

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.04 PRIMARY AND SECONDARY CODES AND BUILDING STANDARDS ADOPTED BY REFERENCE

Sections:

15.04.010 Primary and secondary codes and building standards adopted by reference.

Pursuant to Title 31, Article 16, Parts 1 and 2, CRS, there is adopted by reference the following primary and secondary codes and building standards:

- A. The International Building Code, 2006 Edition, promulgated by the International Code Council save and except for such amendments as are set forth at Section 15.08.010.
- B. The International Residential Code, 2006 Edition, promulgated by the International Code Council, save and except for such amendments as are set forth at Section 15.08.020.
- C. The International Mechanical Code, 2006 Edition, promulgated by the International Code Council, save and except for such amendments as are set forth at Section 15.08.030.
- D. The International Energy Code, 2006 Edition, promulgated by the International Code Council, save and except for such amendments as are set forth at Section 15.08.040.
- E. The International Existing Building Code, 2006 Edition, promulgated by the International Code Council, save and except for such amendments as are set forth at Section 15.08.050.
- F. Resolution 5-2007. The Flood Damage Prevent Resolution of the City of Florence, as the official floodplain development resolution of the City.
- G. Flood Insurance Rate Study and Accompanying Flood Insurance Rate Maps dated September 19, 2007, published by the Federal Emergency Management Agency.
- H. Pursuant to 31-16-202 CRS, there is adopted by reference, as the City's ordinance for governing construction specifications and standard details for public improvements within the public rights-of-way of the City of Florence, for City-owned property, and for improvements on private property that have been made a requirement of any subdivision agreement, the standard construction specifications and standard details for the City of Pueblo, Colorado, revised March 28, 2005 Edition, also known as the Florence Street Standards, save and except for such amendments as are set forth at Section 15.08.060.

(Ord. 16-2008 § 2, 2008).

15.04.020 Filing of public record; sale of copies.

One copy of all adopted codes and building standards shall be kept on file in either the office of the City Clerk or the chief enforcement officer for the City of Florence. The Clerk shall maintain a reasonable supply of copies of said codes and standards for purchase by the public.

(Ord. No. 2-2009, §§ 1, 4, 2-17-2009)

Editor's note(s)—Section 1 of Ord. No. 2-2009, adopted Feb. 17, 2009, repealed § 15.04.020, which pertained to amendments to the 2006 edition of the International Residential Code and derived from Ord. No. 13-2008, in its entirety. Section 4 of said ordinance enacted new provisions to read as herein set out.

15.04.030 Enforcement.

The City Manager or the City's designated Building Official shall enforce and administer the latest edition of the Codes and Standards adopted by reference, including amendments thereto.

(Ord. 16-2008 § 3, 2008).

15.04.040 Building permit requirement.

The requirement for obtaining building permits relative to the construction, alteration, moving, demolition, repair, maintenance, and use of any building or structure within the City of Florence shall be governed by the most recent adopted edition of the appropriate adopted codes and building standards, including amendments thereto. No building permit or certificate of occupancy shall issue until and unless all such requirements are met.

(Ord. 7-2002 § 2(part), 2002).

15.04.050 Fees.

- A. Building permit fees and inspection fees are established by Resolution of the City Council which is updated from time to time, and known as the composite fee schedule. The composite fee schedule is kept on file in the City Clerk's office.
- B. The Florence City Clerk shall authorize the refunding of fees as follows:
 - 1. Full amount of any fee paid hereunder which was erroneously paid or collected.
 - 2. Not more than fifty (50) percent of the fee paid when no work has been done under a permit issued in accordance with this code.
 - 3. Not more than fifty (50) percent of the plan review fee paid when an application for a permit for which a plan review plan has been paid is withdrawn or cancelled before any plan review effort has been expended.
- C. The City Clerk shall not authorize the refunding of any fee paid, except upon written application filed by the original building permit applicant not later than one hundred eighty (180) days after the date of the fee payment.

(Ord. 16-2008 § 4, 2008).

15.04.055 Board of Appeals.

The property owner of a lot or parcel for which a building permit application has been received by the City, with or without a payment of the appropriate permit fee, or for which a valid building permit has been issued, may appeal a final decision of the Building Official. The appeal must be in writing and must state the justification for the appeal and a suggested remedy. The written appeal must be addressed to the City Manager. Either the Building Official or the property owner may appeal the final decision of the City Manager to the Florence Board of Appeals. The Florence Board of Zoning Adjustments shall serve as the Board of Appeals. In the event of a conflict between the "appeals" section of any of the adopted codes or standards and the ordinance governing operation of the Florence Board of Zoning Adjustments, the regulations governing the Florence Board of Zoning Adjustments shall prevail and supercede any conflict in provisions of the adopted code or standard. Only the property owner of record may initiate and continue any appeal.

(Ord. 5-2008, 2008).

15.04.056 Standard of review.

With respect to all codes and standards adopted at Section 15.04.010, an application for appeal to the Board of Appeals shall be based on a claim that the intent of the codes or standards, or the rules legally adopted thereunder, have been incorrectly interpreted or the provisions of said codes and standards do not apply. The Board of Appeal shall have no authority to waive requirements of said codes and standards, or to grant variances from the same, except it does have the authority to grant variances authorized under the City's Flood Damage Prevention Resolution.

(Ord. 16-2008 § 5, 2008).

15.04.060 Inconsistent provisions with Title 17.

In the event a conflict arises between a provision contained in any code or standard adopted by reference and Title 17 of the Ordinances of the City of Florence, the provision contained at Title 17 shall prevail and supersede any such conflicting provision contained in the said code or standard adopted by reference.

(Ord. 7-2002 § 2(part), 2002).

15.04.070 Inconsistent provisions with Florence Flood Damage Prevention Resolution.

In the event a conflict arises between a provision contained in any code or standard adopted by reference and the latest Flood Damage Prevention Resolution adopted by the City, the provision contained in the Flood Damage Prevention Resolution shall prevail and supersede any such conflicting provision in the code or standard adopted by reference.

(Ord. 7-2002 § 2(part), 2002).

15.04.080 Penalty.

Any person, firm or corporation who violates any provision of this Title, or of any primary or secondary code or building standard adopted by reference, as amended, shall be punished upon conviction in Municipal Court as provided in Chapter 1.12.

(Ord. 7-2002 § 2(part), 2002).

Chapter 15.08 AMENDMENTS TO ADOPTED CODES AND BUILDING STANDARDS BY REFERENCE

Sections:

15.08.010 Amendments to the 2006 Edition, International Building Code.

The City of Florence adopts the following changes to the 2006 Edition of the International Building Code:

- A. Section 101.1 Title. Insert: (City of Florence).
- B. Section 101.4 Referenced codes, is adopted except that the first sentences of said section is changed to read as follows:

"Section 101.4 Referenced codes: The other codes listed in Sections 101.4 through 101.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference, and to the extent the City of Florence has adopted the referenced codes and standards."
- C. Section 102.4 Referenced codes and standards, is deleted in its entirety and replaced with the following:

"Section 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and to the extent the City of Florence has adopted the referenced codes and standards. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply."
- D. Section 103 Department of Building Safety, is deleted in its entirety.
- E. Section 105.2 Work exempt from permit. This section is adopted in its entirety except for the following changes:

"Building:

 - 2. Fences not over 6 feet 6 inches high.
 - 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 8 feet in height."

Electrical: delete in its entirety.
Gas: delete in its entirety.
Plumbing: delete in its entirety.
- F. Section 105.5 Expiration. The following sentence is added to the end of said section:

"Building permits shall be considered suspended or abandoned if more than 180 days elapse since the last documented inspection by an electrical, plumbing, or building inspector."
- G. Section 106.1 Submittal documents. The following sentence is added to the end of the first paragraph of said section:

"Foundation documents shall be prepared by a registered design professional, except for foundations of detached utility structures not exceeding 576 square feet and containing only unheated space. The Building Official shall only confirm that the structure was built per the design specifications."

