. Policy: Energy Conservation Design

Using energy conserving designs that are also compatible with historic character of the community is encouraged.

Summary:

The applicant is requesting the approval of a Resubmitted COA for Residential Infill, a 3 bedroom, 3 bath 1,280 sq ft home constructed of shipping containers. Applicant has made design changes from the previously (originally) submitted COA, to incorporate the HPC suggestions were -

6" max reveal lap siding

6/12 roof pitch min

Closed Front dormer over porch instead of timber frame, with gingerbread or shingle trim

Street facing front door

Staff Recommendation:

Staff recommends that the HPC review the Continued Resubmitted Certificate of Appropriateness for New Residential Infill at 930 Hemlock St thoroughly. This is a very historic area of Leadville; proposed build is on a parcel of land that was originally the old St. Vincent's hospital. Staff advises commissioners to note what criteria is met and what has not, such as materials, compatibility with current structures in the area, impact on historic structures adjacent to the proposed build. While the applicant has made some design changes to better fit in with surrounding structures, and the new design does look better than previous designs, staff is concerned this build is not compatible within NHL District. Applicant has changed the roof pitch to a 6/12; made all windows taller than they are wide; took out timber brackets, put in an enclosed gable with gingerbread siding; added a front street facing entrance; changed the lap siding to 6".

A sample motion for APPROVAL for the Certificate of Appropriateness application is:

I move to approve the Resubmitted Certificate of Appropriateness for the New Infill at 930 Hemlock Street based on the criteria set forth in the related COA application materials and staff report dated August 9th, 2022, the City of Leadville's municipal code, Section 17. 44.070 and Leadville Historic Preservation Commission Compatible Residential Infill Guidelines and Standards for the Leadville National Historic Landmark District.

A sample motion for DENIAL for the Certificate of Appropriateness application is:

I move to deny the Resubmitted Certificate of Appropriateness for the New Infill at 930 Hemlock Street based on the criteria set forth in the related COA application materials and staff report dated August 9th, 2022, the City of Leadville's municipal code, Section 17. 44.070 and Leadville Historic Preservation Commission Compatible Residential Infill Guidelines and Standards for the Leadville National Historic Landmark District.

THE CITY OF LEADVILLE

CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

Application File No. _____

1) ACTION REQUESTED

Insubstantial Modification ☐
Substantial Modification ☒
Local Designation ☐
Other ☐

2) APPLICANT STATUS

Date of Application: May 25th 2022

Received by: _____

Application Fees Required: \$125.00 for Substantial Modification \$0 for Insubstantial Modification

Date Fee Paid: _____

Date(s) App. Acted On:	Action Taken:
<u>6/14/2022</u>	<u>HPC - Public Meeting - Denied</u>
<u>6/21/2022</u>	<u>City Council - Public Hearing</u>

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: Dean McAllister

Property Address: 930 Hemlock St. Leadville, CO 80461

Mailing Address of Applicant if other than property address: 8561 Hwy 86 Kiowa, CO 80117

Telephone: 720-381-1714

Land Owner*: John Slate

Address: _____

Telephone: 913-710-5347

- List Landowner(s) individually if other than applicant

4) APPLICATION MATERIAL SUBMISSIONS (Items to be included with this application):

- Photographs:** All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application.
- Dimensioned Site Plan:** Site plan showing street locations, existing structure and proposed new elements or structures.
- Dimensioned Floor Plan (s):** Floor plans showing existing structures and proposed new elements or structures.
- Dimensioned Roof Plan:** Roof plan showing proposed new roof elements in context of the existing roof.
- Dimensioned Exterior Elevations:** Exterior elevations showing appearance of proposed project with all materials and indicating finishes.
- Building Sections and Construction Details:** Sections and details as required adequately explaining and clarifying the project. Note all materials and finishes.

- g. **Specification of Materials:** Manufacturer's product literature and material samples. Product literature is required for replacement windows.
- h. **Bids:** If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.
- i. **Window Replacement:** If proposing to replace historic windows (aside from wooden replica sash replacement) justification shall be provided as outlined in National Park Service Preservation Brief #9. Submittal must include written assessment of condition of existing windows.
- j. **New Construction** shall include the following information:
 - I. **Block Site Plan.** A site plan or aerial photograph showing relationship of proposed structure to existing structures.
 - II. **Written Statement.** A written statement of the design philosophy and building program.
 - III. **Massing Model.** A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
 - IV. **Photographs.** Photographs of the surrounding structures including both block faces and side streets.
- k. **Demolition or relocation** of a building, structure or site shall include the following:
 - I. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.
 - II. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.
 - III. Elevations, building sections, construction details, specifications and massing model of proposed replacement structure similar to those required for new construction.
 - IV. For landmark or contributing structures the applicant must submit a report prepared by an architect, appraiser, engineer or other qualified person experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites addressing:
 - 1. The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.
 - 2. The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure or site at its current location.
 - 3. The economic and structural/engineering feasibility of relocating the building, structure or site.

Additional Pertinent Information: _____

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.44 and 17.52) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant:  Date: 5/22/2022

6) FINAL ACTION

☐ Approved ☐ Conditionally Approved or ☐ Denied by the authorized Leadville permitting authority:

Name: _____ Signature: _____
 Title: _____ Date: _____

* Special Conditions of Approval: (List Separately)

Applicant: Dean McAllister

Date: May 25, 2022

**LEADVILLE HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS PRE-APPLICATION**

DETERMINATION OF NEED:

1. Is this property located within the National Historic Landmark District? X Yes No
2. Is the property listed on the Leadville Historical Inventory? Yes X No
3. What is the property address: 930 Hemlock St. Leadville CO,
4. Are the proposed changes certified by the State Historic Preservation Office? Yes X No
5. Type of construction: New Residents
6. Type OF APPLICATION REQUIRED: Substantial Modification

***Note-Staff will discuss the following procedures outlined below with the applicant.**

- 1) **Insubstantial modification – Planning official will determine if the project meets the qualifications. If modification is insubstantial, no further action will be necessary. There is no fee for an insubstantial project.**
 1. An insubstantial modification is defined as the following:
 - a. The replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design.
 - b. The installation, removal or replacement of a fence, awning, or roofing material.
 - c. The reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing.
 - d. Those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be minor upon petition to and determination by the Administrator or his or her designee.
- 2) **Substantial modification– Planning official will determine if the project needs further review. If modification is substantial, please complete the process as described in the attached documents and the \$125.00 fee.**
 1. A substantial modification is defined as the following:
 - a. An activity not defined or qualifying as an insubstantial or minor activity, including, but not limited to: reconstruction, rehabilitation, remodeling, renovation, relocation or demolition.
 - b. Alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface.
 - c. The installation, alteration or removal of a window or door opening.
 - d. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design.
 - e. The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means.
 - f. Application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element.
 - g. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the Administrator or his or her designee.

Signature of Applicant: J Dean McAllister Date: May 25, 2022



THE CITY OF LEADVILLE

Compatible Residential Infill Design Guidelines & Standards Checklist

Application File No. _____

1) ACTION REQUESTED

Residential In-fill ☒
Other Structure Type ☐

2) APPLICANT STATUS

Date of Application: 04/22/2022

Received by: Lori Tye

Date(s) App. Acted On:

Action Taken:

Requested COA as is, NHL 5/11/22
Received COA Application 5/25/22
Referred to HPC for 6/14/22 Public Mtg

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: LD Horton LLC dba Colorado Container Homes

GC: James Dean McAllister

Property Address: 930 Hemlock St. Leadville CO

Mailing Address of Applicant if other than property address: 8561 Hwy 86 Kiowa, CO 80117

Telephone: 720.381.1714

Land Owner*: John Slate

Address: 930 Hemlock St. Leadville CO

Telephone: 913.710.5347

- List Landowner(s) individually if other than applicant

4) APPLICATION MATERIAL SUBMISSIONS (Items to be included with this application):

- Sketch Drawing:** All applications shall be accompanied by sketch design of the proposed project that reasonably and accurately depict the desired aesthetic and design of the proposed building or structure, or that portion thereof, subject to the application.
- Written Statement.** A written statement of the design philosophy and building program.
- Massing Model.** A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
- Dimensioned Site Plan:** Site plan showing street locations, existing structure and proposed new structures.
- Dimensioned Floor Plan (s):** Floor plans showing proposed new structures.
- Dimensioned Roof Plan:** Roof plan showing proposed new roof elements.
- Dimensioned Exterior Elevations:** Exterior elevations showing appearance of proposed project with all materials and indicating finishes proposed in the design.

Additional Pertinent Information: _____

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.44 and 17.52) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant: Lyle D Horton Date: 04/22/2022

Check-List: *Proposed Design will be considered in light of these sixteen criteria. Staff will review the submitted design application materials to determine compliance in accordance to each policy in reference to the Historic Design Guidelines and Standards In-fill Policy. Staff may reserve the right to defer the design review to the Historic Preservation Commission should the design require additional review and discussion.*

- ☐ 1. **Policy: Relationship to Site Context**
Design proposed is compatible with historic Leadville character and proportions of height, width, and depth are compatible with the recommendations.
- ☐ 2. **Policy: Views**
Design proposed has views of corridors that are well preserved.
- ☐ 3. **Policy: Site Planning**
Design consideration for views, seasonal factors, scale, and driveways has been considered and are compatible with the recommendations.
- ☐ 4. **Policy: Building Orientation**
Design maintains traditional patterns of building orientation of the property lot. Orientation clearly defines the primary entrance with porches and has rear or side entrances secondary to the front entrance.
- ☐ 5. **Policy: Building Setbacks**
Building design maintains setbacks within the established district with dimensions to the yard and street compatible with the recommendations including the decks, balconies, and porches not significantly encroaching into the front and side yard setbacks.
- ☐ 6. **Policy: Parking Design**
Design accommodates recommendations to have rear drive using the alley with subordinate parking facilities to other site features of the design. Parking is located inside, or behind a building where visual impact is minimized.
- ☐ 7. **Policy: Mass and Scale**
Design maintains traditional scale of buildings with one or two story street façade and similar in mass and scale to the other structures found in the neighborhood. Building elements are in scale with the overall mass of the building.
- ☐ 8. **Policy: Building Form**
Design of the building is vertically oriented with rectangular shapes and a step down scale to the rear of the lot.

☐ 9. **Policy: Roof Form**

Design on the building incorporates a sloping roof form that is simple and steeply pitched to have hip or gable ends facing the street. Design orients ridgelines parallel with the floor planes and ridgelines are perpendicular to the street. Chimney (if applicable) is similar in size and position of those found historically in the NHL district.

☐ 10. **Policy: Architectural Character**

Design incorporates a new interpretation of traditional building style

☐ 11. **Policy: Building Components**

Design of the building components (dormers, bays, stairs, chimneys and cornices) are compatible in size, shape, and type of those found in the NHL district are in proportion to the recommendations in the design guidelines.

☐ 12. **Policy: Pattern of Building Materials**

Materials in the design of the building are painted using a historic palette, rustic and natural wood finishes, design maintains range of exterior materials found in the NHL district (vertical siding, stone, concrete, wood lattice, corrugated metals, roofing materials metal, corrugated, asphalt shingles in muted colors act.)

☐ 13. **Policy: Windows**

Design of the building includes simple shape windows in traditional size and shape with the number of different window sizes limited. No large surfaces of glass height is twice the dimension of the width. Placement and grouping similar to those in the NHL district. Skylights limited in number and size.

☐ 14. **Policy: Doors**

Design of the building incorporates a door compatible with the recommendations of the design guidelines.

☐ 15. **Policy: Utilities**

Minimal visual impact of utility and service equipment incorporated into the design of the proposed building construction.

☐ 16. **Policy: Energy Conserving Design**

Design considers the recommendations of the design guidelines to incorporate solar designs compatible with the NHL district for visual appearance.

6) FINAL ACTION

☐ Approved ☐ Conditionally approved or ☐ Denied by the authorized Leadville permitting authority:

☒ Referred to the HPC

Name:

Lori Tye

Title:

Admin Assistant

Signature:

[Signature]

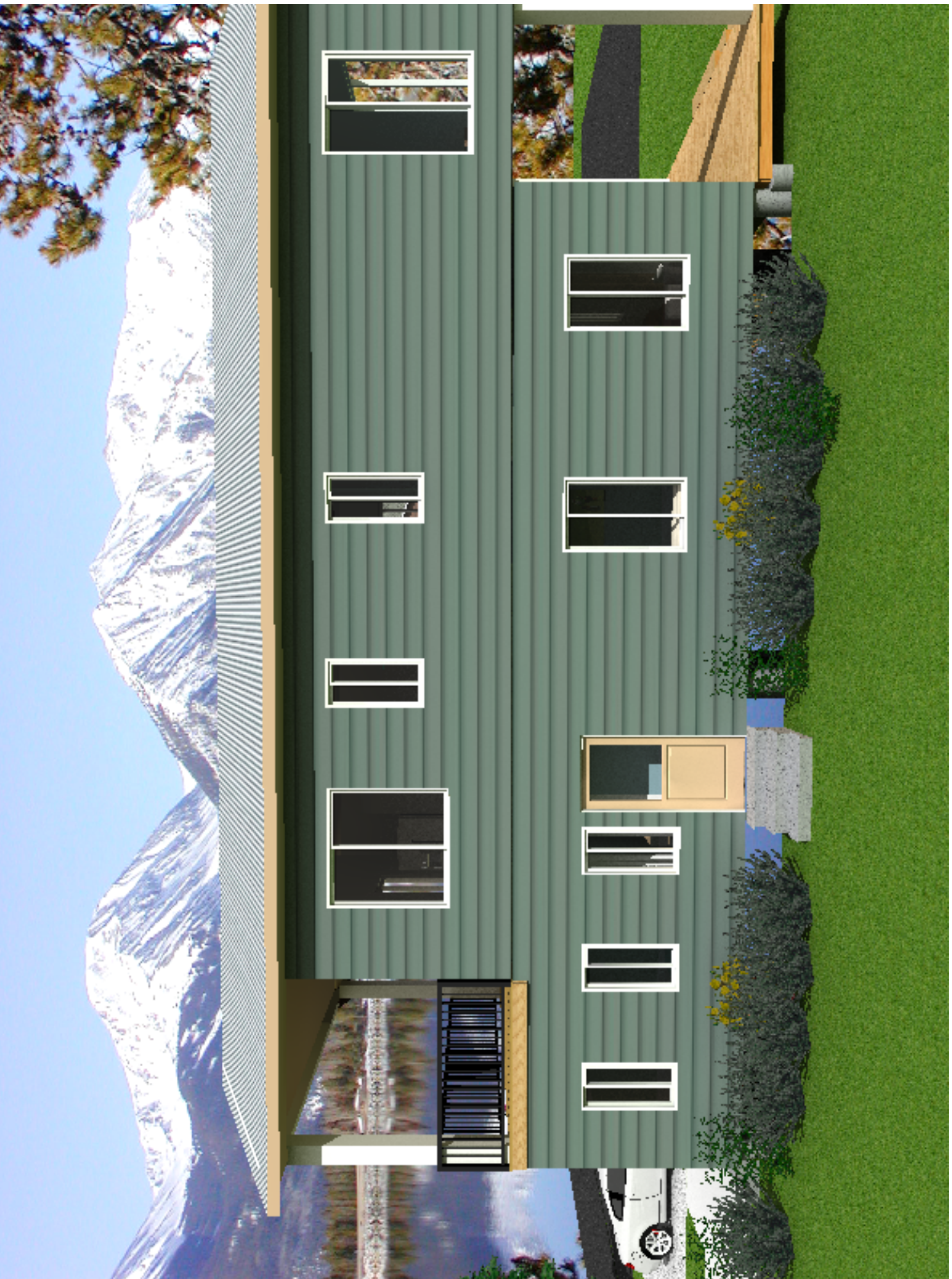
Date:

6/10/22

* Special Conditions of Approval: (List Separately)











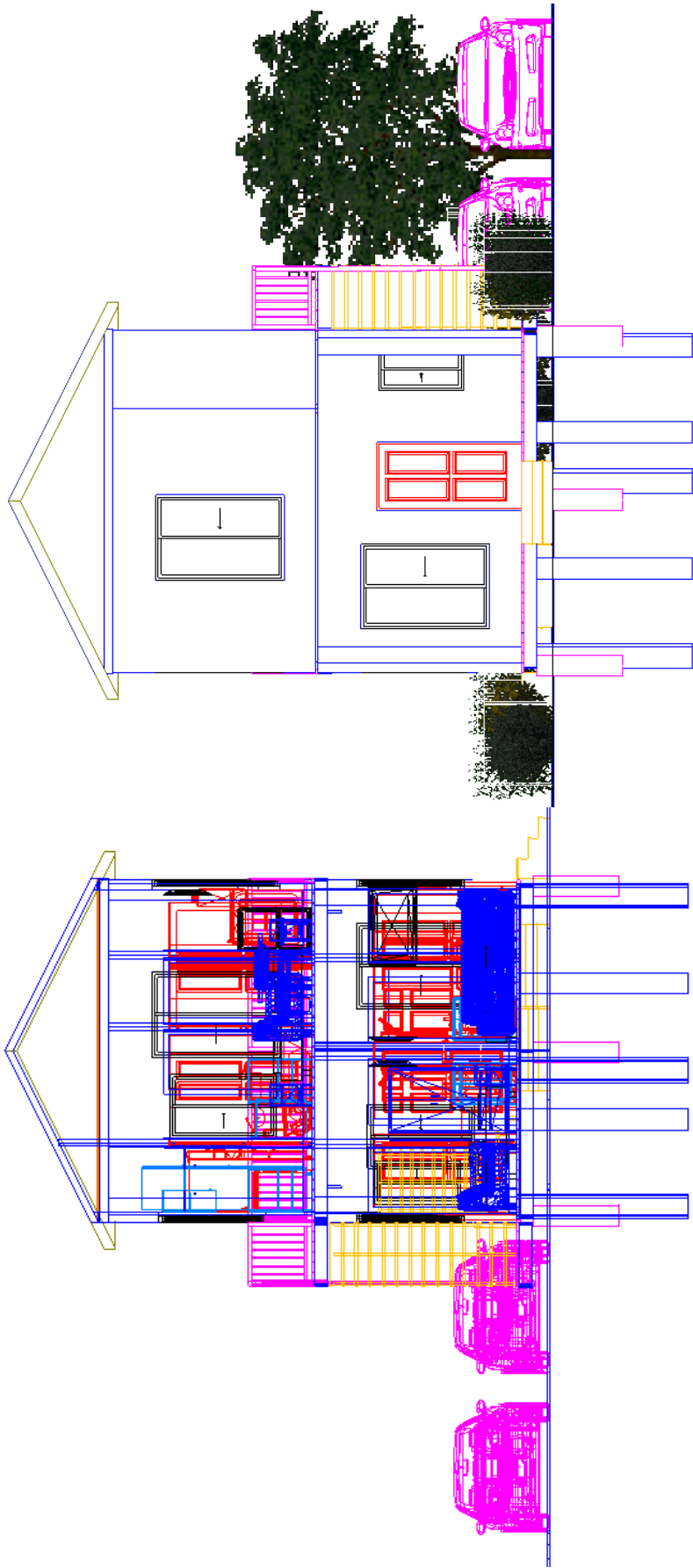
ELEVATIONS:

HEIGHT:

26' – 6" From Grade of the property to the peak of the

roof WIDTH:

16' – 0" From Side to Side



COLORADO CONTAINER HOMES LD Horton LLC

720.381.1714

sales@cochomes.com



JOHN SLATE

**930 Hemlock St.
Leadville, CO 80461**

1280 SQFT – 3BR 3BA

(2) 40' Containers on Bottom

(2) 40' Containers on Top

18" Pier Foundation - Skirted to match siding

ROOF:

Shingles

6/12 Pitched Roof

Enclosed Gables with Gingerbread Siding

WINDOWS:

1st Floor

(2) 3'x5' Standard

(4) 2'x4' Standard

(2) 3'x5' Standard

(1) 4'x6' Standard

2nd Floor

(2) 5'x5' Standard

(2) 2'x4' Standard

(2) 4'x6' Standard

(2) 3'x5' Standard

EXTERIOR DOORS:

1st Floor

(4) 36" Entry Doors

2nd Floor

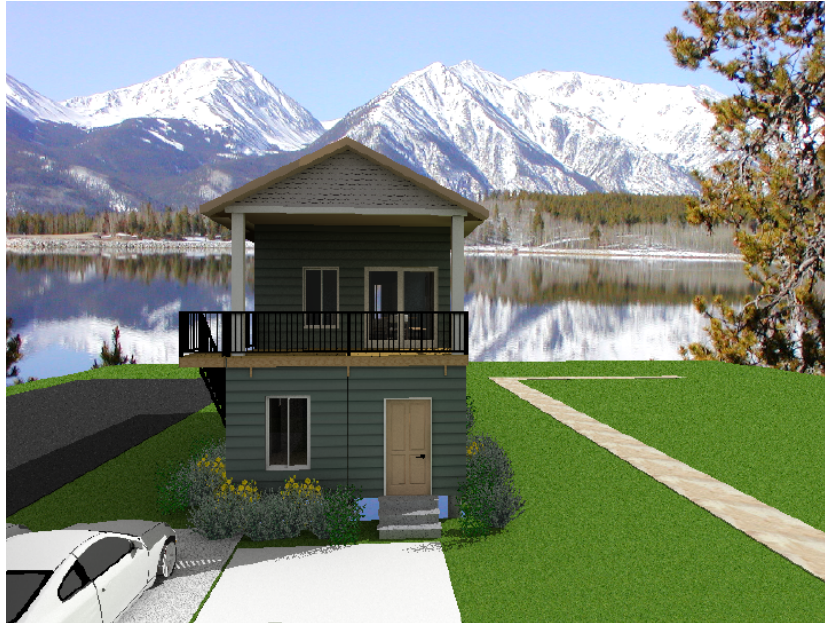
(1) 6' Double French or Sliding Glass

COLORADO CONTAINER HOMES

LD Horton LLC
720.381.1714
sales@cochomes.com



EXT VIEW 1:



EXT VIEW 2:



COLORADO CONTAINER HOMES

LD Horton LLC

720.381.1714

sales@cochomes.com



EXT VIEW 3:



COLORADO CONTAINER HOMES

LD Horton LLC

720.381.1714

sales@cochomes.com



EXT VIEW 4:



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EXT VIEW 5:



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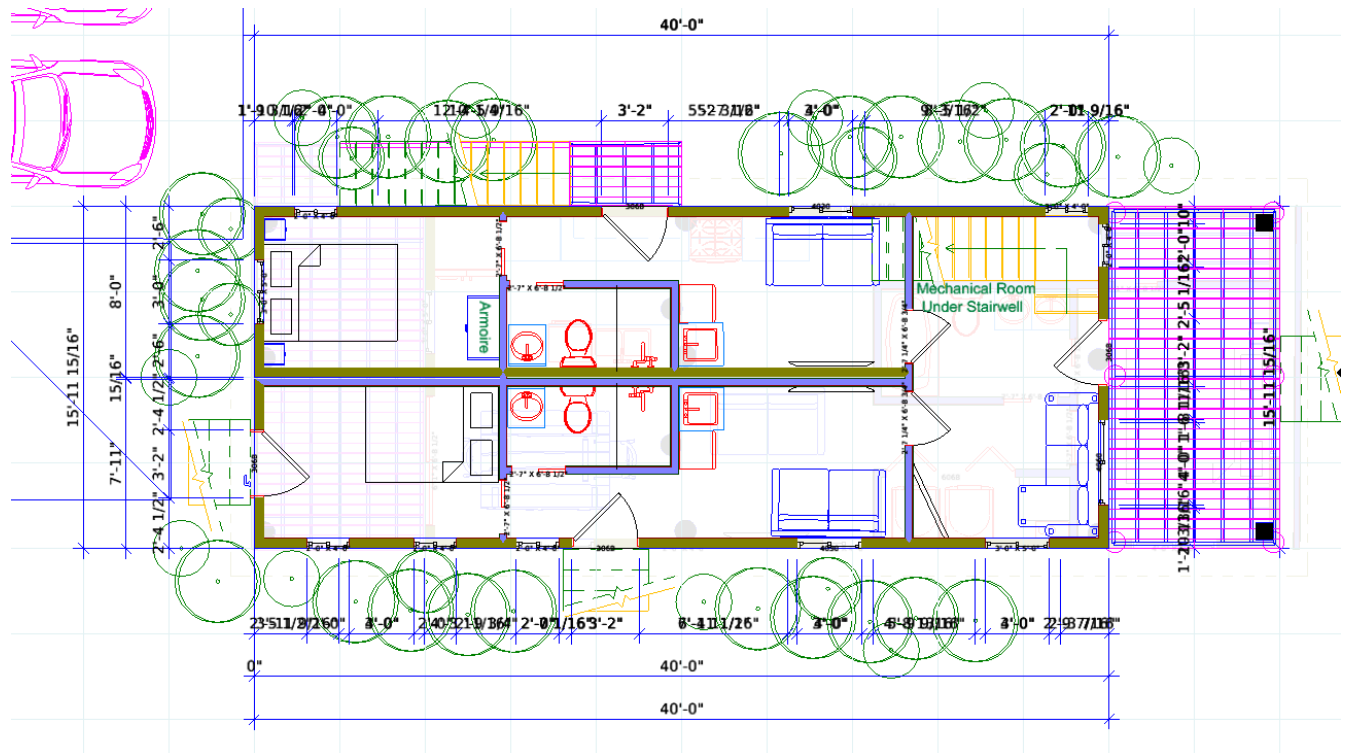
LD Horton LLC

720.381.1714

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BOTTOM LEVEL 2D LAYOUT:



COLORADO CONTAINER HOMES

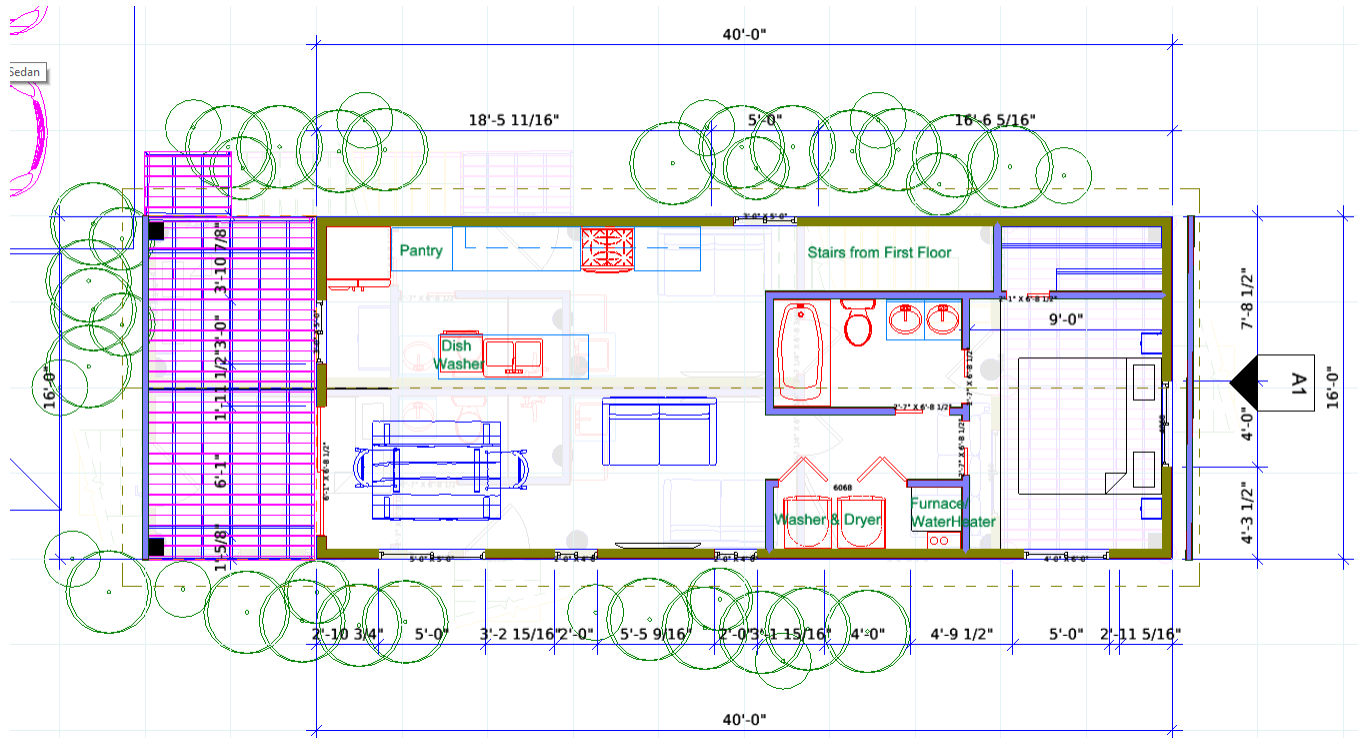
LD Horton LLC

720.381.1714

sales@cochomes.com



TOP LEVEL 2D LAYOUT:



COLORADO CONTAINER HOMES

LD Horton LLC
720.381.1714
sales@cochomes.com



Design Philosophy

Colorado Container Homes is about building homes with aesthetic charm, as well as an architectural design with strong structural integrity. Our homes are built to reflect the individual personality of the homeowner, all while having the ability to weather extreme climates, ideal for our beautiful state of Colorado.

In addition to being environmentally friendly, by reusing high quality shipping containers, our builds completely transform something that was once seen as obsolete, into a warm and inviting home.

Craftsmanship is at the forefront of each of our designs, because it is craftsmanship that ultimately stands the test of time.

COLORADO CONTAINER HOMES

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Building Materials

Structural:

40' High Cube/One Trip Shipping Containers: Containers are general purpose containers
Interior to be stick framed and drywall finished with no exposed corrugation.

Steel C-Channel Beams

2x2 Steel Window Framing

4x2 Steel Window Framing

Foundation:

Concrete Caissons with Steel Stilts - Skirting added around stilts to match siding of the house

6/12 Pitched Gable Roof:

6/12 Wood Truss Roof with Shingles

Will meet snow load requirements

Will meet wind load requirements

Decking:

Redwood planks with wood railings

Insulation:

Closed cell spray foam

R49 in the ceiling

R21 in the walls

Siding:

Wood Lap Siding - 6"

Enclosed gables with gingerbread siding

COLORADO CONTAINER HOMES

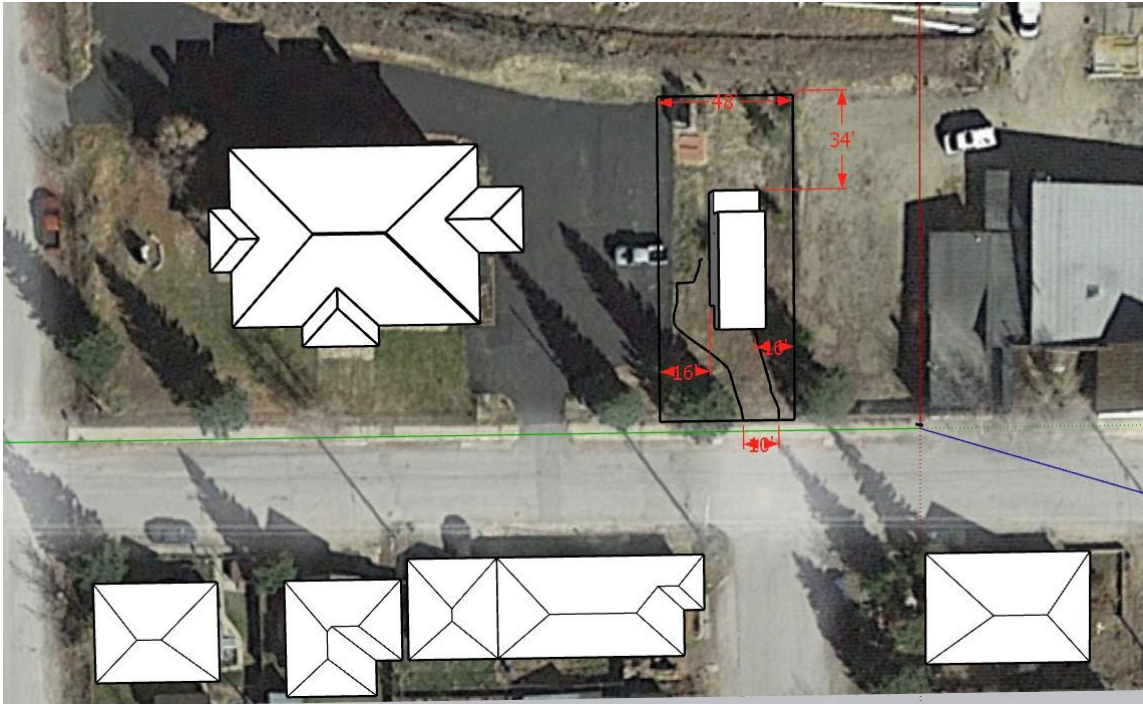
LD Horton LLC

720.381.1714

sales@cochomes.com



Massing

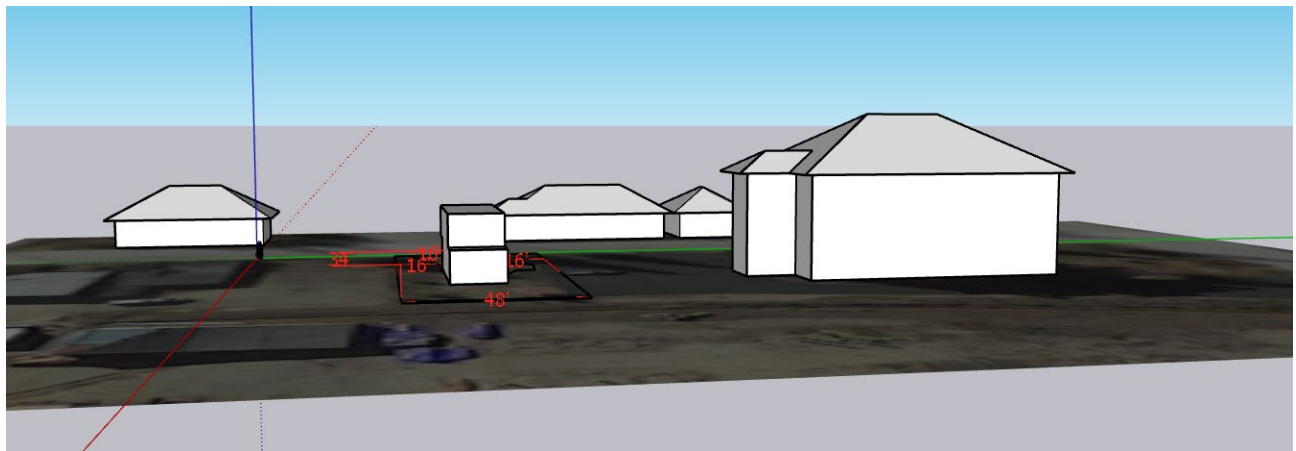


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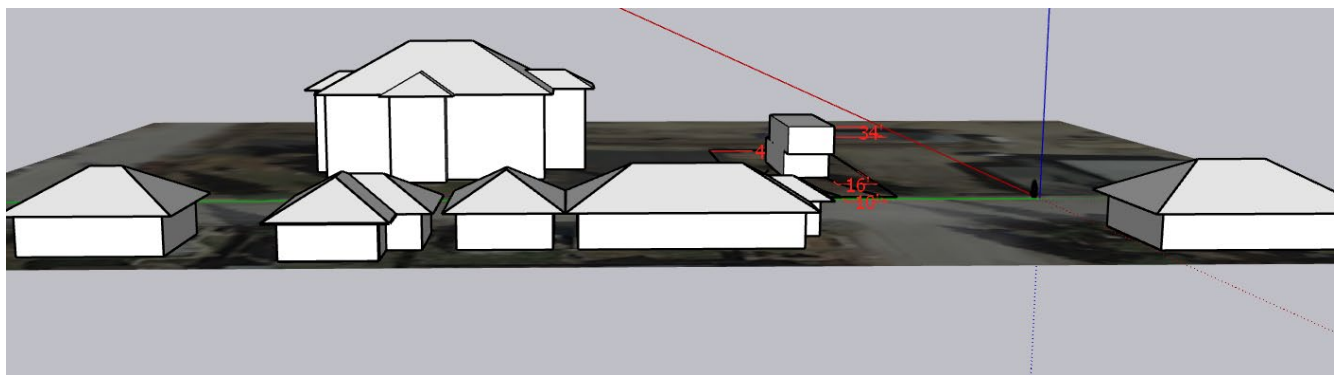


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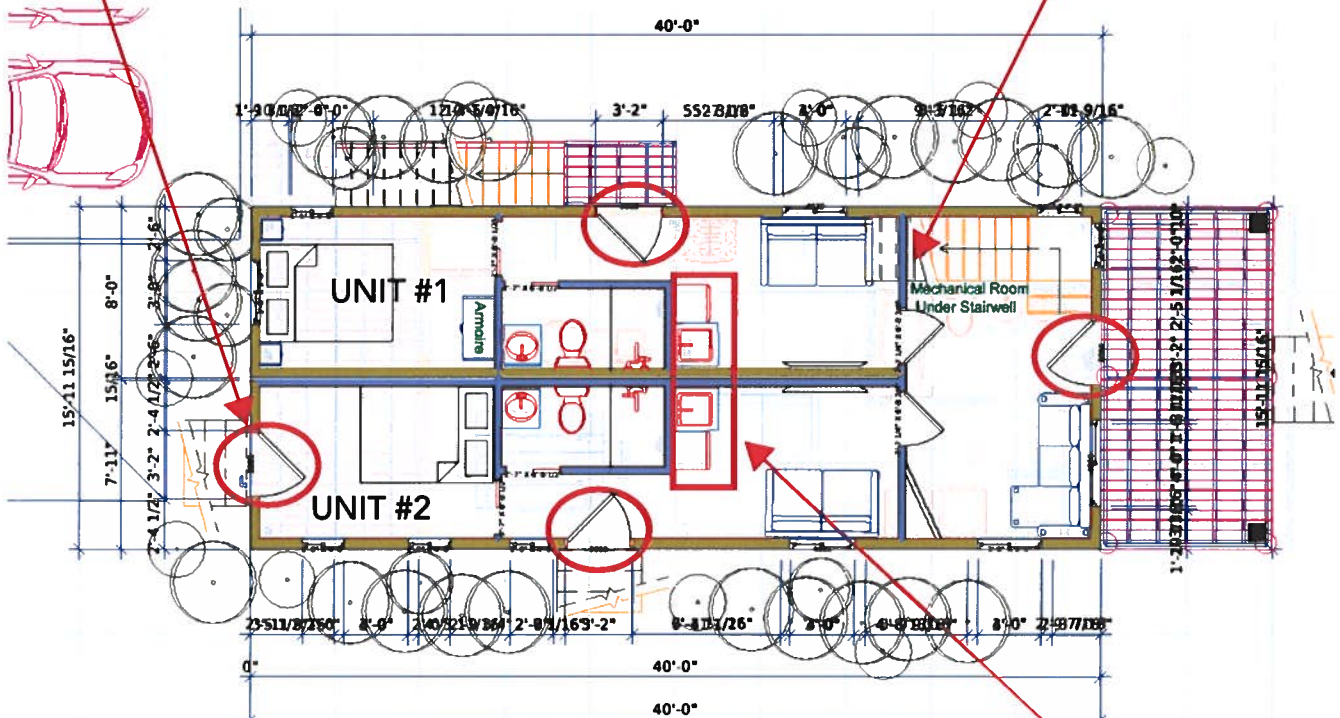
PARKING





Revised front entry created by adding an additional exterior door into the lower level bedroom. This creates four EXTERIOR entries into the lower lever. The interior stairway between levels has a doorway that could easily be locked off allowing the upper level to be Unit #3, a separate rental. (see the following page)

BOTTOM LEVEL 2D LAYOUT:



My previous objections to this proposed structure addressed an inappropriate use of used storage containers offset stacked, and sonotube cassion support (no actual foundation) as the construction model for this historically sensitive location. Upon close inspection of the applicant's 2D layouts, I realized, there is a strong possibility that this structure could be easily divided into THREE separate rental units for the purpose of short term renting. See that the divided bedrooms each have a small "kitchenette" sink with dorm room ? sized fridge.