H. Section 107.3 Temporary power, is deleted in its entirety.

I. Section 108.6 Refunds, is deleted in its entirety and replaced with the following:

"Section 108.6 Refunds. The City Council is authorized to establish a refund policy."

J. Section 109.3.2 Concrete slab and under-floor inspection, is deleted in its entirety.

K. Section 109.3.8 Other inspections. The following sentence is added to the end of said section:

"Plumbing, electrical and gas system inspections shall be performed by the State Plumbing and Electrical inspector, governed by the latest plumbing and electrical codes and standards adopted by the Examining Board of Plumbers and State Electrical Board, Colorado Department of Regulatory Agencies."

L. Section 112 Board of Appeals, is deleted in its entirety.

M. Section 113.2 Notice of violation. The following sentences are added to the end of said section:

"Any notice of violation or stop work order shall be deemed properly served if a copy thereof is delivered personally or sent by certified mail addressed to the last known address of property owner. If the certified letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the subject property. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible as provided aforesaid shall constitute service of notice upon the owner."

N. Section 113.4 Violation penalties, is deleted in its entirety.

O. Section 114.2 Issuance, is deleted in its entirety and replaced with the following:

"Section 114.2 Issuance. The stop work order shall be in writing and served in the manner described in Section 113.2."

P. Section 114.3 Unlawful continuance, is deleted in its entirety and replaced with the following:

"Section 114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, as provided at Section 113.2, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished upon conviction in Municipal Court as provided in Chapter 1.12."

Q. Section 115.1 Conditions, is deleted in its entirety and replaced with the following:

"Section 115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant or occupied structure that is not secured against entry by vermin, insects, birds, feral animals and other nuisances shall be deemed unsafe."

Section 115.4 Method of Service, is deleted in its entirety and replaced with the following:

"Section 115.4 Method of Service. Service of any Notice under this Section shall be in the manner described in Section 113.2."

R. A new Section 116 entitled Residential Building Project Requirement is added to read as follows:

"Section 116 Residential Building Project Requirement. Before any construction of a residential building project contemplated by Article 5, Title 9, C.R.S. may be started, a contract shall be entered into with the City Council of the City of Florence. Said contract shall guarantee to the City Council that the specified number of residential units for those with disabilities, as provided for in C.R.S. 9-5-111, shall be constructed in such a manner as to be easily accessible and adaptable for those with disabilities and shall require the builder of such project to certify that said accessible and adaptable units will substantially comply with the standards promulgated by the American National Standards Institute, commonly cited as 'ANSI A 117.1'."

S. A new Section 1101.3 entitled Enforcement is added to read as follows:

"Section 1101.3 Enforcement. The Building Official shall enforce the provisions of this Chapter only as to city-owned facilities, new structures, and new building additions. However, all owners of buildings are put on notice that there may be severe civil sanctions for noncompliance with the provisions of this Chapter."

T. Section 1612.3 Establishment of flood hazard areas. Insert: (City of Florence) and (September 19, 2007).

U. A new Section 1801.3 Foundation documents, is added to read as follows:

"Section 1801.3 Foundation documents. All foundation documents required by this Code shall be prepared by a registered design professional. The Building Official shall only confirm that the structure was built per the design specifications."

V. Section 2801.1 Scope, is deleted in its entirety and replaced with the following:

"Section 2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the International Mechanical Code and the latest fuel gas codes and standards enforced by appropriate State agencies. Masonry chimneys, fireplaces and barbecues shall comply with the International Mechanical Code and Chapter 21 of this code."

W. Section 3409.1 Scope. The following sentence is added to the end of said Section:

"The Building Official for the City of Florence is not required to enforce the provisions of this Section 3409 except as to city-owned facilities. However, all owners of buildings are put on notice that there may be severe civil sanctions for noncompliance with the provisions of this Section."

X. Section 3410.2 Insert: (the effective date of the Ordinance).

Y. Chapter 27 Electrical, is deleted in its entirety.

Z. Chapter 29 Plumbing Systems, is adopted in its entirety.

AA. Appendices A, B, C, D, F, G, J and K are deleted in their entirety.

BB. Appendix E Supplementary Accessibility Requirements, is adopted in its entirety, with the following sentence added to the end of Section E101.1 Scope:

"The Building Official for the City of Florence is not required to enforce the provisions of this Appendix E except as to City owned facilities."

CC. Appendix H Signs, is adopted in its entirety except for the following changes:

1. Section H109.1 Height restrictions, is deleted in its entirety and replaced with the following sentence:

"Section H109.1 Height Restrictions. No portion of a ground sign may be erected at an elevation more than four feet above the height of the nearest existing structure on the same lot or parcel unless a variance is granted by the Board of Adjustment pursuant to procedures set forth at Chapter 17.88 of the Florence Municipal Code."

2. Section H110 Roof Signs, is deleted in its entirety and replaced with the following sentence:

"Section H110 Roof Signs. No sign may be mounted on a roof unless approved as a variance by the Board of Adjustment pursuant to procedures set forth at Chapter 17.88 of the Florence Municipal Code."

DD. Appendix I Patio Covers, is adopted in its entirety.

(Ord. 11-2008 § 2, 2008).

(Ord. No. 2-2009, § 3, 2-17-2009)

15.08.020 Amendments to the 2006 Edition, International Residential Code.

The City of Florence adopts the following changes to the 2006 Edition of the International Residential Code:

- A. Section R101.1 Title. Insert: [City of Florence].
- B. Section R102.4 Referenced codes and standards, is deleted in its entirety and replaced with the following: "Section R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference, and to the extent the City of Florence has adopted the referenced codes and standards. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply."
- C. Section R102.7 Existing structures, is deleted in its entirety and replaced with the following: "Section 102.7 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 specifically covered in this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public."

Section R102.7.1 is retained in its entirety.

- D. Section R103 Department of Building Safety, is deleted in its entirety.
- E. Section R105.2 Work exempt from permit, is adopted in its entirety except for the following changes:
"Building
 - 2. Fences not over 6 feet 6 inches high.
 - 10. Self-supported decks not exceeding 30 inches in height as measured at any point above finished grade, and not covering any egress window well opening."
- F. Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas, is deleted in its entirety.
- G. Section R105.5 Expiration: The following sentence is added to the end of said Section: "Building permits shall be considered suspended or abandoned if more than 180 days elapse since the last documented inspection by an electrical, plumbing or building inspector."
- H. Section R106.1 Submittal documents. The following sentence is added to the end of the first paragraph of said Section: "Foundation documents shall be prepared by a registered design professional, except for foundations of detached utility structures not exceeding 576 square feet and containing only unheated space. The Building Official shall only confirm that the structure was built per the design specification."
- I. Section R107.3 Temporary power, is deleted in its entirety.
- J. Section R108.5 Refunds, is deleted in its entirety and replaced with the following:
"Section R108.5 Refunds. The City Council is authorized to establish a refund policy."

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- K. Section R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. The following sentence is added to the end of said Section: "Plumbing, electrical and gas system inspections shall be performed by the State Plumbing and Electrical inspectors, governed by the latest plumbing and electrical codes and standards adopted by the Examining Board of Plumbers and State Electrical Board, Colorado Department of Regulatory Agencies."

As to the "Exception" paragraph, it is deleted in its entirety.

- L. Section R112 Board of Appeals, is deleted in its entirety.
- M. Section R113.2 Notice of violation. The following sentences are added to the end of said Section: "Any notice of violation or stop work order shall be deemed properly served if a copy thereof is delivered personally or sent by certified mail addressed to the last known address of the property owner. If the certified letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the subject property. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible as provided aforesaid shall constitute service of notice upon the owner."
- N. Section R113.4 Violation penalties, is deleted in its entirety.
- O. Section R114.1 Notice to Owner, is deleted in its entirety and replaced with the following: "Section R114.1 Notice to Owner. Notice of a stop work order shall be served in the manner described in Section R113.2."
- P. Section R114.2 Unlawful continuance, is deleted in its entirety and replaced with the following: "Section R114.2 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, as provided at Section R113.2, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished upon conviction in Municipal Court as provided in Chapter 1.12."
- Q. A new Section R115 entitled Unsafe Structures and Equipment is added to read as follows:

"Section R115 Unsafe Structures and Equipment."