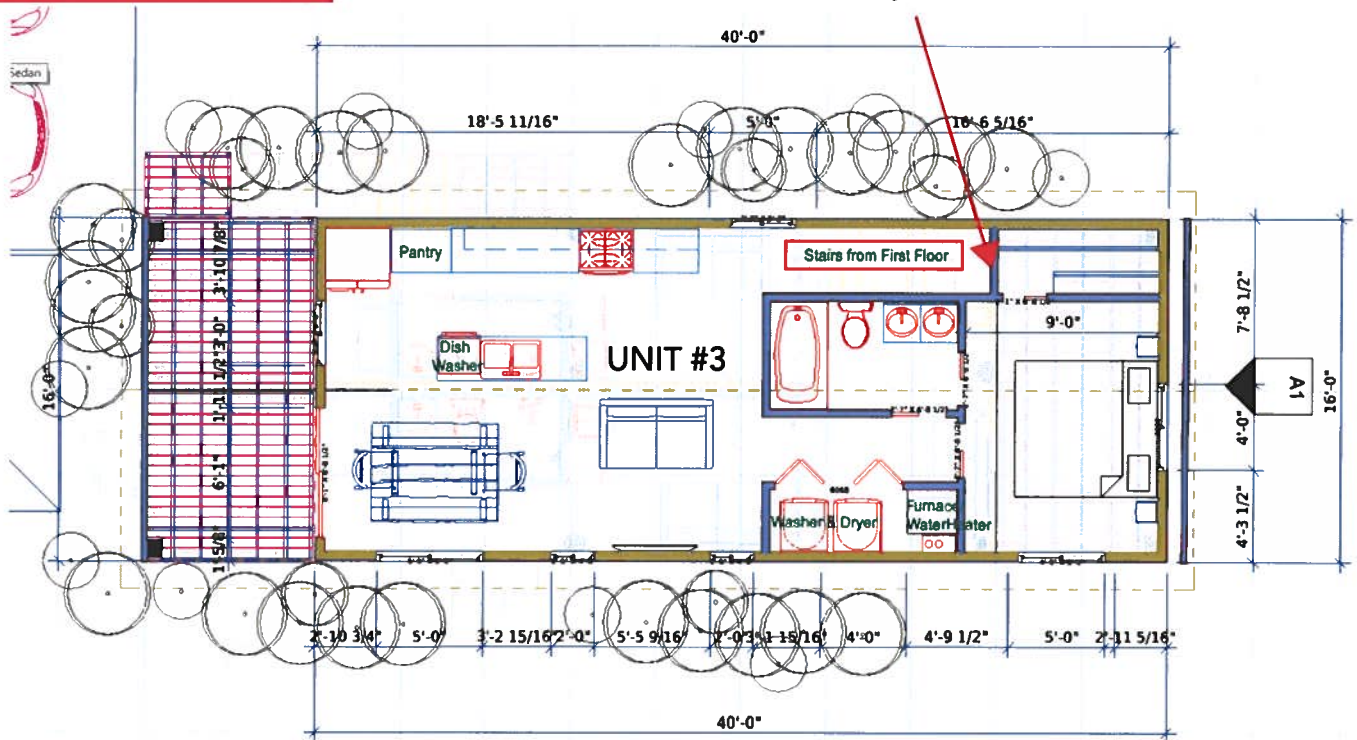
I urge the City Council to deny the application for a COA to prevent this substandard structure system to become commonplace in the Historic District. Additionally, I believe this applicant is misrepresenting this project as a single family residence.
Regards,

Marsha Carter
218 E. 10th
Leadville

sales@cochomes.com



**Locked door on
this stairway?**



I'll be joining via Zoom.

Scott

[Quoted text hidden]

Stephen Whittington <whittisl@gmail.com>
To: Lori Tye <adminassistant@leadville-co.gov>

Mon, Aug 8, 2022 at 3:48 PM

In person.

Steve

On Fri, Aug 5, 2022 at 12:41 PM Lori Tye <adminassistant@leadville-co.gov> wrote:
[Quoted text hidden]

Benjamin Booth <theboothsare@gmail.com>
To: Lori Tye <adminassistant@leadville-co.gov>

Tue, Aug 9, 2022 at 2:46 PM

Lori,

Jessica and I will be unable to attend today's meeting so I want to send this email to be read into record.

I really don't know what to say that I haven't said before in regards to the infill project located at 930 Hemlock St. Both Jessica and I remained opposed to the COA for those reasons we have stated in previous meetings. The size and mass of the structure still remain the one of our largest concerns. While improving on the original design, we feel that the proposed structure still does not meet the policies of the HPC for the NHL District.

Thank you,

Benjamin Booth

On Aug 5, 2022, at 12:39 PM, Lori Tye <adminassistant@leadville-co.gov> wrote:

[Quoted text hidden]

<08.09.2022 HPC Packet.pdf>



AGENDA ITEM # **8B**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6th, 2022

SUBJECT: **UPDATED** TUP for Leadville Shack Club's Annual September St. Patrick's Day Parade – **Change in Route & Time**

PRESENTED BY: Lori Tye

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION (2)
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Updated Temporary Use Permit for Leadville Shack Club's Annual Leadville's September St. Patrick's Day Parade on **Saturday September 17th, 2022 from 2:00 pm until 3:00 pm along Harrison Ave from 3rd St parking lot travelling north to 9th St. This is a change in time, originally scheduled at noon, requesting a start time of 2:00 pm AND the route is the same, only reversed (3rd to 9th instead of 9th to 3rd).**

The applicant requests a full traffic delay, as well as a Police and Fire department escort for the parade. Applicant was approved for a multi-year (3yr) permit, but has changes to this year's parade.

- II. **BACKGROUND INFORMATION:** A Leadville classic, affectionately known as Practice Parade, this parade is usually held on the third Saturday of September.

- III. **FISCAL IMPACTS:** N/A

- V. **LEGAL ISSUES:** N/A

- VI. **STAFF RECOMMENDATION:** Consider and Review a Temporary Use Permit for Leadville Shack Club's Annual Leadville's September St. Patrick's Day Parade on **Saturday September 17th, 2022 from 2:00 pm until 3:00 pm along Harrison Ave from 3rd St parking lot travelling north to 9th St. Staff see no issues with the changes.**

PLEASE NOTE: Applicant was approved for a multi-year (3yr) permit in 2021, but has changes to this year's parade.

- VII. **COUNCIL OPTIONS:** Approve, Approve with Condition or Deny

- VIII. **PROPOSED MOTION:** Motion to approve **Updated** Temporary Use Permit for Leadville Shack Club's Annual September St. Patrick's Day Parade on Saturday September 17th, 2022 from 2:00 pm until 3:00 pm along Harrison Ave from 3rd St parking lot travelling north to 9th St.
- IX. **ATTACHMENTS:** Updated Temporary Use Permit Application, with parade route, as well as this cover sheet.



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

Temporary Use Permit Application (Event):

A Temporary Use Permit is required for any organized activity involving the use of, or having impact upon, public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas or the temporary use of private property in a manner that varies from its current land use, that lies within the boundaries of the City of Leadville. This application does not apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All Event Permit applications are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process, you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than ninety (90) days prior to the actual date of your event if the event will require closure of Harrison Ave/HWY 24 (unless City Council agrees and approves to a less amount of time for the submission). For applications that will require a temporary closure of Harrison Ave/HWY 24, that would delay access to Harrison Ave for two hours or less, do not require a ninety (90) application submittal. Permit applications must be received no later than thirty (30) days prior to the actual date of your event for all other requests that do not require closure of Harrison Ave/HWY 24 or for temporary closure as noted above. **Information from your permit application is considered public information** and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit **does not create any liability** for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. **It does not create a contractual agreement** with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. **The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.**

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION

Event Title: Practice St. Patrick's Day Parade

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

Leadville's annual celebration, held in
September, continues again this year with
a few changes

Set up Date 9/17 Time 1:45 pm Day of Week Sat

Event Starts Date 9/17 Time 2 pm Day of Week Sat

Event Ends Date 9/17 Time 3 pm Day of Week Sat

Dismantle Date 9/17 Time 3 pm Day of Week Sat

Location(s) requested: 3rd Street parking lot, travelling
North on Harrison to 9th Street.

Anticipated Attendance Total 300 Per Day 1 Total: 360
(not including participants)
Anticipated Participants Total 60 Per Day 1

Anticipated # of vehicles

CONTACTS

Host Organization The Leadville Shack Club

Chief Officer of Host Organization Luke Finken

Applicant (Contact) Name Luke Finken

Address 408 W 7 City Leadville State CO Zip 80461

Telephone Number 719 293 1803 FAX Number -

Pager/Cellular 719 293 1803 E-Mail Address: wildesgreenhour@gmail.com



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, *CONTINUED*

If your event will impact city services please give description:

We humbly request police & fire escort.
We also request temporary road delay
of Harrison Avenue.

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics,
loud noise of any kind or any unusual activity please describe:

No

Does your event require Harrison Ave/ HWY 24 to be closed? Please indicate in the box below. If it does
require closure of Harrison/HWY 24 you will be required to adhere to the City of Leadville traffic
control plan A or B. If you have comments related to this section please indicate in the space below.

YES ☐ NO ☒

Does your event require Harrison Ave/ HWY 24 to be closed for a short term duration of up to a few
hours? Please indicate in the box below. If it does require temporary closure of Harrison/HWY 24 you
will be required to adhere to the City of Leadville traffic control plan C. If you have comments related to
this section please indicate in the space below.

YES ☒ NO ☐

The temporary road delay the past year has
been fantastic! Thanks!

☐☐



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.

Provision of minimum twenty-foot (20') emergency access lanes throughout the event venue.

Location of first-aid facilities and ambulances.

Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.

A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.

Generator locations and/or source of electricity.

Placement of vehicles and/or trailers.

Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.

Other related event components not listed above. _____

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization The Leadville Shack Club

Print Name of Authorized Agent Luke Finken

Title Chairman

Signature [Signature]

Date 8/26/22

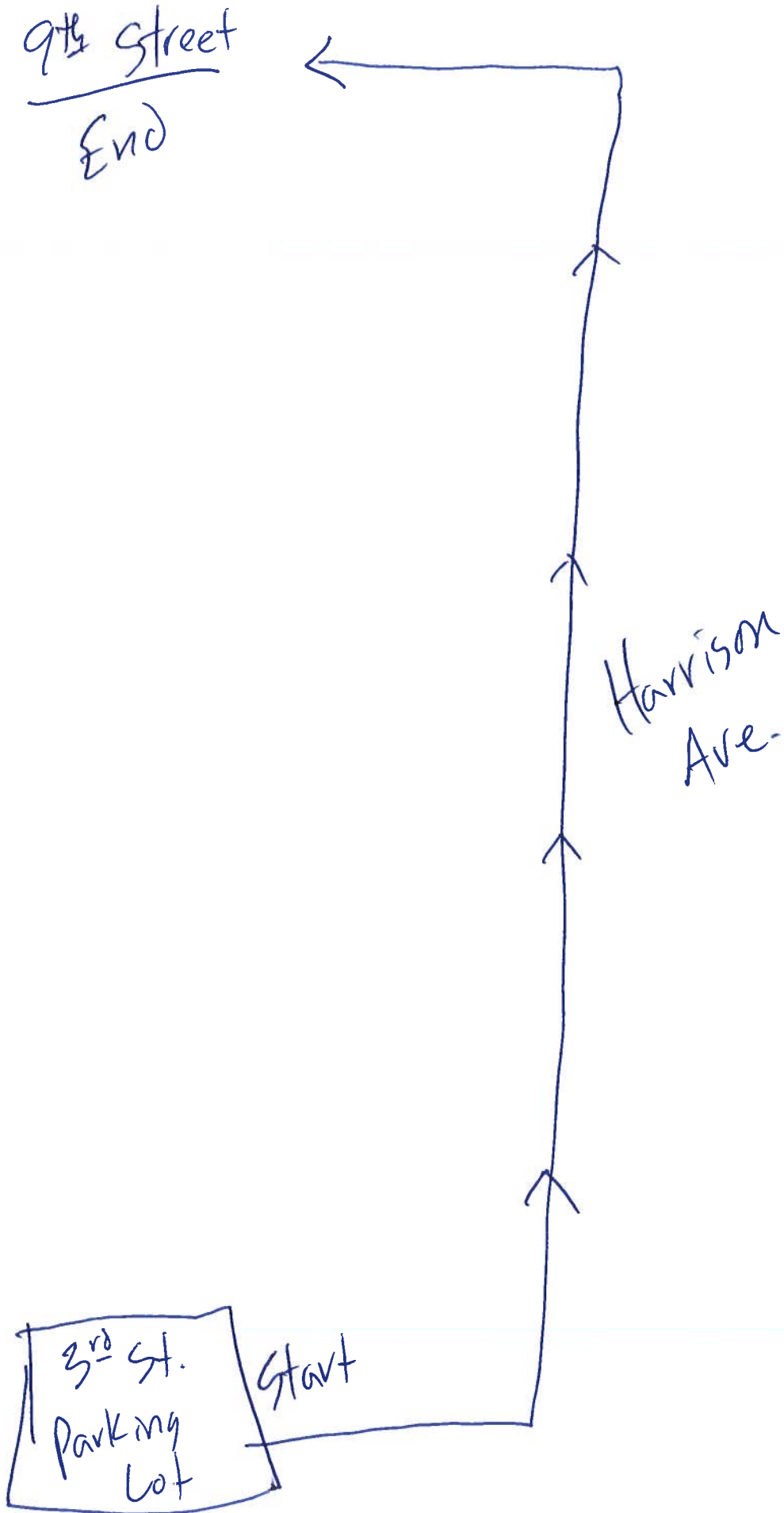
Approved by: _____

9th Street
End

3rd St.
Parking
Lot

Start

Harrison
Ave.





Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the "City of Leadville its officers, employees, and agents" and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency _____

Address _____ City _____ State _____ Zip _____

Telephone Number _____ Pager/Cellular _____

Contact Name _____

Policy Type _____

Policy Amount _____ Policy Number _____



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

APPROVAL/DENIAL PAGE

(copy to be given to applicant along with the application, and filed with documentation)

REQUEST HAS BEEN:

Event approved: _____
Date

Event Denied: _____
Date

INSURANCE REQUIRED? YES
(Attach Certificate of Insurance to file copy)

NO

Special Events Permit Requirements:

Approval Granted by: _____

Date: _____



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

FOR OFFICIAL USE ONLY: SIGN OFF REQUIRED FROM ALL CHECKED BOXES
***CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD**
DEPARTMENT INPUT (to be attached to the permit file copy):

☐ **City of Leadville (Planning Official):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **City Street Dept.:** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Police Department:** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ **Fire Department:** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Health Dept. (food):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Building & Land Use (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____



Email: adminassistant@leadville-co.gov

Phone: 719-486-2092 Fax: 719 486-5813

[REDACTED]: SIGN OFF REQUIRED FROM ALL CHECKED BOXES
***CAN BE EMAIL DIRECTED TO PLANNING OFFICIAL BY DEPARTMENT HEAD**
DEPARTMENT INPUT (to be attached to the permit file copy):

☐ **Colorado Department of transportation (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Road & Bridge (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Sheriff (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/ COMMENTS

SIGNATURE _____ DATE _____

☐ **Lake County Emergency Services (HWY 24 Closure):** CONDITIONS / RESTRICTIONS/COMMENTS

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____



AGENDA ITEM # **8C**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Public Hearing - Application of Anthony Earl and Avery Williamson dba *Zero Day Coffee LLC* for a New Beer and Wine (City) License 122 E. 7th Street, Leadville, CO 80461.

PRESENTED BY: Mayda Silver, Deputy City Clerk

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before the Local Licensing Authority for consideration and decision is a new application for a **New Beer and Wine (City)** license (the "License") submitted by **Anthony Earl and Avery Williamson dba Zero Day Coffee LLC** (the "Applicant") for the premises located at **122 E. 7th Street, Leadville, CO 80461**.

II. BACKGROUND INFORMATION:

The applicants submitted a complete application to the City for the License on **02/08/2022** and paid the local application and liquor license fees.

The Applicant requests that the front patio seating, the entire interior (excluding the inventory room, basement, and storage), the walkways, the side seating, and the backyard seating be licensed. The intent is that alcohol will be served on the property (on-premises) and will not be permitted to be taken off the property.

III. FINDINGS OF DEPUTY CITY CLERK:

The following information has been submitted and is deemed complete:

- ✓ **Applicant has submitted a complete application. (C.R.S. § 44-3-309)**
 - ☒ Applicant's application was submitted on **02/20/22**.
 - ☒ The Oath of Applicant section was signed and dated, and all applicable sections were completed as required by C.R.S. § 44-3-309(2).
 - ☒ The Applicant submitted plans/drawings of the premises as required by C.R.S. § 44-3-309(3).

- ✓ **Applicant has paid all applicable fees. (“No local licensing authority shall issue a license provided for in this article 3 or article 4 or 5 of this title 44 until that share of the license fee due the state has been received by the department of revenue.” C.R.S. § 44-3-301(1))**

☒ The Applicant paid the applicable state and local fees. Payment was received by the City on 08/08/2022.

- ✓ **Notice of the public hearing was posted in a conspicuous place on the Applicant’s premises at least 10 days prior to the hearing. (C.R.S. § 44-3-311)**

Notice of the hearing was posted on *the front right window* on **8/10/22** and was posted for a minimum of 10 days before the public hearing.

- ✓ **Notice of the public hearing was published in a newspaper of general circulation at least 10 days before the hearing. (C.R.S. § 44-3-311)**

Notice of the hearing was published in The Herald Democrat on **Thursday, August 25, 2022**, which is at least 10 days before the date of the public hearing.

- ✓ **Verification that no application has been denied in the same location or within 500 feet for a retail license on the basis that the requirements of the neighborhood and the desires of the adult inhabitants are already satisfied by existing outlets. (C.R.S. §44-3-313)**

A liquor license ☒ has not ☐ has been denied for the same premises within the past two years.

- ✓ **The use of the premises for a retail liquor licensed establishment is permissible under the zoning classification of the City. (C.R.S. § 44-3-313)**

The premises is within the ***Transitional Commercial*** Zoning District (“District”). In this District, retail store use is a:

☒ Use by Right

☐ Conditional Use

☐ Prohibited Use

In this District, the bar/lounge use is a:

☐ Use by Right

☒ Conditional Use

☐ Prohibited Use

Therefore, the City’s zoning regulations ☒ permit ☐ do not permit the License within the District.

However, the Applicant must obtain a conditional use permit prior to serving beer and wine within the licensed premises due to the bar/lounge use being a conditional use for the TC zoning district. Staff recommends making this a condition of approval for this license.

- ✓ **The proposed business is not located within 500 feet of a school as measured by the most direct route of pedestrian access. (C.R.S. § 44-3-313)**

The Deputy City Clerk confirmed that the premises ☒ is not ☐ is located within 500 feet of a school as measured by the most direct route of pedestrian access.

- ✓ **The Applicant has lawful possession of the premises. (C.R.S. §§ 44-3-301, 44-3-313)**

The Applicant submitted the following for the premises proposed to be licensed:

☒ Lease Agreement

☐ Deed

☐ Other: _____

Complete the following information if a lease agreement was submitted:

The lease term ends on **October 1, 2022**.

The lease ☐ does ☒ does not allow for renewal of the lease.

- ✓ **The premises is not within 500 feet of a Retail Liquor Store licensed under C.R.S. § 44-3-409. (C.R.S. § 44-3-301) (applicable only for new retail liquor store licenses) N/A**

The Deputy City Clerk confirmed that the premises ☐ is not ☐ is located within 500 feet of a retail liquor store, determined by a radius measurement that begins at the principal doorway of the premises for which the application is made and ends at the principal doorway of the other retail licensed premises.

- ✓ **Needs and desires petition.**

The Deputy City Clerk received the petition that was circulated to demonstrate the needs and desires of the neighborhood from the Applicant on **02/15/2022**. The petition shows that the License application is ☒ supported ☐ opposed by a majority of the neighborhood.

- ✓ **Background checks.**

The Applicants completed a background check through the **Colorado Fingerprinting and Leadville Police Department**. Adverse comments or events ☐ were ☒ were not reported.

- ✓ **Business is in good standing (if existing).**

Applicant ☒ is ☐ is not in good standing according to a review of the Colorado Secretary of State online business database and the attached certificate of good standing.

- ✓ **The premises has been inspected.**

The on-site premises inspection was completed on **July 25, 2022**.

VI. STAFF RECOMMENDATION:

Before entering a decision, the Authority shall consider the following:

1. The facts and evidence adduced as a result of its investigation and findings, as well as any other relevant facts;
2. The reasonable requirements of the neighborhood;
3. The desires of the adult residents and business owners of the neighborhood;
4. The availability of other nearby licensed establishments; and

5. Any other pertinent matters affecting the qualifications of the applicant for the conduct of the business proposed, i.e. anything that would show the applicant is not qualified or fit for a liquor license.

Although the Local Licensing Authority has some reasonable discretion in acting on an application, it is not unlimited. The Authority must not act arbitrarily or capriciously; it is subject to standards, limits; and judicial review by the District Court. Therefore, if a denial is to be considered, it must be for good cause, and based on the specific legal criteria. The review of the application by staff serves as the Authority's investigation of the application.

Based upon its review of the documentation provided, and subject to any evidence ascertained at tonight's public hearing and unless no needs and desires petition is received by the hearing date, staff recommends:

- ☐ Approval of the application
- ☒ Approval of the application **with conditions**
- ☐ Denial of the application

VII. MOTIONS:

Based on the testimony and evidence presented at the hearing, the Authority may approve, deny or approve with conditions the application. Suggested motions follow:

To **approve** the application with conditions, the motion may be stated as follows, or it may follow the motion language in the Mayor's hearing script.

"I MOVE TO APPROVE A NEW BEER AND WINE (CITY) LICENSE APPLICATION FOR ZERO DAY COFFEE BASED ON THE FACTS AND EVIDENCE PRESENTED AT THE PUBLIC HEARING, FINDINGS SET FORTH IN THE DEPUTY CITY CLERK'S COUNCIL COMMUNICATION FORM FOR THIS APPLICATION, AND ANY FINDINGS OF THE AUTHORITY MADE AT THE PUBLIC HEARING ON THE FOLLOWING CONDITIONS:

- (1) THAT THE APPLICANT OBTAIN A CONDITIONAL USE PERMIT FROM THE CITY PRIOR TO SERVING BEER AND WINE ON THE LICENSED PREMISES; AND**
- (2) THAT THE LIQUOR LICENSE CONDITIONALLY APPROVED BY THE CITY FOR THE APPLICANT NOT BE EFFECTIVE UNTIL THE EFFECTIVE DATE OF A CONDITIONAL USE PERMIT GRANTED BY THE CITY TO THE APPLICANT THAT ALLOWS ALCOHOL TO BE SERVED ON THE LICENSED PREMISES."**

[OR]

To deny a license because the applicant or the business fails to meet a **mandatory** requirement of the state laws such as location within proximity of a school, the motion is fairly simple and must only require a statement or finding concerning the defect.

"I MOVE TO DENY THE NEW BEER AND WINE (CITY) LICENSE APPLICATION FOR ZERO DAY COFFEE BASED ON A FINDING THAT:

[STATE THE BASIS FOR THE DENIAL AND SPECIFICALLY REFER TO THE EVIDENCE PRESENTED WHICH SUPPORTS YOUR FINDING]."

[OR]

To **deny** a license request based on the **needs or desires of the neighborhood** or other subjective reasons, the Authority is advised to close the public hearing and then move to postpone the decision until the next regular City Council meeting to permit the City Attorney to draft findings for denial. The suggested motion would be:

"I MOVE TO CLOSE THE PUBLIC HEARING AND POSTPONE THE DECISION ON THE LIQUOR LICENSE FOR ZERO DAY COFFEE UNTIL SEPTEMBER 20, 2022 AT 6:00 P.M. IN THIS SAME MEETING ROOM. THIS MOTION IS REQUESTED TO PERMIT THE CITY STAFF TO PREPARE RECOMMENDED FINDINGS FOR DENIAL TO BE CONSIDERED BY THE AUTHORITY PRIOR TO RENDERING A DECISION. AT THIS TIME, I AM NOT MOVING FOR DENIAL, BUT REQUEST THAT THE AUTHORITY CONSIDER THE PREPARED FINDINGS WHICH MAY SUPPORT SUCH A MOTION AT THE SEPTEMBER 20, 2022 MEETING."

VIII. ATTACHMENTS:

Application and supporting documentation.

Certificate of Occupancy

1 message

Dawna Schneider <financedirector@leadville-co.gov>
To: zerodayleadville@gmail.com

Mon, Mar 14, 2022 at 3:05 PM

Hello,

The Police Department has told me that they have received the results of your fingerprinting, and everything looks fine. I called the County to see if a Certificate of Occupancy had been issued yet, and they told me that it has not. I will need this certificate this week in order to start the process of getting your hearing set for the April 5th City Council meeting.

Please let me know if you have any questions.

Thank you

Dawna Schneider
Finance Director
City of Leadville
800 Harrison Avenue
Leadville, CO 80461

tel: 719-486-5329

fax: 719-486-5813

email: financedirector@leadville-co.gov



Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

City Council Hearing on 9/6/22- IMPORTANT

1 message

Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Thu, Aug 25, 2022 at 2:10 PM

To: Avery & Anthony ZeroDay Coffee <zerodayleadville@gmail.com>, Chapin LaChance <planningdirector@leadville-co.gov>

Bcc: Christiana McCormick <christiana@mcm-legal.com>

Good afternoon. I have been processing your application for a liquor license (beer and wine). As I was processing your information, I noticed these items:

1. Lease. You must provide the city with a letter from the current landlord (**Regentropf, LLC**) for the Zero Day Coffee property stating that the landlord intends to renew the current lease or enter into a new lease with you for the property. This is because the current lease ends sooner than a year from the public hearing date/application date. You should provide that letter to the city ASAP but no later than 8/31/2022 by 4 pm. If the letter is not provided to the city by the deadline, then the letter should be a condition of approval.

2. Zoning. Unfortunately, you will need to get a Conditional Use Permit (CUP) to serve alcohol at Zero Day Coffee because it is in the Transitional Commercial zoning district. Retail sales (<1500 SF) are a use by right, but the bar/lounge use requires a CUP. The bar/lounge use is the only alcohol-related use in the city's table of uses in Ch. 17.48 of the municipal code, so the retail use and the bar/lounge use is what the city relies on to say whether alcohol sales are permitted in a zoning district or not for purposes of licensing. You will be required to get a CUP as a condition of approval for the liquor license if the liquor license is approved, but the city can still proceed with the hearing on the license.

I have completed and attached the City Council Communication Form (CCF) with the information I have now, noting the lease and zoning issues.

This is a tentative draft based on the current information I have to show you my current findings and inform you of the need for a letter from the landlord regarding renewing the lease and obtaining a CUP for the alcohol sales in the TC district.

I am providing the link to the application form for the CUP to help you get started.

[CUP Application page](#)

After you get the letter from the landlord about the lease, I will update the CCF with that information and provide the updated CCF to you so you can see my updated findings.

This email will serve to complete the City's obligation under state law to inform the applicant of the city staff's findings about your application no less than 5 days before the public hearing.

If you have any questions about the CUP process, I have included our Planning Director, Chapin LaChance, to answer any questions you may have.

If you have any questions about the liquor licensing process, please contact me.

--



Mayda Silver

Deputy City Clerk

Office: 719-486-0349

800 Harrison Ave.

Leadville, CO 80461



CCF Template for Zero Day Coffee New Liquor License.docx

99K

Colorado Liquor Retail License Application

<input checked="" type="checkbox"/> New License <input type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership <input type="checkbox"/> State Property Only <input type="checkbox"/> Master file			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor			
1. Applicant is applying as a/an <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Association or Other <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)			
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation <u>ZERODAY COFFEE LLC ANTHONY EARL AVERY WILLIAMSON</u>			FEIN Number <div style="background-color: black; width: 100px; height: 1.2em;"></div>
2a. Trade Name of Establishment (DBA) <u>ZERODAY COFFEE LLC</u>		State Sales Tax Number <u>94971900</u>	Business Telephone <u>719 293 2342</u>
3. Address of Premises (specify exact location of premises, include suite/unit numbers) <u>122 E. 7th ST.</u>			
City <u>LEADVILLE</u>	County <u>LAKE COUNTY</u>	State <u>CO</u>	ZIP Code <u>80461</u>
4. Mailing Address (Number and Street) <u>122 E. 7th ST.</u>		City or Town <u>LEADVILLE</u>	State <u>CO</u> ZIP Code <u>80461</u>
5. Email Address <u>XXXXXXXXXX ZERODAY LEADVILLE@gmail.com</u>			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)		Present State License Number	Present Class of License
Present Expiration Date			
Section A Nonrefundable Application Fees*		Section B (Cont.) Liquor License Fees*	
<input checked="" type="checkbox"/> Application Fee for New License \$1,650.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review \$1,650.00 <input type="checkbox"/> Application Fee for Transfer \$1,550.00		<input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00 <input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00 <input type="checkbox"/> Manager Registration - H & R \$75.00 <input type="checkbox"/> Manager Registration - Tavern \$75.00 <input type="checkbox"/> Manager Registration - Lodging & Entertainment \$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex \$75.00 <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50 <input type="checkbox"/> Retail Liquor Store (City) \$227.50 <input type="checkbox"/> Retail Liquor Store (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00	
Section B Liquor License Fees* <input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____ <input type="checkbox"/> Add Sidewalk Service Area \$75.00 <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input checked="" type="checkbox"/> Beer and Wine License (City) \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Campus Liquor Complex (City) \$500.00 <input type="checkbox"/> Campus Liquor Complex (County) \$500.00 <input type="checkbox"/> Campus Liquor Complex (State) \$500.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50			
* Note that the Division will not accept cash			
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted

I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input checked="" type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input checked="" type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
IV.	Background information (DR 8404-I) and financial documents <input type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://enroll.identogo.com/ Phone: 844-539-5539 (toll-free) IdentoGO FAQs: https://www.colorado.gov/pacific/cbi/identification-faqs Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
VIII.	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization <input checked="" type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

Name ZERO DAY COFFEE LLC	Type of License BEER + WINE	Account Number
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7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		
a. Been denied an alcohol beverage license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.		
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		or Waiver by local ordinance? <input type="checkbox"/> Other: _____
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13 b. Are you a Colorado resident?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:		
Landlord LEONHARDT STEVENS	Tenant ANTHONY EARL + AVERY WHITMAN	Expires OCT 1, 2022
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <input type="checkbox"/> <input checked="" type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".		
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.		

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart) _____		
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:		
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		
		<input type="checkbox"/> <input type="checkbox"/>
If "yes" a copy of license must be attached.		

Name ZERO DAY OFFICE LLC	Type of License BEER & WINE	Account Number
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20. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation** Yes No

a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ ☐

b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? ☐ ☐

c. How long has the club been incorporated? ☐ ☐

d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? ☐ ☐

21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: ☐ ☐

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

22. Campus Liquor Complex applicants answer the following: ☐ ☐

a. Is the applicant an institution of higher education? ☐ ☐

b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ ☐
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

23. For all on-premises applicants.

a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record
- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application
- DR 8000 and fingerprints.

Last Name of Manager	First Name of Manager
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24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No
☐ ☐

25. Related Facility - Campus Liquor Complex applicants answer the following: ☐ ☐

a. Is the related facility located within the boundaries of the Campus Liquor Complex?
If yes, please provide a map of the geographical location within the Campus Liquor Complex.
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

b. Designated Manager for Related Facility- Campus Liquor Complex

Last Name of Manager	First Name of Manager
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26. Tax Information. Yes No

a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ ☒

b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ ☒

27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name	Home Address, City & State	DOB	Position	%Owned
Anthony William Earl	122 E 7th Leadville CO	[REDACTED]	CO-owner	50
Avery Scott Williamson	122 E 7th Leadville CO	[REDACTED]	CO-owner	50%

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Name ANTHONY EARL		Type of License BEER & WINE		Account Number	
Oath Of Applicant					
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.					
Authorized Signature [Signature]		Printed Name and Title Amy Williamson Co-Founder		Date 02/08/22	
Report and Approval of Local Licensing Authority (City/County)					
Date application filed with local authority		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)			
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:					
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants					
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license					
(Check One)					
<input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority					
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?					Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?					<input type="checkbox"/> <input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?					<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.					
Local Licensing Authority for			Telephone Number		<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title		Date	
Signature	Print	Title		Date	

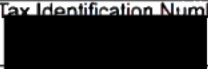

Tax Check Authorization, Waiver, and Request to Release Information

I, ANTHONY EARL am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of ZERO DAY COFFEE LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>ANTHONY EARL ZERO DAY COFFEE LLC</u>		Social Security Number/Tax Identification Number 	
Address <u>122 E 7th ST.</u>			
City <u>LEADVILLE</u>		State <u>CO</u>	Zip <u>80461</u>
Home Phone Number		Business/Work Phone Number <u>719 293 2342</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>ANTHONY EARL</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>12/07/2021</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Tax Check Authorization, Waiver, and Request to Release Information

I, Avery Williamson am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Applicant (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) Avery Williamson, co-owner Zero Day Coffee LLC		Social Security Number/Tax Identification Number [REDACTED]	
Address 122 E 7th St			
City Leadville		State CO	Zip 80461
Home Phone Number 2679222922		Business/Work Phone Number 2679222922	
Printed name of person signing on behalf of the Applicant/Licensee Avery Williamson			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <i>Avery Williamson</i>			Date signed July 26th 2022

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <i>Zero Day Coffee LLC</i>		Home Phone Number <i>N/A</i>	Cellular Number <i>267-922-2922</i>	
2. Your Full Name (last, first, middle) <i>Amy Scott Williamson</i>		3. List any other names you have used <i>N/A</i>		
4. Mailing address (if different from residence) <i>122 E 7th St Leadville CO 80461</i>		Email Address <i>Amy.S.Williamson@gmail.com</i>		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		
Current <i>122 E 7th St Leadville CO</i>		<i>Leadville CO 80461</i>		From <i>08/21</i>
Previous <i>165 Upland Rd</i>		<i>Haverstown PA 19683</i>		To <i>08/21</i>
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		
<i>Lynton</i>		<i>N/A</i>		Position Held <i>Manager</i>
<i>Agile Rising</i>		<i>N/A</i>		From <i>08/20</i>
<i>Premier Chees</i>		<i>5392 University Dr Morgantown WV</i>		To <i>10/20</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		
<i>N/A</i>				Position Held
				Name of Licensee
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) ☐ Yes ☒ No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) ☐ Yes ☒ No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) ☐ Yes ☒ No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		13b. Social Security Number		13c. Place of Birth		13d. U.S. Citizen	
13e. If Naturalized, state where				13f. When		13g. Name of District Court	
13h. Naturalization Certificate Number		13i. Date of Certification		13j. If an Alien, Give Alien's Registration Card Number		13k. Permanent Residence Card Number	
13l. Height	13m. Weight	13n. Hair Color	13o. Eye Color	13p. Gender	13q. Do you have a current Driver's License/ID? If so, give number and state.		
6'2	180	bronde	BRL	M	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # [REDACTED] state <u>CO</u>		

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
\$ N/A

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ _____

* If corporate investment only please skip to and complete section (d)

** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
	Business CHECKING	PUEBLO BANK & TRUST	

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)


Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Print Signature Amy Williamson	Title co-founder	Date 12/07/21
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Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business ZERODAY COFFEE LLC		Home Phone Number	Cellular Number 210.725.5001	
2. Your Full Name (last, first, middle) EARL, ANTHONY, WILLIAM		3. List any other names you have used		
4. Mailing address (if different from residence)		Email Address ZERODAYLEADVILLE@gmail.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From To
Current 122 E. 7th ST.		LEADVILLE, CO 80461		09/21/21 current
Previous 32 N. ORANGE ST		LEADVILLE, CO 80461		05/2016 09/2021
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held From To
TROON USEYARD		1475 KUBIE RD, GRANTSPASS, OR 97527		01/2021 09/2021
REI		ROSSANLEY DR, LEADVILLE, CO 80461		SALES 09/2016 02/2020
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) ☐ Yes ☒ No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) ☐ Yes ☒ No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) ☐ Yes ☒ No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth	b. Social Security Number	c. Place of Birth	d. U.S. Citizen
e. If Naturalized, state where		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height	m. Weight	n. Hair Color	o. Eye Color
5'6"	155lb	Brown	Brown
p. Gender	q. Do you have a current Driver's License/ID? If so, give number and state.		
M	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No #		

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
\$ NA

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ NA

* If corporate investment only please skip to and complete section (d)

** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
	BUSINESS CHECKING	PURCHASE BANK + TRUST	

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

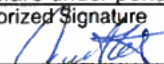
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

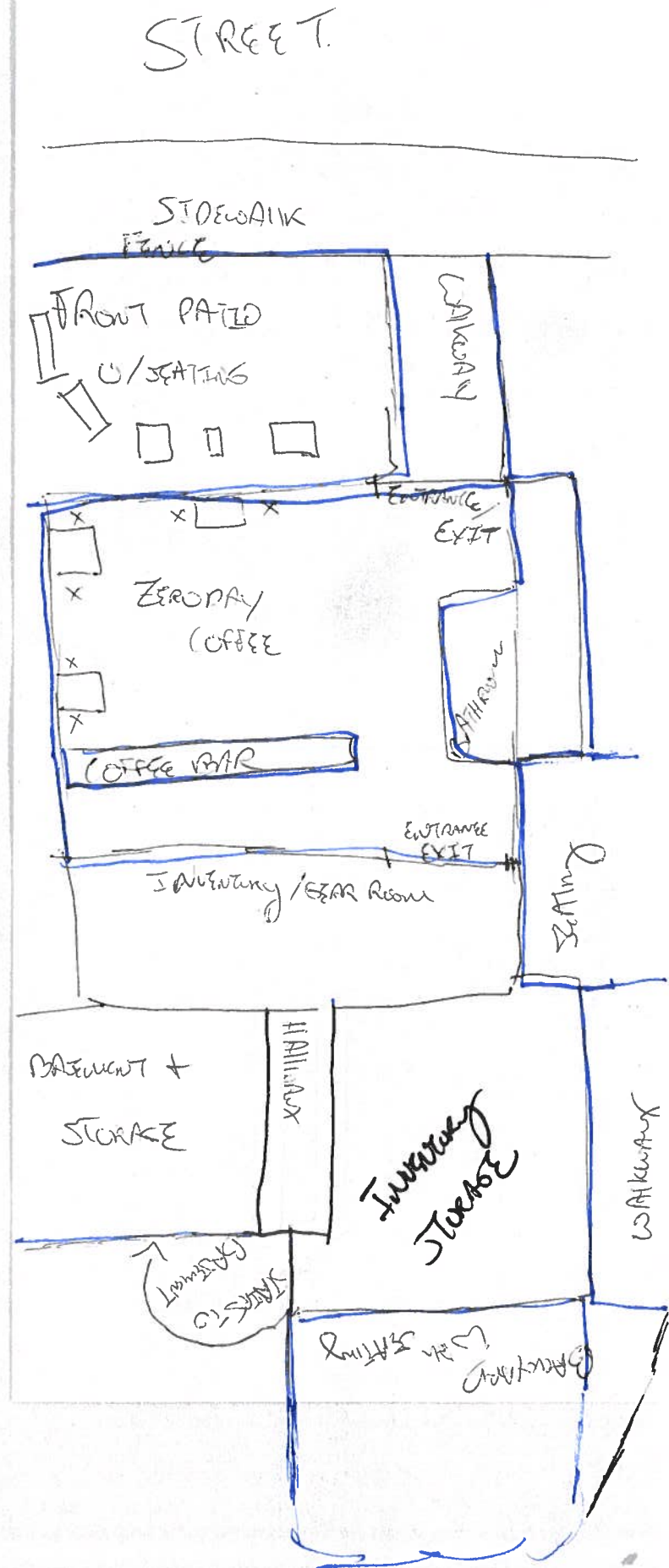
Name of Lender	Address	Term	Security	Amount

Oath of Applicant

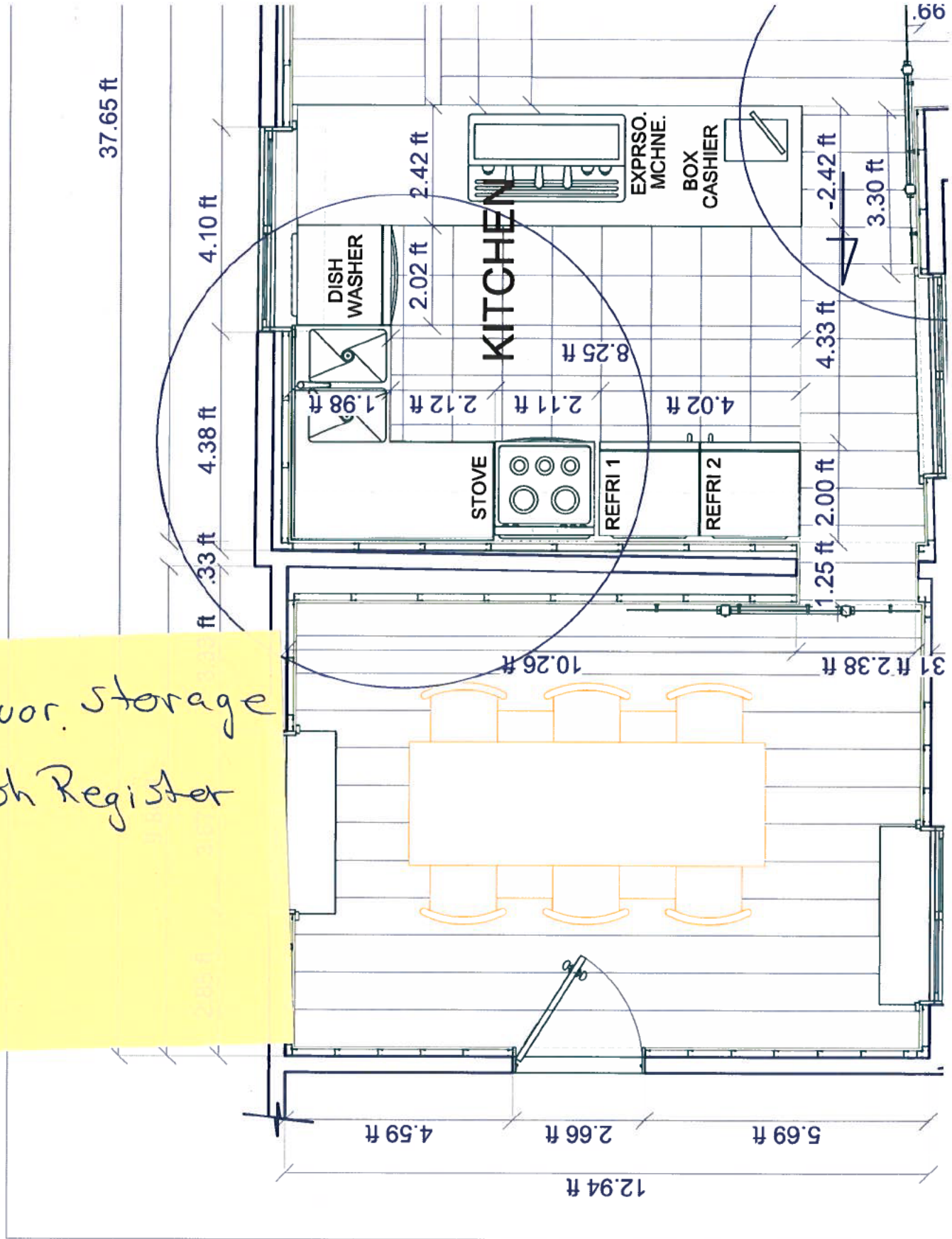
I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature	Print Signature	Title	Date
	ANTHONY EARLE	CO-FOUNDER	12/07/21

Blue denotes
alcohol
permitted
areas.