R115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant or occupied structure that is not secured against entry of vermin, insects, birds, feral animals and other nuisances shall be deemed unsafe.

R115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

R115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

R115.4 Method of service. Such notice shall be served in accordance with Section R113.2.

R115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are

made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2.

- R. A new Section 116 entitled "Residential Building Project Requirement" is added to read as follows:
"Before any construction of a residential building project contemplated by Article 5, Title 9, C.R.S. may be started, a contract shall be entered into with the City Council of the City of Florence. Said contract shall guarantee to the City Council that the specified number of residential units for those with disabilities, as provided for in C.R.S. 9-5-111, shall be constructed in such a manner as to be easily accessible and adaptable for those with disabilities and shall require the builder of such project to certify that said accessible and adaptable units will substantially comply with the standards promulgated by the American National Standards Institute, commonly cited as 'ANSI A 117.1'."
- S. Section R301.2 Climate and geographic design criteria, is amended by the addition of Table R302.2(1) as follows:
- Roof Snow Load 30 pounds per square foot
- Basic Wind Speed:
- 90 miles per hour (fastest mile)
- 105 miles per hour (3 second gust)
- Seismic Design Criteria B/C (25 to 33% g)
- Weathering Severe
- Frost Line Depth 27" Minimum
- Termite Infestation Probability Slight to Moderate
- Winter Design Temperature 5 Degrees F
- Ice Barrier Underlayment Required No
- Flood Hazards: See Appropriate FEMA Flood Insurance Rate Map
- T. Section R324 Flood-resistant construction. The following sentence is added to Section R324.1 General, as follows: "Where differences occur between provisions of this Section R324 and the current Flood Damage Prevention Resolution adopted by the City of Florence, the provisions of the Flood Damage Prevention Resolution shall apply."
- U. A new Section R401.5 shall be added to provide as follows: "Section R401.5 Design professional. Foundation documents shall be prepared by a registered design professional, except for foundations of detached utility structures not exceeding 576 square feet and containing only unheated space. The Building Official shall only confirm that the structure was built per the design specifications."
- V. Section M1301.1 Scope is deleted in its entirety and replaced with the following:
"Section M1301.1 Scope. The provisions of this chapter shall govern the installation of mechanical systems not specifically covered in other chapters applicable to mechanical systems. Installations of mechanical appliances, equipment and systems not addressed by this code shall comply with the applicable provisions of the International Mechanical Code and the latest fuel gas codes and standards enforced by appropriate State agencies."
- W. Chapters 22, 24, 25, 26, 27, 28, 29, 30, 31 and 32, are deleted in their entirety (all concern fuel gas and plumbing installations).
- X. Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 are deleted in their entirety (all concern electrical installations).

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- Y. Appendices A, B, C, D, E, F, I, K, L, N, O, P and Q are deleted in their entirety.
 - Z. Appendix J Existing Buildings and Structures is adopted in its entirety with the following change:
Section AJ501.5 Electrical equipment and wiring, and Section AJ301.4 Electrical are deleted in their entirety.

(Ord. 7-2002 § 13(part), 2002).

(Ord. No. 2-2009, §§ 1, 2, 2-17-2009)

15.08.030 Amendments to the 2006 Edition, International Mechanical Code.

The City of Florence adopts the following changes to the 2006 Edition of the International Mechanical Code:

- A. Section 101.1 Title. Insert: (City of Florence).
- B. Section 101.2 Scope is adopted in its entirety except the last sentence of the first paragraph which is changed to read as follows:

"The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated in accordance with the latest fuel gas codes and standards enforced by appropriate State agencies."
- C. Section 102.8 Referenced codes and standards, is deleted in its entirety and replaced with the following:

"Section 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and to the extent the City of Florence has adopted the referenced codes and standards. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply."
- D. Section 103 Department of Mechanical Inspection, is deleted in its entirety, and replaced with the following:

"Section 103 Code official. The code official is the building official for the City of Florence and is responsible for the enforcement of this code, hereafter known as the 'code official'. The city manager may appoint a deputy code official or other such employees pursuant to C.R.S. 31-4-211."
- E. Section 106.5.2 Fee schedule, is deleted in its entirety.
- F. Section 106.5.3 Fee refunds, is deleted in its entirety.
- G. Section 107.1 is deleted in its entirety.
- H. A new Section 107.5 Inspections for which code official is not responsible, shall read as follows:

"Section 107.5 Inspection for which code official is not responsible. Plumbing, electrical and gas system inspections shall be performed by the State Plumbing and Electrical inspectors, governed by the latest plumbing, electrical and gas codes and standards adopted by the Examining Board of plumbers and State Electrical Board, Colorado Department of Regulatory Agencies, and any other appropriate State agency."
- I. Section 108.2 Notice of violation. The following sentences are added to the end of said section:

"Any notice of violation or stop work order shall be deemed properly served if a copy thereof is delivered personally or sent by certified mail addressed to the last known address of the property owner. If the certified letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the subject property. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible as provided aforesaid shall constitute service of notice upon the owner."
- J. Section 108.4 Violation penalties, is deleted in its entirety.

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(Supp. No. 34, 8-25)

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- K. Section 108.5 Stop work orders. The last sentence of said section is deleted and replaced with the following sentence:

"Any person who shall continue any work on the system after having been served with a stop work order as provided at Section 108.2, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished upon conviction in Municipal Court as provided in Chapter 1.12."

- L. Section 109 Means of Appeal, is deleted in its entirety.
- M. Chapter 10 Boilers, Water Heaters and Pressure Vessels, is deleted in its entirety.
- N. Chapter 11 Refrigeration, is deleted in its entirety.
- O. Chapter 12 Hydronic Piping, is deleted in its entirety.
- P. Chapter 13 Fuel Oil Piping and Storage, is deleted in its entirety.
- Q. Chapter 14 Solar Systems, is deleted in its entirety.
- R. Appendix B, Recommended Permit Fee Schedule, is deleted in its entirety.

(Ord. 14-2008 § 2, 2008).

15.08.040 Amendments to the 2006 Edition, International Energy Conservation Code.

The City of Florence adopts the following changes to the 2006 Edition of the International Energy Conservation Code:

- A. Section 101.1. Insert (City of Florence).

(Ord. 7-2008 § 2, 2008).

15.08.050 Amendments to the 2006 Edition, International Existing Building Code.

The City of Florence adopts the following changes to the 2006 Edition of the International Existing Building Code:

- A. Section 101.1 Title. Insert: (City of Florence).
- B. A new Section 101.9 Public toilet facilities, is added to Chapter 1 to read as follows:
"Section 101.9 Public toilet facilities. No change of use shall be allowed to occur, nor Certificate of Occupancy shall be issued, for a building, or portion of a building, where the use of the building includes one or more employees or the general public, unless there exists within the building one toilet room with lavatory sink, open and available for employee and customer use at all times that the building is occupied."
- C. A new Section 101.10 Accessibility is added to read as follows:
"Section 101.10 Accessibility. Wherever in this Code standards for accessibility for the handicapped or disabled are referenced, the Building Official shall enforce said provisions only as to city-owned facilities. However, all owners of buildings are put on notice that there may be severe civil sanctions for noncompliance with said provisions."
- D. Section 102.4 Referenced codes and standards, is deleted in its entirety and replaced with the following:
"Section 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and to the

extent the City of Florence has adopted the referenced codes and standards. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