Liquor Storage
Cash Register





LAKE COUNTY BUILDING AND LAND USE
DEPARTMENT

CERTIFICATE OF COMPLETION

Address of Structure
122 East 7th Street, Leadville, CO 80461

Description of Work/Structure
Interior Remodel – Change of Occupancy/Coffee Shop

Type of Construction
V-B
Edition of the code
2012 IBC, 2012 IFGC, 2006 IECC, and Lake County Resolution 17-12

Special Stipulation or Conditions: Electrical is not covered under this Certificate.
This is issued based on previous Building Official conversations to change to a Coffee Shop.
The Certificate is based on Architectural Letter, what can be seen at walk through inspection,
and existence within the Historic Overlay.

Sprinkler System Required: No Sprinkler System Installed: No

Use & Occupancy
Business

Building Permit: BP2020-13W

Contractor: Rojas

Owners: Lenhardt Stevens

Address: 122 E 7th St
Leadville, CO 80461

Date: 07/25/22

Lake County Building Dept.: Macla Bond
Macla Bond Permit Technician

Commercial Lease

This Commercial Lease Agreement ("Lease") dated August 11, 2021 is by and between Wolkencap LLC PO Box 29153, Portland, OR 97296, Phone: 971-712-5936 ("Landlord") and Avery Williamson and Anthony Earl ("Tenant").

1. **DEFINITIONS.** Unless otherwise indicated, capitalized terms used in this lease shall have the meanings set forth below.
 - a. **EFFECTIVE DATE.** October 1, 2021
 - b. **EXPIRATION DATE.** October 1, 2022
 - c. **LEASE TERM OR TERM.** One (1) year.
 - d. **PERMITTED USE.** Food and beverage retail
 - e. **PREMISES.** The "Southside" of 122 E 7th St, Leadville, CO 80461, with the "library door leading into the living room" acting as the division between to the two regions. The Southside consist of a front large seating area, one (1) bathroom, a library room. The Northside of 122 E 7th St, Leadville, CO 80461 is residential and not included in this Lease.
2. **LEASE OF PREMISES.** In consideration of the promises and the mutual covenants herein contained, Landlord hereby leases the Premises to Tenant, and Tenant leases the Premises from Landlord, subject to the terms, covenants, and conditions set forth herein. Tenant acknowledges that Premises and Tenant's leasehold interest therein is subject to the conditions, covenants, easements, encumbrances, and/or restrictions on record as of the Effective Date ("restrictions of record"). Tenant shall timely and completely comply with all covenants and obligations required pursuant to the restrictions of record to the extent they are related to the Premises or Tenant's operation.
3. **CONDITION OF PREMISES.**
 - a. **AS-IS CONDITION. TENANT** has inspected the Premises and agrees it is appropriate for its planned use. Landlord makes no representations as to the permitted zoning uses or the suitability of the premises for Tenant's proposed use. Tenant is responsible for all licenses, permits, zoning and other governmental use authorizations to us the Premises for its intended purpose. Tenant acknowledges there is no specific parking.
 - b. **FURNISHINGS.** Exterior: (2) benches, (2) adirondack chairs, (1) small table. Interior: (4) metal chairs, (3) wooden chairs, (1) small wooden table, (1) book room couch
4. **RENT.**
 - a. **MINIMUM RENT.** Seven hundred dollars a month (\$700).
 - b. **METHOD OF PAYMENT.** Venmo.
5. **SECURITY DEPOSIT.** Concurrently with execution of this Lease, Tenant shall deposit with Landlord the sum of \$700 which shall be held by Landlord as security for the faithful performance by Tenant of all terms, covenants and conditions of this Lease to be kept and performed by Tenant during the Term hereof. If Tenant defaults with respect to any provision of this Lease, including but not limited to the provisions relating to the payment of Rent, Landlord may (but shall not be required to) use, apply or retain all or any part of this security deposit for the payment of any Rent or any other

sum due, or for the payment of any amount which Landlord may spend or become obligated to spend by reason of Tenant's default, or to compensate Landlord for any other loss or damage which Landlord may suffer by reason of Tenant's actions or inaction. If any portion of such deposit is so used or applied Tenant shall, within five (5) days after written demand therefor, deposit cash with Landlord in an amount sufficient to restore the security deposit to its original amount and Tenant's failure to do so shall be a default under this Lease. The preceding is not intended to in any manner limit Landlord's available remedies in the event of default. Landlord shall not be required to keep this security deposit separate from its general funds, and Tenant shall not be entitled to interest on such deposit. If Tenant shall fully and faithfully perform every provision of this Lease to be performed by it, the security deposit or any balance thereof shall be returned to Tenant (or, at Landlord's option, to the last assignee or subtenant of Tenant's interest hereunder) within 60 days following expiration of the Lease Term. In the event of termination of Landlord's interest in this Lease, Landlord shall transfer the security deposit to Landlord's successor in interest and Landlord will have no further liability to Tenant with respect thereto.

6. **TAXES.** Landlord will pay property taxes.

7. **UTILITIES.**

- a. Tenant shall pay upon demand for all water, gas, heat, light, power, telephone service, and all other services and utilities supplied to the Premises, together with any taxes thereon. Landlord is responsible for sewage. If any such services are not separately metered to Tenant, Tenant shall pay upon demand a reasonable proportion, to be determined by Landlord, of all charges jointly metered with other premises. Landlord reserves the right to select companies providing services or utilities to the entire Property or Building on or in which the Premises is located.
- b. Tenant shall cooperate with Landlord, and any service or utility provider at all times and, as reasonably necessary, shall allow reasonable access to the Premises to the Landlord and any service or utility provider as needed to serve the Property.
- c. Landlord is not liable for and does not warrant or guarantee the continued availability of any or all of the utility services necessary or desirable for the use of the Premises by Tenant. In no event shall the change, failure, interruption, diminution, unavailability, or cessation of such services or damage, loss, injury, or expense caused thereof be construed as an actual or constructive eviction of Tenant, nor shall Tenant be entitled to any abatement of its Rent obligations under this Lease or on account thereof.
- d. Without incurring any liability for damages and without entitling Tenant to any abatement of its Rent obligations under this Lease, Landlord reserves the right to suspend any and all utilities service to the Premises when, in Landlord's reasonable discretion, such suspension is necessitated including, but not limited to, by reason of accident, unavailability of employees or materials at reasonable cost, repairs, strikes, lockouts, riots, acts of God, acts of war or terrorism, application of applicable laws, statutes, rules and regulations, inspections, alterations or improvements, until any of the same have been completed. In such event, Landlord shall not be deemed guilty of a breach or default of this Lease, nor shall such suspension constitute an actual or constructive eviction, in whole or in part, or entitle Tenant to any abatement, reduction, setoff or diminution of rent, or relieve Tenant from any of its obligations under the Lease. If feasible, Landlord shall give Tenant prior notice of any interruption of utility services.

8. INSURANCE.

- a. **SUBROGATION.** Tenant hereby waives any and all rights of recovery against Landlord (and against the tenants of other space in the buildings located on the Property), or against the officers, employees, agents or representatives of Landlord or such other tenants, for loss of or damage to property, if such loss or damage is covered by any insurance policy in force (whether or not described in this Lease) at the time of such loss or damage or was required to be covered pursuant to the terms of this Lease. Landlord hereby waives any and all rights of recovery against Tenant, or against the officers, employees, agents or representatives of Tenant, for loss of or damage to property, if such loss or damage is covered by any insurance policy in force (whether or not described in this Lease) at the time of such loss or damage or was required to be covered pursuant to the terms of this Lease. Landlord and Tenant shall give notice to their respective insurance carriers of this mutual waiver of subrogation.
 - b. Tenant shall maintain Commercial General Liability policy with minimum limits of one million dollars including employer's liability and a liquor liability rider if a liquor license is sought. Tenant shall also Worker's Compensation and Unemployment Insurance as required by Colorado law.
9. **USE OF PREMISES.** The Premises shall be used by Tenant solely for the purpose of the Permitted Use and activities or purposes reasonably related thereto. The following restrictions shall apply:
- a. **COMPLIANCE WITH LAW.** Tenant shall not use the Premises or permit anything to be done in or about the Premises, which will in any way conflict with any law, statute, code ordinance, rule, or regulation now in force or which may hereafter be enacted or promulgated. Tenant shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances, codes, rules, regulations, or requirements now in force or which may hereafter be in force and with the requirements of any board of fire underwriters or other similar bodies now or hereafter constituted relating to or affecting the condition, use or occupancy of the Premises. The judgment of any court of competent jurisdiction or the admission of Tenant in any action against Tenant, whether Landlord be a party thereto or not, that Tenant has violated any law, statute, code, ordinance rule, regulation, or requirement, shall be conclusive of that fact as between Landlord and Tenant.
 - b. **HAZARDOUS MATERIALS.** Tenant shall not cause or permit any Hazardous Material (as herein after defined) to be brought upon, transported through, stored, kept, used, discharged or disposed in or about the Shopping Center by Tenant, its agents, employees or contractors. Any such Hazardous Material to be brought upon, transported, used, kept or stored in or about the Property which is necessary for Tenant to operate its business for the Permitted Use will be brought upon transported, used, kept and sorted only upon prior written approval of Landlord in its sole discretion and only in such quantities as are necessary for the usual and customary operation of Tenant's business and in a manner that complies with (i) all laws, rules, regulations, ordinances, codes or any other governmental restrictions or requirements of all federal, state and local government authorities having jurisdiction thereof regulating such Hazardous Material, (ii) any permits issued for any such Hazardous Material (copies of which must be delivered to Landlord before any Hazardous Material is brought in, in or about the Premises or Property), and (iii) all products and manufacturers' instructions and recommendations, to the extent they are stricter than laws, rules, regulations, ordinances, codes or permits. If Tenant, its agents, employees or contractors, in any way breaches the

obligations stated in this paragraph, or if the presence of Hazardous Materials in the Shopping Center caused or permitted by Tenant results in release or threatened release of such Hazardous Material, in, from or under the Shopping Center, or if the presence in, from or under the Property of Hazardous Materials otherwise arises out of the operation of Tenant's business, then without limitation of any other rights or remedies available to Landlord hereunder or at law or in equity, Tenant shall indemnify, defend, protect and hold harmless Landlord (and Landlord's directors, officers, employees, partners, agents, mortgagees, successors or assigns, to Landlord's interest in the Premises) from any and all claims, sums paid in settlement of claims, judgments, damages, cleanup costs, penalties, fines, liabilities, losses or expenses (including but not limited to attorney, consultant and expert fees and any fees incurred by Landlord to enforce the Indemnity) which arise during or after the Term of this Lease as a result of Tenant's breach of such obligations or such release or such contamination of the Property or surrounding area, including, but not limited to, diminution in value of the Premises or Property, damages for the loss of, or the restriction on the use of, rentable or usable space or any amenity of the Property, damages arising from any adverse impact on the sale or lease of the Property, and damage and diminution in value to the Property or other properties, whether owned by Landlord or by third parties (collectively, herein "Indemnity"). The Indemnity of Landlord by Tenant contained in this paragraph includes, but is not limited to, costs incurred in connection with any investigation of site conditions or any clean up, remedial, removal or restoration work required by any federal, state, or local governmental agency or political subdivision because of Hazardous Material present in the soil or groundwater on, under or originating from the Property or as a result of Tenant's actions or omissions elsewhere in the Shopping Center. Without limiting the foregoing, if the presence of any Hazardous Material on the Property or elsewhere in the Shopping Center caused or permitted by Tenant results in any contamination, release or threatened release of Hazardous Material on, from or under the Property or other properties, Tenant shall promptly take all actions at its sole cost and expense which are necessary to return the Property and any other affected property(s) to the condition existing prior to the introduction of such Hazardous Material; provided that Landlord's approval of such actions shall first be obtained (which approval shall not be unreasonably withheld) and so long as such actions do not have or would not potentially have any material adverse long-term or short-term effect on Landlord, on the Property or on other property(s). The Indemnity contained in this paragraph shall survive the expiration or earlier termination of this Lease and shall survive any transfer of Landlord's interest in the Property.

10. **MAINTENANCE AND REPAIR.** Tenant is responsible for routine maintenance to the premises. Landlord is responsible for maintenance of the Premises. Tenant agrees to promptly report any repair issues to Landlord.
11. **TENANT IMPROVEMENTS.** Tenant shall make no alterations or improvements without the written consent of Landlord.
12. **ACCESS TO PROPERTY AND NOTICE BY LANDLORD.** Landlord agrees to provide Twelve (12) hours/days notice before accessing the Premises, except in the events or for the purposes described below. Tenant agrees to not reasonably restrict or withhold access to the Premises by the Landlord.
 - a. **EMERGENCIES, MAINTENANCE, AND REPAIRS.** Tenant is responsible for ensuring that emergency services and Landlord have access to the Premises in the event

of an emergency. Landlord shall not be required to provide notice before accessing the Premises in the event of an emergency, or to perform maintenance or repairs that may result in damage or loss of property or injury to Tenant or Landlord if delayed. Landlord assumes no liability for any damage caused as a result of Tenant's unreasonable delay in notifying Landlord.

13. **LIENS.** Tenant shall keep the Premises and Property free and clear of any liens incurred by or on behalf of Tenant.

14. **ASSIGNMENT AND SUBLETTING.** Not permitted unless with written consent of Landlord.

15. **INDEMNITY.** To the extent permitted by law, Tenant agrees to save harmless, protect and indemnify Landlord from and against any and all loss, damage, claims, suits or actions at law, judgments, and costs, including attorney's fees reasonably incurred, which may arise or grow out of any injury to persons, or damage to property; caused by, arising from, or in any manner connected with Tenant's occupancy of the Premises.

Tenant, as a material part of the consideration to Landlord for this Lease, hereby waives and releases all claims against Landlord, its employees, and agents with respect to all matters for which Landlord has disclaimed liability pursuant to the provisions of this Lease. Except as may be provided herein, Tenant covenants and agrees that Landlord and its employees will not at any time or to any extent whatsoever be liable, responsible or in any way accountable for any loss, injury, death or damage to persons, property or Tenant's business occasioned by any cause, either ordinary or extraordinary. In no event will Landlord or any mortgagees be responsible for any consequential damages incurred by Tenant, including, but not limited to, lost profits or interruption of business as a result of any alleged default by Landlord.

16. **PREMISES LIABILITY.** Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property or injury to persons in, upon or about the Premises, from any cause whatsoever, and Tenant hereby waives all claims in respect thereof against Landlord, unless caused by or due to the gross negligence of Landlord and not caused in whole or in part by Tenant. Landlord shall not be liable for any loss or damage to persons or property, including but not limited to resulting loss of use and additional expenses to property entrusted to Landlord, its agents or employees, or the building manager, if any, nor for the loss or damage, including resulting loss of use and additional expenses, to any property by theft or otherwise, by any means whatsoever, nor for any injury (including death) or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, water or rain which may leak from any part of the Building or from the pipes, appliances or plumbing works therein or from the roof, street or subsurface or from any other place resulting from dampness or any other cause whatsoever. Landlord shall not be liable for interference with the light, air, or for any latent defect in the Premises. Landlord shall not be liable for any loss, cost, damage, bodily injury (including death) or personal injury arising or resulting from the criminal activities of third persons. Tenant agrees that Landlord is not responsible for the safety or security of Tenant, its agents including employees or invitees, and Tenant hereby assumes all responsibility for the safety and security of such parties.

17. **JOINT AND SEVERAL LIABILITY.** If more than one individual has signed this Lease as Tenant, each of those signatories agrees to the terms and conditions of this Lease jointly and severally and Landlord may proceed against any or all of said signatories for any remedy Landlord may have for breach of this Lease.

18. **DEFAULT.** Landlord shall be entitled to recover any fees, costs attorney's fees or other expenses in any dispute arising out of the Lease.

19. **TERMINATION.**

- a. **ABANDONMENT.** If the Tenant(s) vacates or abandons the Premises for a time-period that is the minimum set by State law, the Landlord will have the right to terminate this Agreement immediately and remove all belongings including any personal property off of the Premises. If the Tenant(s) vacates or abandons the Premises, the Landlord shall immediately have the right to terminate this Agreement.

20. **HOLDOVER.** Tenant shall have no right to holdover after the expiration or termination of this Lease Agreement without written consent of the Landlord. Should Tenant remain on the Premises without written consent of the Landlord after expiration or termination of this Agreement, Tenant agrees to pay daily fees of Two Hundred (\$200) in addition to payment in the amount of the Rent set forth above prorated for the length of Tenant's holdover.

21. **CUMULATIVE RIGHTS.** The rights of the Landlord under this Agreement are cumulative with any other legal right provided by law and shall not be construed as exclusive unless otherwise required by law.

22. **WAIVER.** The failure of either party to enforce any provisions of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with any and every provision of this Agreement.

23. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings, or other agreements regarding the subject matters of this Agreement.

24. **AMENDMENTS.** The terms and conditions of this Agreement may only be modified or amended in writing and signed by both Tenant and Landlord unless otherwise specified in this Agreement.

25. **SEVERABILITY.** If any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall, nevertheless, remain unaffected and continue in full force and effect as valid and enforceable.

26. **TIME IS OF THE ESSENCE.** Time is of the essence with respect to the execution of this Agreement.

27. **NO WARRANTIES.** Landlord and Tenant expressly agree that there are and shall be no implied warranties of merchantability, habitability, fitness for a particular purpose or any other warranty of any other kind arising out of this Agreement.

28. **MANDATED IMPROVEMENTS.** If any Court or governmental authority determines any improvements are required to the premises, this Lease will terminate.

29. **CHOICE OF VENUE.** And dispute will be resolved in the County or District Court of Lake County, Colorado under Colorado law, without regard to its choice of law provisions.

30. **RULES FOR PROPERTY.**

- a. **SIGNAGE.** Signage must be compliant with Lake County Planning requirements, specifically section 6.14 of County Code. Tenants are allowed (1) sign.

- b. **DISPLAYS.** Tenants are allowed window displays. Displays must be compliant with codes within the County.

Landlord Wolkencap LLC:

Lenhardt Stevens

By: Lenhardt Stevens

Its: Member

Tenants: Avery Williamson and Anthony Earl


By: Anthony Earl

Its: Tenant

Avery Williamson

By: Avery Williamson

Its: Tenant

August 26th, 2022
ZeroDay Coffee, LLC
122 E 7th St
Leadville, CO 80461

Lenhardt Stevens
Regentropf, LLC
PO Box 29153
Portland, OR 97296
971.712.5936
lenhardt@wolkencap.com

To Whom It May Concern:

This letter expresses that I, Lenhardt Stevens, the landlord of 122 E 7th St, Leadville, CO 80461, intend to renew the current lease with Zeroday Coffee, LLC at the time of the current lease's expiration on October 31st, 2022.

Please contact me at your convenience with any questions or clarification on the current or future lease.

Best wishes,
Lenhardt Stevens
Member of Regentropf, LLC

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Zero Day Coffee LLC

is a

Limited Liability Company

formed or registered on 08/23/2021 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20211763602 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/23/2021 that have been posted, and by documents delivered to this office electronically through 08/24/2021 @ 12:11:12 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 08/24/2021 @ 12:11:12 in accordance with applicable law. This certificate is assigned Confirmation Number 13391828 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

Instructions: Please print this document for your records.

MyBizColorado

COLORADO DEPT OF REVENUE

Thank you for registering with the Colorado Department of Revenue!
Your electronic application has been received.
You will receive your Sales Tax License and/or Wage Withholding information in the mail in the next 10 business days.

You may use this receipt as a temporary Sales Tax License in the interim.

Filing Information

Your filing information is as follows

Date: 8/25/21
Name: Zero Day Coffee LLC
Address: 122 E 7th St\n\nLeadville, Colorado 80461-3506

Sales Tax Account Number: 94971900
Sales Tax Filing Frequency: Annually (\$15 in taxes/mo or less)
Wage Withholding Account Number: N/A
Wage Withholding Filing Frequency: N/A

Websites

State of Colorado: www.colorado.gov
Colorado Department of Revenue: www.colorado.gov/revenue
Colorado Department of Revenue Online Customer Support Site:
revenuestateco.custhelp.com
File and pay your sales tax online: www.colorado.gov/RevenueOnline
Register to pay by EFT: www.colorado.gov/revenue/eft

Please wait 2-3 business days while we validate your registration before attempting to access your account in Revenue Online. You will receive your license(s) in the mail within 10 business days. If you do not already have access to Revenue Online, you may use information from that letter to sign-up.

Articles of Organization for a Limited Liability Company
filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

The domestic entity name of the limited liability company is Zero Day Coffee LLC

The principal office street address is 122 E 7th St
Leadville CO 80461
US

The principal office mailing address is 122 E 7th St
Leadville CO 80461
US

The name of the registered agent is Avery S Williamson

The registered agent's street address is 122 E 7th St
Leadville CO 80461
US

The registered agent's mailing address is 122 E 7th St
Leadville CO 80461
US

The person above has agreed to be appointed as the registered agent for this limited liability company.

The management of the limited liability company is vested in Members

There is at least one member of the limited liability company.

Person(s) forming the limited liability company

Avery S Williamson
122 E 7th St
Leadville CO 80461
US

Anthony William Earl
122 E 7th St
Leadville CO CO 80461
US

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., and, if applicable, the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

Name(s) and address(es) of the individual(s) causing the document to be delivered for filing

Avery Scott Williamson
122 E 7th St
Leadville CO CO 80461
US

Anthony William Earl
122 E 7th St
Leadville CO CO 80461
US

Date of this notice: 08-25-2021

Employer Identification Number:
87-2346929

Form: SS-4

Number of this notice: CP 575 B

For assistance you may call us at:
1-800-829-4933

ZERO DAY COFFEE LLC
AVERY S WILLIAMSON MBR
122 E 7TH ST
LEADVILLE CO, CO 80461

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 87-2346929. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1065

03/15/2022

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is ZERO. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Keep this part for your records.

CP 575 B (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 B

9999999999999999

Your Telephone Number Best Time to Call
() -

DATE OF THIS NOTICE: 08-25-2021
EMPLOYER IDENTIFICATION NUMBER: 87-2346929
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

A barcode consisting of vertical bars of varying heights, used for document tracking or identification.

ZERO DAY COFFEE LLC
AVERY S WILLIAMSON MBR
122 E 7TH ST
LEADVILLE CO, CO 80461



Colorado
Secretary of State
Jena Griswold

Name Zero Day Coffee LLC

SOS ID # 20211763602

Date & time 08/23/2021 03:53 PM

Transaction Form a Limited Liability Company (LLC)

Document # 20211763602

Payment type MC

Last 4 digits on card 2381

Amount \$50.00

Colorado Secretary of State | 1700 Broadway, Suite 200, Denver CO 80290 | 303-894-2200

[Terms & conditions](#) | [Browser compatibility](#)

[^ Top](#)



CHECKLIST

The following are REQUIRED to complete your review:

- ☐ A. \$100 application fee
- ☒ B. A brief written description of the scope of work and what changes/construction will occur.
- ☒ C. Proposed menu & food handling procedures - Breakfast/Lunch/Dinner (including seasonal, off-site catering, and banquet menus).
- ☒ D. Drawings/schedules (please note that not all may be required based on scope of work):
 - ☐ 1. Site plan: showing location of business in building, location of building on site (including alleys and streets), and location of any outside equipment (dumpsters, grease interceptor, well, septic system, etc.).
 - ☐ 2. Floor plan: show location of equipment, plumbing, and location of *hood and make-up air returns and ducts, *if applicable. (Minimum 1/4 inch scale for architectural renderings). Please identify any garage doors and outer openings.
 - ☐ 3. Plumbing plan: show location of floor sinks and floor drains, restrooms, toilets, urinals, and all hand washing sinks, grease trap, grease/solids interceptor (if required by the local building, water, or sanitation authority) hose bibs and hose reels, laundry facilities etc.
 - ☐ 4. Electrical Plan: show locations and specifications of lights.
- ☒ E. Equipment Specifications: Sheets must include make and model numbers and all equipment must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions. Please note: If a specification sheet lists more than one piece of equipment, identify the specific equipment to be used.
- ☐ F. Food Protection Manager Certification: Provide manager certification documentation (if applicable).
- ☒ G. Vomiting & Diarrheal Event Clean-Up Procedures. Submit plan describing how vomiting and diarrheal events will be cleaned within the establishment.
- ☒ H. Employee Illness policy. Written procedures are not required. Information regarding exclusions and restrictions can be provided.
- ☒ I. Completed Plan Review Packet (Attached)



Application Date: 06/15/20

Date construction is to start: 06/15/20
date.

Date of planned opening: 7/15/20

Indicate number of seats in
each area: Indoor: 12

Outdoor: 4

Choose one:

☐

Newly Constructed

☐

Extensively Remodeled
(currently licensed)

☒

Conversion of an
existing structure

Plan Review Form

Establishment Information

Name of Establishment: Ahab and Absalom	Phone:
Street Address: 122 E 7th St	Fax:
City/State/Zip: Leadville, CO 80461	Website: ahabandabsalom.com
Mailing Address (See above)	Email: lenny@ahabandabsalom.com
Mailing City/State/Zip	

Business/Ownership Information (proprietary rights per C.R.S. 25-1605)

Individual or Corporate Name: Lenhardt Stevens	Phone: 971-712-5936
Mailing Address: (see above)	Cell:
City:	Fax:
State/Zip:	Email: (see above)

Contact Information- During Plan Review Process

Name of Primary Contact: (See business ownership)	Phone:
Street Address:	Cell:
City:	Fax:
State/Zip:	Email:
Name of Architect: John Rojas	Phone: 970-393-7364
Street Address: 680 Straight Creek Drive	Cell:
City: Dillon	Fax:
State/Zip: Colorado 80435	Email: buildingcareco@yahoo.coms
Name of Contractor:	Phone:
Street Address:	Cell:
City:	Fax:
State/Zip:	Email:

Send License/Renewals to:

☐

Business Owner
Mailing Address

☒

Establishment
Site Address

☐

Establishment
Mailing Address

Type of Retail Food Establishment (Check all that apply)

<input type="checkbox"/>	Full Service Restaurant	<input type="checkbox"/>	Bar
<input type="checkbox"/>	Fast Food	<input checked="" type="checkbox"/>	Coffee Shop
<input type="checkbox"/>	Market (Grocery)	<input type="checkbox"/>	School Food Program
<input type="checkbox"/>	Deli	<input type="checkbox"/>	Catering Operation
<input type="checkbox"/>	Fish Market	<input type="checkbox"/>	Concession
<input type="checkbox"/>	Meat Market	<input type="checkbox"/>	Manufacturer with Retail Sales
<input type="checkbox"/>	Convenience Store	<input type="checkbox"/>	Other:

Days and Hours of Operation
Insert hours in the following format: 8am to 8pm

Days: **Thursday-Monday**

Hours:

Seasonal: ☐ Yes ☒ No Months of operations:

Projected maximum number of meals to be served.

Number of meals per week: **0**

Have plans for this establishment been submitted to the local building department? ☒ Yes ☐ No

If yes, name of local building department: **Lake County Building Department**

FINISH SCHEDULE

INSTRUCTIONS: Indicate which materials (quarry tile, stainless steel, fiberglass reinforced panels (RFP), ceramic tile 4" plastic coved molding, sealed concrete, painted drywall, vinyl coated ceiling tiles (VCT) acoustical ceiling tiles (ACT), etc.). Indicate Not Applicable (NA) as appropriate.

ROOM/AREA	FLOOR	FLOOR WALL Junctures	WALLS	CEILING
Food Preparation	Hardwood	Hardwood	Painted Drywall	Painted Drywall
Dry Food Storage	NA	NA	NA	NA
Warewashing Area	Hardwood	Metal	Painted Drywall	Painted Drywall
Walk-in Refrigerators and Freezers	NA	NA	NA	NA
Service Sink/Mop Sink	NA	NA	NA	NA
Refuse Area	NA	NA	NA	NA
Toilet Rooms and Dressing Rooms	Wood	NA	Painted drywall	Painted drywall
Other: Indicate				

Identify the finishes of cabinets, countertops, and shelving:

Equipment Installation Table

Complete the following table to indicate what equipment will be installed within the establishment (examples include refrigerator, ovens, grills, etc.).

If equipment schedule is contained within architectural plans submitted please indicate which page the equipment schedule can be found.

Equipment Installation Table			
Used Equipment may require visual inspection for pre-approval			
ID# on Plans/ Drawings	Equipment	Make/Model	Check box if utilizing previously used equipment
	Espresso Machine	Synesso S200	<input type="checkbox"/>
	Dishwasher	Noble Warewashing UL30 Low Temp	<input type="checkbox"/>
	Drip coffee brewer	Curtis G4 Single	<input type="checkbox"/>
	Refrigerator	Beverage-Air UCR36AHC	<input type="checkbox"/>
	Freezer	Beverage-Air UCF27AHC	<input type="checkbox"/>
	Ice maker	Acantco Ice UC-77-BA 16"	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Plumbing Fixtures

Complete table below for all food related plumbing fixtures:

ID # on Drawings/Plan	Fixture or Equipment	# of Fixtures
	Hand Sinks	1
	Dish Machines	1
	Garbage Disposals	1
	3-Compartment warewashing sinks	1
	Food Preparation Sinks	0
	Hose Bibs	0
	Ice Bins/Machines	1
	Beverage Machines	2
	Mop/Utility Sink	0
	Chemical Dispensing Units	1
	Dump Sink	0
	Other:	
	Other:	
	Other:	

Note:

- Approved backflow protection must be supplied on all fixtures and equipment with submerged inlets.
- Vacuum breakers must be installed on water inlet lines for dishwashing machines, garbage disposals, and hose bibs.
- Carbonated beverage machines require an ASSE 1022 dual check valve with a minimum 100 mesh screen and may require a drain.
- Continuous pressure backflow protection devices must be installed on water lines where a valve or shut off is located between the backflow device and the inlet to the fixture/equipment, such as hose reels and pitcher rinsers.
- Indirect drainage is required for all warewashing (3-compartment and dish machines) food preparation sinks, ice bins/machines, beverage machines, and walk-in refrigeration units.
- Items may not drain into buckets.

Plumbing - Sink Sizes

Manual Warewashing Information: The minimum requirement for warewashing in a food establishment is a three-compartment sink. A mechanical warewashing machine may be installed in addition to the three-compartment sink.

Include the size of each compartment (*length x width x depth*) of the warewashing sinks, soiled and clean drainboard lengths, and whether or not a pre-rinse spray hose will be installed for each warewashing area, including bars.

Manual Warewashing Information				
ID# on Plans	Length (inches) of soiled drainboard	Dimensions (inches) of Sink Compartments (LxWxD)	Length (inches) of Clean Drainboard	Pre-Rinse Sprayer Yes/No
	25	10 x 14 x 10	25	Yes
		x x		
		x x		

Note: Warewashing sinks must be large enough to accommodate the largest piece of equipment or utensils used.

Mechanical Warewashing Information, if a machine is provided:

Provide make and model numbers and attach specification sheets for each warewashing machine. Please indicate if the machine is heat or chemical sanitizing. Indicate soiled and clean drainboard length, whether or not a pre-rinse spray hose will be used, utensil soak sink dimensions and water usage in gallons per hour (GPH).

Mechanical Warewashing Information						
Make	Model#	Select one: Heat/Chemical Sanitizing	Drainboard Length (inches)	Pre-rinse Yes/No	Utensil Soak Sink Dimensions (inches) (LxWxD)	Water Usage (GPH)
Noble	Warewashing UL30	Chemical		Yes	20 x 13 x 20	1.2 per rack
					x x	

If heat sanitizing on a dish machine, is a separate booster heater provided? ☐ YES ☐ NO
If yes, complete Table 3 on next page.

Water Heater Information

Provide the following water heater information in Tables 1, 2, and 3 as applicable. Attach specification sheets.

Note: If more than one water heater is to be installed, please indicate which plumbing fixtures each heater or system will service.

Table 1

Standard Tank Type Heater		
Make	Model#	kW/BTU Rating

Table 2

Instantaneous/Tankless Systems (Gallons Per Minute, GPM, indicate which required degree rise will be used in the flow rate column)				
Make	Model#	BTU Rating	Flow Rate (GPM) at 80°F or 100°F rise	Storage Tank Capacity (Gallons), if applicable
AO Smith	G9-T5040NVR 400	40000 per hour		50

NOTE: Alternative information may be needed. For instantaneous/tankless systems approval of system may require further review.

Table 3 (if applicable)

Booster Heater Information- Dish Machine			
Make	Model#	kW/BTU Rating	Distance from Machine (feet)

Water Supply and Sewage

Water Supply

Select the type of water supply system that services the establishment

- ☒ Community/Public- Name of district: **Parkville**
- ☐ Non-Community- Public Water System ID Number (PWSID):
- ☐ Private - ** If the retail food establishment does not meet the definition of a public water system in accordance with the *Colorado Primary Drinking Water Regulations* additional monitoring and sampling is required. For more information about the *Colorado Primary Drinking Water Regulations* please visit:

<https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>

a. Submit a copy of the most recent water sample test results and a piping diagram of the disinfection system. Include size of holding tank(s), pressure tank(s), make and model number of treatment system, etc.

Private Drinking Water Supply Information

Private System Type: ☐ Well ☐ Surface water influence

Depth (feet)	
Method of Disinfection	
Filtration (if applicable)	

Sewage Disposal

Select the type of sewage disposal system that services the establishment.

- ☒ Municipal/Public - Name of district: **Leadville Sanitation**
- ☐ On-site Waste Water Treatment System - Indicate location on site plan and attach a copy of the permits for the system.

Food Handling Procedures

If Standard Operating Procedures (SOP's) are available please submit with plans.

Procedures	Yes	No
Will foods be held cold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be held hot?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will produce be washed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be cooled after cooking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be reheated after cooling?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will frozen foods be thawed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods (raw meats, for example) be cooked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will raw or undercooked animal foods be served? (sushi, breakfast eggs, or cooked-to-order meat, for example)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be sold to other retail food establishments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will catering be conducted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you have a salad bar or buffet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will bulk food items (candy, trail mix, etc.) be sold to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Food Handling Procedure Descriptions

Complete Applicable Sections

A. List the foods that will require rapid cooling (examples: rice, green chili, soup, etc.):

In addition, describe what methods will be used in your facility to rapidly cool cooked food. Check only those that apply in your establishment.

- ☐ Under refrigeration ☐ Ice water bath ☐ Adding ice as an ingredient
☐ Rapid cooling equipment ☐ Shallow pans ☐ Separating food into smaller portions
☐ Other

B. Describe what methods will be used in your facility to rapidly reheat cooled foods/leftovers.

List the equipment that will be used for reheating: ☐ Under refrigeration
☐ As part of cooking process

- ☐ Stove ☐ Microwave ☐ Other:

C. Describe how frozen foods will be thawed.

- ☐ Under refrigeration ☐ Under running water ☐ In a microwave
☐ As part of a cooking process ☐ Other:

D. Describe where personal items will be stored.

E. Describe where chemicals used for operation will be stored.

F. How will bare hand contact with ready-to-eat foods be prevented during preparation?

- ☒ Gloves ☐ Utensils ☐ Deli Tissue ☐ Other:

G. Food will primarily be served on:

- ☐ Multi-use Tableware ☐ Single-service Tableware ☒ Both

Variance Requirement

If your operation includes any of the following specialized processing methods you must obtain a variance from the Colorado Department of Public Health & Environment:

(Check all boxes that apply to your operation)

- A. ☐ Smoking food as a method of preservation rather than as a method of flavor enhancement
- B. ☐ Curing food
- C. ☐ Using food additives or adding components such as vinegar:
 - a. As a method of food preservation rather than as a method of flavor enhancement, or
 - b. To render the food so that it is not time/temperature control of safety food
- D. ☐ Packaging TCS Food using a reduced oxygen environment
- E. ☐ Operating a molluscan shellfish life support system display tank
- F. ☐ Custom processing of animals that are for personal use as food
- G. ☐ Sprouting seeds or beans

HACCP Requirement

If your operation includes any of the following procedures you will need a HACCP Plan that meets the requirements of 3-502.12 and a designated work area accessible only to responsible trained personnel.

(Check all boxes that apply to your operation)

- H. ☐ Vacuum Packaging
- I. ☐ Sous Vide
- J. ☐ Cook-Chill

Lenhardt Stevens
Ahab and Absalom
122 E 7th St, Leadville, CO 80461
971.712.5936

Rebecca Behr, RDN
Environmental Health Specialist
Food Program Manager
Lake County Public Health Agency
825 West 6th Street/P.O Box 626
Leadville, CO 80461
Cell: 719-293-1108

B. A brief written description of the scope of work and what changes/construction will occur.

Please find below a description of the renovations.

(1) Addition of a kitchen:

The kitchen remodeling will add a sink, an espresso bar counter top, and a preparation bar behind the espresso bar.

(2) Addition of a bathroom:

The addition of a bathroom to the front space will add a sink and a toilet. The existing space will also benefit from the addition of new drywall, discussed below.

(3) Drywall installation:

The entire space will have a new drywall installed. The drywall will not require the destruction of the preexisting structure, but rather go over it.

Lenhardt Stevens
Ahab and Absalom
122 E 7th St, Leadville, CO 80461
971.712.5936

Rebecca Behr, RDN
Environmental Health Specialist
Food Program Manager
Lake County Public Health Agency
825 West 6th Street/P.O Box 626
Leadville, CO 80461
Cell: 719-293-1108

**C. Proposed menu & food handling procedures - Breakfast/Lunch/Dinner
(including seasonal, offsite catering, and banquet menus).**

Menu

- (A) Bagel and Cream Cheese
- (B) Croissants
- (C) Espresso Drinks (including dairy)
- (D) Tea drinks

(A) Bagel and Cream Cheese

- (1) Put on disposable gloves
- (2) Remove bagels from refrigerator and place on preparation counter. Remove cream cheese if requested.
- (3) Bagel's are toasted and left untoasted on request
- (4) After toasting, bagel is smeared with desired cream cheese and then placed inside to go bag if to go. If to eat in, bagel is placed on plate.
 - (a) *Modification:* During ongoing COVID pandemic, all bagels will be made to go.

Croissant preparation

- (1) Croissants are removed from their holder
- (2) Tongs are used to handle croissants. If tongs are unavailable, gloves must be worn.
- (3) Croissant is placed in to go bag if order is to go, if order is to eat in, croissants are served on small plate.
 - (a) *Modification:* During ongoing COVID pandemic, all bagels will be made to go

Espresso drinks

- (1) Rinse drink-in cups with hot water

- (2) Rinse portafilter; dose with hot water
- (3) Grind coffee into portafilter
- (4) Distribute grounds with a tap, tamp grinds
- (5) Polish and rinse the group head
- (6) Pull espresso
- (7) Serve espresso in drink-in cup
- (8) Discard espresso puck
- (9) Clean the portafilter
- (10) Clean the group head

Dairy handling instructions

- (1) Remove milk from refrigerator
- (2) Add cold milk to steaming pitcher. Use only amount needed for beverage. Put milk back into refrigerator
- (3) Purge the steam wand to expel condensed water that's collected on the wand
- (4) Submerge the steam wand so that the tip of the wand is just below the surface of the milk
- (5) Move pitcher to allow small sips of air into the milk by allowing wand to come up to surface
- (6) After aeration, and once the pitcher becomes warm to the touch, submerge the wand entirely into the milk and continue the whirlpool motion in pitcher
- (7) After the pitcher becomes too hot to hold, turn off the steam wand and immediately remove pitcher and wipe wand, removing any milk residue. Purge wand.
- (8) Tap out bubbles, pour microfoam and liquid into the drink.

Tea drinks

Drink in orders

- (1) Rinse drink-in cups with hot water
- (2) Using steeping tray to steep tea.
- (3) Set timer for 4 minutes
- (4) At the end of timer, remove steeping tray

Take out orders

- (1) Fill disposable tea bag with tea
- (2) Place tea bag in cup. Fill cup with boiling water.
- (3) Affix lid and sleeve, serve

Lenhardt Stevens
Ahab and Absalom
122 E 7th St, Leadville, CO 80461
971.712.5936

Rebecca Behr, RDN
Environmental Health Specialist
Food Program Manager
Lake County Public Health Agency
825 West 6th Street/P.O Box 626
Leadville, CO 80461
Cell: 719-293-1108

G. Vomiting & Diarrheal Event Clean-Up Procedures. Submit plan describing how vomiting and diarrheal events will be cleaned within the establishment.

First Steps

- Remove all individuals within a 25 foot radius and ask them to wash hands immediately.
- Block entry to contaminated area.
- Dispose all uncovered food, and single use containers and utensils within 25 foot radius.
- Wash all utensils and equipment within 25 foot radius

Cleaning the vomit/diarrhea

- Wear protective clothing - change if they become contaminated
- Wipe up vomit or diarrhea with *paper towels*
- Clean from the clean areas towards the most contaminated areas to minimize the spread of infectious material
- Dispose of paper towels in biohazard bag
- Place contaminated cloth materials into a separate plastic bag for transport to laundry or discard
- Use soapy water to wash surfaces that came into contact with the vomit/diarrhea and all nearby surfaces, such as door knobs and toilet
- Rinse thoroughly with water
- Clean and disinfect any disposable tools, i.e. mops

Prepare bleach solution

- Use a spray bottle and saturate area**
- Leave surface wet for at least 5 minutes**
- Rinse all surfaces with plain water**

Wash hands thoroughly with soap and water



CHECKLIST

The following are REQUIRED to complete your review:

- ☐ A. \$100 application fee
- ☒ B. A brief written description of the scope of work and what changes/construction will occur.
- ☒ C. Proposed menu & food handling procedures - Breakfast/Lunch/Dinner (including seasonal, off-site catering, and banquet menus).
- ☒ D. Drawings/schedules (please note that not all may be required based on scope of work):
 - ☐ 1. Site plan: showing location of business in building, location of building on site (including alleys and streets), and location of any outside equipment (dumpsters, grease interceptor, well, septic system, etc.).
 - ☐ 2. Floor plan: show location of equipment, plumbing, and location of *hood and make-up air returns and ducts, *if applicable. (Minimum 1/4 inch scale for architectural renderings). Please identify any garage doors and outer openings.
 - ☐ 3. Plumbing plan: show location of floor sinks and floor drains, restrooms, toilets, urinals, and all hand washing sinks, grease trap, grease/solids interceptor (if required by the local building, water, or sanitation authority) hose bibs and hose reels, laundry facilities etc.
 - ☐ 4. Electrical Plan: show locations and specifications of lights.
- ☒ E. Equipment Specifications: Sheets must include make and model numbers and all equipment must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions. Please note: If a specification sheet lists more than one piece of equipment, identify the specific equipment to be used.
- ☐ F. Food Protection Manager Certification: Provide manager certification documentation (if applicable).
- ☒ G. Vomiting & Diarrheal Event Clean-Up Procedures. Submit plan describing how vomiting and diarrheal events will be cleaned within the establishment.
- ☒ H. Employee Illness policy. Written procedures are not required. Information regarding exclusions and restrictions can be provided.
- ☒ I. Completed Plan Review Packet (Attached)



Application Date: 06/15/20

Date construction is to start: 06/15/20
date.

Date of planned opening: 7/15/20

Indicate number of seats in
each area: Indoor: 12

Outdoor: 4

Choose one:

☐ Newly Constructed

☐ Extensively Remodeled
(currently licensed)

☒ Conversion of an
existing structure

Plan Review Form

Establishment Information

Name of Establishment: Ahab and Absalom	Phone:
Street Address: 122 E 7th St	Fax:
City/State/Zip: Leadville, CO 80461	Website: ahabandabsalom.com
Mailing Address (See above)	Email: lenny@ahabandabsalom.com
Mailing City/State/Zip	

Business/Ownership Information (proprietary rights per C.R.S. 25-1605)

Individual or Corporate Name: Lenhardt Stevens	Phone: 971-712-5936
Mailing Address: (see above)	Cell:
City:	Fax:
State/Zip:	Email: (see above)

Contact Information- During Plan Review Process

Name of Primary Contact: (See business ownership)	Phone:
Street Address:	Cell:
City:	Fax:
State/Zip:	Email:
Name of Architect: John Rojas	Phone: 970-393-7364
Street Address: 680 Straight Creek Drive	Cell:
City: Dillon	Fax:
State/Zip: Colorado 80435	Email: buildingcareco@yahoo.coms
Name of Contractor:	Phone:
Street Address:	Cell:
City:	Fax:
State/Zip:	Email:

Send License/Renewals to:

☐ Business Owner
Mailing Address

☒ Establishment
Site Address

☐ Establishment
Mailing Address

Type of Retail Food Establishment (Check all that apply)

<input type="checkbox"/>	Full Service Restaurant	<input type="checkbox"/>	Bar
<input type="checkbox"/>	Fast Food	<input checked="" type="checkbox"/>	Coffee Shop
<input type="checkbox"/>	Market (Grocery)	<input type="checkbox"/>	School Food Program
<input type="checkbox"/>	Deli	<input type="checkbox"/>	Catering Operation
<input type="checkbox"/>	Fish Market	<input type="checkbox"/>	Concession
<input type="checkbox"/>	Meat Market	<input type="checkbox"/>	Manufacturer with Retail Sales
<input type="checkbox"/>	Convenience Store	<input type="checkbox"/>	Other:

Days and Hours of Operation Insert hours in the following format: 8am to 8pm	
Days: Thursday-Monday	
Hours:	
Seasonal: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Months of operations:	
Projected maximum number of meals to be served.	
Number of meals per week: 0	

Have plans for this establishment been submitted to the local building department? ☒ Yes ☐ No

If yes, name of local building department: Lake County Building Department

FINISH SCHEDULE

INSTRUCTIONS: Indicate which materials (quarry tile, stainless steel, fiberglass reinforced panels (RFP), ceramic tile 4" plastic coved molding, sealed concrete, painted drywall, vinyl coated ceiling tiles (VCT) acoustical ceiling tiles (ACT), etc.). Indicate Not Applicable (NA) as appropriate.

ROOM/AREA	FLOOR	FLOOR WALL Junctures	WALLS	CEILING
Food Preparation	Hardwood	Hardwood	Painted Drywall	Painted Drywall
Dry Food Storage	NA	NA	NA	NA
Warewashing Area	Hardwood	Metal	Painted Drywall	Painted Drywall
Walk-in Refrigerators and Freezers	NA	NA	NA	NA
Service Sink/Mop Sink	NA	NA	NA	NA
Refuse Area	NA	NA	NA	NA
Toilet Rooms and Dressing Rooms	Wood	NA	Painted drywall	Painted drywall
Other: Indicate				

Identify the finishes of cabinets, countertops, and shelving:

Equipment Installation Table

Complete the following table to indicate what equipment will be installed within the establishment (examples include refrigerator, ovens, grills, etc.).

If equipment schedule is contained within architectural plans submitted please indicate which page the equipment schedule can be found.

Equipment Installation Table			
Used Equipment may require visual inspection for pre-approval			
ID# on Plans/ Drawings	Equipment	Make/Model	Check box if utilizing previously used equipment
	Espresso Machine	Synesso S200	<input type="checkbox"/>
	Dishwasher	Noble Warewashing UL30 Low Temp	<input type="checkbox"/>
	Drip coffee brewer	Curtis G4 Single	<input type="checkbox"/>
	Refrigerator	Beverage-Air UCR36AHC	<input type="checkbox"/>
	Freezer	Beverage-Air UCF27AHC	<input type="checkbox"/>
	Ice maker	Acantco Ice UC-77-BA 16"	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Plumbing Fixtures

Complete table below for all food related plumbing fixtures:

ID # on Drawings/Plan	Fixture or Equipment	# of Fixtures
	Hand Sinks	1
	Dish Machines	1
	Garbage Disposals	1
	3-Compartment warewashing sinks	1
	Food Preparation Sinks	0
	Hose Bibs	0
	Ice Bins/Machines	1
	Beverage Machines	2
	Mop/Utility Sink	0
	Chemical Dispensing Units	1
	Dump Sink	0
	Other:	
	Other:	
	Other:	

Note:

- Approved backflow protection must be supplied on all fixtures and equipment with submerged inlets.
- Vacuum breakers must be installed on water inlet lines for dishwashing machines, garbage disposals, and hose bibs.
- Carbonated beverage machines require an ASSE 1022 dual check valve with a minimum 100 mesh screen and may require a drain.
- Continuous pressure backflow protection devices must be installed on water lines where a valve or shut off is located between the backflow device and the inlet to the fixture/equipment, such as hose reels and pitcher rinsers.
- Indirect drainage is required for all warewashing (3-compartment and dish machines) food preparation sinks, ice bins/machines, beverage machines, and walk-in refrigeration units.
- Items may not drain into buckets.

Plumbing - Sink Sizes

Manual Warewashing Information: The minimum requirement for warewashing in a food establishment is a three-compartment sink. A mechanical warewashing machine may be installed in addition to the three-compartment sink.

Include the size of each compartment (*length x width x depth*) of the warewashing sinks, soiled and clean drainboard lengths, and whether or not a pre-rinse spray hose will be installed for each warewashing area, including bars.

Manual Warewashing Information				
ID# on Plans	Length (inches) of soiled drainboard	Dimensions (inches) of Sink Compartments (LxWxD)	Length (inches) of Clean Drainboard	Pre-Rinse Sprayer Yes/No
	25	10 x 14 x 10	25	Yes
		x x		
		x x		

Note: Warewashing sinks must be large enough to accommodate the largest piece of equipment or utensils used.

Mechanical Warewashing Information, if a machine is provided:

Provide make and model numbers and attach specification sheets for each warewashing machine. Please indicate if the machine is heat or chemical sanitizing. Indicate soiled and clean drainboard length, whether or not a pre-rinse spray hose will be used, utensil soak sink dimensions and water usage in gallons per hour (GPH).

Mechanical Warewashing Information						
Make	Model#	Select one: Heat/Chemical Sanitizing	Drainboard Length (inches)	Pre-rinse Yes/No	Utensil Soak Sink Dimensions (inches) (LxWxD)	Water Usage (GPH)
Noble	Warewashing UL30	Chemical		Yes	20 x 13 x 20	1.2 per rack
					x x	

If heat sanitizing on a dish machine, is a separate booster heater provided? ☐ YES ☐ NO
If yes, complete Table 3 on next page.

Water Heater Information

Provide the following water heater information in Tables 1, 2, and 3 as applicable. Attach specification sheets.

Note: If more than one water heater is to be installed, please indicate which plumbing fixtures each heater or system will service.

Table 1

Standard Tank Type Heater		
Make	Model#	kW/BTU Rating

Table 2

Instantaneous/Tankless Systems (Gallons Per Minute, GPM, indicate which required degree rise will be used in the flow rate column)				
Make	Model#	BTU Rating	Flow Rate (GPM) at 80°F or 100°F rise	Storage Tank Capacity (Gallons), if applicable
AO Smith	G9-T5040NVR 400	40000 per hour		50

NOTE: Alternative information may be needed. For instantaneous/tankless systems approval of system may require further review.

Table 3 (if applicable)

Booster Heater Information- Dish Machine			
Make	Model#	kW/BTU Rating	Distance from Machine (feet)

Water Supply and Sewage

Water Supply

Select the type of water supply system that services the establishment

- ☒ Community/Public- Name of district: **Parkville**
- ☐ Non-Community- Public Water System ID Number (PWSID):
- ☐ Private - ** If the retail food establishment does not meet the definition of a public water system in accordance with the *Colorado Primary Drinking Water Regulations* additional monitoring and sampling is required. For more information about the *Colorado Primary Drinking Water Regulations* please visit:

<https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>

a. Submit a copy of the most recent water sample test results and a piping diagram of the disinfection system. Include size of holding tank(s), pressure tank(s), make and model number of treatment system, etc.

Private Drinking Water Supply Information

Private System Type: ☐ Well ☐ Surface water influence

Depth (feet)	
Method of Disinfection	
Filtration (if applicable)	

Sewage Disposal

Select the type of sewage disposal system that services the establishment.

- ☒ Municipal/Public - Name of district: **Leadville Sanitation**
- ☐ On-site Waste Water Treatment System - Indicate location on site plan and attach a copy of the permits for the system.

Food Handling Procedures

If Standard Operating Procedures (SOP's) are available please submit with plans.

Procedures	Yes	No
Will foods be held cold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be held hot?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will produce be washed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be cooled after cooking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be reheated after cooling?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will frozen foods be thawed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods (raw meats, for example) be cooked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will raw or undercooked animal foods be served? (sushi, breakfast eggs, or cooked-to-order meat, for example)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will foods be sold to other retail food establishments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will catering be conducted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you have a salad bar or buffet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will bulk food items (candy, trail mix, etc.) be sold to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Food Handling Procedure Descriptions

Complete Applicable Sections

A. List the foods that will require rapid cooling (examples: rice, green chili, soup, etc.):

In addition, describe what methods will be used in your facility to rapidly cool cooked food. Check only those that apply in your establishment.

- ☐ Under refrigeration ☐ Ice water bath ☐ Adding ice as an ingredient
☐ Rapid cooling equipment ☐ Shallow pans ☐ Separating food into smaller portions
☐ Other

B. Describe what methods will be used in your facility to rapidly reheat cooled foods/leftovers.

List the equipment that will be used for reheating: ☐ Under refrigeration
☐ As part of cooking process

- ☐ Stove ☐ Microwave ☐ Other:

C. Describe how frozen foods will be thawed.

- ☐ Under refrigeration ☐ Under running water ☐ In a microwave
☐ As part of a cooking process ☐ Other:

D. Describe where personal items will be stored.

E. Describe where chemicals used for operation will be stored.

F. How will bare hand contact with ready-to-eat foods be prevented during preparation?

- ☒ Gloves ☐ Utensils ☐ Deli Tissue ☐ Other:

G. Food will primarily be served on:

- ☐ Multi-use Tableware ☐ Single-service Tableware ☒ Both

Variance Requirement

If your operation includes any of the following specialized processing methods you must obtain a variance from the Colorado Department of Public Health & Environment:

(Check all boxes that apply to your operation)

- A. ☐ Smoking food as a method of preservation rather than as a method of flavor enhancement
- B. ☐ Curing food
- C. ☐ Using food additives or adding components such as vinegar:
 - a. As a method of food preservation rather than as a method of flavor enhancement, or
 - b. To render the food so that it is not time/temperature control of safety food
- D. ☐ Packaging TCS Food using a reduced oxygen environment
- E. ☐ Operating a molluscan shellfish life support system display tank
- F. ☐ Custom processing of animals that are for personal use as food
- G. ☐ Sprouting seeds or beans

HACCP Requirement

If your operation includes any of the following procedures you will need a HACCP Plan that meets the requirements of 3-502.12 and a designated work area accessible only to responsible trained personnel.

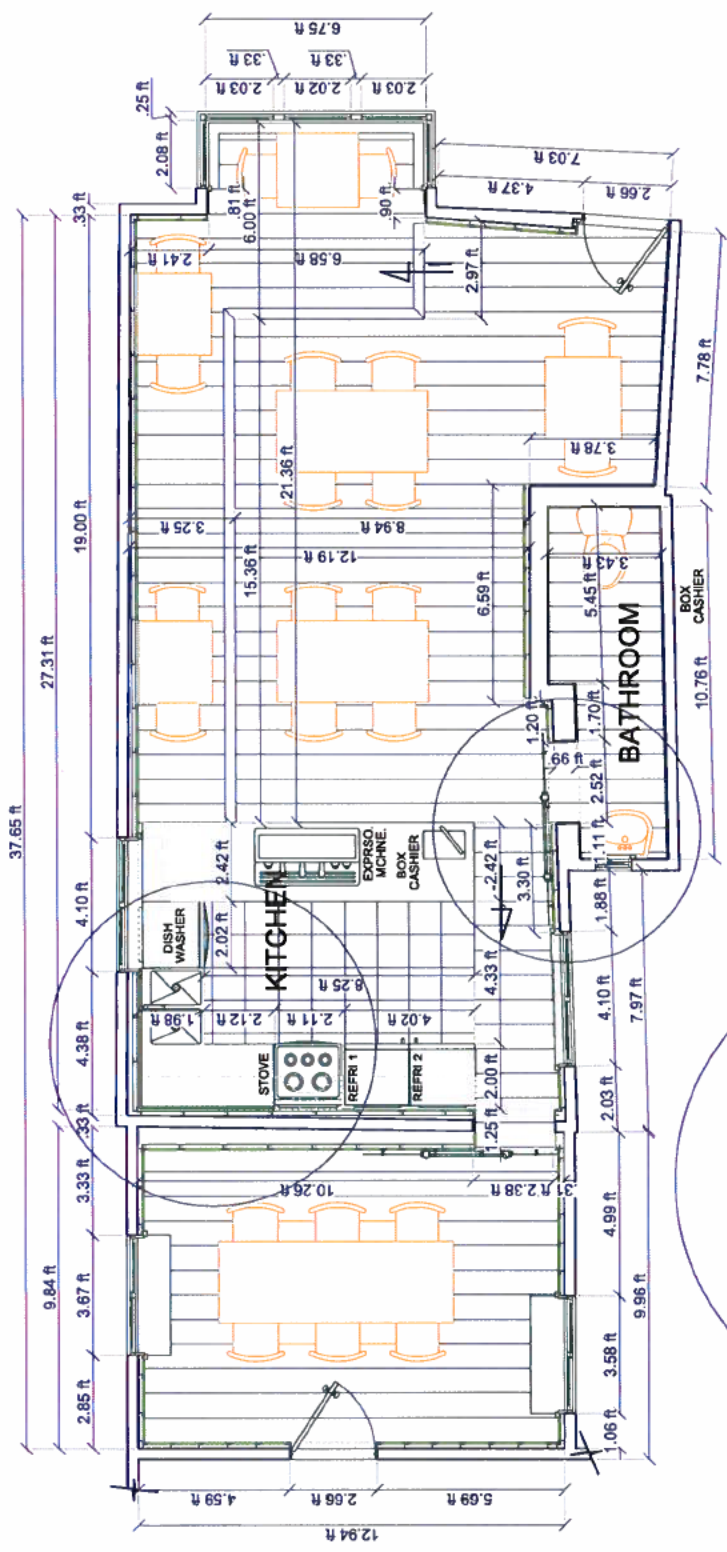
(Check all boxes that apply to your operation)

- H. ☐ Vacuum Packaging
- I. ☐ Sous Vide
- J. ☐ Cook-Chill

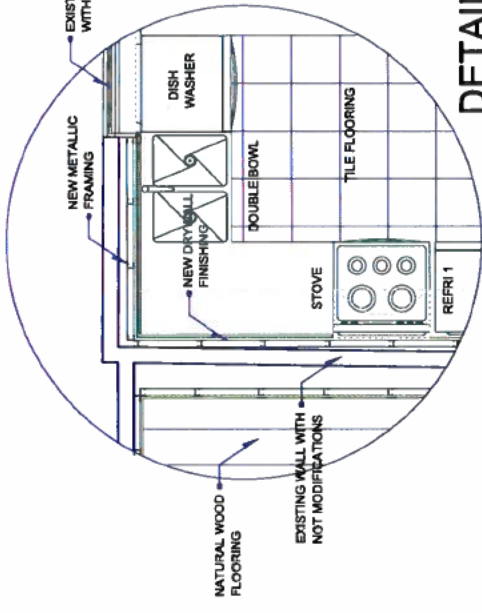


RENOVATIONS ON EXISTING ARCHITECTURAL SPACES FOR NEW BATHROOM AND KITCHEN		GENERAL DISTRIBUTION		DATE: 5/20/2020	
PROJECT NAME:		DRAWINGS CONTENTS:		OWNER APPROVAL:	
APPROVED BY:		DRAWING APPROVAL:		INDICATED:	
LEADWORKER DWD		COMPANY APPROVAL:		LEADWORKER STEVENS	
PROJECT MANAGER: JOHN ROADS / BUILDING CARE		PROJECT MANAGER: JOHN ROADS / BUILDING CARE		870-353-7264 buildingcareusa@yahoo.com	

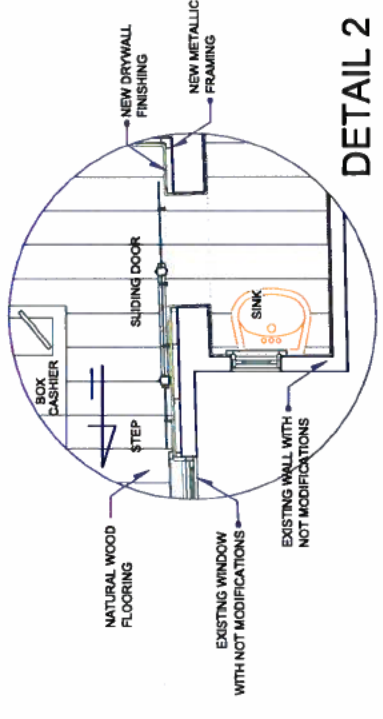
DISORDER:	PLAN NUMBER:
A-01	



GENERAL DISTRIBUTION PLAN



DETAIL 1



DETAIL 2

Lenhardt Stevens
Ahab and Absalom
122 E 7th St, Leadville, CO 80461
971.712.5936

Rebecca Behr, RDN
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Food Program Manager
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B. A brief written description of the scope of work and what changes/construction will occur.

Please find below a description of the renovations.

(1) Addition of a kitchen:

The kitchen remodeling will add a sink, an espresso bar counter top, and a preparation bar behind the espresso bar.

(2) Addition of a bathroom:

The addition of a bathroom to the front space will add a sink and a toilet. The existing space will also benefit from the addition of new drywall, discussed below.

(3) Drywall installation:

The entire space will have a new drywall installed. The drywall will not require the destruction of the preexisting structure, but rather go over it.

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**C. Proposed menu & food handling procedures - Breakfast/Lunch/Dinner
(including seasonal, offsite catering, and banquet menus).**

Menu

- (A) Bagel and Cream Cheese
- (B) Croissants
- (C) Espresso Drinks (including dairy)
- (D) Tea drinks

(A) Bagel and Cream Cheese

- (1) Put on disposable gloves
- (2) Remove bagels from refrigerator and place on preparation counter. Remove cream cheese if requested.
- (3) Bagel's are toasted and left untoasted on request
- (4) After toasting, bagel is smeared with desired cream cheese and then placed inside to go bag if to go. If to eat in, bagel is placed on plate.
 - (a) *Modification:* During ongoing COVID pandemic, all bagels will be made to go.

Croissant preparation

- (1) Croissants are removed from their holder
- (2) Tongs are used to handle croissants. If tongs are unavailable, gloves must be worn.
- (3) Croissant is placed in to go bag if order is to go, if order is to eat in, croissants are served on small plate.
 - (a) *Modification:* During ongoing COVID pandemic, all bagels will be made to go

Espresso drinks

- (1) Rinse drink-in cups with hot water

- (2) Rinse portafilter; dose with hot water
- (3) Grind coffee into portafilter
- (4) Distribute grounds with a tap, tamp grinds
- (5) Polish and rinse the group head
- (6) Pull espresso
- (7) Serve espresso in drink-in cup
- (8) Discard espresso puck
- (9) Clean the portafilter
- (10) Clean the group head

Dairy handling instructions

- (1) Remove milk from refrigerator
- (2) Add cold milk to steaming pitcher. Use only amount needed for beverage. Put milk back into refrigerator
- (3) Purge the steam wand to expel condensed water that's collected on the wand
- (4) Submerge the steam wand so that the tip of the wand is just below the surface of the milk
- (5) Move pitcher to allow small sips of air into the milk by allowing wand to come up to surface
- (6) After aeration, and once the pitcher becomes warm to the touch, submerge the wand entirely into the milk and continue the whirlpool motion in pitcher
- (7) After the pitcher becomes too hot to hold, turn off the steam wand and immediately remove pitcher and wipe wand, removing any milk residue. Purge wand.
- (8) Tap out bubbles, pour microfoam and liquid into the drink.

Tea drinks

Drink in orders

- (1) Rinse drink-in cups with hot water
- (2) Using steeping tray to steep tea.
- (3) Set timer for 4 minutes
- (4) At the end of timer, remove steeping tray

Take out orders

- (1) Fill disposable tea bag with tea
- (2) Place tea bag in cup. Fill cup with boiling water.
- (3) Affix lid and sleeve, serve

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G. Vomiting & Diarrheal Event Clean-Up Procedures. Submit plan describing how vomiting and diarrheal events will be cleaned within the establishment.

First Steps

- Remove all individuals within a 25 foot radius and ask them to wash hands immediately.
- Block entry to contaminated area.
- Dispose all uncovered food, and single use containers and utensils within 25 foot radius.
- Wash all utensils and equipment within 25 foot radius

Cleaning the vomit/diarrhea

- Wear protective clothing - change if they become contaminated
- Wipe up vomit or diarrhea with *paper towels*
- Clean from the clean areas towards the most contaminated areas to minimize the spread of infectious material
- Dispose of paper towels in biohazard bag
- Place contaminated cloth materials into a separate plastic bag for transport to laundry or discard
- Use soapy water to wash surfaces that came into contact with the vomit/diarrhea and all nearby surfaces, such as door knobs and toilet
- Rinse thoroughly with water
- Clean and disinfect any disposable tools, i.e. mops

Prepare bleach solution

- Use a spray bottle and saturate area**
- Leave surface wet for at least 5 minutes**
- Rinse all surfaces with plain water**

Wash hands thoroughly with soap and water

**City of Leadville, Colorado
NEEDS AND DESIRES PETITION**

Applicant: Avery Williamson + Anthony Earl
 Trade Name of Establishment: Zero Day Coffee LLC
 Application for (type of license): Beer and wine
 Proposed Location: 122 E 7th St Leadville CO 80461
 Public Hearing Date and Time: _____
 Public Hearing Location: City Hall, City of Leadville, 800 Harrison Ave, Leadville, Colorado 80461

DO NOT SIGN THIS PETITION UNLESS:

1. You are at least twenty-one (21) years of age.
2. You are a resident within the designated affected area (the designated affected area is the City of Leadville).
3. You are the owner or manager of a business located within the designated affected area (see attached map).
4. You sign your name only (first, middle and last name). You cannot sign for another individual.
5. You have not signed another petition concerning the same application.
6. You have read the petition in its entirety and understand its meaning.
7. The petition circulator witnesses your signature.

Check the **SUPPORT** column if you desire that this type of license be issued and/or the existing outlets do not adequately serve the reasonable requirements of the designated affected area.

Check the **OPPOSE** column if you desire that this type of license not be issued and/or the existing outlets adequately serve the reasonable requirements of the designated affected area.

NAME - SIGNATURE	COMPLETE HOME ADDRESS (INCLUDE APT. NO.)	RESIDENT OR BUSINESS OWNER/MGR?	AGE	SUPPORT	OPPOSE	DATE SIGNED
Rachel Brunetti	1923 Hwy 91 Leadville CO 80461	Res/ Business	34	✓ yes		2/9/22
Sterling Mudge	613 E 7th St Leadville CO 80461	Res/ Business	41	yes		2/9/22
ER Earl	119 EAST 8th St Leadville CO	Res/ BUS	51	yes		2/9/22
Greg Lobb	130 St. Louis Ave Leadville, CO 80461	RES/ GOV	73	yes		2/9/22




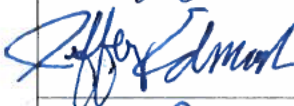

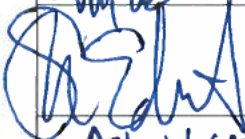

NAME - SIGNATURE	COMPLETE HOME ADDRESS (INCLUDE APT. NO.)	RESIDENT OR BUSINESS OWNER/ MGR?	AGE	SUPPORT	OPPOSE	DATE SIGNED
Jamarrith Block	135 W. 2nd St. #17 Leadville, CO 80461	Resident Biz owner	28	✓		2/10/2022
Kip [Signature]	802 Turquoise St. Leadville, CO 80461	resident	32	✓		2/10/2022
Chase [Signature]	301 W 17th	R	37	✓		2/10/21
Sony [Signature]	412 W 7th Leadville, CO 80461	R	41	✓		2/11/22 TB 2/11/22
John Bora [Signature]	916 Poplar St Leadville CO 80461	R	27	✓		2/11
Alex O'Neill	"	R	27	✓		"
JEWEL THETFORD	508 East 8th St. Leadville, CO 80461	R	34	✓		2/11/22
[Signature]	135 W 2nd St #17 Leadville, CO 80461	Resident Business	29	✓		2-11-22
[Signature]	603 Harrison Ave #A Leadville CO 80461	resident	32	✓		2/11/22
Th [Signature]	Leadville, CO 80461 517 E 12th	RES	61	✓		2/11/22
Sara Hamme	136 W 7th St Leadville CO 80461	RES	27	✓		2/11/22
Barnett Donovan	150 Grey Jay Leadville, Unit C CO 80461	res	28	✓		2/11/22
Jason Abell	311 E. 4th St. Leadville, CO 80461	res	39	✓		2/11/22
Vanessa Saldívar	316 E. 6th Street Leadville, CO 80461	Resident	32	✓		2/11/22
Gabby Voelker	124 W. 8th St. Leadville, CO 80461	R	37	✓		2/14/22

ADAM FRODGE

268 CR 19
Leadville, CO 80461 resident 39 ✓

2/12/22

NAME - SIGNATURE	COMPLETE HOME ADDRESS (INCLUDE APT. NO.)	RESIDENT OR BUSINESS OWNER/ MGR?	AGE	SUPPORT	OPPOSE	DATE SIGNED
Marley Seifert	205 W 2nd St #4 Leadville CO 80461	Business owner	23	Yes		Feb 9/22
Bailey Barnes	205 E 4th	Resident	25	✓		Feb 9/22
Antonia P	10743 #24 #1C	Resident	46	✓		2/9/22
Rachel Griswold	2919 Hwy 300	Resident	36	✓		2/9/22
APRIL Gantile	607 E 6th St	Resident	38	✓		2-9-22
Ted Green	113 E. 7th Leadville, CO 80461	Resident + Business owner	42	✓		2-10-22
Rafael Millán	719 Harrison Ave. Leadville, CO	both	47	✓		2-10-22
Susan Fishman	612 E 11th Leadville, CO 80461	resident	61	✓		2-10-22
Bernadette Finc Bernadette Finc	420A Twin Peaks Dr. Twin Lakes, CO 81251	Resident	32	✓		2-10-22
Kyle Wulsk	109 W 17th Leadville, CO 80461	Resident	31	✓		2/10/22
Tony Chidyle	170 Labor Dr Leadville, CO	both	38	X		2-10-22
Lauren Scaggs Lauren Scaggs	1945 Co. Rd 8 #1 Leadville CO 80461	Resident	28	✓		2-10-22
Kayla Austin Kayla Austin	416 E 4th St Leadville, CO 80461	" "	27	✓		2/10/22
Matt Burns Matt Burns	134 E 12th St Leadville CO 80461	Resident	36	✓		2/10/22
Bjorn Nicolaisen Bjorn Nicolaisen	113 Oak St Leadville CO 80461	Resident	23	✓		2/10/22

NAME - SIGNATURE	COMPLETE HOME ADDRESS (INCLUDE APT. NO.)	RESIDENT OR BUSINESS OWNER/ MGR?	AGE	SUPPORT	OPPOSE	DATE SIGNED
 Julie Seifert	1300 Harrison Av Leadville, CO 80461	Y	34	✓		2-9-22
 Abel Elk	1647 HUMMER CT. LEADVILLE, CO. 80461	Y	62	✓		2-9-22
Bridget McChen	140 E 7th Street Leadville, CO 80461	Y	32	✓		2-9-22
Abigail Thorud	127 W 3rd St. Leadville, CO 80461	Y	24	✓		2-9-22
Matt McGahan	140 E 7th St Leadville, CO 80461	Y	33	✓		2/9/22
 Harry	56 Jacobsen Pl #2 Leadville CO 80461	Y/res	29	✓		2/9/22
 Jeff Smart	210 W. 2nd St. Leadville, CO 80461 80461	yes	34	✓		2/9/22
Ryan Cronshaw	210 W. 2nd St. Leadville, CO 80461	yes	35	✓		2/9/22
Matt Westenburg	214 E 7th LEADVILLE, CO 80461	yes	48	✓		2/9/22
Max Cohen 	1601 Mt. Evans Leadville	yes	35	✓		2/9/22
 Ash Warner	308 Poplar St Leadville CO 80461	Y Resident	43	✓		2/9/22
Ash Warner Ash Warner	850 Ash. St. Leadville, CO 80461	Y	36	✓		2/9/22
Wendy Wyckiel 	322 W 6th Leadville CO 80461	Y/Res	59	✓		2/9/22
Andrew Nordyke Andrew Nordyke	122 E 7th St. Leadville, CO 80461	Y	38	✓		2/9/22
Karen Johnson Karen Johnson	215 W. 3rd. Leadville, CO 80461	Res.	35	✓		2/10/22

AFFIDAVIT

I, Amy Williamson, do hereby state that I was the circulator of the above Needs and Desires Petition consisting of 5 pages including this page, and further state that I personally witnessed each signature appearing on said petition, and that each signature thereon is the signature of the person whose name it purports to be; further, that each address given opposite that person's name is the true address of the person signing; that every person who signed, represented himself or herself to be 21 years of age or older; that every person signing the petition read or had read to them the statement appearing on page 1 hereof, and understood the nature of the petition. I also hereby swear or affirm that every person signing the petition was allowed the opportunity to indicate their preference, that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition, and that every signature appearing hereon was completely free and voluntarily given.

STATE OF COLORADO)
) ss.
COUNTY OF Lake)

The foregoing Affidavit was subscribed, sworn to and acknowledged before me this 15th day of February, 2022 by Avery Scott Williamson (printed name) as Owner (title) of Zero Day Coffee (business name), a LLC (type of business).

My commission expires: 7/22/2024

(S E A L)



Jeri Lye
Notary Public





AGENDA ITEM # **8D**

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Application of PBville, LLC dba *Floyd's Fine Cannabis* for a Retail Marijuana Store renewal license at **1101 Poplar Street, Leadville, CO 80461**

PRESENTED BY:

☐ ORDINANCE
☐ RESOLUTION
☒ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before the Leadville Marijuana Licensing Authority for consideration and decision is the annual renewal application for a **Retail Marijuana Store** license (the "License") submitted **PBville, LLC dba *Floyd's Fine Cannabis*** (the "Applicant") for the premises located at **1101 Poplar Street, Leadville, CO 80461**.

II. BACKGROUND INFORMATION:

The annual local license of the retail recreational license for **PBville, LLC dba *Floyd's Fine Cannabis*** at **1101 Poplar Street** expired on 8/31/2022.

The Marijuana Licensing Authority should review the attached renewal application and determine if the license should be renewed.

The licensee has been in compliance with the City of Leadville Municipal codes regarding the retail recreational requirements. Appropriate forms and renewal application fees were filed on **8/18/2022**. Since there is no change in ownership, premises, or operation at this time they are not required to submit new fingerprints.

Admin staff has received no complaints or comments from the public regarding odor or lighting issues. Fire Marshal Steve Boyle conducted an annual fire inspection this year and found no issues.

Deputy Clerk Mayda Silver reached out to Police Chief Hal Edwards and Police Administrative Office Manager Shannon Vitale. Both Chief Edwards & Shannon Vitale reported that there were no issues. Criteria for approval of marijuana renewal applications:

1. The renewal license fee, and late filing fee if applicable, shall accompany the application. Such fee is nonrefundable.
2. In the event there has been a change to any of the plans identified in the license

application, including but not limited to the operating plan or security plan, the renewal plans.

3. The renewal application shall include verification that the retail marijuana establishment has a valid state license issued by the state licensing authority and that such license is in good standing.

4. A licensee whose license has expired for not more than ninety (90) days may file an expired license renewal application, upon the applicant's payment of a late filing fee established pursuant to Section 5.48.080. A licensee who files such an application and pays the late filing fee may continue to operate until both the state and the city have taken final action to approve or deny the late renewal application. If more than ninety (90) days have elapsed since the expiration of a permanent annual license, the licensee must file a new license application.

III. FISCAL IMPACTS: N/A

VI. STAFF RECOMMENDATION:

Approving the annual renewal for **PBville, LLC dba *Floyd's Fine Cannabis*** at **1101 Poplar Street**.

VII. COUNCIL OPTIONS:

Approval, Denial, or a Continuation of Marijuana license hearing.

VIII. PROPOSED MOTION:

Based on the testimony and evidence presented at the hearing, the Authority may approve, deny or approve with conditions the application. Suggested motions follow:

To **approve** the application, the motion may be stated as follows, or it may follow the motion language in the Mayor's hearing script.

"I MOVE TO APPROVE THE RETAIL MARIJUANA STORE LICENSE RENEWAL APPLICATION FOR PBVILLE, LLC DBA FLOYD'S FINE CANNABIS BASED ON THE FACTS AND EVIDENCE PRESENTED AT THIS HEARING, FINDINGS SET FORTH IN THE DEPUTY CITY CLERK'S COUNCIL COMMUNICATION FORM FOR THIS APPLICATION, AND ANY FINDINGS OF THE AUTHORITY MADE AT THE HEARING."

[OR]

To deny a license because the applicant or the business fails to meet a mandatory requirement of the state laws such as location within proximity of a school, the motion is fairly simple and must only require a statement or finding concerning the defect.

"I MOVE TO DENY THE RETAIL MARIJUANA STORE LICENSE RENEWAL APPLICATION FOR PBVILLE, LLC DBA FLOYD'S FINE CANNABIS BASED ON A FINDING THAT:

[STATE THE BASIS FOR THE DENIAL AND SPECIFICALLY REFER TO THE EVIDENCE PRESENTED WHICH SUPPORTS YOUR FINDING]."

IX. ATTACHMENTS:

Renewal application materials, receipt of renewal application fee, certificate of good standing with the State of Colorado, lease agreements, and operational site plans as required renewal documents and form required in Leadville Municipal Code.

City of Leadville
Retail Recreational Marijuana Establishment License Renewal Application

FOR CITY USE ONLY:

Date license issued: _____ Date license of expiration: _____
Date renewal application received: _____ Time received: _____ Staff initial: _____
License Renewal Fee Paid: \$ _____ .00 Date and time received: _____
[If Applicable] Late Fee Paid: \$ _____ .00

Type of License(s):

☒ Retail Marijuana Store ☐ Retail Marijuana Cultivation ☐ Retail Marijuana Products Manufacturer

"Applicant" is defined as Legal Name of Individual or Business Entity that will hold license if approved.

1. Applicant Ownership and Management Structure

APPLICANT IS A(N):

☒ INDIVIDUAL/SOLE PROPRIETOR ☐ CORPORATION ☐ LIMITED LIABILITY COMPANY
☐ GENERAL PARTNERSHIP ☐ LIMITED PARTNERSHIP ☐ OTHER (SPECIFY): _____

State License Number(s): 4022-00170 Expiration Date(s): 9-25-2022

Applicant Name (the dba): Flordis Fine Cannabis

Trade Name of Establishment (doing business as) Flordis Fine Cannabis

Address of Premise Location

1101 Poplar St Leadville CO 80462
Street Address City State Zip Code

Business Mailing Address (if different from Premise location)

Same
Street Address City State Zip Code

APPLICANT CONTACT PERSON: Scott Thomson

TITLE OF CONTACT PERSON: Manager

Business Telephone 719-293-2221 Business Email Address scott@flordisofleadville.com

City Sales & Use Tax License No. [REDACTED] State Sales Tax License No. [REDACTED] FEIN No. or file

(A) The Applicant must provide the name and address of all owners, or, if owner is a corporation, partnership, limited liability company, or other business entity, the name and address of any officer, director, partner, or any other person holding one percent (1%) or more of any ownership interest in the entity. If necessary, provide additional information on a separate sheet.

NAME	HOME ADDRESS, CITY STATE, ZIP	POSITION	% OWNED
Flordis Landis	[REDACTED]	Owner	100%

Provide the ownership structure: name and percent ownership, and any profit sharing interest if different from ownership interest of all the owners in a pyramid of ownership. For instance if a business entity has 10% ownership and it, in turn, is owned by another entity, then provide the information for all entities and all those who have ownership or profit sharing interest in any of the entities in the pyramid.

Name of on-site business manager for licensed premises:

Scott Thomson

Business Cell Phone Number:

612-978-4432

Are any of the individuals or persons listed above under 21 years of age? ☒ Yes ☐ No

(B) In addition, for all persons named in (A) above, each individual must submit fingerprints, provide authorization to conduct a background check and a completed financial interests record form, must undergo a background check and provide any other documentation evidencing good moral character.

- C. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies etc.) has loaned, will loan or give money, inventory, furniture or equipment to or for use in this business or who will receive money from this business. Attach a separate sheet if necessary (not required for renewals unless there are amendments). **If no change from initial application or renewal, so state.**

NAME	DATE OF BIRTH	FEIN OR SSN	% OWNED
<u>No change</u>			
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.			

(D) [If Applicant is a business entity] Applicant is qualified to transact business in Colorado. ☒ Yes ☐ No

Attach organizational documents and proof that any business entity is registered and in good standing with the State of Colorado

2. Status of Operations, Business Plans, and Licensee Qualifications

- A. Please submit proof that licensee has a valid license from the State of Colorado authorizing licensee to conduct business as a retail marijuana establishment and that such license is in good standing.
- B. Has there been a change to any of the plans that licensee submitted with its initial license application (including, but not limited to, the floor plan, operating plan, and security plan)?
If so, please list the specific changes or proposed changes to the plans and attach a copy of the applicable updated plan.
- C. Has the Applicant or any person holding an ownership interest in Applicant, in the immediately preceding twelve months, been denied a medical marijuana license or a retail marijuana license or had such a license revoked or suspended by the state of Colorado or any local licensing authority in any other jurisdiction?
☐ Yes ☒ No If yes, please indicate which licenses were suspended and by which jurisdiction and attach copies of all supporting documentation.
- D. Has Applicant or any person holding an ownership interest in Applicant been convicted of a felony that is deemed a crime of violence or has completed any portion of a felony sentence within the preceding five (5) years?
☐ Yes ☒ No If yes, please explain and provide copies of all supporting documentation.
- E. During Applicant's most recent period of licensure with the City of Leadville, through and including the time when this application has been filed, has Applicant failed to remedy outstanding delinquencies for taxes owed or for judgments owed to a government?
☐ Yes ☒ No If yes, please indicate all applicable delinquencies or judgments were not remedied and attach copies of all supporting documentation.
- F. Is Applicant or any other person listed in 1.(A) above not qualified to hold a retail marijuana license for any of the reasons listed in Section 12-43.4-306 of the Colorado Revised Statutes or Section 5.48.190 of the Leadville Municipal Code?
☐ Yes ☒ No If yes, please provide details and attach copies of all supporting documentation.