- E. Section 103 Department of Building Safety, is deleted in its entirety.
- F. Section 104.1 General. The following sentence is added to the end of said Section:
"Plumbing, electrical and gas system inspections shall be performed by the State Plumbing and Electrical inspections, governed by the latest plumbing and electrical codes and standards adopted by the Examining Board of Plumbers and State Electrical Board, Colorado Department of Regulatory Agencies."
- G. Section 105.2 Work exempt from permit, is adopted in its entirety except for the following change:
"Building:
6. Moveable cases, counters, and partitions not over 8 feet in height."
- H. Section 105.5 Expiration. The following sentence is added to the end of said section:
"Building permits shall be considered suspended or abandoned if more than 180 days elapse since the last documented inspection by an electrical, plumbing or building inspector."
- I. Section 106.1 Submittal documents. The following sentence is added to the end of the first paragraph of said Section:
"Foundation documents shall be prepared by a registered design professional, except for foundations of detached utility structures not exceeding 576 square feet and containing only unheated space. The Building Official shall only confirm that the structure was built per the design specifications."
- J. Section 107.3 Temporary power, is deleted in its entirety.
- K. Section 108.6 Refunds is deleted in its entirety and replaced with the following:
"Section 108.6 Refunds. The City Council is authorized to establish a refund policy."
- L. Section 109.3.2 Concrete slab or under-floor inspection, is deleted in its entirety.
- M. Section 112 Board of Appeals, is deleted in its entirety.
- N. Section 113.2 Notice of Violation. The following sentences are added to the end of said section:
"Any notice of violation or stop work order shall be deemed properly served if a copy thereof is delivered personally or sent by certified mail addressed to the last known address of property owner. If the certified letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the subject property. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible as provided aforesaid shall constitute service of notice upon the owner."
- O. Section 113.4 Violation penalties, is deleted in its entirety.
- P. Section 114.3 Unlawful continuance, is deleted in its entirety and replaced with the following:
"Section 114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order as provided at Section 113.2, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished upon conviction in Municipal Court as provided in Chapter 1.12."
- Q. Section 115.1 Conditions. The following sentence is added to the end of said Section:
"A structure that is not secured against entry of vermin, insects, feral animals, birds and other nuisances shall be deemed unsafe."

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- R. Section 115.4 Method of service, is deleted and replaced with the following:
"Section 115.4 Method of service. The notice shall be served in conformance with Section 113.2."
 - S. Section 116.6 Hearing, is deleted in its entirety.
 - T. Section 308.1 Scope. The following sentence is added to the end of said Section:
"The Building Official for the City of Florence shall enforce the provisions of this Section 308 only as to city-owned facilities. However, all owners of existing buildings are put on notice that there may be severe civil sanctions for noncompliance with the provisions of this Chapter."
 - U. Section 507 Electrical, is deleted in its entirety.
 - V. Section 509 Plumbing, is deleted in its entirety.
 - W. Section 708 Electrical, is deleted in its entirety.
 - X. Section 710 Plumbing, is deleted in its entirety.
 - Y. Section 1301.2 Applicability. Insert: (the effective date of this ordinance).
(Ord. 12-2008 § 2, 2008).

15.08.060 Amendments to the Florence Street Standards.

The City of Florence adopts the following changes to the Revised March 28, 2005 Edition of the Standard Construction Specification and Standard Details for City of Pueblo, Colorado:

- A. Preface dated 2008.
- B. The City Council, at its option, may agree to allow a chip and seal road surface in lieu of asphalt pavement or concrete pavement under the following circumstances:
 - 1. For a subdivision approved by the City prior to 1986 where the City waived the requirements for asphalt pavement.
 - 2. For any area annexed by the City that had been subdivided under County regulations with dirt roads.
 - 3. For any existing paved public right-of-way within the corporate limits of the City of Florence as a means of maintenance or repair.
 - 4. Design. All elements of the project, including but not limited to specification of surface preparation, suitability of existing base material, primers, emulsions, sealant, aggregate, compaction, and surface clean-up shall be designed by a qualified engineer, and are subject to approval by the City Manager. The design engineer will be required to certify that the proposed design will produce a surface that is sufficient to withstand the anticipated loading conditions for a minimum seven year period.
 - 5. Materials:
 - a. Aggregate for repair of damaged or substandard roadway base shall meet the material and construction standards described in Article 8 (Aggregate Base Construction) of the Florence Street Standards.
 - b. Aggregate for chip and seal construction shall meet the material specifications provided by the engineer, and shall be free from organic matter, clay, and deleterious substances. Nominal aggregate size for the initial course shall be three-quarter ($\frac{3}{4}$) inch. Nominal aggregate size for the second course shall be one-half ($\frac{1}{2}$) inch. All aggregate shall meet the "Gradation Specification for Cover Coat Aggregate" requirements of the referenced Table, and Section

703.05 provided in the Colorado Department of Transportation's Standard Specifications for Road and Bridge Construction.

6. Asphalt Emulsion. The asphalt emulsion for the chip courses shall be HFMS-2P type, unless an alternate is proposed by the engineer, and approved by the City Manager or designee.
7. Construction. Unless otherwise approved by the City Manager, the chip and seal installation shall consist of two aggregate layers, with sufficient asphalt emulsion applied per the design engineer's requirements and emulsion manufacturer's product labeling.
8. Traffic control shall be provided in accordance with the latest edition of the U.S. Department of Transportation Manual of Uniform Traffic Control Devices.
9. All testing and inspection shall be provided by the developer or contractor.
10. The entire finished chip and seal area shall be cleaned of any loose or unacceptable material to the satisfaction of the design engineer and Florence Public Works Department Director.
11. Prior to acceptance by the City, the design engineer shall provide the City Manager with written certification that the chip and seal job was completed in accordance with the approved project design requirements.

(Ord. 15-2008 § 2, 2008).

(Ord. No. 01-18-2022B, Exh. A, 2-7-2022)

Chapter 15.10 LOCAL CONTRACTORS—BIDDING PREFERENCE

Sections:

15.10.010 Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

- A. "Locally established business firms" means businesses, corporations or individuals who maintain regular business hours at an office, store, yard or warehouse within the boundaries of Fremont County.
- B. Preference of five percent (5%) shall be determined by multiplying the lowest bid by a factor of 1.05. In the event the bid or contract offer of a locally established business is as low as or lower than the otherwise lowest bid when this computation is used, Section 15.10.020 shall apply.

(Ord. 5-88 § 2, 1988).

15.10.020 Local preference.

When contracts for goods or services are awarded by the City of Florence, whether through the bidding process or otherwise, the City Council in its sole discretion may, but need not, award to locally established business firms a preference of five percent (5%) in determining which bid or contract shall be determined to be the lowest responsible bid or contract. This preferential allowance to locally established business firms may not exceed two thousand five hundred dollars (\$2,500.00) or any one (1) contract or bid.

(Ord. 5-88 § 3, 1988).

Chapter 15.12 ELECTRICAL AND PLUMBING CODES

Sections:

15.12.010 Electrical Code.

The City of Florence shall be governed by the latest electrical code and standards established by the State Electrical Board under the Colorado Department of Regulatory Agencies pursuant to C.R.S. 12-23-101 et seq., as amended. Inspection and enforcement of same shall be as provided therein, or as provided in any other relevant section of Colorado Revised Statutes, as amended.

(Ord. 7-2002 § 7(part), 2002).

15.12.020 Plumbing Code.

The City of Florence shall be governed by the latest plumbing code and standards established by the Examining Board of Plumbers under the Colorado Department of Regulatory Agencies pursuant to C.R.S. 12-58-101 et seq., as amended. Inspection and enforcement of same shall be as provided therein or as provided in any other relevant section of Colorado Revised Statutes, as amended.

(Ord. 7-2002 § 7(part), 2002).

Chapter 15.14 FLOOD DAMAGE PREVENTION AND PROTECTION

Sections:

15.14.010 Maintenance of floor control measures.

The City of Florence assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations, as amended.

(Ord. 7-2002 § 8 (part), 2002).

15.14.020 Authority of City Council.

The City Council of the City of Florence is vested with the responsibility, authority and means to:

- A. Delineate or assist the Administrator, at his request, in delineating the limits of the area having special flood hazards on available local maps of sufficient scale to identify the location of building sites;
- B. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain;
- C. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards;

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- D. Submit, on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the development and implementation of floodplain management measures.