A. Does the Applicant own or have legal possession of the licensed premises?

If leased, list name of landlord and tenant, and date of expiration EXACTLY as they appear on the lease:

Provide a copy of recorded deed, signed lease, or other evidence that Applicant has legal possession of the licensed premises. If there is a chain of leases from the property owner, to a holding company, to another company, and ending in a lease to the operator then provide copies of all those leases.

- ### Oath of Application

Authorized Signature

Printed Name and Title

Date _____

I hereby release the City of Leadville, its employees, elected and appointed officials from any and all liability in connection with the approval and subsequent operation of the business for which the Application is submitted. (Applicant's Authorized Representative Initial Here)

LEADVILLE POLICE DEPARTMENT (Date Sent: ____.) AS TO BACKGROUND CHECK, OPERATING PLAN, SECURITY PLAN, LIGHTING PLAN AND OPERATING CHARACTERISTICS

FOR LICENSING OFFICE ONLY:

Annual Renewal Retail Marijuana Business License

Denied

Date Written Notice of Denial Sent

Approved

Date Written Notice of Approval Sent

Date of Premise Inspection

Approval

License Issuance Date

License Expiration Date



Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Floyd's Marijuana Renewal

3 messages

Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Thu, Aug 18, 2022 at 4:14 PM

To: Hal Edwards <hedwards@leadville-co.gov>, ** Leadville City Police Admin <svitale@leadville-co.gov>, Dan Dailey <ddailey@leadvillefire.org>, Steve Boyle <firemarshal@leadvillefire.org>

Good morning. Floyd's has submitted a Retail Recreational Marijuana Establishment License Renewal Application for retail. Would you please give me any information regarding complaints, inspections, or other pertinent information for the Staff Report I will give at the next City Council Meeting?

I appreciate your help and any information you can provide.

--



Mayda Silver

Deputy City Clerk

Office: 719-486-0349

800 Harrison Ave.

Leadville, CO 80461

Hal Edwards <hedwards@leadville-co.gov>

Thu, Aug 18, 2022 at 4:40 PM

To: Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Mayda,
I am unaware of any complaints concerning Floyd's of Leadville.
Thanks,
Hal Edwards

Sent from my iPhone

On Aug 18, 2022, at 4:16 PM, Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov> wrote:

[Quoted text hidden]

Shannon Vitale <svitale@leadville-co.gov>

Fri, Aug 19, 2022 at 10:02 AM

To: Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

I have not gotten any reports on Floyds

Shannon Vitale
Police Administrative Office Manager
Leadville Police Department
800 Harrison Avenue, Leadville, CO 80461
svitale@leadville-co.gov

(719) 486-1365
(719) 486-1040 FAX

[Quoted text hidden]



Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Floyd's MJ Renewal

3 messages

Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>
To: Steve Boyle <firemarshal@leadvillefire.org>

Fri, Aug 26, 2022 at 10:26 AM

Hi, Steve. Would you please let me know when the annual fire inspection for Floyd's happened? I need it for my City Council Staff Form.

Thank you!

--



Mayda Silver

Deputy City Clerk

Office: 719-486-0349

800 Harrison Ave.

Leadville, CO 80461

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Steve Boyle <firemarshal@leadvillefire.org>
To: Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>

Mon, Aug 29, 2022 at 1:21 PM

If it's for 1101 Poplar St. the date of inspection was 3/2/2022

Boyle

[Quoted text hidden]

Mayda Silver Deputy City Clerk <cityclerk@leadville-co.gov>
To: Steve Boyle <firemarshal@leadvillefire.org>

Tue, Aug 30, 2022 at 9:07 AM

Thank you so much!

[Quoted text hidden]

STATE OF COLORADO

DEPARTMENT OF REVENUE



Marijuana Enforcement Division



Regulated Marijuana Conditional License

PBVILLE, LLC

FLOYD'S FINE CANNABIS

1101 Poplar Street, Leadville, CO 80461

Retail Marijuana Store - 402R-00170

License Issue Date: 09/25/2021

License Valid Through: 09/25/2022

This license is conditioned upon Local Authority approval, pursuant to section 44-10-305 C.R.S.

This conditional license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Article 10, as amended. This conditional license is nontransferable and shall be conspicuously posted in the place above described.

This conditional license is only valid through the expiration date shown above. Any questions concerning this conditional license should be addressed to: Colorado Marijuana Enforcement Division, 1697 Cole Blvd., Suite 200, Lakewood, CO 80401. In testimony whereof, I have hereunto set my hand.

Handwritten signature of Dominique Mendiola.

Dominique Mendiola, Division Director

Handwritten signature of Mark Ferrandino.

Mark Ferrandino, Executive Director

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

PBville LLC

is a

Limited Liability Company

formed or registered on 10/23/2017 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20171784760 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/24/2022 that have been posted, and by documents delivered to this office electronically through 08/26/2022 @ 10:46:14 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 08/26/2022 @ 10:46:14 in accordance with applicable law. This certificate is assigned Confirmation Number 14268985 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

COMMERCIAL LEASE

This Commercial Lease (the "**Lease**") is made on September 30, 2021, (the "**Effective Date**") and is entered into by and between Landlord (as defined below) and Tenant (as defined below). In consideration of the payment of the Rent (as defined below); all costs, charges, and expenses which Tenant assumes, agrees or is obligated to pay to Landlord pursuant to the Lease; and the performance of the promises by Tenant set forth below, Landlord hereby leases to Tenant, and Tenant hereby accepts, the Premises (as defined below), subject to the terms and provisions set forth in the Lease.

PARTIES, PROPERTY, TERM, AND RENT

1. Landlord: David Zabriskie (collectively, the "**Landlord**").

2. Tenant: PbVille LLC (collectively, the "**Tenant**").

3. Premises: Landlord hereby leases and demises to Tenant the following described real estate: 1101 Poplar St., Leadville, CO 80461 (the "**Premises**"). The term "Property" may be used interchangeably with "Premises" within this Lease.

4. Term: Landlord Leases the Premises to Tenant from January 1, 2021 to December 31, 2021 (the "**Term**"). Landlord shall deliver possession of the Premises to the Tenant upon mutual execution of the Lease and receipt by Landlord of the Security Deposit.

5. Option: Tenant may renew the Lease for one additional one year term (the "**Renewal**") by providing written notice to Landlord at least thirty (30) days before the expiration of the current Term, (the "**Option**").

6. Rent: Rent shall follow the schedule detailed in the table below, and paid in advance to Landlord, on the first day of each calendar month for that month's rental before twelve o'clock noon, without notice (the "**Rent**"). Rent includes Landlord's current Property taxes, Property operating expenses, and Property insurance expenses. Tenant shall be responsible for creating utility accounts for any desired electricity, water, sewer, and gas and shall pay all amounts owed under said accounts as they become due If the Term does not begin on the first day of the month, the Rent shall be prorated accordingly. Payment of Rent shall commence on 1/1/2022, and continue for the remainder of the Term.

Term	Monthly Rent
1/1/2022– 12/31/2022	\$1,100

* Indicates renewal Option Term.

7. Late Payments: If Rent or other payment is received later than five (5) days after the date when due, the parties agree Tenant shall paid a "late payment fee" in the amount of five percent (5%) of the outstanding sums shall also be due and payable to recover Landlord's incurred administrative costs.

SECURITY DEPOSIT

8. Security Deposit: Upon execution of the Lease by Tenant, and to secure the timely and complete performance of Tenant's covenants, conditions, and agreements in the Lease and as security for the return of the Premises at the expiration of the Term or any Renewals in as good condition as when Tenant entered the Premises, normal wear and tear excepted, Tenant shall deposit with Landlord a security, cleaning, and damage deposit in the amount of One Thousand One Hundred Dollars (\$1,100) (the "**Security Deposit**"). The Security Deposit may also be used in the event of termination of the Lease by re-entry, eviction, or otherwise.

9. Application of Security Deposit: The parties agree: (1) that the Security Deposit or any portion thereof, may be applied to the curing of any Default that may exist, and/or payment of subsequent damages and costs incurred by Landlord, without prejudice to any other remedy or remedies that Landlord may have on account thereof, and upon such application Tenant shall pay Landlord on demand the amount so applied, which shall be added to the Security Deposit so it will be restored to its original amount; and (2) that should the Premises be conveyed by Landlord, the Security Deposit or any portion thereof may be turned over to Landlord's grantee, and if the Security Deposit is turned over, Tenant agrees to look to such grantee for such application or return.

10. Return of Security Deposit: If Tenant has performed all of its respective covenants and agreements in the Lease, the Security Deposit, or the portion thereof not previously applied pursuant to the provisions of the Lease, together with a statement, shall be returned to Tenant without interest, no later than sixty (60) days after the expiration of the Term, or any renewal or extension thereof (or such earlier time if required by applicable law), provided Tenant has vacated the Premises and surrendered possession thereof to Landlord.

REPAIRS AND MAINTENANCE

11. Landlord Repairs: The Landlord shall maintain and repair, including the replacement of parts and equipment, if necessary, the foundation, roof, structural walls, and HVAC of the Property (the "**Landlord Repairs**"). In the event any repair that is the responsibility of Landlord becomes necessary, Tenant shall notify Landlord as soon as possible, and allow reasonable time for the work to be completed.

12. Tenant Repairs: The Tenant agrees to keep all the improvements upon the Premises repaired and maintained in good order and condition (the "**Tenant Repairs**"). At Tenant's expense, Tenant shall keep in good order, condition, and repair and replace internet wiring, life safety systems, security systems (if any), plumbing, and all other utilities serving the Premises, electrical and lighting facilities and equipment serving the Premises, fixtures, and trade fixtures serving the Intended Use, interior walls (excluding structural and bearing walls) and interior surfaces of exterior walls, paint on exterior walls, floor coverings, ceilings, awnings, locks, doors, door hardware and frames, all exterior and interior glass installed in the Premises (including storefront plate glass and display window glass) and casings, doors (including casings), plate glass and skylights located within the Premises.

PREMISES

13. Intended Use: The Premises shall be used for the retail sale of cannabis, cannabis derived and related products, and any other lawful use, provided this use conforms with and does not violate any law, statute, ordinance, or other governmental rule, regulation or requirement now in force or which may hereafter be enacted or promulgated, including, without limitation, any law, statute, ordinance or other governmental rule, regulation, or requirement of the State of Colorado, or the City or County where the Premises is located.

14. Sidewalk Maintenance: Tenant will be solely responsible for and will cause the walks serving the Property to be shoveled of snow and ice ("Sidewalk Snow Maintenance").

15. Improvements/Prior Landlord Consent: Tenant agrees to submit to Landlord complete plans and specifications, including engineering, mechanical, and electrical work covering any and all contemplated improvements to be performed by the Tenant (the "**Tenant Work**"), if applicable, and any subsequent improvements or alterations of the Premises. The plans and specifications shall be in such detail as Landlord may require, and in compliance with all applicable statutes, ordinances, regulations, and codes. As soon as reasonably feasible thereafter, Landlord shall notify Tenant of any failures of Tenant's plans to meet with Landlord's approval. Tenant shall cause Tenant's plans to be revised to the extent necessary to obtain Landlord's approval. Tenant shall not commence any Tenant Work, or any other improvements, or alterations of Premises until Landlord has approved Tenant's plans which may not be unreasonably withheld.

16. Tenant Work and Repairs/Compliance with Codes/Mechanic's Liens: Tenant shall procure all necessary permits before undertaking Tenant Work or Tenant Repairs. Tenant shall perform all Tenant Work or Tenant Repairs in a good and workmanlike manner. Tenant shall use materials of good quality and perform Tenant Work or Tenant Repairs only with contractors previously approved of in writing by Landlord. Tenant shall comply with all laws, ordinances, and regulations, including, but not limited to, building, health, fire, and safety codes. Tenant shall

promptly pay when due the entire cost of any Tenant Work or Tenant Repairs on the Premises undertaken by Tenant, so that the Premises shall at all times be free of liens for labor and materials.

17. Waste/Rubbish Removal: Tenant shall be responsible for contracting for and paying for trash and debris removal required by Tenant's use of the Premises.

18. Use of Premises: Tenant, in consideration of the leasing of the Premises, agrees as follows:

a. Signage: At Tenant's sole expense, Tenant shall be permitted to erect a sign or signs upon the exterior of the Premises, provided all signage is in compliance with size and other requirements set forth by applicable ordinances and regulations including, but not limited to, sign and design ordinances (the "**Premises Signage**"). Upon expiration of termination of this Lease, Tenant shall remove the Premises Signage at Tenant's sole expense.

b. Quiet Enjoyment: Landlord agrees that upon Tenant paying the Rent and performing Tenant's obligations under the Lease, Tenant shall peacefully and quietly have, hold, and enjoy the Premises throughout the Term or until the Lease is terminated pursuant to its terms.

19. Surrender of Premises: Tenant will return the Premises to Landlord at the expiration of the Term in as good order and repair as when Tenant took possession, loss by casualty and normal wear and tear excepted. Any deterioration or damage caused by accident, abuse, carelessness or negligence shall not be considered normal wear and tear. In the event that Tenant fails to redeliver the Premises in appropriate condition, Landlord may restore the Premises to appropriate condition, including repair, replacement, and cleaning. The cost of any work necessitated shall be deducted from the Security Deposit.

DEFAULT, NOTICE AND REMEDIES

20. Default: If Tenant is in arrears in the payment of any installment of Rent or any portion thereof, or is in violation of any other covenants or agreements set forth in the Lease (a "**Default**") and the Default remains uncorrected for a period of ten (10) days after Landlord has given written notice thereof pursuant to applicable law, then Landlord may, at Landlord's option, undertake any of the following remedies without limitation: (a) declare the Term of the Lease ended; (b) terminate Tenant's right to possession of the Premises and reenter and repossess the Premises pursuant to applicable provisions of the Colorado Forcible Entry and Unlawful Detainer statute; (c) recover all present and future damages, costs, and other relief to which Landlord is entitled; and (d) pursue any and all available remedies in law or equity. In the event possession is terminated by reason of a Default prior to expiration of the Term, Tenant shall remain responsible for the Rent subject to Landlord's duty to mitigate such damages.

INSURANCE AND INDEMNIFICATION

21. Liability Indemnification: Tenant shall hold Landlord, Landlord's agents, and their respective successors and assigns, harmless and indemnified from all injury, loss, claims, or damage to any person or property while on the Premises, or any other part of the Property, or arising in any way out of Tenant's business, which is occasioned by a negligent, intentional, or reckless act, or omission of Tenant, its employees, agents, invitees, licensees, or contractors.

22. Landlord Insurance: Insurance shall be procured by Landlord in accordance with its sole discretion. All awards and payments thereunder shall be the property of the Landlord, and Tenant shall have no interest in the same. Notwithstanding the foregoing, Landlord agrees to obtain building liability and hazard insurance required to be carried for the Property and Premises and adequate hazard insurance, which covers replacement cost of the Property and Premises.

OTHER PROVISIONS

23. Destruction or Condemnation of Premises: Landlord's and Tenant's duties and responsibilities are as follows when destruction or condemnation of the Premises occurs:

a. Partial Destruction of the Premises: In case of partial destruction of the Premises by fire, or other casualty, Landlord at its discretion may repair the Premises with reasonable dispatch after notice of said partial destruction. Tenant shall remain responsible for payment of Rent, but such Rent shall abate in proportion to the time and extent (on a square foot basis) that Tenant is denied the use of the Premises by such casualty. Subparagraph (d) of this Paragraph shall apply if Landlord determines that the partial destruction will not be repaired.

b. Premises Untenable: If the Premises are made totally untenable by fire, the elements, or other casualty, or if the building in which the Premises are located is partially destroyed to the point where Landlord, within a reasonable time, decides not to rebuild, or repair, then Subparagraph (d) of this Paragraph shall apply.

c. Condemnation: If the whole or part of the Premises are taken by any authority for any public or quasi-public use, or purpose, then Subparagraph (d) of this Paragraph shall apply. All damages and compensation awarded for any taking shall be the sole property of Landlord.

d. Termination of Term: Tenant agrees that if Landlord decides not to repair, or rebuild the Premises where the destruction has occurred as described in Subparagraphs (a) and (b) of this Paragraph, the Term hereby granted by the Lease shall cease and the Rent shall be prorated and payable up to the time of the cessation of the Term. A refund will be given for the balance of any Rent paid in advance for which Tenant did not have use of the Premises due to the cessation of the Term under the conditions of this Paragraph. Where the Premises have been taken due to condemnation as described in Subparagraph (c) of this Paragraph, the Term of the Lease shall cease and terminate upon the date that possession of the Premises is taken by the authority. Rent shall be prorated and payable up to the time of the cessation of the Term. Tenant shall not hold Landlord liable for any damages as a result of any of the acts or events described in this subparagraph.

24. Entry by Landlord: Landlord may enter the Premises at reasonable hours for reasonable purposes (such as repairs, inspections, or re-letting to prospective new tenants), upon reasonable notice to Tenant.

25. Notices: All notices required to be sent under the Lease shall be in writing and either: (i) delivered as provided by applicable law, including, *inter alia*, § 13-40-101, C.R.S., *et seq.*, [Colorado Forcible Entry and Unlawful Detainer statute]; (ii) personally delivered, with proper proof of service; or (iii) sent via U.S. first class mail, postage prepaid. All notices required to be sent to Landlord shall be sent or delivered to the address where the Rent is to be paid, and all notices required to be sent to Tenant shall be sent or delivered to the Premises, unless otherwise specified in the Lease. Notwithstanding the foregoing, all notices involving or concerning § 13-40-101, C.R.S., *et seq.* shall be delivered as provided by statute.

26. Attorneys' Fees: In the event Tenant or Landlord fails to perform any of its obligations under the Lease, or in the event a dispute arises concerning the meaning or interpretation of any provision of the Lease, the defaulting party, or the party not prevailing in such dispute, as the case may be, shall pay any and all costs and expenses incurred by the other party in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees.

27. Governing Law: The Lease shall be governed by and construed in accordance with the laws of the State of Colorado. Venue shall be either the District Court or County Court in Denver County, Colorado.

28. Amendments and Termination: Unless otherwise provided in the Lease, the Lease may be amended, modified, or terminated only by a written instrument executed by Landlord and Tenant.

29. Captions: The paragraph titles or captions in the Lease are for convenience only and shall not be deemed to be part of the Lease.

30. Pronouns; Joint and Several Use of Certain Terms: Whenever the terms referred to in the Lease are singular, the same shall be deemed to mean the plural, as the context indicates, and vice versa. All references to the "Landlord" shall mean Landlord and/or its authorized agents, contractors, or employees as may be required by the specific context. All references to the "Tenant" shall mean each and every person comprising Tenant, or an individual person, or combination of persons comprising Tenant as may be required by the specific context.

31. Waivers: No right under the Lease may be waived except by written instrument executed by the party who is waiving such right. No waiver of any breach of any provision contained in the Lease shall be deemed a waiver of any preceding or succeeding breach of that provision, or of any other provision contained in the Lease. No extension of time for performance of any obligations or acts shall be deemed an extension of the time for performance of any other obligations or acts.

32. Heirs, Assigns, and Successors: The Lease is binding and inures to the benefit of the heirs, assigns, and successors in interest to the parties.

33. Time of the Essence: Time is of the essence of the Lease, and each and all of its provisions.

34. No Reservation of Option: Submission of this instrument for examination or signature by Tenant does not constitute a reservation of or option for lease, and is not effective as a lease or otherwise until execution and delivery by both Landlord and Tenant.

35. Severability: If any term, covenant, condition, or provision of the Lease, or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of the Lease, or the application of such term, or provision to persons, or circumstances other than those to which it is held invalid, or unenforceable, shall not be affected thereby, and each provision of the Lease shall be valid and shall be enforced to the fullest extent permitted by law.

36. Other Applicable Laws: Federal, state, county, or municipal laws and ordinances may affect the Premises, the Lease, and Landlord/Tenant relationship that are not specifically addressed in the Lease. Landlord and Tenant should consult legal counsel prior to execution of the Lease to ascertain such information.

37. Entire Agreement/Additional Provisions: This Lease constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the Effective Date. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may only be modified in writing and such amendment or modification must be signed by both Parties. In the event that there are any future additional agreements between the parties or provisions with respect to the Premises, executed after the Effective Date, an Addendum may be attached to the Lease, which shall be incorporated by this reference as a part of the Lease.

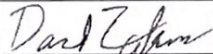
IN WITNESS OF THE ABOVE, Tenant and Landlord, and their duly authorized representatives, have executed this Lease as of the mutual date of execution written below their signatures.

Landlord: David Zabriskie

By: _____

Name: David Zabriskie

Title: _____

Signature: 

Tenant: PbVille LLC

By: _____

Name: Floyd Landis

Title: CEO

Signature: 



AGENDA ITEM # 9.A

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Ordinance No. 9, Series of 2022: An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks (First Reading)

PRESENTED BY: Christiana McCormick, City Attorney

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ INFORMATION

I. **REQUEST OR ISSUE:**

Before City Council for consideration is Ordinance No. 9, Series of 2022, (the “Ordinance”), which amends Sections 1.20.010, 1.20.030, and 1.20.040 of Chapter 1.20 of the Leadville Municipal Code (“Code”). The amendments in the Ordinance update the Code for consistency with current state law governing jail time for municipal code violations and for nonpayment of municipal court fines.

II. **BACKGROUND INFORMATION:**

Chapter 1.20 of the Code sets forth the general penalties for violations of the Code and includes several out-of-date sections that are not consistent with current state law. The City’s municipal judge has ensured that the municipal court’s practices are consistent with current state law, and this Ordinance brings the outdated Code sections in line with current state law as well.

There are three sections of Chapter 1.20 that the Ordinance would amend, if adopted:

- Section 1.20.010 sets the maximum monetary and jail time penalties for violations of the Code. The current maximum penalty for jail time under this section is one (1) year. Under Colorado Revised Statutes (“C.R.S.”) § 13-10-113(1)(a), however, the maximum jail sentence for a municipal code violation is three hundred sixty-four (364) days. State law changed from one year to 364 days in 2019, and the purpose was to eliminate the risk of deportation of foreign nationals who are convicted of lower-level state and municipal crimes. Federal immigration laws state that foreign nationals who are lawfully in the

United States are subject to removal if convicted of a state or local crime that carries the potential for a one-year jail sentence. The Ordinance changes the maximum jail sentence under the Code from one (1) year to three hundred sixty-four (364) days.

- Section 1.20.030 establishes when a person may be jailed for nonpayment of a court fine. This section currently states that a person who has been convicted of a municipal code violation and fails to pay municipal court fines is subject to imprisonment, but the municipal judge must make a finding that the person had the ability to pay before sentencing the person to jail. This section must be updated to comply with C.R.S. § 18-1.3-702, which sets out a procedure courts must follow when imposing fines to ensure that defendants are not jailed for the inability to pay a court fine or fee. Under C.R.S. § 18-1.3-702, courts cannot sentence a defendant to jail for failing to pay a fine unless the court makes specific findings, after the defendant has received notice and a hearing on the matter, about the defendant's ability to pay, hardship to the defendant or the defendant's dependents, and whether the defendant made a good-faith effort to comply with the court order to pay the fine(s). The Ordinance amends the Code to ensure that it complies with state law by explicitly requiring the procedure in and referencing C.R.S. § 18-1.3-702.
- Section 1.20.040 currently requires the municipal court to immediately issue a bench warrant (an arrest warrant issued directly by a judge, usually when someone does not follow the rules of the court) if a person uses a check to pay a court fine and the check bounces because there are insufficient funds in the person's bank account to pay the fine. Because C.R.S. § 18-1.3-702 requires a specific procedure before a defendant can be jailed for nonpayment of a court fine as described in the paragraph above, the Ordinance amends this section of the Code to impose a fee for payment with insufficient funds checks and removes the requirement for the municipal court to jail the defendant. C.R.S. § 13-21-109 allows a fee of \$20.00 to be added to the amount due when a person uses an insufficient funds check to make a payment, and the fee for bounced checks in the Ordinance is \$20.00.

III. FISCAL IMPACTS:

N/A

IV. LEGAL ISSUES:

See Background section above.

V. STAFF RECOMMENDATION:

Staff recommends that City Council approve Ordinance No. 9, Series of 2022 on first reading.

VI. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Ordinance on first reading.
2. Adopt the Ordinance on first reading with amendments.
3. Table the Ordinance for further discussion and consideration.

VII. PROPOSED MOTION:

"I move to adopt Ordinance No. 9, Series of 2022, An Ordinance Amending Chapter 1.20 of the Leadville Municipal Code Concerning Maximum Penalties for Municipal Code Violations, Imprisonment for Nonpayment of Fines, and Payment of Municipal Court Fines with Insufficient Funds Checks **on first reading**. I further move to schedule second reading of this Ordinance for City Council's meeting on October 4, 2022."

VIII. ATTACHMENTS:

Ordinance No. 9, Series of 2022

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 9
SERIES OF 2022**

**AN ORDINANCE AMENDING CHAPTER 1.20 OF THE LEADVILLE MUNICIPAL
CODE CONCERNING MAXIMUM PENALTIES FOR MUNICIPAL CODE
VIOLATIONS, IMPRISONMENT FOR NONPAYMENT OF FINES, AND PAYMENT
OF MUNICIPAL COURT FINES WITH INSUFFICIENT FUNDS CHECKS**

WHEREAS, the City of Leadville (“City”) previously adopted general penalty provisions, codified in Chapter 1.20 of the Leadville Municipal Code (“Code”), including provisions concerning maximum jail sentences, imprisonment for nonpayment of fines, and payment of court fines with insufficient funds checks at Sections 1.20.010, 1.20.030, and 1.20.040, respectively; and

WHEREAS, the City desires to update Sections 1.20.010, 1.20.030, and 1.20.040 to ensure consistency with current state laws; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of the public health, safety and welfare.

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

Section 1. **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Section 1.20.010 Amended.** Section 1.20.010 of the Leadville Municipal Code, titled “Designated,” is hereby amended as follows with ~~strike through text~~ showing deletions and **bold, underlined text** showing additions:

1.20.010 - Designated.

- A. No person shall violate any provisions of the ordinances of the city or of this code. Except in cases where a different punishment is prescribed by any ordinance of the city or this code, any person who violates any of the provisions of the ordinances of the city or of this code shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), or by incarceration not to exceed ~~one year~~ **three hundred sixty-four (364) days**, or by both such fine and incarceration; provided, however, that no person under the age of eighteen (18) years shall be punished by incarceration.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city or of this code is committed, continued or permitted by any such persons, and he or she shall be punished accordingly.

Section 3. **Section 1.20.030 Amended.** Section 1.20.030 of the Leadville Municipal Code, titled “Imprisonment for nonpayment of fine—Exception,” is hereby amended as follows with ~~striketrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.030 - Imprisonment for nonpayment of fine—Exception.

Failure or refusal to pay a fine or penalty imposed by the municipal court of the city shall result in confinement until such time as such fine or penalty is paid. ~~However, no person shall be imprisoned for failure to pay a fine imposed by the municipal court unless and until such court finds and determines that the defendant had the ability to pay the fine at the time that such payment or payments should have been made.~~ **Notwithstanding the foregoing, the municipal court shall not issue an arrest warrant or incarcerate a defendant related to the defendant’s failure to pay a monetary amount unless and until the court has followed the procedural protections and made the required findings as set forth in section 18-1.3-702 of the Colorado Revised Statutes.**

Section 4. **Section 1.20.040 Amended.** Section 1.20.040 of the Leadville Municipal Code, titled “Insufficient fund check—Tendered as payment of fine,” is hereby amended as follows with ~~striketrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.040 - Insufficient fund check—Tendered as payment of fine.

A twenty dollar (\$20.00) fee shall be assessed against any person who issues a check returned for insufficient funds in any payment of any municipal court fees and such fee shall be in addition to any other penalty or interest provided by law. ~~It is unlawful for any person to tender to the court an insufficient fund check or draft in payment of a fine or costs and an attempt to pay any fine or costs imposed by the municipal court with an insufficient fund check or draft shall result in the immediate issuance of a bench warrant for the arrest of the person signing such check or draft.~~

Section 5. **Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on
first reading this 6th day of September, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the
City of Leadville, Colorado, on the _____ day of _____, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this _____ day of _____, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a
newspaper of general circulation in the City of Leadville, Colorado, following final reading on
this _____ day of _____, 2022.



AGENDA ITEM #9.B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Ordinance No. 7, Series of 2022: An Ordinance Repealing and Reenacting Chapters 15.04, 15.08, 15.12, and 15.16 of the City of Leadville Municipal Code to Adopt by Reference the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2020 National Electrical Code, the 2018 International Energy Conservation Code, and the 2018 International Fire Code; Making Specific Amendments Thereto; and Providing Penalties for Violations Thereof (Second Reading and Public Hearing)

PRESENTED BY: Christiana McCormick, City Attorney

☒ ORDINANCE
☐ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council on first reading is Ordinance No. 7, Series of 2022 ("Ordinance"), which will adopt, by reference the following codes, with amendments:

- (a) The 2018 International Building Code;
- (b) The 2018 International Residential Code;
- (c) The 2018 International Mechanical Code;
- (d) The 2018 International Plumbing Code;
- (e) The 2018 International Fuel Gas Code;
- (f) The 2018 International Existing Building Code;
- (g) The 2020 National Electrical Code;
- (h) The 2018 International Energy Conservation Code; and
- (i) The 2018 International Fire Code.

II. BACKGROUND INFORMATION:

In 2017, the City adopted the following building and fire codes:

- (a) The 2012 International Building Code;
- (b) The 2012 International Residential Code;
- (c) The 2012 International Mechanical Code;
- (d) The 2012 International Plumbing Code;
- (e) The 2012 International Fuel Gas Code;
- (f) The 2012 International Existing Building Code;
- (g) The 2006 International Energy Conservation Code; and
- (h) The 2012 International Fire Code.

All building, mechanical, and plumbing permits for construction within the City are applied for at the Lake County Building and Land Use Department. Additionally, Lake County then conducts or oversees all inspections for those permits.

Lake County recently adopted the same building and fire codes as are being adopted in Leadville's Ordinance. As a result, Lake County requested that the City adopt these codes so that the City is using the same codes as Lake County, ensuring efficiency in approving permits and conducting inspections.

The major changes in the 2018 Codes (compared to the 2012 versions) are included as an attachment to this council communication form.

The Ordinance also repeals the City's building code board of appeals chapter (15.16) and replaces it with language stating that appeals of interpretations or decisions concerning the building code will be heard and decided on by the Lake County Board of Review.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

Because the international codes and the National Electrical Code are adopted by reference, state law requires a public hearing on this Ordinance prior to its adoption on second and final reading. In addition, state law requires that notice of the public hearing on this ordinance be published twice in the newspaper prior to the hearing. Notice of the hearing on this Ordinance was published in the Herald Democrat on August 11, 2022 and August 18, 2022.

C.R.S. § 12-115-107 requires the City to adopt electrical standards that are at least as stringent as the version of the National Electrical Code most recently adopted by the State Electrical Board, which is currently the 2020 National Electrical Code.

C.R.S. § 31-15-602 requires municipalities to adopt an energy conservation code when it updates its building codes, and the adopted energy conservation code must be one of the three most recent

editions of the international energy conservation code. The three most recent energy conservation codes are the 2015, 2018, and 2021 editions. The City is adopting the 2018 edition.

VI. RECOMMENDATION:

Staff recommends that City Council adopt Ordinance No. 7, Series of 2022 on second reading following a public hearing on the Ordinance.

VII. PROPOSED MOTION:

City Council Recommended Motion:

"I move to adopt Ordinance No. 7, Series of 2022, An Ordinance Repealing and Reenacting Chapters 15.04, 15.08, 15.12, and 15.16 of the City of Leadville Municipal Code to Adopt by Reference the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2020 National Electrical Code, the 2018 International Energy Conservation Code, and the 2018 International Fire Code; Making Specific Amendments Thereto; and Providing Penalties for Violations Thereof on second reading."

VIII. ATTACHMENTS:

Ordinance No. 7, Series of 2022

Redline of Ordinance No. 7 (showing changes since first reading)

Summary of Changes in 2018 International Codes

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 7
SERIES OF 2022**

AN ORDINANCE REPEALING AND REENACTING CHAPTERS 15.04, 15.08, 15.12, AND 15.16 OF THE CITY OF LEADVILLE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2018 INTERNATIONAL FUEL GAS CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2020 NATIONAL ELECTRICAL CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL FIRE CODE; MAKING SPECIFIC AMENDMENTS THERETO; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, pursuant to C.R.S. § 31-16-201 *et seq.*, the City may adopt any code by reference provided that the municipality provides proper notice and holds a public hearing prior to such adoption by reference; and

WHEREAS, the City has previously adopted by reference the following codes: the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Mechanical Code, the 2012 International Plumbing Code, the 2012 International Fuel Gas Code, the 2012 International Existing Building Code, the 2006 International Energy Conservation Code, and the 2012 International Fire Code; and

WHEREAS, periodically it is necessary for the City to update those building and fire codes which are adopted by reference in order to remain technically current; and

WHEREAS, pursuant to C.R.S. § 12-115-107, the City is required to adopt the most recently adopted version of the National Electrical Code, which is currently the 2020 National Electrical Code; and

WHEREAS, the City desires to adopt by reference the following codes: the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2018 International Energy Conservation Code, the 2020 National Electrical Code, and the 2018 International Fire Code; and

WHEREAS, the City held a public hearing on September 6, 2022, with proper notice provided, to consider adoption of such codes as required by law; and

WHEREAS, copies of all codes adopted herein, will be available for inspection at the office of the Deputy City Clerk located at 800 Harrison Avenue, Leadville, Colorado 80461; and

WHEREAS, the City Council finds this ordinance and adoption of these codes by reference to be necessary in furtherance of the health, safety, and welfare of its citizens.

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

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Chapter 15.04 Repealed and Replaced.** Chapter 15.04 entitled, “Technical Building Codes” is hereby repealed and replaced to read in full as follows:

CHAPTER 15.04

TECHNICAL BUILDING CODES

Sec. 15.04.010. Codes Adopted.

- (a) The International Building Code (IBC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, is hereby adopted by reference as the City of Leadville Building Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.020 of this code.
- (b) The International Residential Code (IRC), 2018 Edition, as published by the International Code Council, Inc, 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, is hereby adopted by reference as the City of Leadville Residential Building Code (“IRC”) as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.030 of this code.
- (c) The International Mechanical Code (IMC), 20128 Edition as published by the International Code Council, Inc, 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, is hereby adopted by reference as the City of Leadville Mechanical Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.040 of this code.
- (d) The International Plumbing Code (IPC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, and as amended by the State of Colorado Plumbing Board and/or its successors, is hereby adopted by reference as the City of Leadville Building Plumbing Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.050 of this code.

- (e) The International Fuel Gas Code (IFGC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, is hereby adopted by reference as the City of Leadville Building Fuel Gas Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.060 of this code.
- (f) The International Existing Building Code (IEBC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, is hereby adopted by reference as the City of Leadville Existing Building Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.070 of this code.
- (g) The National Electrical Code (NEC), published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, the specific edition as promulgated, adopted, and amended by the State of Colorado Electrical Board and/or its successors, is hereby adopted by reference as the City of Leadville Electrical Code as if fully set out in this section.

Sec. 15.04.020. Amendment to 2018 International Building Code.

The 2018 IBC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IBC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the *Building Code of the City of Leadville*, hereinafter referred to as “the IBC” or “this Code.”

- (2) IBC Section 101.2 (Scope) is hereby amended with the addition of a new subsection 101.2.2 entitled, “Permits” to read as follows:

Sec. 101.2.2. Permits.

This Code shall apply to all permits applied for after the effective date of the Ordinance adopting by reference the 2018 IBC.

- (3) IBC Section 101.2 (Scope) is hereby amended with the addition of a new subsection 101.2.3 entitled, “Preemption” to read as follows:

Sec. 101.2.3. Preemption.

Whenever State law or State regulation imposes higher standards than are required by this code, the State law or State regulation providing the higher standard shall govern. When the standards imposed by this code are higher than the standards imposed by any other law, regulation, or ordinance of any governmental body, the standards of this code shall apply.

- (4) IBC Section 101.4.3 (Plumbing) is hereby amended to read as follows:

Sec. 101.4.3. Plumbing.

The provisions of the *International Plumbing Code* shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, appurtenances, and where connected to a water or sewer system and all aspects of a medical gas systems.

- (5) IBC Section 101.4.4 (Property Maintenance) is hereby deleted in its entirety.
- (6) IBC Section 101.4 (Referenced Codes) is hereby amended with the addition of a new Section 101.4.8 entitled “Electrical” to read as follows:

Sec. 101.4.8. Electrical.

The provisions of the National Electrical Code, the specific addition as adopted and amended by the State of Colorado Electrical Board, and or its successor(s), shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

- (7) IBC Section 102.6 (Existing Structures) is hereby amended to read as follows:

Sec. 102.6. Existing Structure.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the International Existing Building Code or the International Fire Code.

- (8) IBC Section 103 (Department of Building Safety) and its corresponding subsections are hereby deleted in its entirety.
- (9) IBC Section 105.1.1 (Annual Permit) is hereby deleted in its entirety.
- (10) IBC Section 105.1.2 (Annual Permit Records) is hereby deleted in its entirety.

- (11) IBC Section 105.2 (Work Exempt from Permit) is hereby amended with the addition of the following:

Sec. 105.2. Work Exempt from Permit.

* * *

Work exempted from requiring a building permit for construction of the building does not preclude any required approval from the Planning Department to ensure compliance with zoning, use, and building setbacks. Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The area of an exempt building in 105.2 of this section, shall be changed to two hundred (200) square feet to conform to that allowed under Section R105.2 of the International Residential Code.

The following work will not require a permit:

- 1) Drywall installation under two hundred (200) square feet.
 - 2) Window replacement not requiring change of headers or structural members.
 - 3) Replacement of exterior siding less than two hundred (200) square feet.
 - 4) Insulation installation less than two hundred (200) square feet in existing structures.
- (12) IBC Section 107.1 (General) is hereby amended with a new subsection 107.1.1 entitled, "Responsibility for Preparation of Plans and Specifications" to read as follows:

Sec. 107.1.1. Responsibility for Preparation of Plans and Specifications.

In accordance with Section 107.1 (General), the Building Official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado when, but not limited to:

- 1) Foundations that are not addressed within the IBC.
 - 2) Roof framing or wall framing is "other than standard" construction not conforming to the requirements of Chapters 16 and 23.
 - 3) All Buildings classified in Groups A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
 - 4) Plans that, in the judgment of the Building Official, are submitted which are severely lacking in information showing compliance with the code, must be designed, and resubmitted by a professional draftsman.
- (13) IBC Section 107.2.1 (Information on Construction Documents) is hereby amended to read as follows:

Sec. 107.2.1. Information on Construction Documents.

Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

Each sheet of each set of plans shall provide the name of the person who prepared such plans and/or specifications.

- (14) IBC Section 107.3.3 (Phased Approval) is hereby amended to read as follows:

Sec. 107.3.3. Phased Approval.

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

When a permit has been issued for part of a building or structure and the City adopts a new building code, new permits may be issued for the remaining portion of the building or structure under the provisions and requirements of the code in effect at

the time the first permit was issued, if the remaining permits are issued within one year of the adoption of the new code.

- (15) IBC Section 108.3 (Temporary Power) is hereby amended to read as follows:

Sec. 108.3. Temporary Power.

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code or its successor as may be adopted by the State of Colorado Electrical Board.

- (16) IBC Section 109.2 (Schedule of Permit Fees) is hereby repealed in its entirety and replaced to read as follows:

Sec. 109.2. Schedule of Permit Fees.

Fees shall be as provided for in Appendix A.

- (17) IBC Section 109.4 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:

Sec. 109.4. Work Commencing Before Permit Issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to punitive charges. The charge shall be no less than twice the normal permit fee for the work being done plus an hourly charge for any additional inspections.

- (18) IBC Section 109.6 (Refunds) is hereby amended to read as follows:

Sec. 109.6. Refunds.

The Building Official is authorized to establish a refund policy.

The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee when no work has been done under a permit issued in accordance with this code. The original applicant must make a request in writing within one hundred eighty (180) days of the original fee payment. If a plan review was charged and appropriate plan review performed, no portion of this part of fee is refundable.

- (19) IBC Section 110.1 (General) is hereby amended to read as follows:

Sec. 110.1. General.

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the Building Official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Inspections shall be as provided for in Appendix D.

- (20) IBC Section 110.3 (Required Inspections) shall be amended to read as follows:

Sec. 110.3. Required Inspections.

The Building Official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.12.

- (21) IBC Section 110.3 (Required Inspections) shall be amended with the addition of a new subsection 110.3.12. entitled, "Reinspection" to read as follows:

Sec. 110.3.12. Reinspection.

The Building Official may impose a reinspection fee if code violations are not corrected and required work that has been requested by the Building Official is not complete or requires an additional inspection.

- (22) IBC Section 111.3 (Temporary Occupancy) is hereby amended to read as follows:

Sec. 111.3. Temporary Occupancy.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The temporary certificate of occupancy is valid for sixty (60) days, with one (1) renewal of sixty (60) days permitted at the discretion of the Building Official.

- (23) IBC Section 113 (Board of Appeals), and its subsections, are amended by replacing “Board of Appeals” with the “Board of Review.”

- (24) IBC Section 502.1 (Address Identification) is hereby amended to read as follows:

Sec. 502.1. Address Identification.

New and existing buildings shall be provided with approved address identification. Each character shall be not less than five (5) inches in height and not less than one half inch (1/2 inch) in width.

- (25) IBC Section 901.5 (Acceptance Tests) is hereby amended with the addition of a new subsection 901.5.1 entitled “Special Inspector” to read as follows:

Sec. 901.5.1. Special Inspector.

All fire protection systems required by this chapter shall be inspected and approved by a special inspector. The inspector shall be an employee of the fire department having jurisdiction or another qualified individual with prior approval of the Building Official. Inspections and approvals shall be documented and submitted as per Chapter 17 of this code.