(Ord. 7-2002 § 8(part), 2002).

15.14.030 Record of elevations.

The City Building Department is appointed to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one (1) or more sides, the elevation of the floor immediately above must also be recorded.

(Ord. 7-2002 § 8(part), 2002).

15.14.040 Official action.

The City of Florence, Colorado, agrees to take such other official action as may be reasonably necessary to carry out the objectives of the National Flood Insurance Program.

(Ord. 7-2002 § 8(part), 2002).

15.14.050 Review of building permit applications.

The City Building Official shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- A. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage.

(Ord. 7-2002 § 8(part), 2002).

15.14.060 Review of subdivision proposals.

The City Building Official shall review subdivision proposals and other proposed new developments to assure that:

- A. All such proposals are consistent with the need to minimize damage caused by flood;
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

(Ord. 7-2002 § 8(part), 2002).

15.14.070 Water and sewer requirements.

The City Building Official shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(Ord. 7-2002 § 8(part), 2002).

15.14.080 Floodplain building regulation.

The latest Flood Damage Prevention Resolution of the City of Florence, adopted by reference is the official floodplain building regulation of the City of Florence. Copies of the current resolution are maintained by the City Clerk at City Hall and available for public inspection.

(Ord. 7-2002 § 8(part), 2002).

Chapter 15.36 PARKING OF RECREATIONAL VEHICLES AND TRAILERS¹

Sections:

15.36.010 Definitions.

- A. "Recreational vehicle" means any portable structure designed for, or capable of, human habitation, mounted on wheels and being either self-propelled or drawn by a stock motor vehicle, or designed to be loaded onto, or affixed to, the bed or chassis of a truck, or portable structure mounted on wheels, and constructed with collapsible partial side walls of fabric, plastic or other pliable material which folds for towing by another vehicle and unfolds at a campsite to provide temporary living quarters for recreational camping or travel use. The term "recreational vehicle" shall include units designed as "campers," "camper buses," "motor homes," "tent trailers" and "travel trailers."
- B. "Trailer coach," also known as a "mobile home," means any structure so designed and constructed as to permit permanent occupancy thereof for sleeping or housekeeping purposes, or both, for one (1) or more persons, or for the conduct of any business, profession, occupation or trade therein or therefrom, which is also designed to be hooked up to permanent utilities (i.e. water, sewer, gas) and is mobile or can be made mobile or transported on public streets on highways.
- C. "Trailer park," also known as "mobile home park," means any site, lot, field or tract of land maintained or used, or intended to be used, as a location or site for supplying, for a fee or consideration, accommodations for two (2) or more trailer coaches, and shall also include any building, structure, tent, vehicle or enclosure used, or intended for use, as a part of the equipment for such park. "Trailer park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purpose of displaying them for sale.

(Ord. 7-89 § 1, 1989).

¹ For statutory provisions on trailer park recordkeeping, see CRS 1973 § 43-5-201 et seq.

15.36.020 Parking and storage of trailer coaches.

No person shall store, park, place or locate any trailer coach within the City of Florence, except in a manufactured home park or recreational vehicle park, for a period longer than twenty-four (24) hours.

(Ord. 7-89 § 2, 1989).

(Ord. No. 11-2009, 4-20-2009)

15.36.025 Parking of recreational vehicles.

- A. No person shall hereafter park, place or locate any recreational vehicle within the City of Florence, except in a mobile home park, for a period of longer than twenty-four (24) hours; provided however, that a recreational vehicle may be parked or stored on private property, as long as it is not used for sleeping or housekeeping purposes, for the conduct of any business, profession, occupation or trade therein or therefrom, as long as it is not parked or stored within twenty-five (25) feet from a front property line or seven (7) feet from side property line or twenty-five (25) feet from a rear property line or alley.
- B. The City Council may upon request and by resolution, designate times and places when recreational vehicles may be parked upon property owned by the City.
- C. Annually, the City shall adopt regulations setting forth guidelines, procedures and permit fees to be assessed for the parking of recreational vehicles upon property owned by the City.

(Ord. 7-89 § 3, 1989).

Chapter 15.40 DERRICKS

Sections:

15.40.010 Erection prohibited.

No person shall erect within the City of Florence or within one (1) mile of the City limits thereof any permanent derrick, scaffolding or similar structures to be used for the exploration for or procuring of any mineral substance. Any such structure standing for more than sixty (60) days shall be deemed permanent.

(Ord. 2-79 § 2, 1979).

Chapter 15.41 OIL AND GAS EXPLORATION LICENSE

Sections:

15.41.010 License required.

No person, firm or entity shall commence drilling operations for the purpose of oil or gas exploration or development within the City of Florence without first obtaining a license therefor.

(Ord. 2-87 § 2, 1987).

15.41.020 Oil and gas exploration license.

- A. Every person, firm or entity intending to commence drilling operations within the municipal limits of the City of Florence shall make written application to the City Clerk for a license for each proposed well prior to commencing drilling. This application shall include the name and address of the person, firm or entity intending to commence drilling, a sufficient description of the location of the proposed drillsite, proof of ownership of the mineral rights to such proposed drillsite in any form satisfactory to the City Clerk and proof of compliance with state requirements including bonding and insurance requirements. The applicant shall also provide proof of notice of intent to drill to all owners of surface rights at the site of the proposed well and within three hundred (300) feet therefrom. The applicant shall submit to the City with the application a nonrefundable sum of five thousand dollars (\$5,000.00). The City Clerk shall invoice the applicant for any and all costs to the City in excess of the fee paid with the application that the City incurs as a result of processing the application, which shall be paid by applicant before a license issues.
- B. The applicant shall demonstrate a familiarity with the ordinances of the City of Florence relating to the requirements of this chapter and shall state his intention to abide by the same.
- C. The City Council shall consider the license application at the time it considers the applicant's application for a special use review permit pursuant to Section 17.64.120 and Chapter 17.60. The City Council shall have the sole discretion to grant the right to drill within the City.
- D. If the City Council approves a license permitting oil and gas drilling within the City, drilling operations must be commenced on the permitted well within one (1) year after the date of approval or else said approval shall be null and void. In addition, licensee's license shall expire when the well is exhausted, if the life of the state permit expires, or after termination of the licensee's leasehold or other right to extract the mineral, whichever occurs first.

(Ord. 7-2002 § 10(part), 2002; Ord. 2-87 § 3, 1987).

(Ord. No. 13-2009, §§ 1—3, 7-20-2009)

15.41.030 Nuisance, abatement, injunctive relief.

- A. Any violation of the conditions of the special use review permit is deemed a nuisance and may be abated pursuant to Chapter 8.08.
- B. In addition to other remedies, the City may institute any appropriate action or proceeding, including summary abatement, to prevent such unlawful drilling or to restrain or correct such situation.

(Ord. 2-87 § 4, 1987).

(Ord. No. 13-2009, § 4, 7-20-2009)

15.41.040 Limitation upon oil and gas operations.

- A. Anyone drilling within the municipal limits shall bear all liability for its drilling operations including, but not limited to, damages for trespass, property damage or personal injury caused by its drilling activity. The City of Florence does not by issuing a license assume any responsibility for any liability which the oil and gas drilling may create.

(Ord. 2-87 §5, 1987).

(Supp. No. 34, 8-25)

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(Ord. No. 13-2009, § 5, 7-20-2009)

15.41.050 Inconsistent provisions.

In the event any provisions of this chapter are inconsistent with any primary or secondary codes and standards adopted by the City of Florence by reference, including, but not limited to, the adopted Fire Code, then the provisions of this chapter shall prevail over the inconsistent provisions of any of said codes and standards.

(Ord. 7-2002 §11 (part), 2002; Ord. 2-87 §7, 1987).