- (26) IBC Section 1301.1.1 (Criteria) is hereby amended to read as follows:

Sec. 1301.1.1. Criteria.

Buildings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code.

- (27) IBC Section 1505.1 (General), Table 105.1 (Minimum Roof Covering Classification for Types of Construction) is hereby amended by the deletion of superscript “a.”

- (28) IBC Section 1608 (Snow Loads) shall be amended to read as follows:

Sec. 1608. Snow Loads.

Snow load calculations shall be based on values provided for in Appendix E.

- (29) IBC Chapter 27 (Electrical) is hereby deleted in its entirety.

- (30) IBC Section 2901.1 (Scope) is hereby amended to read as follows:

Sec. 2901.1. Scope.

The provisions of this chapter and the International Plumbing Code shall govern the design, construction, erection, and installation of plumbing components, appliances, equipment, and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. The International Fire Code, the International Property Maintenance Code and the International Plumbing Code shall govern the use and maintenance of plumbing components, appliance, equipment, and systems. The International Existing Building Code and the International Plumbing Code shall govern the alteration, repair, relocation, replacement, and addition of plumbing components, appliances, equipment, and systems.

Sec. 15.04.030. Amendment to 2018 International Residential Code.

The 2018 IRC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IRC Section R101.1 (Title) is hereby amended to read as follows:

R101.1. Title.

These provisions shall be known as the Residential Code for One and Two-Family Dwellings of the City of Leadville, and shall be cited as such and will be referred to herein as “the IRC” and “this code.”

- (2) IRC Section R101.2 (Scope) is hereby amended to read as follows:

R101.2. Scope.

The provisions of this code shall be apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and townhouses not more than three (3) stories above grade plan in height with a separate means of egress and their accessory structures not more than three (3) stories above grade plane in height.

Exemptions:

1. Existing building permits prior to the effective date of this code, along with all approved extensions, shall remain in effect and shall be subject to the International Residential Code, 2012 edition.

2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Residential Code, 2012 Edition, if the work was originally permitted under this code within one year of the adoption of the 2018 code.

- (3) IRC Section R101.2.2 (Other Laws) is hereby amended to read as follows:

Sec. R101.2.2. Other Laws.

The provision of this code shall not be deemed to nullify any provisions of local, state, or federal law. Whenever a State law or regulation imposes higher standards than are required by this code, the State law or State regulation providing the higher standard shall govern. When the standards imposed by this code are higher than the standards imposed by any other law, regulation, or ordinance of any governmental body, the standards of this code shall apply.

- (4) IRC Section R102.7 (Existing Structures) is hereby amended to read as follows:

Sec. R102.7. Existing Structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

- (5) IRC Section R103 (Department of Building Safety) is hereby amended to change the title to Department of Building.

- (6) IRC Section R104.8 (Liability) is hereby amended to read as follows:

Sec. R104.8. Liability.

The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors on said plans, specifications, and other data, or from preventing building operations

being carried on thereunder, when in violation of this code, or any other Ordinance, or from collecting additional fees as appropriate. Nothing in this code is intended to authorize any person or agency with development review authority, other than the Building Official, to deny the issuance of a building permit hereunder.

The Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all building(s) and all structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

- (7) IRC Section R105.2 (Work Exempt from Permit) is hereby as follows with deletions shown in strikethrough text and additions shown in underlined text:

Sec. R105.2. Work Exempt from Permit.

* * *

Building:

* * *

2. ~~Fences not over 7 feet (2134 mm) high.~~ Fences six (6) feet or less in height.

* * *

11. Drywall installation in buildings under two hundred (200) square feet.

12. Window replacement whereby installing code compliant windows that do not require a change of headers or structural members.

13. Replacement of exterior siding less than two hundred (200) square feet.

14. Insulation installation less than two hundred (200) square feet in existing structures.

* * *

Work exempted from requiring a building permit for construction of the building does not preclude any required approval from the Planning and Zoning Department to ensure compliance with zoning, use, and building setbacks. Unless otherwise

exempted by this code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits.

- (8) IRC Section R106.1.1 (Information on Construction Documents) is amended as follows:

Sec. R106.1.1. Information on Construction Documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved to the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

Each sheet of each set of plans shall give the name of the person who prepared such plans and specifications.

- (9) IRC Section R106.3.2 (Previous Approvals) is hereby amended to add a new paragraph as follows:

Sec. R106.3.2. Previous Approvals.

* * *

When a permit has been issued for part of a building or structure and the City adopts a new building code, new permits may be issued for the remaining portion of the building or structure under the provisions and requirements of the code in effect at the time the immediately preceding permit was issued, if the remaining permits are issued within one year of the adoption of the new code.

- (10) IRC Section R106.3 (Examination of Documents) is hereby amended with the addition of a new subsection R106.3.4 entitled “Responsibility for Preparation of Plans and Specifications” to read as follows:

Sec. R106.3.4. Responsibility for Preparation of Plans and Specifications.

The Building Official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado when, but not limited to:

- 1) Foundations that are not addressed within the International Residential Code.

- 2) Wall or roof framing is "other than standard" construction not conforming to the requirements of Chapters 6 and 8,
 - 3) Foundations are located in designated dipping bedrock areas and per Sections R403.1.8;
 - 4) Metal buildings and structures are constructed; or
 - 5) Plans that, in the judgment of the Building Official, are submitted which are severely lacking in information showing compliance with the code, must be designed and resubmitted by a professional draftsman.
- (11) IRC Section R107.3 (Temporary Power) is hereby amended by the replacement of reference to the "NFPA 70" with "the National Electrical Code as may be revised by the State of Colorado Electrical Board."
- (12) IRC Section R108.2 (Schedule of Permit Fees) is hereby amended to read as follows:
- Sec. R108.2. Schedule of Permit Fees.
- Permit fees shall be as determined by Appendix A.
- (13) IRC Section R108.5 (Refunds) is hereby amended to read as follows:
- Sec. R108.5. Refunds.
- The Building Official may authorize refunding of not more than 80 percent of the permit fee when no work has been done under a permit issued in accordance with this code. The original applicant must make a request in writing within 180 days of the original fee payment. If a plan review fee was charged and appropriate plan review performed, no portion of this part of the fee is subject to refund.
- (14) IRC Section R108.6 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:
- Sec. R108.6. Work Commencing Before Permit Issuance.
- Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to punitive charges. The charge shall be twice the normal permit fee for the work being done plus an hourly charge for any additional inspections necessary.
- (15) IRC Section R109 (Inspections) and all of its subsections are hereby repealed in its entirety and replaced as follows:

R109.1. General

Inspections shall be as provided for in Appendix D.

R109.2 Reinspection.

The Building Official may impose a reinspection fee if code violations are not corrected, and required work that has been requested by the Building Official, is not complete and requires an additional inspection.

R109.3 Sanitation.

At the time of construction start-up, approved sanitary facilities are required at all construction jobs. The number of toilets shall be adequate for the number of construction workers, but no less than the number deemed necessary by the Building Official, or as called for in the adopted plumbing code. If a construction site becomes inactive for a period of time, the portable toilet may be removed during this period of inactivity. Temporary toilets or use of a neighboring facility may be used if approved by the Building Official.

R109.4 Dumpsters.

Dumpsters or equivalent containers of adequate size to handle trash and unwanted materials from the permitted project shall be provided.

- (16) IRC Section R110.4 (Temporary Occupancy) is hereby amended to read as follows:

R110.4 Temporary occupancy.

The Building Official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit provided the following conditions are satisfied:

1. One bathroom with lavatory, water closet, tub or shower, and flooring has been completed.
2. A food preparation area, with sink, hot and cold water, and flooring has been completed.
3. Electrical system is complete for areas that are to be finished, or blanked off in unfinished areas.
4. Egress windows where required by this code are installed.

5. A heating system is operational as required by Section R303.9, Required Heating.
 6. The exterior is complete and watertight with siding, trim, flashing and a roof.
 7. Handrails and guardrails are in place.
 8. All life-safety systems as determined necessary by the Building Official are in place.
- (17) IRC Section R112 (Board of Appeals), and all subsections thereof, is hereby amended with the replacement of “Board of Appeals” with “Board of Review.”
- (18) IRC Section R202 (Definitions) is hereby amended with the addition of the following definition of “bedroom” to appear in alphabetical order with the existing definitions:

Sec. R202. Definitions.

* * *

BEDROOM. A room, which is designed as a sleeping room, in Group R occupancies or a room, or area that can be used as a sleeping room and contains a closet.

* * *

- (19) IRC Section R301.2 (Climatic and Geographic Design Criteria) is hereby amended with the repeal and replacement of Table R301.2 to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ⁱ	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
R301.2.3. 1	115	No	No	No	C	Severe	48"	No	-15F	Yes	9/15/97 3/1/98	3000	35F
MANUAL J DESIGN CRITERIA ⁿ													
Elevation		Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature		Design temperature cooling		Heating temperature difference	
9,927		39		-14F	81F	.72		70F		75F		84	
Cooling temperature difference		Wind velocity heating		Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity		Summer humidity		—	
6		7.5		15	51	H		30%		50%		—	

- (20) IRC Section R301.2.3 (Snow Loads) is hereby amended to read as follows:

Sec. R301.2.3. Snow Loads.

Snow load values shall be determined by the data in Appendix E.

- (21) IRC Section R301.5 (Live Load), Table R301.5, is hereby amended by the deletion of the data in rows “Balconies (exterior) and decks” and “Fire Escapes”, the addition of a footnote (i) in such rows, and the addition of a footnote (i) to read as follows:

- (j) The minimum uniformly distributed live loads for exterior balconies, decks and fire escapes shall be as required for roof snow loads with pitches between 0 and 3:12 at the elevation listed in Appendix E, when such structures are exposed to snow loading. Otherwise, a live load of 60 psf shall be used. For decks subject to sliding snow from sloped roofs above, the design load shall be determined from the formula in Section 7.9, ASCE 7-02, published by the American Society of Civil Engineers.

- (22) IRC Section R302.5.1 (Opening Protection) is hereby amended to read as follows:

Sec. R302.5.1. Opening Protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with a solid wood door not less than 1 3/8 inches (35 mm) in thickness or solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, equipped with a self-closing or automatic-closing device.

- (23) IRC Section R302.7 (Under-Stair Protection) is hereby amended to read as follows:

Sec. R302.7. Under-Stair Protection.

Enclosed space under stairs that is accessed by a door or access panel shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8-inch Type X gypsum board.

- (24) IRC Section R303.1(Habitable Rooms) is hereby amended with the addition of a new Exception # 4 to read as follows:

Sec. R303.1. Habitable Rooms.

* * *

4. Where a room is designed specifically for a home theater, the provisions of this section need not be required provided the conditions of Exceptions 1. and 2. above are met. A separate means of egress is not required for these rooms, regardless of whether they are located in a basement or elsewhere, unless the seating capacity exceeds ten (10) persons.

- (25) IRC Section 303.7 (Interior Stairway Illumination) is hereby amended to read as follows:

Sec. R303.7. Interior Stairway Illumination.

Interior stairways shall be provided with an artificial light source to illuminate the landings and treads. The light source shall be capable of illuminating treads and landings of not less than one (1) footcandle (11 lux) as measured at the center of treads and landings. There shall be a wall switch at each floor level to control the light switch where the stairway has six or more risers, as required by the current NEC.

Exception: A switch is not required where remote, central, or automatic control of lighting is provided.

- (26) IRC Section R309.5 (Fire Sprinklers) is hereby amended to read as follows:

Sec. R309.5. Fire Sprinklers.

Private garages may be protected by fire sprinklers where the garage wall has been designed based on Table R302.1(2). Note a. Sprinklers in garages shall be connected to an automatic sprinklers system that complies with Section P2094. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft. Garage doors shall not be considered obstructions with respect to sprinkler placement. If such sprinklers are installed, they must meet the standards of this code.

- (27) IRC Section R311.7.5.1 (Risers) is hereby amended to read as follows:

Sec. R311.7.5.1. Risers.

The maximum riser height shall be eight (8) inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at any angle not more than thirty (30) degrees (0.51 rad) from the vertical. At open risers, openings located more than thirty (30) inches (762 mm), as

measured vertically, to the floor or grade below shall not permit the passage of 4-inch diameter (102 mm) sphere. Exterior open risers are permitted provided the opening between treads does not permit the passage of a 6-inch diameter sphere.

Exceptions:

1. The openings between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

(28) IRC Section R311.7.5.2 (Treads) is hereby amended to read as follows:

Sec. R311.7.5.2. Treads.

The minimum tread depth shall be nine (9) inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

(29) IRC Section R312.1.3 (Opening Limitations), Exception 1 is hereby amended to read as follows:

Sec. R312.1.3. Opening Limitations.

* * *

Exceptions:

1. Required guards on open sides of exterior stairways, raised floor areas, balconies, and porches shall have immediate rails or ornamental closures, which do not allow passage of a sphere of six (6) inches or more in diameter.

(30) IRC Section R313.1 (Townhouse Automatic Fire Sprinkler Systems) is hereby amended to read as follows:

Sec. R313.1. Townhouse Automatic Fire Sprinkler Systems.

An automatic sprinkler system may be installed in townhomes. If such sprinkler systems are installed, they must meet the standards of this code.

- (31) IRC Section R313.2 (One-and two-family dwellings automatic sprinkler systems) is hereby amended to read as follows:

Sec. R313.2. One – and Two- Family Dwellings Automatic Sprinkler Systems.

An automatic sprinkler system may be installed in one- or two-family dwellings. If such sprinkler systems are installed, they must meet the standards of this code.

- (32) IRC Section 315.2.2 (Alterations, repairs and additions) is amended to delete exception 2 in its entirety.

- (33) IRC Section R319.1 (Address Identification) is hereby amended to read as follows:

Sec. R319.1. Address Identification.

All new buildings shall have address characters identifying the property address, displayed and plainly visible and legible from the street or road fronting the property. Address characters shall be affixed to the side of the building facing the street on which the property is addressed or affixed to a sign or post located adjacent to the street on which the property is addressed. Address numbers shall be of a color and/or material that contrast with the background on which they are mounted.

Address characters affixed to the building or to a sign or post shall be at least 5 inches in height. For buildings located more than 150 feet from the shoulder or curb of the street, there shall be, address characters affixed to a sign or post. This sign or post shall be located 25 feet or less from the shoulder or curb of the street and shall have address characters at least five inches in height.

The Building Official may approve alternate building address signage.

- (34) IRC Section R404.1.3 (Concrete Foundation Walls) is hereby amended with the addition of the following paragraph:

Sec. R404.1.3. Concrete Foundation Walls.

* * *

Minimum reinforcing for concrete foundation walls that are not specified by a Professional Engineer or not designed according to the tables listed in this section shall have grade 40, #4 bars on 24-inch centers both horizontally and vertically.

- (35) IRC Section R905.2.7 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.2.7. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (36) IRC Section R905.3.3 (Underlayment) is hereby amended to read as follows:

Sec. R905.3.3. Underlayment.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (37) IRC Section R905.4.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.4.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (38) IRC Section R905.5.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.5.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall

extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (39) IRC Section 905.6.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.6.3.1 Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (40) IRC Section R905.7.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.7.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (41) IRC Section R905.8.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905..3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (42) IRC Section N1102.1.2 (R402.1.2) (Insulation and Fenestration Criteria), Table N1002.1.2, Row 7 and 8 is hereby amended to read as follows:

CLIMATE ZONE	FENESTRATION <u>U-FACTOR</u>	SKYLIGHT <i>U-FACTOR</i>	GLAZED FENESTRATION SHGC	CEILING <i>R-VALUE</i>	WOOD FRAME WALL <i>R-VALUE</i>	MASS WALL <i>R-VALUE</i>	FLOOR <i>R-VALUE</i>	BASEMENT WALL <i>R-VALUE</i>	SLAB <i>R-VALUE</i> & DEPTH
7 and 8	0.30 [j]	0.55	NR	49	20 + 5[h] or 13 + 10	19/21	38[g]	15/19	10, 4 ft

- (43) IRC Section N1102.1.2 (R402.1.2) (Insulation and Fenestration Criteria), Table N1002.1.2, is hereby amended with the addition of a new footnote (j) to read as follows:

(j) A maximum U-factor of 0.32 shall apply in climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:

1. Above 4,000 feet in elevation, or
2. In windborne debris regions where protection of openings is required by Section R301.2.1.2

- (44) IRC Section N1102.4.1.2 (R402.4.1.2) (Testing) is amended to add the following sentence to the initial paragraph:

Mitigation of testing results are specified in the Lake County Building Department blower door testing policy.

- (45) IRC Section M1307.5 (Electrical Appliances) is hereby amended with a new title, “Appliances”. M1307.5 (Appliances) is further amended with the addition of two new subsections to read as follows:

Sec. M1307.5.1 Electrical appliances.

Electrical appliances shall be installed in accordance with Chapters 14, 15, 19, 20, and 34 through 43 of this code.

Sec. M1307.5.2 LPG appliances.

LPG appliances shall be permitted to be installed with proper ventilation, upon approval of the Building Official.

- (46) Chapter 14 (Heating and Cooling Equipment and Appliances) is hereby amended with the addition of a new section M1416 entitled, “Unvented Room Heaters” to read as follows:

Sec. M1416. Heating and Cooling Equipment and Appliances.

Unvented room heaters are prohibited in one- and two-family dwellings and townhouses.

- (47) IRC Section 1502.4.4 (Dryer Exhaust Duct Power Ventilators) is hereby amended with the addition of a new subsection 1502.4.4.1 entitled, "Specified Length" to read as follows:

Sec. 1502.4.4.1. Specified Length.

The code official shall be provided with a copy of installation instructions for the make and model of dryer.

- (48) IRC Section G2406.2 (303.3) (Prohibited Locations) is hereby amended by deletion of Exceptions 3 and 4 and by the addition of a new Exception 7 to read as follows:

Sec. G206.2 (303.3). Prohibited Locations.

7. LPG appliances shall be permitted to be installed with proper ventilation, upon approval of the Building Official.

- (49) IRC Section G2417.4.1 (406.4.1) (Test Pressure) is hereby amended to read as follows:

Sec. G2417.4.1 (406.4.1). Test Pressure.

The test pressure to be used shall not be less than one and one half time the proposed maximum working pressure but not less than 15 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than fifty percent (50%) of the specified minimum yield strength of the pipe.

- (50) IRC Section G2445 (General) is amended to read as follows:

Sec. G2445 General.

Unvented room heaters are prohibited in one- and two-family dwelling units and townhouses.

- (51) IRC Section P2503.5.1 (Rough Plumbing) is hereby amended to read as follows:

Sec. P2503.5.1. Rough Plumbing.

DWV systems shall be tested on completion of the rough piping installation by water or by air, without evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:

1. Water Test. Each section shall be filled with water to a point not less than five (5) feet (1524 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of fifteen (15) minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of five (5) pounds per square inch (psi) (34 kPa) or ten (10) inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of fifteen (15) minutes.

- (52) IRC Section P2603.5.1 (Sewer Depth) is hereby amended to read as follows:

Sec. P2603.5.1. Sewer Depth.

Building sewers that connect to private sewer disposal systems shall be installed deep enough to protect from physical damage and the slope must be adequate to eliminate the possibilities of freezing.

- (53) IRC Section E3401 (General) is hereby amended with the addition of a new subsection E3401.5 entitled, "Meter Protection" to read as follows:

Sec. E3401.5. Meter Protection.

The Building Official may require a utility-owned electric meter have protection from falling ice and snow.

- (54) IRC Section E3703 (Required Branch Circuits) is hereby amended with the addition of a new subsection E3703.5 entitled, "Electric Vehicle Charging Branch Circuit" to read as follows:

Sec. E3703.5. Electric Vehicle Charging Branch Circuit.

All single-family homes shall be made EV-ready for charging by preinstalling conduit or conductors during construction of the house. Designate enough space and capacity on the main electrical panel or a garage subpanel for at least 40 amp,

240V dedicated branch circuit. Install conduit or conductors linking the electrical panel to the future location of the EV charger, near where cars will be parked in the garage or driveway. The Building Official may grant an exception in unique situations if a significant hardship is determined in acquiring the level of service necessary to meet this requirement.

Sec. 15.04.040. Amendment to 2018 International Mechanical Code.

The 2018 IMC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IMC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Mechanical Code of the City of Leadville, Colorado, hereinafter referred to as the “IMC” or as “this code.”

- (2) IMC Section 106.5.2 (Fee Schedule) is hereby amended to read as follows:

Sec. 106.5.2. Fee Schedule.

Fees shall be as provided for in Appendix B.

- (3) IMC Section 106.5.3 (Fee Refunds) is hereby amended to read as follows:

Sec. 106.5.3. Fee Refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was paid erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of the fee payment.

- (4) IMC Section 109 (Means of Appeal) and all of its subsections are amended by replacing the phrase “Board of Appeal” to “Board of Review.”

- (5) IMC Section 301.2 (Energy Utilization) is amended to read:

Sec. 301.2 Energy Utilization.

Heating, ventilating and air-conditioning systems of all structures shall be designated and installed for efficient utilization of energy in accordance with the International Energy Conservation Code, 2018 edition.

- (6) IMC Section 1204.2 (Required Thickness) is hereby amended to read as follows:

Sec. 1204.2. Required Thickness.

Hydronic piping shall be insulated to the thickness required by the 2018 International Energy Conservation Code.

Sec. 15.04.050. Amendment to 2018 International Plumbing Code.

The 2018 IPC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IPC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101. Title.

These regulations shall be known as the Plumbing Code of the City of Leadville, Colorado hereinafter referred to as the “IPC” or “this code.”

- (2) IPC Section 106.6.2 (Fee Schedule) is hereby amended to read as follows:

Sec. 106.6.2. Fee Schedule.

Fees shall be as provided for in Appendix B.

- (3) IPC Section 312.1 (Required Tests) is hereby amended to read as follows:

Sec. 312.1. Required Tests.

The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the

plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and he or she shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. Plumbing system piping shall be tested with either water or by air.

- (4) IPC Section 312.3 (Drainage and Vent Air Test) is hereby amended to read as follows:

Sec. 312.3. Drainage and Vent Air Test.

An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.6 kPA) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test periods.

- (5) IPC Section 312.4 (Drainage and Vent Final Test) is hereby deleted in its entirety.
- (6) IPC Section 312.5 (Water Supply System Test) is hereby amended to read as follows:

Sec. 312.5. Water Supply System Test.

Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system or by an air test of not less than 50 psi (344 kPA). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

- (7) IPC Section 903.1 (Roof Extension) is hereby amended to read as follows:

Sec. 903.1. Roof Extension.

Open vent pipes that extend through a roof shall be terminated not less than 18 inches above the roof, or six inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

Sec. 15.04.060. Amendment to 2018 International Fuel Gas Code.

The 2018 IFGC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IFGC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Fuel Gas Code of the City of Leadville, Colorado, hereinafter referred to as the “IFGC” or “this code.”

- (2) IFGC Section 102 (Applicability) is hereby amended with a new subsection 102.12 entitled, “Utility-Owned Gas Meters” to read as follows:

Sec. 102.12. Utility-Owned Gas Meters.

The Building Official may require that a utility-owned gas meter have protection from falling ice and snow.

- (3) IFGC Section 103 (Department of Inspection) is hereby deleted in its entirety.

- (4) IFGC Section 104.1 (General) is hereby amended to read as follows:

Sec. 104.1. General.

The Leadville Building Official is hereby authorized and directed to enforce the provisions of this code.

- (5) IFGC Section 106.6.2 (Fee schedule) is hereby amended to read as follows:

Sec. 106.6.2. Fee Schedule.

Fees shall be provided for as in Appendix B.

- (6) IFGC Section 106.6.3 (Fee Refunds) is hereby amended to read as follows:

Sec. 106.6.3. Fee Refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was paid erroneously paid or collected.

2. Not more than eighty percent (80%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of the fee payment.

- (7) IFGC Section 109 (Means of Appeal), and all subsections thereto, is hereby amended by replacing the phrase “Board of Appeals” with Board of Review.”
- (8) IFGC Section 201.3 (Terms Defined in Other Codes) is hereby amended to read as follows:

Sec. 201.3. Terms Defined in Other Codes.

Where terms are not defined in this code and are defined in the National Electrical Code, International Building Code, International Fire Code, International Mechanical Code, or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

- (9) IFGC Section 303.3 (Prohibited Locations) is hereby amended by deleting Exceptions 3 and 4.

Sec. 15.04.070. Amendment to 2018 International Existing Building Code.

The 2018 IEBC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IEBC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Existing Building Code of City of Leadville, Colorado hereinafter referred to as the “IEBC” or “this Code.”

- (2) IEBC Section 103 (Department of Building Safety) and all of its subsections are hereby deleted.
- (3) IEBC Section 105.1.1 (Annual Permit) is hereby deleted in its entirety.

- (4) IEBC Section 105.1.2 (Annual Permit Records) is hereby deleted in its entirety.
- (5) IEBC Section 105.2 (Work Exempt from Permit) is hereby amended with the addition of new paragraph to read as follows:

Sec. 105.2. Work Exempt from Permit.

* * *

Work exempted from requiring a building permit for the proposed work does not preclude any required approval from the City to insure compliance with zoning, use, and property setbacks. Unless otherwise exempted by this Code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws, ordinances or resolutions of this jurisdiction.

- (6) IEBC Section 105.2 (Work Exempt from Permit) is hereby amended further by adding to the Building section for projects that do not require a work permit to read as follows:

Sec. 105.2. Work Exempt from Permit.

Building.

* * *

- 7. Door and door frame replacement unless involving other structural changes.
- 8. Window replacement whereby replacing with code compliant windows and window frame replacement unless involving other structural changes.
- 9. Insulation installation less than 200 square feet in existing structures.
- 10. Removal and replacement of exterior siding materials less than 200 square feet.

- (7) IEBC Section 106.1 (General) is hereby amended with the addition of a new subsection 106.1.1 entitled, "Responsibility for Preparation of Plans and Specifications" to read as follows:

Sec. 106.1.1. Responsibility for Preparation of Plans and Specifications.

The Building Official shall require plans, computations, and specifications prepared, designed, and stamped by an engineer or architect licensed to practice in the State of Colorado when, but not limited to the following structure designs:

1. Foundations are constructed on caissons or any other method other than spread footings.
2. Roof framing or wall framing is other than conventional light-frame construction in accordance with AP&PA Wood Frame Construction Manual (WFCM).
3. Buildings in which confirmation is required of beam sizes and spans, loading, or any structural element affecting the integrity of the building unless otherwise demonstrated to the Building Official's satisfaction.
4. Plans that, in the judgment of the Building Official, are submitted by a professional draftsman.

- (8) IEBC Section 108.2 (Schedule of Permit Fees) is hereby amended to read as follows:

Sec. 108.2. Schedule of Permit Fees.

On buildings, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees provided for in Appendices A and B.

- (9) IEBC Section 108.4 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:

Sec. 108.4. Work Commencing Before Permit Issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee as established by Section 108.4.1.

- (10) IEBC Section 108.4 (Work Commencing Before Permit Issuance) is hereby further amended with the addition of a new subsection 108.4.1. entitled, "Investigation Fee" to read as follows:

Sec. 108.4.1. Investigation Fee.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the

amount of the permit fee required by this code and per the Schedule of Fees as set forth in the Appendices to this Chapter 15.04 of the Municipal Code. The minimum investigation fee shall be the same as the minimum fee set forth in the Schedule of Fees as provided for in Appendices A and B. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- (11) IEBC Section 108.6 (Refunds) is hereby amended to read as follows:

Sec. 108.6. Refunds.

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

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

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

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

- (12) IEBC Section 109.6 (Approval Required) is hereby amended with a new subsection 109.6.1 entitled, "Inspection Record Card" to read as follows:

Sec. 109.6.1. Inspection Record Card.

An inspection record card shall be issued to the holder of a building permit or an agent of the permit holder to allow the Building Official to readily make entries thereon regarding the inspection approval of work. The building permit holder shall keep this inspection record card available to the Building Official on the project site until final building inspection approval has been granted by the Building Official.

- (13) IEBC Section 110.3 (Temporary Occupancy) is hereby amended to read as follows:

Sec. 110.3. Temporary Occupancy.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely.

- (14) IEBC Section 112 (Board of Appeals) and its accompanying subsections, is hereby amended by replacing the phrase “Board of Appeals” with “Board of Review.”
- (15) IEBC Section 112.1 (General) is hereby amended to reads as follows:

Sec. 112.1. General.

Appeals from the decision of the Building Official shall be filed with the Board of Review by filing a written appeal within sixty (60) days after the date of the Building Official’s decision.

- (16) IEBC Section 1301.3.2 (Compliance with Other Codes) is hereby amended to read as follows:

Sec. 1301.3.2. Compliance with Other Codes.

Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

- (17) IEBC Section 1401.2 (Conformance) is hereby amended to read as follows:

Sec. 1401.2. Conformance.

The building shall be safe for human occupancy as determined by the International Fire Code. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.

- (18) IEBC Chapter 16 (Referenced Standards) regarding American Society of Mechanical Engineers (“ASME”) referenced standards is amended to read as follows:

ASME

Standard reference number	Title	Referenced in code section number
ASME/A17.1 2019/CSA B44-07	Safety Code for Elevators and Escalators – with A17.1a/CSA B44a- 08 Addenda	410.8.2, 705.1.2, 902.1.2
A17.3—2005 as implemented in 7 CCR1101 – 8, Section 2-6-2	Safety Code for Existing Elevators and Escalators	902.1.2
A18.1--2017	Safety Standard for Platform Lifts and Stairway Lifts	410.8.3, 705.1.3

- (19) IEBC Chapter 16 (Referenced Standards) regarding International Code Council, Inc., is amended with the deletion of any reference to the International Property Management Code.

Sec. 15.04.080. Violations and Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the Codes adopted in this chapter. In addition to other sanctions set forth in the adopted Codes, a person or entity who violates the provisions of any such Code shall be subject to the penalties as set forth in section 1.20.010 of this code. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Sec. 15.04.090. Appendices.

Appendix A

BUILDING PERMIT FEE CALCULATION

Cost per square foot figures taken from the ICC's publication, Building Valuation Data & will be updated annually

Type of Space	Area per square foot	Cost per square foot	Value
Living (Wood Frame)		X \$150.87	
Living (IRC Modular)		X \$75.44	
Unfinished Basement		X \$23.20	
Garage / Storage		X \$60.43	
Deck / Porch / Carport		X \$60.43	
Remodel (Materials)		X 2 (for labor)	
Total Value			

_____ + (_____ X _____) = _____

Initial Fee cost per additional # of additional **BASE PERMIT FEE**

_____ + 0.65 x _____ = _____

Base Permit Fee

PLAN REVIEW FEE

TOTAL FEE _____

Driveway _____

GRAND TOTAL _____

Other Fees:

1		
2	Reinspection fee	\$50.00/Hr.
3	Consultation fee	\$50Hr.
4	Additional plan review required by changes, additions or revisions	\$62.50 base fee + \$62.50 per half hour of review
5	Outside consultant for plan review and/or inspections	Cost + 20%
6	Temporary Certificate of Occupancy (TCO)	\$150.00 for 90 days
7	Solar Permit – Residential	\$150.00
8	Solar Permit - Commercial	\$300.00
9	Appeals	\$50.00

APPENDIX B

Schedule of Permit Fees for Work Done Under:

- a) International Fuel Gas Code
- b) International Mechanical Code
- c) International Plumbing Code
- d) Roofing Permit

Table 1-A Building Permit Fees

Total Valuation	Fees Based on 2018 IRC Appendix L
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction of, to and including the \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000.00 or fraction of, to and including the \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00 plus \$9.10 for each additional \$1,000.00 or fraction of, to and including the \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00 or fraction of, to and including the \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction of, to and including the \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00 plus \$3.00 for each additional \$1,000.00 or fraction of, to and including the \$5,000,000.00
\$5,000,000.00 and up	\$18,327.00 for the first \$5,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof

Valuation of Work

Permit Fee

Base Permit Fee.....\$50.00

More than \$2,000, but not more than \$50,000\$16.00 for each \$1,000 valuation or fraction thereof

More than \$50,000, but not more than \$500,000.....\$250.00 plus \$13.00 for each \$1,000 valuation or fraction thereof

More than \$500,000.....\$1,500 plus \$11.00 for each \$1,000 valuation or fraction thereof

These are the fees in effect as of the date of adoption of this Ordinance. The fee schedule may be updated annually.

APPENDIX C

Reserved

APPENDIX D

Schedule of Inspections for work done under either the International Building Code or the International Residential Code

General. Construction of work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances or the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Inspection Record Card. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection card in a conspicuous place on the premises and in a position as to allow the Building Official to make the required entries conveniently thereon regarding inspection of the work.

Required Inspections. The Building Official, upon 24-hour notification, shall make the inspections set forth below as well as other inspections as needed.

Concrete Slab or Under-Floor Inspection. To be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

Damp proofing Inspection. A damp proofing inspection may be required prior to back-fill unless otherwise approved by the Building Official. Damp proofing may be required by Section R406. A perimeter drain inspection may be made at this time if such drain is required by this code.

Final Inspection. The final inspection shall be made after all work required by the building permit is completed.

Fire Resistant Penetrations. Protection of joints and penetrations in fire-resistant-rated assemblies shall not be concealed from view until inspected and approved.

Footing Inspections. To be made after trenches are excavated, forms erected and reinforcing steel, if any, is placed and before footings are poured. A survey of the lot(s) may be required at this time to verify that the structure is located in accordance with, and the elevation matches, the approved plans.

Foundation Wall Inspections. Shall be made after the footings or piers have been poured. The foundation walls shall be formed and reinforcing steel and void material in place per accepted plan.

Air/Water Resistive Barrier Inspection. Shall be made after the air/water barrier has been properly installed, fastened, and taped.

Frame Inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking is complete, and bracing is in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wire, pipe and duct inspections are approved.

Insulation Inspection. Shall be made after all insulation and vapor barriers are in place, and before any wall covering material is installed.

Lath or Gypsum Board Inspection. Shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum

board joints and fasteners are taped and finished.

Roofing Inspection, Final. Shall be conducted after the roof has been completed.

Roofing Inspection, Mid-Roof. Shall be made after the underlayment has been installed.

Utility Inspection. Prior to back-fill, and unless otherwise approved by the Building Official, underground gas, water, sewer and electric lines must be inspected from the utility tap to the structure.

APPENDIX E

Snow Load Tables

City of Leadville Snow Load Requirements (Based on Elevation)

(This table for reference only showing a relationship between pitch and degrees)

Pitch		0	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12	11:12	12:12	13:12	14:12	15:12	16:12
Degrees		0	14.0	18.4	22.6	26.6	30.3	33.7	36.9	39.8	42.5	45	47.3	49.4	51.3	53.1

Reduced Design Snow Load Based on Roof Pitch in Pounds per Square Foot

Elevation	Snow	0	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12	11:12	12:12	13:12	14:12	15:12	16:12
9000	65	65	65	65	60	60	55	50	45	45	40	40	40	40	40	40
9300	70	70	70	70	65	60	55	55	50	45	40	40	40	40	40	40
9500	75	75	75	75	70	65	60	55	50	50	45	40	40	40	40	40
9700	80	80	80	80	75	70	65	60	55	50	45	45	40	40	40	40
9900	85	85	85	85	80	75	70	65	60	55	50	45	40	40	40	40
10100	90	90	90	90	85	80	70	65	60	55	50	45	40	40	40	40
10300	95	95	95	95	90	85	75	70	65	60	55	50	45	40	40	40
10500	100	100	100	100	95	85	80	75	65	60	55	50	45	40	40	40
10600	105	105	105	105	100	90	85	75	70	65	55	50	45	45	40	40
10800	110	110	110	110	105	95	85	80	70	65	60	55	so	45	40	40
11000	115	115	115	115	110	100	90	80	75	70	60	55	50	45	40	40
11200	120	120	120	120	115	105	95	85	80	70	65	60	50	45	40	40
11300	125	125	125	125	120	110	100	90	80	75	65	60	55	50	45	40
11500	130	130	130	130	125	110	100	90	85	75	70	60	55	50	45	40
11700	135	135	135	135	125	115	105	95	85	80	70	65	55	50	45	40
11800	140	140	140	140	130	120	110	100	90	80	70	65	60	50	45	40
12000	145	145	145	145	135	125	115	100	90	85	75	65	60	55	45	40

Table based on the formula $R_s = S/40 - \frac{1}{2}$ where

R_s = Snow load reduction in psf per degree of slope over 20 degrees.

S = Design Snow Load in pounds per square foot (psf)

Minimum Snow Load is 40 psf

For lower roofs subject to sliding snow from sloped roofs above, the design load shall be determined from the formula in ASCE 7-16, Section 7.9, published by the American Society of Civil Engineers.

APPENDIX F

CONTRACTOR REGISTRATION

1. Contractor registration shall be defined as the registration of construction contractors which means a person, firm, or corporation that, in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish, for another, a building, or other structure, project, development, or improvement attached to real estate, including carpentry, electrical, plumbing, and roofing work, solar installation, elevator and boiler installation, window and door installation, and many other types of work. In order to do work similar to that described in the preceding paragraph, upon the construction contractor's property, the contractor employs members of more than one trade on a single job or under a single building permit issued through the City of Leadville, except as otherwise provided. For the purpose of this definition, subcontractor has the same meaning as contractor.
2. It shall be unlawful for any Contractor to perform work within the City of Leadville without first having registered with Lake County. Any Contractor who fails to register annually prior to conducting any construction work during that calendar year shall be subject to a fine of \$50.00.
3. Applicants shall submit a written application with the information as required on the Contractor Registration application form located in **Appendix F** of this ordinance to the Building Official.
4. Each application shall include a non-refundable fee as identified on the Contractor Registration application form located in **Appendix F**.

Contractor Registration Form

The Lake County Building Department requires all contractors that perform work within the County to be registered with the Lake County Building Department. All contractors will be put on a list that will be available to the public. All registrations will expire at the end of each calendar year, and will be required to be renewed by January 31st of each year or before any work is performed. All contractors will be required to carry a minimum of one (1) million dollar (\$1,000,000) liability insurance coverage.

*** PLEASE NOTE THAT ALL CONTRACTORS WILL BE REQUIRED TO PROVIDE PROOF OF PASSING APPROPRIATE ICC CONTRACTOR TESTING OR A LICENSE FROM A JURISDICTION THAT REQUIRES APPROPRIATE TESTING, AND A COPY OF THEIR CURRENT INSURANCE CERTIFICATE TO KEEP ON FILE WITH THE BUILDING DEPARTMENT. ***

Application for Contractor's Registration

***ALL BLANKS MUST BE FILLED IN AND ORIGINAL SIGNATURES ARE REQUIRED ***

Date: _____

Insurance Provider: _____

Owner's Name: _____

Contractor's Phone Number: _____

Company Name:

Email/Website:

Contractor's Mailing Address:

Signature:

Please check the following box(es) to indicate which contractor license(s) you are registering for:

- ☐ **Excavators= \$50.00**
- ☐ **Drywall Contractors= \$50.00**
- ☐ **General Contractors Residential C= \$50.00**
- ☐ **General Contractors Commercial B=\$50.00**
- ☐ **Mechanical Contractor= \$50.00**
- ☐ **Roofing Contractor= \$50.00**
- ☐ **Plumbing Contractor= \$50.00**
- ☐ **Insulation Contractor= \$50.00**
- ☐ **Fire Sprinkler Installers= \$50.00**
- ☐ **Solar Installer= \$50.00**
- ☐ **Water Well Const. & Pump Installer**

Please make checks payable to the Lake County Treasurer

Contractor's Registration Number: _____ (Office Use Only)

General contractors doing work on residential buildings shall provide proof of testing to the *ICC National Standard Residential Building Contractor "C" test.

General contractors doing work on commercial buildings shall provide proof of testing to the *ICC National Standard General Building Contractor "B" test.

***If you hold a license from another jurisdiction or institution, the Code Official shall determine exception eligibility from the ICC requirement.**

Section 3. **Chapter 15.08 Repealed and Replaced.** Chapter 15.08 entitled, “Fire Code” is hereby repealed and replaced to read in full as follows:

CHAPTER 15.08

FIRE CODE

Sec. 15.08.010. Adoption of the 2018 International Fire Code.

The International Fire Code (IFC), 2018 Edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, including Appendices A, B, C, D, and F, is hereby adopted by reference as the City of Leadville Fire Code as if fully set out in this chapter with the additions, deletions, insertions and changes as set forth in this chapter. No building shall be hereafter constructed, erected, enlarged, altered, or moved into the city unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFC, as adopted and as amended. The purpose of the IFC is to provide minimum standards to safeguard life or limb, health, property and public welfare from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

Sec. 15.08.020. Amendments, Deletions, and Modifications.

Additions, deletions, amendments, and changes to the International Fire Code (IFC), 2018 Edition, are hereby adopted as follows:

- (1) IFC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Fire Code of City of Leadville, Colorado, hereinafter referred to as the “IFC” or “this code.”

- (2) IFC Section 901.4.3 (Fire Areas) is hereby amended to read as follows:

Sec. 901.4.3. Fire Areas.

Where buildings, or portions thereof, constructed under the International Building Code, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire walls constructed in accordance with the International Building Code or horizontal assemblies constructed in accordance with the International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with the International Building Code.

- (3) IFC Section 907.2.1. (Groups A) is hereby amended to read as follows:

Sec. 907.2.1. Group A.

A manual and automatic fire alarm system shall be installed in Group A occupancies having an occupant load of 49 or more and /or more than 5,000 square feet. Group A occupancies not separated from one another in accordance with Section 707.3.9 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

- (4) IFC Section 907.2.1.1 (System Initiation in Group A occupancies with an occupant load of 1,000 or more) is hereby amended to read as follows:

Sec. 907.2.1.1. System Initiation in Group A occupancies with an occupancy load of 49 or more.

Activation of the fire alarm in Group A occupancies with an occupant load of 49 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

- (5) IFC Section 907.2.2 (Group B) is amended to read as follows:

Sec. 907.2.2 Group B.

A manual and an automatic fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 49 or more and/or more than 5,000 square feet.
2. The Group B occupant load is more than 49 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.

- (6) IFC Section 907.2.4 (Group F) is hereby amended to read as follows:

907.2.4 Group F.

A manual and an automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where one of the following conditions exist:

1. The Group F occupancy is one or more stories in height; and
2. The Group F occupancy has a combined occupant load of 49 or

- more above or below the lowest level of exit discharge.
3. The Group F occupancy is more than 5,000 square feet.

- (7) IFC Section 907.2.5 (Group H) is hereby amended to read as follows:

907.2.5 Group H.

A manual and an automatic fire alarm system in accordance with Section 907.2 shall be installed in all Group H occupancies and in occupancies used for the manufacture of organic coatings. An automatic smoke detection system shall be installed for highly toxic gases, organic peroxides and oxidizers in accordance with Chapters 60, 62 and 63, respectively.

- (8) IFC Section 907.2.7 (Group M) is hereby amended to read as follows:

907.2.7 Group M.

A manual and automatic fire alarm system shall be installed through-out in Group M occupancies in accordance with Section 907.5 where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 49 or more persons.
2. The Group M occupant load is more than 20 persons above or below the lowest level of exit discharge.
3. The Group M total square footage is 5,000 square feet or more.

Sec. 15.08.030. Violations and Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the International Fire Code (IFC) adopted in this chapter. In addition to other sanctions set forth in the IFC, a person or entity who violates the provisions of the IFC shall be subject to the penalties as set forth in section 1.20.010 of this code. The provisions of the IFC and this chapter shall be enforced by the Building Official. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Section 4. Chapter 15.12 Repealed and Replaced. Chapter 15.12 titled, "Energy Conservation Code" is hereby repealed and replaced to read in full as follows:

CHAPTER 15.12

ENERGY CONSERVATION CODE

Sec. 15.12.010. Adoption of the 2018 International Energy Conservation Code.

The International Energy Conservation Code (IECC), 2018 Edition, is hereby adopted by reference as the City of Leadville Energy Conservation Code as if fully set out in this section. The purpose of the IECC is to regulate the design and construction of buildings for the effective use of energy. The IECC is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Sec. 15.12.020. Violations and Penalties.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, or cause or permit the same to be done in violation of the International Energy Conservation Code (IECC). In addition to other sanctions set forth in the IECC and this code, a person who violates the IECC shall be subject to the penalties as set forth in section 1.20.010 of this code. The provisions of the IECC and this chapter shall be enforced by the Building Official. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Section 5. **Chapter 15.16 Repealed and Replaced.** Chapter 15.16 titled, "Building Codes Board of Appeals" is hereby repealed and replaced to read in full as follows:

CHAPTER 15.16

BUILDING CODES APPEALS

Sec. 15.16.010. Appeals.

All appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of any of the city's building and technical codes adopted pursuant to this title shall be heard by the Lake County Board of Review.

Section 6. **Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 7. **Codification Amendments.** The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

Section 8. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 9. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this Ordinance.

Section 10. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 11. **Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 19th day July, 2022.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the 21st day of July, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this 6th day of September, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2022.

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 7
SERIES OF 2022**

AN ORDINANCE REPEALING AND REENACTING CHAPTERS 15.04, 15.08, 15.12, AND 15.16 OF THE CITY OF LEADVILLE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2018 INTERNATIONAL FUEL GAS CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2020 NATIONAL ELECTRICAL CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL FIRE CODE; MAKING SPECIFIC AMENDMENTS THERETO; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the City Council of the City of Leadville ("City Council") possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, pursuant to C.R.S. § 31-16-201 *et seq.*, the City may adopt any code by reference provided that the municipality provides proper notice and holds a public hearing prior to such adoption by reference; and

WHEREAS, the City has previously adopted by reference the following codes: the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Mechanical Code, the 2012 International Plumbing Code, the 2012 International Fuel Gas Code, the 2012 International Existing Building Code, the 2006 International Energy Conservation Code, and the 2012 International Fire Code; and

WHEREAS, periodically it is necessary for the City to update those building and fire codes which are adopted by reference in order to remain technically current; and

WHEREAS, pursuant to C.R.S. § 12-115-107, the City is required to adopt the most recently adopted version of the National Electrical Code, which is currently the 2020 National Electrical Code; and

WHEREAS, the City desires to adopt by reference the following codes: the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Existing Building Code, the 2018 International Energy Conservation Code, the 2020 National Electrical Code, and the 2018 International Fire Code; and

WHEREAS, the City held a public hearing on September 6~~August 2~~, 2022, with proper notice provided, to consider adoption of such codes as required by law; and

WHEREAS, copies of all codes adopted herein, will be available for inspection at the office of the Deputy City Clerk located at 800 Harrison Avenue, Leadville, Colorado 80461; and

WHEREAS, the City Council finds this ordinance and adoption of these codes by reference to be necessary in furtherance of the health, safety, and welfare of its citizens.

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

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Chapter 15.04 Repealed and Replaced.** Chapter 15.04 entitled, “Technical Building Codes” is hereby repealed and replaced to read in full as follows:

CHAPTER 15.04

TECHNICAL BUILDING CODES

Sec. 15.04.010. Codes Adopted.

- (a) The International Building Code (IBC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, ~~Chapters 1 through 35 inclusive~~, is hereby adopted by reference as the City of Leadville Building Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in Section 15.04.020 of this code.
- (b) The International Residential Code (IRC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, ~~Chapters 1 through 44 inclusive and Appendix Chapters E, F and G~~, is hereby adopted by reference as the City of Leadville Residential Building Code (“IRC”) as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in section 15.04.030 of this code.
- (c) The International Mechanical Code (IMC), 20128 Edition as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, ~~Chapters 1 through 15 inclusive~~, is hereby adopted by reference as the City of Leadville Mechanical Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in Section 15.04.040 of this code.
- (d) The International Plumbing Code (IPC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, and as amended by the State of Colorado Plumbing Board and/or its successors, ~~Chapters 1 through 14 inclusive~~, is hereby adopted by

reference as the City of Leadville Building Plumbing Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in Section 15.04.050 of this code.

- (e) The International Fuel Gas Code (IFGC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, ~~Chapters 1 through 8 inclusive~~, is hereby adopted by reference as the City of Leadville Building Fuel Gas Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in Section 15.04.060 of this code.
- (f) The International Existing Building Code (IEBC), 2018 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001, ~~Chapters 1 through 3516 inclusive~~, is hereby adopted by reference as the City of Leadville Existing Building Code as if fully set out in this section with the additions, deletions, insertions, and changes as set forth in Section 15.04.070 of this code.
- (g) The National Electrical Code (NEC), published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, the specific edition as promulgated, adopted, and amended by the State of Colorado Electrical Board and/or its successors, is hereby adopted by reference as the City of Leadville Electrical Code as if fully set out in this section.

Sec. 15.04.020. Amendment to 2018 International Building Code.

The 2018 IBC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IBC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the *Building Code of the City of Leadville*, hereinafter referred to as “the IBC” or “this Code.”

- (2) IBC Section 101.2 (Scope) is hereby amended with the addition of a new subsection 101.2.2 entitled, “Permits” to read as follows:

Sec. 101.2.2. Permits.

This Code shall apply to all permits applied for after the effective date of the Ordinance adopting by reference the 2018 IBC.

- (3) IBC Section 101.2 (Scope) is hereby amended with the addition of a new subsection 101.2.3 entitled, “Preemption” to read as follows:

Sec. 101.2.3. Preemption.

Whenever State law or State regulation imposes higher standards than are required by this code, the State law or State regulation providing the higher standard shall govern. When the standards imposed by this code are higher than the standards imposed by any other law, regulation, or ordinance of any governmental body, the standards of this code shall apply.

- (4) IBC Section 101.4.3 (Plumbing) is hereby amended to read as follows:

Sec. 101.4.3. Plumbing.

The provisions of the *International Plumbing Code* shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, appurtenances, and where connected to a water or sewer system and all aspects of a medical gas systems.

- (5) IBC Section 101.4.4 (Property Maintenance) is hereby deleted in its entirety.

~~(6) IBC Section 101.4.5 (Fire Prevention) is hereby deleted in its entirety.~~

- ~~(7)~~(6) IBC Section 101.4 (Referenced Codes) is hereby amended with the addition of a new Section 101.4.8 entitled “Electrical” to read as follows:

Sec. 101.4.8. Electrical.

The provisions of the National Electrical Code, the specific addition as adopted and amended by the State of Colorado Electrical Board, and or its successor(s), shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

- ~~(8)~~(7) IBC Section 102.6 (Existing Structures) is hereby amended to read as follows:

Sec. 102.6. Existing Structure.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the International Existing Building Code or the International Fire Code.

~~(9)~~(8) IBC Section 103 (Department of Building Safety) and its corresponding subsections are hereby deleted in its entirety.

~~(40)~~(9) IBC Section 105.1.1 (Annual Permit) is hereby deleted in its entirety.

~~(44)~~(10) IBC Section 105.1.2 (Annual Permit Records) is hereby deleted in its entirety.

~~(42)~~(11) IBC Section 105.2 (Work Exempt from Permit) is hereby amended with the addition of the following:

Sec. 105.2. Work Exempt from Permit.

* * *

Work exempted from requiring a building permit for construction of the building does not preclude any required approval from the Planning ~~and Zoning~~ Department to ensure compliance with zoning, use, and building setbacks. Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ~~o~~Ordinances of this jurisdiction.

The area of an exempt building in 105.2 of this section, shall be changed to two hundred (200) square feet to conform to that allowed under Section R105.2 of the International Residential Code.

The following work will not require a permit:

- 1) Drywall installation under two hundred (200) square feet.
- 2) Window replacement not requiring change of headers or structural members.
- 3) Replacement of exterior siding less than two hundred (200) square feet.
- 4) Insulation installation less than two hundred (200) square feet in existing structures.

~~(43)~~(12) IBC Section 107.1 (General) is hereby amended with a new subsection 107.1.1 entitled, "Responsibility for Preparation of Plans and Specifications" to read as follows:

Sec. 107.1.1. Responsibility for Preparation of Plans and Specifications.

In accordance with Section 107.1 (General), the Building Official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado when, but not limited to:

- 1) Foundations ~~are constructed on caissons or any other method other than spread footings~~that are not addressed within the IBC.
- 2) Roof framing or wall framing is "other than standard" construction not conforming to the requirements of Chapters 16 and 23.
- 3) All Buildings classified in Groups A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
- 4) Plans that, in the judgment of the Building Official, are submitted which are severely lacking in information showing compliance with the code, must be designed, and resubmitted by a professional draftsman.

~~(14)~~(13) IBC Section 107.2.1 (Information on Construction Documents) is hereby amended to read as follows:

Sec. 107.2.1. Information on Construction Documents.

Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

Each sheet of each set of plans shall provide the name of the person who prepared such plans and/or specifications.

~~(15)~~(14) IBC Section 107.3.3 (Phased Approval) is hereby amended to read as follows:

Sec. 107.3.3. Phased Approval.

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

When a permit has been issued for part of a building or structure and the City adopts a new building code, new permits may be issued for the remaining portion of the building or structure under the provisions and requirements of the code in effect at the time the first permit was issued, if the remaining permits are issued within one year of the adoption of the new code.

~~(+6)~~(15) IBC Section 108.3 (Temporary Power) is hereby amended to read as follows:

Sec. 108.3. Temporary Power.

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code or its successor as may be adopted by the State of Colorado Electrical Board.

~~(+7)~~(16) IBC Section 109.2 (Schedule of Permit Fees) is hereby repealed in its entirety and replaced to read as follows:

Sec. 109.2. Schedule of Permit Fees.

Fees shall be as provided for in Appendix A.

~~(+8)~~(17) IBC Section 109.4 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:

Sec. 109.4. Work Commencing Before Permit Issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to punitive charges. The charge shall be no less than twice the normal permit fee for the work being done plus an hourly charge for any additional inspections.

~~(19)~~(18) IBC Section 109.6 (Refunds) is hereby amended to read as follows:

Sec. 109.6. Refunds.

The Building Official is authorized to establish a refund policy.

The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee when no work has been done under a permit issued in accordance with this code. The original applicant must make a request in writing within one hundred eighty (180) days of the original fee payment. If a plan review was charged and appropriate plan review performed, no portion of this part of fee is refundable.

~~(20)~~(19) IBC Section 110.1 (General) is hereby amended to read as follows:

Sec. 110.1. General.

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this code or other ordinances of the city shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the Building Official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Inspections shall be as provided for in Appendix D.

~~(21)~~(20) IBC Section 110.3 (Required Inspections) shall be amended to read as follows:

Sec. 110.3. Required Inspections.

The Building Official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.12.

~~(22)~~(21) IBC Section 110.3 (Required Inspections) shall be amended with the addition of a new subsection 110.3.12. entitled, "Reinspection" to read as follows:

Sec. 110.3.12. Reinspection.

The Building Official may impose a reinspection fee if code violations are not corrected and required work that has been requested by the Building Official is not complete or requires an additional inspection.

~~(23)~~(22) IBC Section 111.3 (Temporary Occupancy) is hereby amended to read as follows:

Sec. 111.3. Temporary Occupancy.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The temporary certificate of occupancy is valid for ~~ninety (90) days~~sixty (60) days, with one (1) renewal of sixty (60) days permitted; at the discretion of the Building Official.

~~(24)~~(23) IBC Section 113 (Board of Appeals), and its subsections, are amended by replacing “Board of Appeals” with the “Board of Review.”

~~(25)~~(24) IBC Section 502.1 (Address Identification) is hereby amended to read as follows:

Sec. 502.1. Address Identification.

New and existing buildings shall be provided with approved address identification. Each character shall be not less than five (5) inches in height and not less than one half inch (1/2 inch) in width.

~~(26)~~(25) IBC Section 901.5 (Acceptance Tests) is hereby amended with the addition of a new subsection 901.5.1 entitled “Special Inspector” to read as follows:

Sec. 901.5.1. Special Inspector.

All fire protection systems required by this chapter shall be inspected and approved by a special inspector. The inspector shall be an employee of the fire department having jurisdiction or another qualified individual with prior approval of the Building Official. Inspections and approvals shall be documented and submitted as per Chapter 17 of this code.

~~(27)~~(26) IBC Section 1301.1.1 (Criteria) is hereby amended to read as follows:

Sec. 1301.1.1. Criteria.

Buildings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code.

~~(28)~~(27) IBC Section 1505.1 (General), Table 105.1 (Minimum Roof Covering Classification for Types of Construction) is hereby amended by the deletion of superscript “a.”

~~(29)~~(28) IBC Section 1608 (Snow Loads) shall be amended to read as follows:

Sec. 1608. Snow Loads.

Snow load calculations shall be based on values provided for in Appendix E.

~~(30)~~(29) IBC Chapter 27 (Electrical) is hereby deleted in its entirety.

~~(31)~~(30) IBC Section 2901.1 (Scope) is hereby amended to read as follows:

Sec. 2901.1. Scope.

The provisions of this chapter and the International Plumbing Code shall govern the design, construction, erection, and installation of plumbing components, appliances, equipment, and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. The International Fire Code, the International Property Maintenance Code and the International Plumbing Code shall govern the use and maintenance of plumbing components, appliance, equipment, and systems. The International Existing Building Code and the International Plumbing Code shall govern the alteration, repair, relocation, replacement, and addition of plumbing components, appliances, equipment, and systems.

Sec. 15.04.030. Amendment to 2018 International Residential Code.

The 2018 IRC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

(1) IRC Section R101.1 (Title) is hereby amended to read as follows:

R101.1. Title.

These provisions shall be known as the Residential Code for One and Two-Family Dwellings of the City of Leadville, and shall be cited as such and will be referred to herein as “the IRC” and “this code.”

- (2) IRC Section R101.2 (Scope) is hereby amended to read as follows:

R101.2. Scope.

The provisions of this code shall be apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and townhouses not more than three (3) stories above grade plan in height with a separate means of egress and their accessory structures not more than three (3) stories above grade plane in height.

~~Exception~~Exemptions:

1. Existing building permits prior to the effective date of this code, along with all approved extensions, shall remain in effect and shall be subject to the International Residential Code, 2012 edition.

2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Residential Code, 2012 Edition, if the work was originally permitted under this code within one year of the adoption of the 2018 code.

- (3) IRC Section R101.2.2 (Other Laws) is hereby amended to read as follows:

Sec. R101.2.2. Other Laws.

The provision of this code shall not be deemed to nullify any provisions of local, state, or federal law. Whenever a State law or regulation imposes higher standards than are required by this code, the State law or State regulation providing the higher standard shall govern. When the standards imposed by this code are higher than the standards imposed by any other law, regulation, or ordinance of any governmental body, the standards of this code shall apply.

- (4) IRC Section R102.7 (Existing Structures) is hereby amended to read as follows:

Sec. R102.7. Existing Structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

- (5) IRC Section R103 (Department of Building Safety) is hereby ~~deleted in its entirety~~amended to change the title to Department of Building.
- (6) IRC Section R104.8 (Liability) is hereby amended to read as follows:

Sec. R104.8. Liability.

The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors on said plans, specifications, and other data, or from preventing building operations being carried on thereunder, when in violation of this code, or any other Ordinance, or from collecting additional fees as appropriate. Nothing in this code is intended to authorize any person or agency with development review authority, other than the Building Official, to deny the issuance of a building permit hereunder.

The Building Official is hereby authorized and directed to enforce all of the provisions of this code; however, a guarantee that all building(s) and all structures have been constructed in accordance with all of the provisions of this code is neither intended nor implied.

- (7) IRC Section R105.2 (Work Exempt from Permit) is hereby as follows with deletions shown in strikethrough text and additions shown in underlined text:

Sec. R105.2. Work Exempt from Permit.

* * *

Building:

* * *

2. Fences not over 7 feet (2134 mm) high. Fences six (6) feet or less in height.

* * *

11. Drywall installation in buildings under two hundred (200) square feet.

12. Window replacement whereby installing code compliant^{tee} windows that do not require a change of headers or structural members.

13. Replacement of exterior siding less than two hundred (200) square feet.

14. Insulation installation less than two hundred (200) square feet in existing structures.

* * *

Work exempted from requiring a building permit for construction of the building does not preclude any required approval from the Planning and Zoning ^{Department} to ensure compliance with zoning, use, and building setbacks. Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits.

- (8) IRC Section R106.1.1 (Information on Construction Documents) is amended as follows:

Sec. R106.1.1. Information on Construction Documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved to the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

Each sheet of each set of plans shall give the name of the person who prepared such plans and specifications.

- (9) IRC Section R106.3.~~23~~ (~~Phased-Previous~~ Approvals) is hereby amended to ~~read~~ add a new paragraph as follows:

Sec. R106.3.~~23~~. ~~Phased-Previous~~ Approvals.

* * *

When a permit has been issued for part of a building or structure and the City adopts a new building code, new permits may be issued for the remaining portion of the building or structure under the provisions and requirements of the code in effect at the time the immediately preceding permit was issued, if the remaining permits are issued within one year of the adoption of the new code.

- (10) IRC Section R106.3 (Examination of Documents) is hereby amended with the addition of a new subsection R106.3.4 entitled “Responsibility for Preparation of Plans and Specifications” to read as follows:

Sec. R106.3.4. Responsibility for Preparation of Plans and Specifications.

The Building Official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado when, but not limited to:

- 1) Foundations that are not addressed within the International Residential Code.
 - 2) Wall or roof framing is "other than standard" construction not conforming to the requirements of Chapters 6 and 8,
 - 3) Foundations are located in designated dipping bedrock areas and per Sections R403.1.8;
 - 4) Metal buildings and structures are constructed; or
 - 5) Plans that, in the judgment of the Building Official, are submitted which are severely lacking in information showing compliance with the code, must be designed and resubmitted by a professional draftsman.
- (11) IRC Section R107.3 (Temporary Power) is hereby amended by the replacement of reference to the “NFPA 70” with “the National Electrical Code as may be revised by the State of Colorado Electrical Board.”
- (12) IRC Section R108.2 (Schedule of Permit Fees) is hereby amended to read as follows:

Sec. R108.2. Schedule of Permit Fees.

Permit fees shall be as determined by Appendix A.

- (13) IRC Section R108.5 (Refunds) is hereby amended to read as follows:

Sec. R108.5. Refunds.

The Building Official may authorize refunding of not more than 80 percent of the permit fee when no work has been done under a permit issued in accordance with this code. The original applicant must make a request in writing within 180 days of the original fee payment. If a plan review fee was charged and appropriate plan review performed, no portion of this part of the fee is subject to refund.

- (14) IRC Section R108.6 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:

Sec. R108.6. Work Commencing Before Permit Issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to punitive charges. The charge shall be twice the normal permit fee for the work being done plus an hourly charge for any additional inspections necessary.

- (15) IRC Section R109 (Inspections) and all of its subsections are hereby repealed in its entirety and replaced as follows:

R109.1. General

Inspections shall be as provided for in Appendix ~~A~~D.

R109.2 Reinspection.

The Building Official may impose a reinspection fee if code violations are not corrected, and required work that has been requested by the Building Official, is not complete and requires an additional inspection.

R109.3 Sanitation.

At the time of construction start-up, approved sanitary facilities are required at all construction jobs. The number of toilets shall be adequate for the number of construction workers, but no less than the number deemed necessary by the Building Official, or as called for in the adopted plumbing code. If a construction site becomes inactive for a period of time, the portable toilet may be removed

during this period of inactivity. Temporary toilets or use of a neighboring facility may be used if approved by the Building Official.

R109.4 Dumpsters.

Dumpsters or equivalent containers of adequate size to handle trash and unwanted materials from the permitted project shall be provided.

- (16) IRC Section R110.4 (Temporary Occupancy) is hereby ~~repealed—and reenacted~~amended to read as follows:

R110.4 Temporary occupancy.

The Building Official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit provided the following conditions are satisfied:

1. One bathroom with lavatory, water closet, tub or shower, and flooring has been completed.
2. A food preparation area, with sink, hot and cold water, and flooring has been completed.
3. Electrical system is complete for areas that are to be finished, or blanked off in unfinished areas.
4. Egress windows where required by this code are installed.
5. A heating system is operational as required by Section R303.9, Required Heating.
6. The exterior is complete and watertight with siding, trim, flashing and a roof.
7. Handrails and guardrails are in place.
8. All life-safety systems as determined necessary by the Building Official are in place.

- (17) IRC Section R112 (Board of Appeals), and all subsections thereof, is hereby amended with the replacement of “Board of Appeals” with “Board of Review.”

- (18) IRC Section R202 (Definitions) is hereby amended with the addition of the following definition of “bedroom” to appear in alphabetical order with the existing definitions:

Sec. R202. Definitions.

* * *

BEDROOM. A room, which is designed as a sleeping room, in Group R occupancies or a room, or area that can be used as a sleeping room and contains a closet.

* * *

- (19) IRC Section R301.2 (Climatic and Geographic Design Criteria) is hereby amended with the repeal and replacement of Table R301.2 to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ⁱ	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
R301.2.3. 1	115	No	No	No	C	Severe	48"	No	-15F	Yes	9/15/97 3/1/98	3000	35F
MANUAL J DESIGN CRITERIA ⁿ													
Elevation		Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature		Design temperature cooling		Heating temperature difference	
9,927		39		-14F	81F	.72		70F		75F		84	
Cooling temperature difference		Wind velocity heating		Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity		Summer humidity		—	
6		7.5		15	51	H		30%		50%		—	

- (20) IRC Section R301.2.3 (Snow Loads) is hereby amended to read as follows:

Sec. R301.2.3. Snow Loads.

Snow load values shall be determined by the data in Appendix E.

- (21) IRC Section R301.5 (Live Load), Table R301.5, is hereby amended by the deletion of the data in rows “Balconies (exterior) and decks” and “Fire Escapes”, the addition of a footnote (j) in such rows, and the addition of a footnote (j) to read as follows:

- (j) The minimum uniformly distributed live loads for exterior balconies, decks and fire escapes shall be as required for roof snow loads with pitches

between 0 and 3:12 at the elevation listed in Appendix E, when such structures are exposed to snow loading. Otherwise, a live load of 60 psf shall be used. For decks subject to sliding snow from sloped roofs above, the design load shall be determined from the formula in Section 7.9, ASCE 7-02, published by the American Society of Civil Engineers.

- (22) IRC Section R302.5.1 (Opening Protection) is hereby amended to read as follows:

Sec. R302.5.1. Opening Protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with a solid wood door not less than 1 3/8 inches (35 mm) in thickness or solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, equipped with a. ~~Doors shall be self latching and equipped with~~ self-closing or automatic-closing devices.

- (23) IRC Section R302.7 (Under-Stair Protection) is hereby amended to read as follows:

Sec. R302.7. Under-Stair Protection.

Enclosed space under stairs that is accessed by a door or access panel shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8-inch Type X gypsum board.

- (24) IRC Section R303.1(Habitable Rooms) is hereby amended with the addition of a new Exception # 4 to read as follows:

Sec. R303.1. Habitable Rooms.

* * *

4. Where a room is designed specifically for a home theater, the provisions of this section need not be required provided the conditions of Exceptions 1. and 2. above are met. A separate means of egress is not required for these rooms, regardless of whether they are located in a basement or elsewhere, unless the seating capacity exceeds ten (10) persons.

~~(25) —IRC Section 303.4 (Mechanical Ventilation) is hereby deleted in its entirety.~~

~~(26)~~(25) IRC Section 303.7 (Interior Stairway Illumination) is hereby amended to read as follows:

Sec. R303.7. Interior Stairway Illumination.

Interior stairways shall be provided with an artificial light source to illuminate the landings and treads. The light source shall be capable of illuminating treads and landings of not less than one (1) footcandle (11 lux) as measured at the center of treads and landings. There shall be a wall switch at each floor level to control the light switch where the stairway has six or more risers, as required by the current NEC.

Exception: A switch is not required where remote, central, or automatic control of lighting is provided.

~~(27)~~(26) _____ IRC Section R309.5 (Fire Sprinklers) is hereby amended to read as follows:

Sec. R309.5. Fire Sprinklers.

Private garages may be protected by fire sprinklers where the garage wall has been designed based on Table R302.1(2). Note a. Sprinklers in garages shall be connected to an automatic sprinklers system that complies with Section P2094. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft. Garage doors shall not be considered obstructions with respect to sprinkler placement. If such sprinklers are installed, they must meet the standards of this code.

~~(28)~~(27) _____ IRC Section R311.7.5.1 (Risers) is hereby amended to read as follows:

Sec. R311.7.5.1. Risers.

The maximum riser height shall be eight (8) inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at any angle not more than thirty (30) degrees (0.51 rad) from the vertical. At open risers, openings located more than thirty (30) inches (762 mm), as measured vertically, to the floor or grade below shall not permit the passage of 4-inch diameter (102 mm) sphere. Exterior open risers are permitted provided the opening between treads does not permit the passage of a 6-inch diameter sphere.

Exceptions:

1. The openings between adjacent treads is not limited on spiral stairways.

2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

~~(29)~~(28) IRC Section R311.7.5.2 (Treads) is hereby amended to read as follows:

Sec. R311.7.5.2. Treads.

The minimum tread depth shall be nine (9) inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

~~(30)~~(29) IRC Section R312.1.3 (Opening Limitations), Exception 1 is hereby amended to read as follows:

Sec. R312.1.3. Opening Limitations.

* * *

Exceptions:

1. Required guards on open sides of exterior stairways, raised floor areas, balconies, and porches shall have immediate rails or ornamental closures, which do not allow passage of a sphere of six (6) inches or more in diameter.

~~(31)~~(30) IRC Section R313.1 (Townhouse Automatic Fire Sprinkler Systems) is hereby amended to read as follows:

Sec. R313.1. Townhouse Automatic Fire Sprinkler Systems.

An automatic sprinkler system may be installed in townhomes. If such sprinkler systems are installed, they must meet the standards of this code.

~~(32)~~(31) IRC Section R313.2 (One-and two-family dwellings automatic sprinkler systems) is hereby amended to read as follows:

Sec. R313.2. One – and Two- Family Dwellings Automatic Sprinkler Systems.

An automatic sprinkler system may be installed in one- or two-family dwellings. If such sprinkler systems are installed, they must meet the standards of this code.

(32) IRC Section 315.2.2 (Alterations, repairs and additions) is amended to delete exception 2 in its entirety.

(33) IRC Section R319.1 (Address Identification) is hereby amended to read as follows:

Sec. R319.1. Address Identification.

All new buildings shall have address characters identifying the property address, displayed and plainly visible and legible from the street or road fronting the property. Address characters shall be affixed to the side of the building facing the street on which the property is addressed or affixed to a sign or post located adjacent to the street on which the property is addressed. Address numbers shall be of a color and/or material that contrast with the background on which they are mounted.

Address characters affixed to the building or to a sign or post shall be at least 5 inches in height. For buildings located more than 150 feet from the shoulder or curb of the street, there shall be, address characters affixed to a sign or post. This sign or post shall be located 25 feet or less from the shoulder or curb of the street and shall have address characters at least five inches in height.

The Building Official may approve alternate building address signage.

(34) IRC Section R404.1.~~32~~ (~~Design of Masonry~~Concrete Foundation Walls) is hereby amended with the addition of the following paragraph:

Sec. R404.1.~~23~~. ~~Design of Masonry~~Concrete Foundation Walls.

* * *

Minimum reinforcing for concrete foundation walls that are not specified by a Professional Engineer or not designed according to the tables listed in this section shall have grade 40, #4 bars on 24-inch centers both horizontally and vertically.

(35) IRC Section R905.2.7 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.2.7. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall

extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (36) IRC Section R905.3.3 (Underlayment) is hereby amended to read as follows:

Sec. R905.3.3. Underlayment.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (37) IRC Section R905.4.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.4.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (38) IRC Section R905.5.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.5.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

- (39) IRC Section 905.6.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.6.3.1 Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

~~(39)~~(40) IRC Section R905.7.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.7.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

~~(40)~~(41) IRC Section R905.8.3.1 (Ice Barrier) is hereby amended to read as follows:

Sec. R905.7.3.1. Ice Barrier.

Roofing material underlayment: In lieu of normal underlayment, an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall extend from the edge of the eave to a point at least seventy-two (72) inches inside the interior wall line of the building. All valleys shall have at least one (1) thirty-six (36) inch-wide layer applied and shall extend eighteen (18) inches from centerline each way. This shall be in addition to any other valley flashing requirements specified in this chapter.

~~(41)~~(42) IRC Section N1102.1.2 (R402.1.2) (Insulation and Fenestration Criteria), Table N1002.1.2, Row 7 and 8 is hereby amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH
7 and 8	0.30 [j]	0.55	NR	49	20 + 5[h] or 13 + 10	19/21	38[g]	15/19	10, 4 ft

~~(42)~~(43) IRC Section N1102.1.2 (R402.1.2) (Insulation and Fenestration Criteria), Table N1002.1.2, is hereby amended with the addition of a new footnote (j) to read as follows:

(j) A maximum U-factor of 0.32 shall apply in climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:

1. Above 4,000 feet in elevation, or
2. In windborne debris regions where protection of openings is required by Section R301.2.1.2

~~(44)~~ IRC Section N1102.4.1.2 (R402.4.1.2) (Testing) is amended to add the following sentence to the initial paragraph:

Mitigation of testing results are specified in the Lake County Building Department blower door testing policy.

~~(43)~~(45) IRC Section M1307.5 (Electrical Appliances) is hereby amended with a new title, "Appliances" ~~and amended with the deletion of the sentence.~~ M1307.5 (Appliances) is further amended with the addition of two new subsections to read as follows:

Sec. M1307.5.1 Electrical appliances.

Electrical appliances shall be installed in accordance with Chapters 14, 15, 19, 20, and 34 through 43 of this code.

Sec. M1307.5.2 LPG appliances.

LPG appliances shall be permitted to be installed with proper ventilation, upon approval of the Building Official.

~~(44)~~(46) Chapter 14 (Heating and Cooling Equipment and Appliances) is hereby amended with the addition of a new section M1416 entitled, "Unvented Room Heaters" to read as follows:

Sec. M1416. Heating and Cooling Equipment and Appliances.

Unvented room heaters are prohibited in one- and two-family dwellings and townhouses.

(45)(47) IRC Section 1502.4.4 (Dryer Exhaust Duct Power Ventilators) is hereby amended with the addition of a new subsection 1502.4.4.1 entitled, “Duct Specified Length” to read as follows:

Sec. 1502.4.4.1. Duct Specified Length.

The code official shall be provided with a copy of installation instructions for the make and model of dryer.

(46)(48) IRC Section G2406.2 (303.3) (Prohibited Locations) is hereby amended by deletion of Exceptions 3 &and 4 and by the addition of a new Exception 7 to read as follows:

Sec. G206.2 (303.3). Prohibited Locations.

7. LPG appliances shall be permitted to be installed with proper ventilation, upon approval of the Building Official.

(47)(49) IRC Section G2417.4.1 (406.4.1) (Test Pressure) is hereby amended to read as follows:

Sec. G2417.4.1 (406.4.1). Test Pressure.

The test pressure to be used shall not be Jess-less than one and one half time the proposed maximum working pressure but not less than 15 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than fifty percent (50%) of the specified minimum yield strength of the pipe.

(50) IRC Section G2445 (General) is amended to read as follows:

Sec. G2445 General.

Unvented room heaters are prohibited in one- and two-family dwelling units and townhouses.

(48)(51) IRC Section P2503.5.1 (Rough Plumbing) is hereby amended to read as follows:

Sec. P2503.5.1. Rough Plumbing.

DWV systems shall be tested on completion of the rough piping installation by water; or, for piping systems, by air, without evidence of leakage. Either test shall

be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:

1. Water Test. Each section shall be filled with water to a point not less than five (5) feet (1524 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of fifteen (15) minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of five (5) pounds per square inch (psi) (34 kPa) or ten (10) inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of fifteen (15) minutes.

~~(49)~~(52) IRC Section P2603.5.1 (Sewer Depth) is hereby amended to read as follows:

Sec. P2603.5.1. Sewer Depth.

Building sewers that connect to private sewer disposal systems shall be installed deep enough to protect from physical damage and the slope must be adequate to eliminate the possibilities of freezing.

~~(50)~~(53) IRC Section E3401 (General) is hereby amended with the addition of a new subsection E3401.5 entitled, "Meter Protection" to read as follows:

Sec. E3401.5. Meter Protection.

The Building Official may require a utility-owned electric meter have protection from falling ice and snow.

~~(51)~~(54) IRC Section E3703 (Required Branch Circuits) is hereby amended with the addition of a new subsection E3703.5 entitled, "Electric Vehicle Charging Branch Circuit" to read as follows:

Sec. E3703.5. Electric Vehicle Charging Branch Circuit.

All single-family homes shall be made EV-ready for charging by preinstalling conduit or conductors during construction of the house. Designate enough space and capacity on the main electrical panel or a garage subpanel for at least 40 amp, 240V dedicated branch circuit. Install conduit or conductors linking the electrical panel to the future location of the EV charger, near where cars will be parked in the garage or driveway. The Building Official may grant an exception in unique

situations if a significant hardship is determined in acquiring the level of service necessary to meet this requirement.

Sec. 15.04.040. Amendment to 2018 International Mechanical Code.

The 2018 IMC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IMC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Mechanical Code of the City of Leadville, Colorado, hereinafter referred to as the “IMC” or as “this code.”

- (2) IMC Section 106.5.2 (Fee Schedule) is hereby amended to read as follows:

Sec. 106.5.2. Fee Schedule.

Fees shall be as provided for in Appendix B.

- (3) IMC Section 106.5.3 (Fee Refunds) is hereby amended to read as follows:

Sec. 106.5.3. Fee Refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was paid erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of the fee payment.

- (4) IMC Section 109 (Means of Appeal) and all of its subsections are amended by replacing the phrase “Board of Appeal” to “Board of Review.”

(5) IMC Section 301.2 (Energy Utilization) is amended to read:

Sec. 301.2 Energy Utilization.

Heating, ventilating and air-conditioning systems of all structures shall be designated and installed for efficient utilization of energy in accordance with the International Energy Conservation Code, 2018 edition.

(5)(6) IMC Section 1204.2 (Required Thickness) is hereby amended to read as follows:

Sec. 1204.2. Required Thickness.

Hydronic piping shall be insulated to the thickness required by the 2018 International Energy Conservation Code.

Sec. 15.04.050. Amendment to 2018 International Plumbing Code.

The 2018 IPC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

(1) IPC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101. Title.

These regulations shall be known as the Plumbing Code of the City of Leadville, Colorado hereinafter referred to as the “IPC” or “this code.”

(2) IPC Section 106.6.2 (Fee Schedule) is hereby amended to read as follows:

Sec. 106.6.2. Fee Schedule.

Fees shall be as provided for in Appendix B.

(3) IPC Section 312.1 (Required Tests) is hereby amended to read as follows:

Sec. 312.1. Required Tests.

The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and he or she shall be responsible for determining that the work will withstand the test

pressure prescribed in the following tests. Plumbing system piping shall be tested with either water or by air.

- (4) IPC Section 312.3 (Drainage and Vent Air Test) is hereby amended to read as follows:

Sec. 312.3. Drainage and Vent Air Test.

An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.6 kPA) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test periods.

- (5) IPC Section 312.4 (Drainage and Vent Final Test) is hereby deleted in its entirety.

- (6) IPC Section 312.5 (Water Supply System Test) is hereby amended to read as follows:

Sec. 312.5. Water Supply System Test.

Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system ~~or~~ by an air test of not less than 50 psi (344 kPA). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

- (7) IPC Section 903.1 (Roof Extension) is hereby amended to read as follows:

Sec. 903.1. Roof Extension.

Open vent pipes that extend through a roof shall be terminated not less than 18 inches above the roof, or six inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

Sec. 15.04.060. Amendment to 2018 International Fuel Gas Code.

The 2018 IFGC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IFGC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Fuel Gas Code of the City of Leadville, Colorado, hereinafter referred to as the “IFGC” or “this code.”

- (2) IFG~~CS~~ Section 102 (Applicability) is hereby amended with a new subsection 102.12 entitled, “Utility-Owned Gas Meters” to read as follows:

Sec. 102.12. Utility-Owned Gas Meters.

The Building Official may require that a utility-owned gas meter have protection from falling ice and snow.

- (3) IFGC Section 103 (Department of Inspection) is hereby deleted in its entirety.

- (4) IFGC Section 104.1 (General) is hereby amended to read as follows:

Sec. 104.1. General.

The Leadville Building Official is hereby authorized and directed to enforce the provisions of this code.

- (5) IFG~~SC~~ Section 106.6.2 (Fee schedule) is hereby amended to read as follows:

Sec. 106.6.2. Fee Schedule.

Fees shall be provided for as in Appendix B.

- (6) IFG~~SC~~ Section 106.6.3 (Fee Refunds) is hereby amended to read as follows:

Sec. 106.6.3. Fee Refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was paid erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid where work has not been done under a permit issued in accordance with this code.

3. Not more than eighty percent (80%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of the fee payment.

- (7) IFG~~CS~~ Section 109 (Means of Appeal), and all subsections thereto, is hereby amended by replacing the phrase “Board of Appeals” with Board of Review.”
- (8) IFGC Section 201.3 (Terms Defined in Other Codes) is hereby amended to read as follows:

Sec. 201.3. Terms Defined in Other Codes.

Where terms are not defined in this code and are defined in the National Electrical Code, International Building Code, International Fire Code, International Mechanical Code, or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

- (9) IFG~~CS~~ Section 303.3 (Prohibited Locations) is hereby amended by deleting Exceptions 3 ~~and~~& 4.

Sec. 15.04.070. Amendment to 2018 International Existing Building Code.

The 2018 IEBC adopted in Section 15.04.010 is hereby amended with the following additions, deletions, and/or changes:

- (1) IEBC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Existing Building Code of City of Leadville, Colorado hereinafter referred to as the “IEBC” or “this Code.”

- (2) IEBC Section 103 (Department of Building Safety) and all of its subsections are hereby deleted.
- (3) IEBC Section 105.1.1 (Annual Permit) is hereby deleted in its entirety.
- (4) IEBC Section 105.1.2 (Annual Permit Records) is hereby deleted in its entirety.

- (5) IEBC Section 105.2 (Work Exempt from Permit) is hereby amended with the addition of new paragraph to read as follows:

Sec. 105.2. Work Exempt from Permit.

* * *

Work exempted from requiring a building permit for the proposed work does not preclude any required approval from the City to insure compliance with zoning, use, and property setbacks. Unless otherwise exempted by this Code, separate plumbing, electrical, and mechanical permits may be required for the building if such work would normally require permits. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws, ordinances or resolutions of this jurisdiction.

- (6) IEBC Section 105.2 (Work Exempt from Permit) is hereby amended further by adding to the Building section for projects that do not require a work permit to read as follows:

Sec. 105.2. Work Exempt from Permit.

Building.

* * *

7. Door and door frame replacement unless involving other structural changes.
8. Window replacement whereby replacing with code compliant windows and window frame replacement unless involving other structural changes.
- ~~9. Remodeling, interior or exterior, not involving any structural change, not altering existing fire resistance rated construction assemblies, and not altering point of use plumbing or existing fuel gas piping, mechanical, or electrical systems.~~
- 10.9. Insulation installation less than 200 square feet in existing structures.
- 11.10. Removal and replacement of exterior siding materials less than 200 square feet.