15.41.060 Violation—Misdemeanor—Penalty.

The license of any person, firm or entity violating any of the provisions of this chapter shall be revoked forthwith. Any person, firm or entity found guilty of failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine, not to exceed three hundred dollars (\$300.00) for each such violation. Every twenty-four (24) hour period of noncompliance with this chapter shall be deemed a separate violation. The fine provided herein shall be in addition to the relief provided in Section 15.41.030 or otherwise provided by law.

(Ord. 2-87 §6, 1987).

Chapter 15.60 HISTORIC PRESERVATION CODE

15.60.010 Intent.

The Council hereby declares as a matter of public policy that the identification and preservation of Landmarks and Historic Districts of distinctive character and which possess special historic, prehistoric, aesthetic, architectural, or engineering importance or that reflect the multiethnic heritage of the City are cultural assets and public necessities required to promote the educational, cultural, economic, aesthetic attributes of the City and the general safety, health and welfare of the citizens of Florence. As a small City with a limited amount of older buildings, the preservation of our historic buildings that evoke our heritage and add to the quality of life is a matter of public policy. This Chapter shall be known as the "Historic Preservation Code" and may be cited as such and may be referred to herein as "this Chapter."

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.020 Statement of purpose.

The purpose of this Chapter is to:

- (1) Identify, designate, preserve, and protect those buildings, objects, monuments, structures and sites which reflect outstanding elements of the community's architectural and cultural heritage.
- (2) Preserve the architectural and engineering legacy of the city for current and future generations.
- (3) Strengthen the City's economic base through the stimulation of the tourist industry.
- (4) Stabilize and improve property values.
- (5) Foster historic building owner's access to state and federal economic benefits.
- (6) Promote the growth of the City in concert with its heritage.

(Supp. No. 34, 8-25)

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- (7) Encourage new buildings and developments that will be harmonious with existing Landmarks and Historic Districts.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.030 Definitions.

The following terms shall have the meanings indicated:

- (1) "Alteration" means any act or process which changes one (1) or more of the exterior architectural features of a Landmark or element within a Historic District, including, but not limited to, the erection, construction or reconstruction of any Landmark or element within a Historic District.
- (2) "Building" means any structure, such as a house, barn, church, hotel, public or commercial structure. Building may refer to a historically related context such as a courthouse and jail or house and barn.
- (3) "Certificate of Appropriateness" means a certificate issued or deemed issued by FHPC authorizing any proposed alteration, construction, restoration or relocation of a designated Landmark or element within a designated Historic District in accordance with the provisions of this Chapter.
- (4) "Certificate of Economic Hardship" means a certificate issued or deemed issued by FHPC authorizing the alteration, restoration, removal, relocation or demolition of a designated Landmark or an element within a designated Historic District in accordance with the provisions of this Chapter, even though a Certificate of Appropriateness has previously been denied.
- (5) "Certified local government" means status granted to the City by the State Historic Preservation Officer according to the applicable provisions of the National Historic Preservation Act, as amended.
- (6) "Colorado Register of Historic Properties" means the official listing of state designated cultural resources.
- (7) "Construction" means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
- (8) "Contributing element" or "element" means a building, object, monument, structure or site that has historic significance through location, design, setting, materials, workmanship or association and adds to the sense of time, place and development in a Historic District.
- (9) "Cultural resource" means any individual building, object, monument, structure, site or geographically definable area, such as a historic district that possesses a significant concentration, linkage or continuity of buildings, objects, monuments, structures and sites united by past events, or aesthetically by plan or physical development, that possess distinctive character and special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or importance, or reflect the multicultural-multietnic heritage of the City. All properties listed on the National Register of Historic Places and the Colorado Register of Historic Properties are cultural resources.
- (10) "Demolition" means any act or process that destroys in part or in whole a cultural resource. The term includes the removal of any material constituting part of a structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure.
- (11) "Demolition by neglect" means any total or partial destruction of or damage to a structure or any portion thereof due to the failure to adequately maintain or repair the structure.
- (12) "Demolition Permit" means a permit issued or deemed issued by FHPC authorizing the demolition of a designated Landmark or an element within a designated Historic District in accordance with the provisions of this Chapter.

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- (13) "Design guidelines" or "Standards of Appropriateness" means guidelines recommended by FHPC and approved by Council by ordinance outlining criteria and standards for the review of applications for Certificates of Appropriateness.
 - (14) "Exterior appearance" means the character and general composition of the exterior of a cultural resource, including, but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, sips and appurtenant elements.
 - (15) "Exterior feature" means the design, architectural style, general arrangement, ornament and components of all the outer surfaces of a cultural resource, including, but not limited to, the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said structure or improvement.
 - (16) "Historic District" means a geographically definable area designated by Council by ordinance conveying a sense of time and place due to the historic and architectural merits of the area or the multicultural-multietnic heritage of the City. A Historic District may also comprise contributing and noncontributing elements separated geographically but linked by association or history.
 - (17) "FHPC" means the Florence Historic Preservation Commission of the City.
 - (18) "Florence Register of Historic Places" means the official list of cultural resources of the City approved by the Council by resolution and located in and maintained by the City Clerk or City Planner.
 - (19) "Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property or any part of such betterment, including improvements on public property.
 - (20) "Integrity" means the authenticity of a cultural resource's historic identity evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.
 - (21) "Landmark" means a cultural resource as defined in this Chapter and designated as such by Council by ordinance.
 - (22) "Maintenance" means all activities necessary to prolong the useful life and aesthetic appearance of a cultural resource.
 - (23) "Monument" means a building, object, structure, or site closely linked in remembrance of a person or event.
 - (24) "National Register of Historic Places" means the national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
 - (25) "Object" means a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
 - (26) "Owner" means the person, corporation, or other legal entity, including government who owns or who has any legal or equitable interest in property and who is so listed as owner on the records of the Fremont County Assessor's Office.
 - (27) "Preservation" means the identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of cultural resources. For the purposes of development of cultural resources, the act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

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- (28) "Protection" means the act or process of applying measures designed to affect the physical condition of a cultural resource by defending or guarding it from deterioration, loss, or to cover or shield the cultural resource from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.
 - (29) "Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished cultural resource, or part thereof, as it appeared at a specific period of time.
 - (30) "Rehabilitation" means the act or process of returning a cultural resource to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the cultural resource which are significant to its historical, architectural and cultural values.
 - (31) "Relocation" means moving a cultural resource to a different location, either temporarily or permanently.
 - (32) "Repair" means the replacement of deteriorated materials which are impractical to save, such as broken window glass or severely rotted wood and the repair or reclamation of items worn to the point that they can no longer perform their intended function. Material used for repairs on cultural resources should be as close as possible to the original in composition of materials, in method of fabrication and in manner of erection.
 - (33) "Restoration" means the act or process of accurately recovering the form and details of a cultural resource and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work.
 - (34) "Secretary of the Interior's Standards for the treatment of historic properties" means the preservation, rehabilitation, restoration and reconstruction standards adopted by the U.S. Department of the Interior.
 - (35) "Site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
 - (36) "Stabilization" means the act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated cultural resource while maintaining the essential form as it exists at present.
 - (37) "Structure" means a work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and may be an engineering project large in scale.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.040 Florence Historic Preservation Commission (FHPC).

- (a) There is hereby created the Florence Historic Preservation Commission (FHPC) consisting of seven (7) members who have resided in the City for at least six (6) months preceding their appointment.
- (b) All appointments to FHPC shall be made by Council. In the event of a vacancy occurring during the term of an FHPC member, the Mayor shall make an appointment to fill the vacancy for the balance of the unexpired term after notice is given for applications.
- (c) The initial terms of the members of FHPC shall be three (3) members for four (4) years, two (2) members for three (3) years and two (2) members for two (2) years. Following the initial terms, the terms of all members shall be four (4) years. A member shall continue in office after expiration of his or her term until a successor

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(Supp. No. 34, 8-25)

has been appointed by Council. Members of FHPC may be removed by Council at any time, with or without cause.