- (7) IEBC Section 106.1 (General) is hereby amended with the addition of a new subsection 106.1.1 entitled, “Responsibility for Preparation of Plans and Specifications” to read as follows:

Sec. 106.1.1. Responsibility for Preparation of Plans and Specifications.

The Building Official shall require plans, computations, and specifications prepared, designed, and stamped by an engineer or architect licensed to practice in the State of Colorado when, but not limited to the following structure designs:

1. Foundations are constructed on caissons or any other method other than spread footings.
2. Roof framing or wall framing is other than conventional light-frame construction in accordance with AP&PA Wood Frame Construction Manual (WFCM).
3. Buildings in which confirmation is required of beam sizes and spans, loading, or any structural element affecting the integrity of the building unless otherwise demonstrated to the Building Official's satisfaction.
4. Plans that, in the judgment of the Building Official, are submitted by a professional draftsman.

- (8) IEBC Section 108.2 (Schedule of Permit Fees) is hereby amended to read as follows:

Sec. 108.2. Schedule of Permit Fees.

On buildings, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees provided for in Appendices A and B.

- (9) IEBC Section 108.4 (Work Commencing Before Permit Issuance) is hereby amended to read as follows:

Sec. 108.4. Work Commencing Before Permit Issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee as established by Section 108.4.1.

- (10) IEBC Section 108.4 (Work Commencing Before Permit Issuance) is hereby further amended with the addition of a new subsection 108.4.1. entitled, "Investigation Fee" to read as follows:

Sec. 108.4.1. Investigation Fee.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the

amount of the permit fee required by this code and per the Schedule of Fees as set forth in the Appendices to this Chapter 15.04 of the Municipal Code. The minimum investigation fee shall be the same as the minimum fee set forth in the Schedule of Fees as provided for in Appendices A and B. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- (11) IEBC Section 108.6 (Refunds) is hereby amended to read as follows:

Sec. 108.6. Refunds.

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

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

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

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

- (12) IEBC Section 109.6 (Approval Required) is hereby amended with a new subsection 109.6.1 entitled, "Inspection Record Card" to read as follows:

Sec. 109.6.1. Inspection Record Card.

An inspection record card shall be issued to the holder of a building permit or an agent of the permit holder to allow the Building Official to readily make entries thereon regarding the inspection approval of work. The building permit holder shall keep this inspection record card available to the Building Official on the project site until final building inspection approval has been granted by the Building Official.

- (13) IEBC Section 110.3 (Temporary Occupancy) is hereby amended to read as follows:

Sec. 110.3. Temporary Occupancy.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely.

- (14) ~~IEBC~~ Section 112 (Board of Appeals) and its accompanying subsections, is hereby amended by replacing the phrase “Board of Appeals” with “Board of Review.”
- (15) IEBC Section 112.1 (General) is hereby amended to read as follows:

Sec. 112.1. General.

Appeals from the decision of the Building Official shall be filed with the Board of Review by filing a written appeal within sixty (60) days after the date of the Building Official's decision.

- (16) IEBC Section 1301.3.2 (Compliance with Other Codes) is hereby amended to read as follows:

Sec. 1301.3.2. Compliance with Other Codes.

Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

- (17) IEBC Section 1401.2 (Conformance) is hereby amended to read as follows:

Sec. 1401.2. Conformance.

The building shall be safe for human occupancy as determined by the International Fire Code. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.

- (18) IEBC Chapter 16 (Referenced Standards) regarding American Society of Mechanical Engineers (“ASME”) referenced standards is amended to read as follows:

ASME

Standard reference number	Title	Referenced in code section number
ASME/A17.1 2019/CSA B44-07	Safety Code for Elevators and Escalators – with A17.1a/CSA B44a- 08 Addenda	410.8.2, 705.1.2, 902.1.2
A17.3—2005 as implemented in 7 CCR1101 – 8, Section 2-6-2	Safety Code for Existing Elevators and Escalators	902.1.2
A18.1--2017	Safety Standard for Platform Lifts and Stairway Lifts	410.8.3, 705.1.3

- (19) -IEBC Chapter 16 (Referenced Standards) regarding International Code Council, Inc., is amended with the deletion of any reference to the International Property Management Code.

Sec. 15.04.080. Violations and Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the Codes adopted in this Chapter. In addition to other sanctions set forth in the adopted Codes, a person or entity who violates the provisions of any such Code shall be subject to the penalties as set forth in Section 1.20.010 of this Code. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Sec. 15.04.090. Appendices.

Appendix A

BUILDING PERMIT FEE CALCULATION

Cost per square foot figures taken from the ICC's publication, Building Valuation Data & will be updated annually

Type of Space	Area per square foot	Cost per square foot	Value
Living (Wood Frame)		X \$150.87	
Living (IRC Modular)		X \$75.44	
Unfinished Basement		X \$23.20	
Garage / Storage		X \$60.43	
Deck / Porch / Carport		X \$60.43	
Remodel (Materials)		X 2 (for labor)	
Total Value			

_____ + (_____ X _____) = _____

Initial Fee cost per additional # of additional **BASE PERMIT FEE**

_____ + 0.65 x _____ = _____

Base Permit Fee **PLAN REVIEW FEE**

TOTAL FEE _____

Driveway _____

GRAND TOTAL _____

Other Fees:

1		
2	Reinspection fee	\$50.00/Hr.
3	Consultation fee	\$50Hr.
4	Additional plan review required by changes, additions or revisions	\$62.50 base fee + \$62.50 per half hour of review
5	Outside consultant for plan review and/or inspections	Cost + 20%
6	Temporary Certificate of Occupancy (TCO)	\$150.00 for 90 days
7	Solar Permit – Residential	\$150.00
8	Solar Permit - Commercial	\$300.00
9	Appeals	\$50.00

APPENDIX B

Schedule of Permit Fees for Work Done Under:

- a) International Fuel Gas Code
- b) International Mechanical Code
- c) International Plumbing Code
- d) Roofing Permit

Table 1-A Building Permit Fees

Total Valuation	Fees Based on 2018 IRC Appendix L
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction of, to and including the \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000.00 or fraction of, to and including the \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00 plus \$9.10 for each additional \$1,000.00 or fraction of, to and including the \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00 or fraction of, to and including the \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction of, to and including the \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00 plus \$3.00 for each additional \$1,000.00 or fraction of, to and including the \$5,000,000.00
\$5,000,000.00 and up	\$18,327.00 for the first \$5,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof

Valuation of Work

Permit Fee

Base Permit Fee.....\$50.00

More than \$2,000, but not more than \$50,000\$16.00 for each \$1,000 valuation or fraction thereof

More than \$50,000, but not more than \$500,000.....\$250.00 plus \$13.00 for each \$1,000 valuation or fraction thereof

More than \$500,000.....\$1,500 plus \$11.00 for each \$1,000 valuation or fraction thereof

These are the fees in effect as of the date of adoption of this Ordinance. The fee schedule may be updated annually.

APPENDIX C

Reserved

APPENDIX D

Schedule of Inspections for work done under either the International Building Code or the International Residential Code

General. Construction of work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances or the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Inspection Record Card. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection card in a conspicuous place on the premises and in a position as to allow the Building Official to make the required entries conveniently thereon regarding inspection of the work.

Required Inspections. The Building Official, upon 24-hour notification, shall make the inspections set forth below as well as other inspections as needed.

Concrete Slab or Under-Floor Inspection. To be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

Damp proofing Inspection. A damp proofing inspection may be required prior to back-fill unless otherwise approved by the Building Official. Damp proofing may be required by Section R406. A perimeter drain inspection may be made at this time if such drain is required by this code.

Final Inspection. The final inspection shall be made after all work required by the building permit is completed.

Fire Resistant Penetrations. Protection of joints and penetrations in fire-resistant-rated assemblies shall not be concealed from view until inspected and approved.

Footing Inspections. To be made after trenches are excavated, forms erected and reinforcing steel, if any, is placed and before footings are poured. A survey of the lot(s) may be required at this time to verify that the structure is located in accordance with, and the elevation matches, the approved plans.

Foundation Wall Inspections. Shall be made after the footings or piers have been poured. The foundation walls shall be formed and reinforcing steel and void material in place per accepted plan.

Air/Water Resistive Barrier Inspection. Shall be made after the air/water barrier has been properly installed, fastened, and taped.

Frame Inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking is complete, and bracing is in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wire, pipe and duct inspections are approved.

Insulation Inspection. Shall be made after all insulation and vapor barriers are in place, and before any wall covering material is installed.

Lath or Gypsum Board Inspection. Shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum

board joints and fasteners are taped and finished.

Roofing Inspection, Final. Shall be conducted after the roof has been completed.

Roofing Inspection, Mid-Roof. Shall be made after the underlayment has been installed.

Utility Inspection. Prior to back-fill, and unless otherwise approved by the Building Official, underground gas, water, sewer and electric lines must be inspected from the utility tap to the structure.

APPENDIX E

Snow Load Tables

City of Leadville Snow Load Requirements (Based on Elevation)

(This table for reference only showing a relationship between pitch and degrees)

Pitch		0	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12	11:12	12:12	13:12	14:12	15:12	16:12
Degrees		0	14.0	18.4	22.6	26.6	30.3	33.7	36.9	39.8	42.5	45	47.3	49.4	51.3	53.1

Reduced Design Snow Load Based on Roof Pitch in Pounds per Square Foot

Elevation	Snow	0	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12	11:12	12:12	13:12	14:12	15:12	16:12
9000	65	65	65	65	60	60	55	50	45	45	40	40	40	40	40	40
9300	70	70	70	70	65	60	55	55	50	45	40	40	40	40	40	40
9500	75	75	75	75	70	65	60	55	50	50	45	40	40	40	40	40
9700	80	80	80	80	75	70	65	60	55	50	45	45	40	40	40	40
9900	85	85	85	85	80	75	70	65	60	55	50	45	40	40	40	40
10100	90	90	90	90	85	80	70	65	60	55	50	45	40	40	40	40
10300	95	95	95	95	90	85	75	70	65	60	55	50	45	40	40	40
10500	100	100	100	100	95	85	80	75	65	60	55	50	45	40	40	40
10600	105	105	105	105	100	90	85	75	70	65	55	50	45	45	40	40
10800	110	110	110	110	105	95	85	80	70	65	60	55	so	45	40	40
11000	115	115	115	115	110	100	90	80	75	70	60	55	50	45	40	40
11200	120	120	120	120	115	105	95	85	80	70	65	60	50	45	40	40
11300	125	125	125	125	120	110	100	90	80	75	65	60	55	50	45	40
11500	130	130	130	130	125	110	100	90	85	75	70	60	55	50	45	40
11700	135	135	135	135	125	115	105	95	85	80	70	65	55	50	45	40
11800	140	140	140	140	130	120	110	100	90	80	70	65	60	50	45	40
12000	145	145	145	145	135	125	115	100	90	85	75	65	60	55	45	40

Table based on the formula $R_s = S/40 - \frac{1}{2}$ where

R_s = Snow load reduction in psf per degree of slope over 20 degrees.

S = Design Snow Load in pounds per square foot (psf)

Minimum Snow Load is 40 psf

For lower roofs subject to sliding snow from sloped roofs above, the design load shall be determined from the formula in ASCE 7-16, Section 7.9, published by the American Society of Civil Engineers.

APPENDIX F

CONTRACTOR REGISTRATION

1. Contractor registration shall be defined as the registration of construction contractors which means a person, firm, or corporation that, in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish, for another, a building, or other structure, project, development, or improvement attached to real estate, including carpentry, electrical, plumbing, and roofing work, solar installation, elevator and boiler installation, window and door installation, and many other types of work. In order to do work similar to that described in the preceding paragraph, upon the construction contractor's property, the contractor employs members of more than one trade on a single job or under a single building permit issued through the City of Leadville, except as otherwise provided. For the purpose of this definition, subcontractor has the same meaning as contractor.

2. It shall be unlawful for any Contractor to perform work within the City of Leadville without first having registered with ~~the City~~Lake County. Any Contractor who fails to register annually prior to conducting any construction work during that calendar year shall be subject to a fine of \$50.00.

3. Applicants shall submit a written application with the information as required on the Contractor Registration application form located in Appendix F of this ordinance to the Building Official.

4. Each application shall include a non-refundable fee as identified on the Contractor Registration application form located in Appendix F.

Contractor Registration Form

The Lake County Building Department requires all contractors that perform work within the County to be registered with the Lake County Building Department. All contractors will be put on a list that will be available to the public. All registrations will expire at the end of each calendar year, and will be required to be renewed by January 31st of each year or before any work is performed. All contractors will be required to carry a minimum of one (1) million dollar (\$1,000,000) liability insurance coverage.

*** PLEASE NOTE THAT ALL CONTRACTORS WILL BE REQUIRED TO PROVIDE PROOF OF PASSING APPROPRIATE ICC CONTRACTOR**

**TESTING OR A LICENSE FROM A JURISDICTION THAT REQUIRES
APPROPRIATE TESTING, AND A COPY OF THEIR CURRENT INSURANCE
CERTIFICATE TO KEEP ON FILE WITH THE BUILDING DEPARTMENT. ***

Application for Contractor's Registration

***ALL BLANKS MUST BE FILLED IN AND ORIGINAL SIGNATURES ARE
REQUIRED ***

Date: _____

Insurance Provider: _____

Owner's Name: _____

Contractor's Phone Number: _____

Company Name:

Email/Website:

=

Contractor's Mailing Address:

Signature:

Please check the following box(es) to indicate which contractor license(s) you are registering for:

- ☐ **Excavators= \$50.00**
- ☐ **Drywall Contractors= \$50.00**
- ☐ **General Contractors Residential C= \$50.00**
- ☐ **General Contractors Commercial B=\$50.00**
- ☐ **Mechanical Contractor= \$50.00**
- ☐ **Roofing Contractor= \$50.00**
- ☐ **Plumbing Contractor= \$50.00**
- ☐ **Insulation Contractor= \$50.00**
- ☐ **Fire Sprinkler Installers= \$50.00**
- ☐ **Solar Installer= \$50.00**
- ☐ **Water Well Const. & Pump Installer**

Please make checks payable to the Lake County Treasurer

Contractor's Registration Number: _____ (Office Use Only)

General contractors doing work on residential buildings shall provide proof of testing to the *ICC National Standard Residential Building Contractor "C" test.

General contractors doing work on commercial buildings shall provide proof of testing to the *ICC National Standard General Building Contractor "B" test.

***If you hold a license from another jurisdiction or institution, the Code Official shall determine exception eligibility from the ICC requirement.**

Section 3. Chapter 15.08 Repealed and Replaced. Chapter 15.08 entitled, "Fire Code" is hereby repealed and replaced to read in full as follows:

CHAPTER 15.08

FIRE CODE

Sec. 15.08.010. Adoption of the 2018 International Fire Code.

The International Fire Code (IFC), 2018 Edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, including Appendices A, B, C, D, and F, is hereby adopted by reference as the City of Leadville Fire Code as if fully set out in this chapter with the additions, deletions, insertions and changes

~~as set forth in this chapter. No building shall be hereafter constructed, erected, enlarged, altered, or moved into the city unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFC, as adopted and as amended. The purpose of the IFC is to provide minimum standards to safeguard life or limb, health, property and public welfare from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel. Pursuant to title 31, article 16, part 2, C.R.S., for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, certain code known as the *International Fire Code* (hereafter "International Code" or "International Fire Code" or "the code") promulgated by the International Code Council, 4051 West Flossmoor Road, County Club Hills, IL 60478-5795, including appendices chapters A, B, C, D, and F, being particularly the 2018 Edition thereof and whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by sections of this ordinance. Said code, of not less than one copy, certified to be a true copy, shall be filed in the office of the City Clerk of the City of Leadville, and may be inspected by any interested person between the hours of nine a.m. and four p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for inspection and sale to the public at cost through the Leadville/Lake County Fire Rescue (herein also referred to as the fire department), the Office of Lake County Community Services, and the office of the City Clerk of Leadville. After the date on which this chapter takes effect, the provisions thereof shall be controlling within the City of Leadville, Colorado.~~

Sec. 15.08.020. Amendments, Deletions, and Modifications.

Additions, deletions, amendments, and changes to the International Fire Code (IFC), 2018 Edition, are hereby adopted as follows:

- (1) IFC Section 101.1 (Title) is hereby amended to read as follows:

Sec. 101.1. Title.

These regulations shall be known as the Fire Code of City of Leadville, Colorado, hereinafter referred to as the "IFC" or "this code."

- (2) IFC Section 901.4.3 (Fire Areas) is hereby amended to read as follows:

Sec. 901.4.3. Fire Areas.

Where buildings, or portions thereof, constructed under the International Building Code, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire walls constructed in accordance with the International Building Code or horizontal assemblies constructed in accordance with the

International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with the International Building Code.

- (3) IFC Section 907.2.1. (Groups A) is hereby amended to read as follows:

Sec. 907.2.1. Group A.

A manual and automatic fire alarm system shall be installed in Group A occupancies having an occupant load of 49 or more and /or more than 5,000 square feet. Group A occupancies not separated from one another in accordance with Section 707.3.9 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

- (4) IFC Section 907.2.1.1 (System Initiation in Group A occupancies with an occupant load of 1,000 or more) is hereby amended to read as follows:

Sec. 907.2.1.1. System Initiation in Group A occupancies with an occupancy load of ~~491,000~~ or more.

~~Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.~~

Activation of the fire alarm in Group A occupancies with an occupant load of 49 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

- (5) IFC Section 907.2.2 (Group B) is amended to read as follows:

Sec. 907.2.2 Group B.

A manual and an automatic fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 49 or more and/or more than 5,000 square feet.
2. The Group B occupant load is more than 49 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.

- (6) IFC Section 907.2.4 (Group F) is hereby amended to read as follows:

907.2.4 Group F.

A manual and an automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where one of the following conditions exist:

1. The Group F occupancy is one or more stories in height; and
2. The Group F occupancy has a combined occupant load of 49 or more above or below the lowest level of exit discharge.
3. The Group F occupancy is more than 5,000 square feet.

- (7) IFC Section 907.2.5 (Group H) is hereby amended to read as follows:

907.2.5 Group H.

A manual and an automatic fire alarm system in accordance with Section 907.2 shall be installed in all Group H occupancies and in occupancies used for the manufacture of organic coatings. An automatic smoke detection system shall be installed for highly toxic gases, organic peroxides and oxidizers in accordance with Chapters 60, 62 and 63, respectively.

- (8) IFC Section 907.2.7 (Group M) is hereby amended to read as follows:

907.2.7 Group M.

A manual and automatic fire alarm system shall be installed through-out in Group M occupancies in accordance with Section 907.5 where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 49 or more persons.
2. The Group M occupant load is more than 20 persons above or below the lowest level of exit discharge.
3. The Group M total square footage is 5,000 square feet or more.

Sec. 15.08.030. Violations and Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the International Fire Code (IFC)s adopted in this Chapter. In addition to other sanctions set forth in the ~~adopted Codes~~ IFC, a person or entity who violates the provisions of ~~any such Code~~ the IFC shall be subject to the penalties as set forth in ~~S~~section 1.20.010 of this ~~c~~Code. The provisions of the IFC and this chapter shall be enforced by the Building Official. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be

given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Section 4. Chapter 15.12 Repealed and Replaced. Chapter 15.12 titled, "Energy Conservation Code" is hereby repealed and replaced to read in full as follows:

CHAPTER 15.12

ENERGY CONSERVATION CODE

Sec. 15.12.010. Adoption of the 2018 International Energy Conservation Code.

The International Energy Conservation Code (IECC), 2018 Edition, is hereby adopted by reference as the City of Leadville Energy Conservation Code as if fully set out in this section. The purpose of the IECC is to regulate the design and construction of buildings for the effective use of energy. The IECC is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

Sec. 15.12.020. Violations and Penalties.

It shall be a unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, or cause or permit the same to be done in violation of the International Energy Conservation Code (IECC). In addition to other sanctions set forth in the IECC and this code, a person who violates the IECC shall be subject to the penalties as set forth in section 1.20.010 of this code. The provisions of the IECC and this chapter shall be enforced by the Building Official. Further, upon notice from the Building Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Section 4. Section 5. Chapter 15.16 Repealed and Replaced. Chapter 15.16 titled, "Building Codes Board of Appeals" is hereby repealed and replaced to read in full as follows:

CHAPTER 15.16

BUILDING CODES APPEALS

Sec. 15.16.010. Appeals.

All appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of any of the city's building and technical codes adopted pursuant to this title shall be heard by the Lake County Board of Review.

~~Section 5.~~**Section 6. Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

~~Section 6.~~**Section 7. Codification Amendments.** The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

~~Section 7.~~**Section 8. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

~~Section 8.~~**Section 9. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this Ordinance.

~~Section 9.~~**Section 10. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

~~Section 10.~~**Section 11. Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on
first reading this 19th day July, 2022.**

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the
City of Leadville, Colorado, on the 21st day of July, 2022.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,
with any amendments, this 6th day of September, 2022.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2022.

Summary of Major Changes in 2018 International Codes

(from <https://www.iccsafe.org/about/periodicals-and-newsroom/key-changes-in-the-2018-i-codes/>)

Code	Changes
2018 International Building Code	<ul style="list-style-type: none"> • Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory. • New code sections have been introduced addressing medical gas systems and higher education laboratories. • Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height. • Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway. • The occupant load factor for business uses has been revised to one occupant per 150 square feet. • Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served. • The minimum lateral load that fire walls are required to resist is five pounds per square foot. • Wind speed maps updated, including maps for the state of Hawaii. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds. • Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values). • Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed. • New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail. • Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.
The 2018 International Residential Code	<ul style="list-style-type: none"> • An updated seismic map reflects the most conservative Seismic Design Category (SDC) based on any soil type and a new map reflects less conservative SDCs when Site Class A, B or D is applicable. • The townhouse separation provisions now include options for using two separate fire-resistant-rated walls or a common wall. • An emergency escape and rescue opening is no longer required in basement sleeping rooms where the dwelling has an automatic fire sprinkler system and the basement has a second means of egress or an emergency escape opening. • The exemption for interconnection of smoke alarms in existing areas has been deleted. • New girder/header tables have been revised to incorporate the use of #2 Southern Pine in lieu of #1 Southern Pine.

	<ul style="list-style-type: none"> • New tables address alternative wood stud heights and the required number of full height studs in high wind areas.
The 2018 International Fire Code	<ul style="list-style-type: none"> • New provisions address hazards related to outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities. • Mass Notification Requirements for college and university buildings have been added to the code. • Sprinkler protection is now required in existing Group A-2 occupancies having an occupant load of 300 or more where alcoholic beverages are consumed. • A new chapter has been added to address issues related to Energy Systems. • Integrated testing requirements for fire protection and life safety systems have been added for high rise buildings and smoke control systems. • The requirements for gas detection systems have been revised throughout the code to be more reflective of industry practice. • Required sprinkler protection of Group E occupancies has been expanded through the introduction of a new thresholds related to fire areas. • Manual fire alarm systems in Group A occupancies are now required not only when the occupant load is 300 or more but also where the occupant load exceeds 100 above or below the lowest level of exit discharge. • A manual fire alarm system and an automatic smoke detection system are no longer required in Group R-4 occupancies. • New provisions require illumination for the exit discharge path of travel to the public way or to a safe dispersal area for all occupancies. • Provisions have been added to address the hazards associated with outdoor assembly events, indoor trade shows and exhibitions. • The fire watch requirements for construction and demolition activities have been enhanced. • The provisions for the maintenance of fire and smoke protection features in Chapter 7 have been enhanced and reorganized. • The applicability of the decorative materials requirements in Chapter 8 have been clarified.
The 2018 International Plumbing Code	<ul style="list-style-type: none"> • Updated table for the Minimum Number of Required Plumbing Fixtures • Single-user toilet facilities (a room having a single water closet and a single lavatory) are not required to be labeled for use by only a male or female (separated use designations). • Solar thermal water heating systems need to conform to the ICC 900/SRCC 300 standard. • Well systems are required to comply with standard NGWA-01 where local requirements do not cover subject matter or are lacking in detail on others.
The 2018 International	<ul style="list-style-type: none"> • Added coverage of pollution control units. • A new exception was added to recognize Type I kitchen hoods listed for clearances to combustibles of less than 18 inches. • Added coverage for a newer type of non-metallic duct, phenolic duct.

Mechanical Code	<ul style="list-style-type: none"> • New coverage for high volume large diameter fans (HVLD), also referred to as high volume low speed (HVLS) fans. • Relaxed requirements for sealing of duct joints and seams for Snap- and Button-lock duct joints located within the thermal envelope.
The 2018 International Fuel Gas Code	<ul style="list-style-type: none"> • A new Section was added to recognize arc-resistant CSST products. • The code now allows Schedule 10 steel pipe to be used, whereas previously, Schedule 40 was the lightest steel pipe material allowed. Schedule 10 steel pipe joints are allowed to be welded, brazed, flanged or assembled with press-connect fittings. Schedule 10 pipe cannot be threaded. • The code clarifies that appliance shutoff valves located behind movable appliances, such as ranges and clothes dryers, are considered to be provided with the required access. • The code now calls for the plastic vent pipe material to be labeled as complying with the standards for the specific pipe material as called out by the manufacturer. • The clearances between direct-vent appliance vent terminals and openings in the building exterior that could allow combustion products to enter the building have been revised.
The 2018 International Building Code	<ul style="list-style-type: none"> • Section 410 Accessibility has been relocated to a new Section 305. Chapters 4, 5, 6, 13 and 14 have been relocated resulting in a reorganization and new chapter numbering. • Requirements for live loads from Chapters 4 and 8 have been combined and placed in Chapter 3 to apply for all compliance methods. • Structural components damaged by snow events must be repaired assuming snow loads for new buildings from the IBC. • A new exception is added for loading of existing structural elements next to an addition in buildings designed using the IRC. • When a work area includes more than half the building in an alteration, wall anchors must be installed at the roof line along reinforced concrete and masonry walls. • Buildings undergoing a change of occupancy shall have live, snow, wind and seismic loads checked. Design loads are based on IBC-level forces. • When a change of occupancy occurs placing a building in a higher risk category, the seismic loads on the building must be evaluated using IBC-level forces. Access to the building must be maintained when passing through or near other buildings and structures. • Where storm shelters are required based on IBC and ICC 500 for Group E Occupancies, any addition to such existing occupancies where the occupant load of the addition is 50 or more will trigger the construction of a storm shelter. • Carbon Monoxide provisions have been added in the Prescriptive Method Additions, Alterations Level 2 Additions, and in Additions for I-1, I-2, I-4 and R Occupancies.

	<ul style="list-style-type: none"> • Emergency Escape and Rescue Opening provisions related to being operational have been added to Prescriptive Compliance Method and Alterations Level 1. • Single exit buildings and spaces under Alteration Levels 2 and 3 have been modified to be more consistent with the IBC. • The Alterations Level 2 requirement that water for automatic fire sprinkler system be available at the floor of alteration without the need for a fire pump has been moved to Chapter 9 for Alterations Level 3 and the fire pump criterion was deleted.
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AGENDA ITEM # 9.C

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: September 6, 2022

SUBJECT: Resolution No. 29, Series of 2022: A Resolution Opting Out of the Paid Family and Medical Leave Insurance ("FAMLI") Program

PRESENTED BY: Christiana McCormick, City Attorney

☐ ORDINANCE
☒ RESOLUTION
☐ MOTION
☐ INFORMATION

I. REQUEST OR ISSUE:

Before City Council for consideration is Resolution No. 29, Series of 2022 ("Resolution"), the approval of which would opt the City **out** of participation in the state-run Paid Family and Medical Leave Insurance ("FAMLI") Program.

II. BACKGROUND INFORMATION:

In November 2020, Colorado voters passed Proposition 118, allowing for implementation of a state-run program for paid Family and Medical Leave Insurance. The program coverage is effective January 1, 2024, and the payment of premiums would begin January 1, 2023. The state gives local governments the option to opt out of the program.

FAMLI Coverage Overview

The FAMLI program is intended to ensure all employers in the state of Colorado provide twelve (12) weeks of protected paid leave for:

- Caring for a new child (birth, foster placement, adoption, caring for child within the first year from birth);
- An employee's serious health condition;
- A family member's serious health condition;
- Arrangements for a family member's military deployment; and
- Immediate safety needs and impact of domestic violence and/or sexual assault.

Paid coverage provides benefits up to a maximum of \$1,100 per week for higher earners (\$91,000

a year or above). The benefit is 37% to 90% of an employee's regular income paid during leave taken depending on the employee's annual base salary amount/wages. Participation in the FAMLI Program would require contributions from both the City and from employees beginning in January 1, 2023, unless the City decides to cover employees' premiums. If the City does not cover employees' premiums but participates in the Program, the City and its employees would each be responsible for paying .45% of an employee's gross wages beginning in January 2023. FAMLI premiums are pre-tax deductions from employee paychecks.

If a local government opts out of the Program, individual employees can opt into the FAMLI program. Individual employees would contribute .45% of their wage directly to the state and then will receive the same benefits as if the City had remained in the Program. Therefore, even if the City opts out, employees may still join the Program and receive Program benefits.

Any local government that opts in, or an individual employee in cases where the local government has opted out, is committed to participate for three (3) years. If a local government opts out, they can opt in again during their budgeting process any year after that.

The process for opting out requires a City Council vote (and passage of a resolution saying that the City is opting out), and the City must provide employees with an opportunity for comment. The process of opting out must be revisited/reviewed and voted on every eight (8) years.

Current Paid Leave Provided by the City

For full-time employees, the City's personnel policy provides the following amounts of paid time off:

Paid Time Off

<i>Years Employed</i>	<i>Maximum Accrual</i>	<i>PTO Accrued Per Pay Period</i>
>1	120	4.62 hours
1-4	180	6.92 hours
5-9	230 hours	8.85 hours
10-14	260 hours	10.00 hours
15+	270 hours	10.38 hours

Paid time off for full-time employees may be used for any reason, including the reasons the City is required to provide paid leave under the Healthy Families and Workplaces Act ("HFWA") (diagnosis, treatment, or case for medical or mental health condition, preventative medical care, obtaining services for victims of domestic abuse or sexual assault/harassment, care for a family member for any of the previously listed reasons, public health emergency closure of work or daycare of employee's child).

The City's part-time and temporary employees accrue paid sick leave at a rate of one (1) hour of paid leave for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours of paid sick leave per year. Part-time and temporary employees may use this paid sick leave for the reasons listed in the HFWA only.

Note: FAMLI is a separate program from Colorado's HFWA and the unpaid federal Family and Medical Leave Act ("FMLA") program.

There is a prohibition against requiring an employee to exhaust or use any accrued sick , vacation, or other paid time off prior to or while receiving FAMLI benefits. (See C.R.S. § 8-13.3-510). However, FAMLI is only partial wage replacement and employers and employees are allowed to explore mutually beneficial options for making an employee whole.

City Council Questions and Answers

At its June 7, 2022 work session, City Council received a presentation on the FAMLI Program and asked a number of questions about the Program. Those questions and the answers to the questions are provided below:

If the City has any employees eligible for unpaid FMLA leave, would the City be able to have the employee take FMLA leave concurrently with FAMLI leave?

Yes. The Colorado FAMLI benefit has been designed to run concurrently with the federal FMLA unpaid benefit.

If all local government employers opt out, how will the program be funded?

Only local government employers have the option to opt out of the FAMLI Program. All other in the state are required to participate in the Program, with limited exceptions (see chart below for more information).

To be released from the requirement to participate in the Program, a private employer must create its own, similar private program that provides all of the same rights, protections, and benefits as Colorado’s FAMLI paid leave program. Private programs must be pre-approved by the state’s FAMLI Division.

Responsibilities Under Proposition 118

Employer Type	Employer Premium	Employee Premium	No Premium
9 or fewer employees		✓	
10 or more employees	✓	✓	
Participating Self-Employed		✓	
Participating Local Government Employee		✓	
Nonparticipating local government			✓
Nonparticipating Self-Employed			✓
Employer with Private Plan			✓

(chart from <https://famli.colorado.gov/employers>)

How are premiums deducted from an employee’s paycheck?

If an employee pays FAMLI premiums, they would pay the premiums by taking a pre-tax deduction from their paychecks.

Can individual employees opt out of the FMLI Program if the City decides to participate in the Program?

No. If the City decides to participate in the FMLI Program, its employees are required to participate. Employees may choose for themselves whether to participate only if the City opts out of the Program.

How does taking leave work under the FMLI Program?

FAMLI leave is different from paid sick days and will require documentation of need in most cases before the benefit is approved by the FAMLI Division. Depending on the reason and need for leave, the benefit leave period may be up to 12 weeks. For people experiencing pregnancy and childbirth complications this may be extended an additional 4 weeks, for a total of 16 weeks.

The FAMLI benefit can only be taken once a year across a rolling annual calendar year (i.e. employees are eligible for 12 weeks of paid leave for qualifying reasons, and the 12 weeks can be taken all at once or multiple times for shorter durations in one year). For example, if an employee takes paternity leave on February 11th, 2024 for the full 12 weeks, they would not be eligible for any other FAMLI leave period covered until February 11th, 2025.

Can two employees (e.g. spouses who are both City employees) take FAMLI leave at the same time?

There has been no rule or guidance issued yet that addresses this question. The FAMLI statute, the FAMLI rules, and the FAMLI Division frequently asked questions do not directly answer this question. The FAMLI statute simply states that “[t]he covered individual shall make a reasonable effort to schedule paid family and medical leave ... so as not to unduly disrupt the operations of the employer.” C.R.S. § 8-13.3-505(4).

The FAMLI Division issued rules on the use of benefits on August 26, 2022, but those rules do not directly address this question. However, the rules state that if an employee is granted paid leave by the FAMLI Division, an employer is allowed to submit a good faith grievance to the FAMLI Division if the leave granted will unduly disrupt the employer's obligations. The FAMLI Division will then investigate whether the leave granted should be changed.

City Options

1. Opt out of the FMLI Program, pay no premiums, do not cover any portion of employee premiums for employees who opt in, and do not facilitate payroll deductions for employees who opt in. This option requires passage of a resolution.
2. Opt out of the FMLI Program, pay some or all of employee premiums for employees who opt in, and facilitate (or not) payroll deductions for employees who opt in. This option requires passage of a resolution.
3. Opt into the FMLI Program and pay the City portion of premiums only. This option requires the City to facilitate payroll deductions for both the City and employee portions of premiums. This option would not require the passage of a resolution (but Council can still choose to pass a resolution reflecting Council’s decision, if desired).

4. Opt into the FAMILY Program, pay the City portion of premiums, and pay some or all of employee premiums. This option requires the City to facilitate payroll deductions for both the City and employee portions of premiums. This option would not require the passage of a resolution (but Council can still choose to pass a resolution reflecting Council's decision, if desired).

III. FISCAL IMPACTS:

The estimated cost to the City, if it decides to opt into the FAMLI Program or if it decides to opt out but pay 100% of employees' premiums (assuming all employees individually opt in if the City opts out), is approximately **\$10,365.00 per year**. This estimate is based on current employee wages paid by the City for its current number of employees.

If the City participates in the FAMLI Program, the amount listed above is the estimated **minimum** annual cost to the City. The City could choose to pay up to 100% of employee premiums in addition to the employer share of the premiums.

If the City opts out of the FAMLI Program, the amount listed above is the estimated **maximum** that the City would pay **if** all employees individually opt into the Program and the City pays 100% of the employee premiums.

Regardless of whether City Council decides to opt in or opt out of the FAMLI Program, City Council should also decide if it will pay all or a portion of its employees' FAMLI premiums (for those employees required to participate if City opts in or those who choose to participate if City opts out). The proposed motion set forth below incorporates this decision into the motion and Resolution.

V. LEGAL ISSUES:

See Background section above.

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 29, Series of 2022, decline to participate in the FAMLI Program, voluntarily facilitate deductions for the FAMLI Program on behalf of employees who elect to participate, and, if Council desires, pay all or a portion of an employee's premiums for any employee who decides to individually opt in to the FAMLI Program.

This approach allows employees to choose for themselves whether to participate in the Program and, if they do, essentially provides financial assistance from the City to cover all or a portion of the costs to participate (again, if Council desires to pay for all or a portion of employee premiums).

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Resolution.
2. Adopt the Resolution with amendments.
3. Table for further discussion and consideration.
4. Decide not to adopt the Resolution.

VIII. PROPOSED MOTION:

“I move to adopt Resolution No. 29, Series of 2022, A Resolution Opting Out of the Paid Family and Medical Leave Insurance (“FAMLI”) Program. I further move that the Resolution be amended to show that the City will pay [REDACTED] percent of the employees’ premiums for those employees who participate in the FAMLI Program.”

IX. ATTACHMENTS:

Resolution No. 29, Series of 2022

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 29
SERIES OF 2022**

**A RESOLUTION OPTING OUT OF THE PAID FAMILY AND MEDICAL LEAVE
INSURANCE (“FAMLI”) PROGRAM**

WHEREAS, in November 2020, Colorado voters approved Proposition 118 creating the Paid Family and Medical Leave Insurance Program (“FAMLI” or the “FAMLI Program”); and

WHEREAS, the FAMLI Program requires participating employers to remit to the FAMLI Division of the Colorado Department of Labor premiums in the form of 0.9% of all employees’ gross wages beginning January 1, 2023, and permits participating employers to require that employees pay for one-half of the premium amounts; and

WHEREAS, the FAMLI Program allows local governments to decline to participate in the FAMLI Program while also allowing local government employees to individually opt into the FAMLI Program; and

WHEREAS, the City of Leadville (the "City") already provides its employees with paid time off and other employee benefits; and

WHEREAS, the City believes that employees are in the best position to individually determine whether they wish to opt into the FAMLI Program; and

WHEREAS, pursuant to 7 CCR 1107-2 §2.6(A)(2), the City posted notice of the meeting at which this Resolution was considering in the same manner as any other business before Council and additionally provided advance written notice to all City employees regarding the City Council's planned consideration of this Resolution and the opportunity to submit comments; and

WHEREAS, in addition, the City employees have been notified of: (1) their right to individually opt into the FAMLI Program under C.R.S. § 8-13.3-514, and (2) that more information for the FAMLI Program may be found at <https://famli.colorado.gov/>; and

WHEREAS, prior to consideration of this Resolution, the City Council read into the record any written comments regarding this Resolution received prior to the meeting and accepted oral comments at the meeting from the City employees and other interested parties, if any; and

WHEREAS, the City Council has determined that declining to participate in the FAMLI Program is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Participation in FAMLI Program Declined. The City Council hereby declines to participate in the FAMLI Program.

Section 2. Payment of Employee Premiums. The City Council hereby determines that the City shall pay _____ percent (____ %) of each employee's FAMLI premiums for all employees who individually decide to participate in the FAMLI Program. If the percent listed above is greater than zero, City Council directs that City staff account for this expense in the City's budget for 2023 and future budgets, unless City Council directs otherwise.

Section 3. Payroll Deductions. The City Council desires to support employees who participate in the FAMLI Program by voluntarily deducting and remitting the employee share of the FAMLI premium and corresponding wage data to the State's FAMLI Division every quarter.

Section 4. Instruction to Notify FAMLI Division. The City Council directs the City Administrator or her designee to notify the FAMLI Division of this decision. Specifically, the City Administrator or her designee shall provide the FAMLI Division with a certified copy of this Resolution.

Section 5. Instruction to Notify City Employees. The City Council directs the City Administrator or her designee to provide individual notice of this decision to City employees within thirty (30) calendar days of the date of this Resolution.

Section 6. Instruction to Post Notice of this Decision in the Workplace. The City Council directs the City Administrator or her designee to post notice of this decision in a conspicuous and accessible place in each establishment where employees are employed by the City, as required by 7 CCR 1107-2, within thirty (30) calendar days of the date of this Resolution.

Section 7. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

Section 8. Effective Date. This Resolution shall be effective immediately upon approval of the City Council of the City of Leadville.

**ADOPTED this 6th day of September 2022 by a vote of __ in favor, __ against,
__ abstaining, __ absent.**

CITY OF LEADVILLE, COLORADO:

By: _____
Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

Sep 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1	2	3
4	5	6 11am - BOCC 6pm - Regular CC Mtg	7 5pm - Sanitation	8 5:15pm - Parkville Water	9	10
11	12	13 4pm - HPC Meeting @ 4pm - LURA Regular	14 9am - Court 6pm - P&Z Meeting @	15	16	17
18	19	20 8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @	21	22	23	24
25	26	27 4pm - HPC - Regular Mtg 6pm - CC Budget Work	28 6pm - P&Z Meeting @	29	30	1

Oct 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29	30	1
		4pm - HPC - Regular Mtg 6pm - CC Budget Work	6pm - P&Z Meeting @			
2	3	4	5	6	7	8
		11am - BOCC 6pm - Regular CC Mtg	5pm - Sanitation			
9	10	11	12	13	14	15
		4pm - HPC Meeting @ 4pm - LURA Regular 6pm - CC Budget Work	9am - Court 6pm - P&Z Meeting @	5:15pm - Parkville Water		
16	17	18	19	20	21	22
		8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @				
23	24	25	26	27	28	29
		4pm - HPC - Regular Mtg 6pm - CC Budget Work	6pm - P&Z Meeting @			
30	31	1	2	3	4	5
		11am - BOCC 6pm - Regular CC Mtg	5pm - Sanitation			

Nov 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1 11am - BOCC 6pm - Regular CC Mtg	2 5pm - Sanitation	3	4	5
6	7	8 4pm - HPC Meeting @ 4pm - LURA Regular	9 9am - Court 6pm - CC Budget Work 6pm - P&Z Meeting @	10 5:15pm - Parkville Water	11	12
13	14	15 8:30am - Tourism Panel 11am - BOCC @ 500 6pm - Regular CC Mtg @	16	17	18	19
20	21	22 4pm - HPC - Regular Mtg	23 6pm - P&Z Meeting @	24	25	26
27	28	29	30	1	2	3