- (d) Members of FHPC shall serve without compensation. To the extent authorized by Council and funds are budgeted and appropriated therefor, members may be reimbursed for actual expenses necessarily incurred, such as training, or incidental to the performance of their duties for FHPC.
- (e) All FHPC members shall have demonstrated interest, experience, knowledge or training in fields closely related to historic preservation. To the extent available, Council shall appoint members to FHPC who have backgrounds in history, architecture, landscape architecture, architectural history, archaeology, planning or other historic preservation related disciplines such as the building trades, cultural geography, cultural anthropology, education, ethnic organizations, fine arts, finance, commerce, real estate or law. Council shall attempt to maintain the balance of interests and skills of the members of FHPC; however, at least three (3) members of FHPC should be professionals in historic preservation or closely related fields.
- (f) The Mayor may appoint a non-voting Ex officio Member of City Council to the FHPC as well as well as one (1) non-voting youth (eighteen (18) or under) member.
- (g) FHPC shall elect a Chairperson and Vice Chairperson, each serving, a one-year term and eligible for reelection. FHPC shall develop and adopt bylaws governing its activities consistent with this Chapter, and it shall conduct its business in accordance with Robert's Rules of Order, except as modified by bylaws or this Chapter.
- (h) FHPC shall conduct its activities at its regular monthly meetings, or at any special meeting as called by the Chairperson, Vice Chairperson, or the City Manager or his designee. The bylaws shall specify the time and place for regular monthly meetings. Notice and agenda of all FHPC meetings must be posted and meetings shall be open to the public at all times in compliance with the Colorado Open Meetings Law.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.050 FHPC staff.

The City Manager may assign City staff to FHPC, which may, from time to time, be required to carry out the clerical, administrative or technical work of FHPC. If so assigned, staff will:

- (1) Provide for the keeping of minutes, tape recordings and records of all meetings and proceedings of FHPC.
- (2) Be responsible for publication and distribution of copies of the minutes, staff reports, packets and decisions of FHPC to the members of FHPC and all other applicable agencies and interested individuals.
- (3) Give notice as provided herein or by law for all public meetings and hearings conducted by FHPC.
- (4) Advise the City Clerk of vacancies on FHPC and expiring terms of its members.
- (5) Perform other duties when so directed by the City Manager.
- (6) At the direction of the City Manager, the City Attorney or his designee may act as legal advisor to FHPC.
- (7) FHPC, subject to funds being budgeted and appropriated therefor, and with the approval of the City Manager, may retain consultants to advise FHPC.
- (8) Conduct administrative reviews of specific cases and routine matters specifically delegated by the FHPC to staff.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.060 Powers and duties of FHPC.

Unless otherwise specified herein, the powers and duties of FHPC shall be as follows:

- (1) FHPC shall have the power to make reasonable rules necessary for the performance of its duties as set forth in this Chapter.
- (2) FHPC shall recommend to the Council guidelines and standards deemed necessary by Council to carry out the identification, designation and preservation purposes of this Chapter.
- (3) FHPC or its designee may from time to time survey the community to identify cultural resources reflective of the community's architectural and cultural heritage and shall prepare and submit a comprehensive inventory of cultural resources to Council for approval. Such inventory shall be referred to as the Florence Register of Historic Places.
- (4) FHPC shall review all applications for designation of significant cultural resources as Landmarks or Historic Districts and shall recommend to the City Council, the designation of such resources.
- (5) FHPC shall prepare and maintain a register of all properties and structures that have been designated as Landmarks or Historic Districts, including all information required for such designation and shall ensure that there is a register of such designations distributed and maintained in the City Clerk's Office.
- (6) FHPC shall, pursuant to the provisions of this Chapter, issue or deny Certificates of Appropriateness, Demolition Permits, or Certificates of Economic Hardship affecting designated Landmarks or elements within a designated Historic District.
- (7) FHPC may recommend an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one (1) Landmark or Historic District to another.
- (8) FHPC may confer recognition upon the Owners of Landmarks or elements within Historic Districts by means of certificates, plaques or markers.
- (9) FHPC may advise and assist owners of Landmarks and elements within Historic Districts on physical, technical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places, Colorado Register of Historic Properties and designation as Landmarks or Historic Districts.
- (10) FHPC may, with the approval of the Owner, nominate individual cultural resources and Historic Districts to the National Register of Historic Places or the Colorado Register of Historic Properties, and may review and comment on any National or State Register nominations referred to Council for comment.
- (11) FHPC may inform and educate the citizens of Florence concerning the historic and architectural heritage of the City, and preservation techniques by publishing appropriate maps, newsletters, brochures and pamphlets, by holding programs, seminars and workshops and through computer links such as the Internet.
- (12) FHPC may encourage and assist in the establishment of educational and cultural programs, tours and events to advance the purpose of this Chapter.
- (13) FHPC may make recommendations to the City Manager concerning the utilization of grants from Federal, State and local agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.
- (14) FHPC, subject to City's appropriation and budgetary procedures and approval of the City Manager, may spend funds which it may lawfully receive from any and every source for the purpose of carrying out the provisions of this Chapter.

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- (15) FHPC may, with the consent of the City Manager, request any appropriate public information, cooperation or assistance from any City Department, board, agency, or commission and from any joint City-County department, board, agency or commission.
 - (16) FHPC may appoint committees it deems necessary from both within and outside its membership.
 - (17) FHPC may testify in writing or in person before all boards and commissions, including the Planning and Zoning Commission and the Zoning Board of Appeals, on any matter affecting cultural and historic resources.
 - (18) FHPC may recommend to the City Manager that the City purchase or assist in the relocation of preservation-essential resources where private preservation is not feasible.
 - (19) FHPC may make recommendations to the City Manager concerning historic grant applications, the acquisition of development rights, facade easements, and the imposition of other restrictions, and the negotiation of historical property contracts for the purposes of historic preservation.
 - (20) FHPC shall, if requested by the City Manager, assist in the development of and periodically review and update the appropriate sections of the Florence Master Plan and submit recommendations to the Planning and Zoning Commission or City Council.
 - (21) FHPC shall report annually to Council. The report shall include a review of FHPC's decisions rendered during the year, a general survey addressing the appearance and condition of historic buildings in the City and comments of the community and trends effecting historic preservation.
 - (22) FHPC may, with the approval of the City Manager and at the direction of Council, prepare an application for and participate in the Certified Local Government (CLG) program of the National Historic Preservation Act, as amended.
 - (23) FHPC may perform such other functions which may be designated by resolution or ordinance of Council.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.070 Surveys and research.

There is hereby established the Florence Register of Historic Places, which shall be maintained by the City and be located in the City Planner and City Clerk's Office and consist of all cultural resources in the City designated as Landmarks or Historic Districts under this Chapter, or listed on the National Register of Historic Places, the Colorado Register of Historic Properties and the Colorado Cultural Resource Inventory. FHPC may continue to survey and research cultural resources in the City to identify and evaluate buildings, objects, monuments, structures and sites of distinctive character and which possess special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or importance or reflect the multicultural-multiethnic heritage of the City. In such identification, FHPC shall place particular emphasis upon evaluating and incorporating the findings of studies and surveys already completed and upon preserving the oral history of the City by appropriate methods.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.080 Designation of Landmarks or Historic District.

- (a) A building, object, monument, structure or site may individually be designated as a Landmark, or one (1) or more buildings, objects, monuments, structures or sites which are united by past events or aesthetically by plan or physical development may be designated as a Historic District, if they have distinctive character and have one (1) of either of the following categories:

(Supp. No. 34, 8-25)

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- (1) Special historic or prehistoric interest or importance:
 - a. Has significant character, interest or value, as part of the development, heritage, or cultural characteristics of the City, State or Nation; or is associated with the life of a person significant in the past; or
 - b. Is the site of a historic event with a significant effect upon society; or
 - c. Exemplifies the cultural heritage of the community; or has yielded, or may be likely to yield, important prehistoric information.
 - (2) Special architectural, engineering or aesthetic interest or importance:
 - a. Portrays the environment in an era of history characterized by a distinctive architectural style; or
 - b. Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or
 - c. Is the work of a designer whose individual work has significantly influenced the development of the City; or
 - d. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation.
 - (3) Already listed on another historic registry,
 - a. The property is listed on the Colorado Register of Historic Places;
 - b. The property is listed on the National Register of Historic Places.
 - (b) Designation of a Landmark or Historic District may be initiated by application of Council, FHPC or the Owner of the cultural resource to be designated. Where such application is for the designation of a Historic District, the application may be initiated by, or on behalf of the Owners of cultural resources within the proposed Historic District after having proven a public meeting was held to discuss said nomination with at least fourteen (14) days advance notice in the newspaper. All such applications shall be filed with FHPC for review and recommendation, upon forms prescribed by FHPC, and shall include all data required by FHPC. No application shall be processed until the fee therefor established by Resolution of the Council is paid.
 - (c) Upon receipt of a complete application and fee, FHPC staff shall immediately notify the city's building official and City Manager to schedule the application for hearing on the next available meeting agenda of FHPC, and give notice of public hearing, as follows:
 - (1) No less than thirty (30) days prior to a public hearing on the proposed designation, FHPC shall send notice to all City agencies having previously requested notice of such proceedings, to all owners of the cultural resource proposed for Landmark or Historic District designation, and to other parties customarily informed by FHPC of such proceedings announcing the date, time and place of a public hearing by FHPC to consider said designation. The notice shall include a description of the cultural resource for designation and a statement of its historical and cultural significance.
 - (2) Post signs indicating the proposed action and the time, date and place of the hearing for a period of not less than ten (10) days immediately preceding the hearing on individual resources proposed for Landmark designation and on reasonable boundaries of all areas proposed for Historic District designations, such signs to be prominently displayed and easily read from abutting public ways.
 - (3) Publish a legal notice indicating the nature of the hearings, the cultural resource involved, and the time, date and place of the scheduled public hearing in a local newspaper of general circulation at least once not less than fourteen (14) days prior to the public hearing.
 - (4) Post a notice of the public hearing in the designated notice area for City Council Meetings.

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- (d) Prior to the designation or amendment of a designation of any Landmark or Historic District, a staff report reviewing the cultural resource's distinctive character or special historic, prehistoric, aesthetic, architectural, engineering or geographic interest or value as a Landmark or Historic District shall be prepared and distributed to FHPC and Owner, and made available upon request to any interested parties. All recommendations of FHPC shall be made taking into consideration the guidelines set forth in (a) above.
 - (e) A public hearing shall be held for the purpose of determining whether the cultural resources being proposed for designation complies with the guidelines for designation as a Landmark or Historic District and City's master plan. The hearing shall allow reasonable opportunity for all interested parties to present testimony and evidence regarding the proposed designation. FHPC may solicit expert testimony or evidence to be presented at the hearing regarding the eligibility of the proposed Landmark or Historic District. FHPC shall afford the Owner of the cultural resource reasonable opportunity to present testimony or evidence regarding the designation of the proposed Landmark or Historic District, the right of representation by counsel, and reasonable opportunity to cross-examine witnesses at the hearing. Any other interested party may also present testimony or evidence regarding the proposed designation at the public hearing. However, nothing contained herein shall be construed to prevent FHPC from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations.
 - (f) FHPC shall act on each proposed designation request after the public hearing. FHPC may recommend approval, denial, modification or continue the hearing for up to sixty (60) days pending receipt of additional information on any designation, but no Historic District designation may be extended beyond the boundaries of the area described in the original application unless the notice and hearing procedure is repeated for the enlarged boundaries. If more than one (1) cultural resource is involved in the application, FHPC may approve in part and deny in part. Each recommendation shall then be treated as a separate action. FHPC shall send a copy of each recommendation to the applicant and Owner. If FHPC fails to act within thirty (30) days following the close of public hearing, the designation shall be deemed to have been denied and the designation procedure terminated. A notice to this effect will be sent to the applicant and Owner.
 - (g) Within twenty (20) days after a recommendation by the Florence Historic Preservation Commission, FHPC shall transmit to Council its written recommendations including FHPC's findings of fact which constitute the basis for FHPC's recommendation together with a draft of a proposed ordinance.
 - (h) Council shall act on the ordinance in accordance with procedures for the enactment of ordinances. Notice of the date, time and location of the public hearing on the ordinance shall be mailed to the Owner at least ten (10) days prior to the date of the hearing, by first-class mail, postage prepaid, at the Owner's address in the records of FHPC.
 - (i) Within thirty (30) days after final approval of an ordinance designating the cultural resource as a Landmark or Historic District, FHPC shall send written notice to the Owner of each cultural resource so designated, or to each cultural resource within the designated Historic District, the City Clerk, and the City Building Department, which notice shall include the designation, findings for such designation, and the benefits, obligations and restrictions which result from such designation. A certified copy of the ordinance designating the Landmark or Historic District shall be recorded in the records of the Fremont County Clerk and Recorder by the City Clerk.
 - (j) Any owner of a cultural resource designated by ordinance as a Landmark or within a Historic District may seek judicial review of such designation by the District Court, Fremont County, Colorado, in the manner provided in Rule 106(a)(4), C.R.C.P. A complaint seeking such review shall be filed in said District Court not later than thirty (30) days after approval of the ordinance making such designation.
 - (k) All cultural resources listed with the consent of the then owners thereof on the National Register of Historic Places as of the date of the enactment of this Chapter or any subsequent properties, upon listing with the consent of the Owner thereof, will automatically receive an invitation to become a Florence Local Historic

Landmark. All properties listed on the National or State register will be considered automatically eligible for such local designation on the Florence Register of Historic Places.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.090 Interim protection.

Except as provided in Sections 15.60.140 and 15.60.150, no demolition or building permit shall be issued by the Building official after the Building Official receives written notice from FHPC that a complete application has been filed to initiate designation of a Landmark or Historic District for any specific cultural resource, which permit authorizes the alteration, construction, reconstruction, restoration, demolition or remodeling of the identified cultural resource. The provisions of this section shall not be applicable to a permit issued on or before the date of receipt of such written notice by the City Building Department and such permit has not expired or been canceled or revoked.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.100 Amendment or rescission of designation.

A Landmark or Historic District designation may be amended or rescinded in the same manner as the original designation was made.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.110 Certificate of Appropriateness.

- (a) FHPC shall develop and recommend for adoption to Council, Standards of Appropriateness for the alteration, new construction, reconstruction, restoration, rehabilitation and relocation of a Landmark or element within a Historic District which standards shall consider, whether the application conforms to these findings of fact:

The proposed work conforms to:

- (1) The intent and purpose of this Chapter.
 - (2) The special character, interest or value of the Landmark or Historic District and its environs.
 - (3) The adverse effect of the proposed work on the exterior features of the Landmark upon which such work is to be done.
 - (4) The extent to which proposed improvements would be harmonious with the character of a Historic District; and the relationship between the results of such work and the exterior features of other neighboring elements in such Historic District.
 - (5) Scale, form, and composition of principal facades and relationship to the street.
- (b) Except as otherwise provided in this Chapter, no Owner or any other person shall carry out or cause to be carried out on a designated Landmark or an element within a designated Historic District any alteration, construction, reconstruction, restoration, rehabilitation, or relocation requiring a building permit, or to undertake or cause to be undertaken any action for which a building permit is not required, which would result in any alteration that would negatively impact the quality of the Landmark or Historic District which qualified it for designation under this Chapter, without prior issuance of a Certificate of Appropriateness therefor.

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- (c) Nothing in this Section shall be construed to prevent any work for the purpose of basic maintenance, or repairing any deterioration or decay of or damage to a structure or any part thereof in order to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.120 Application for Certificate of Appropriateness.

- (a) Any Owner desiring to materially alter, restore, construct on, relocate, remove, or in any way significantly change the feature of the cultural resource designated as a Landmark or to an element within a designated Historic District shall submit to FHPC an application for a Certificate of Appropriateness on a form prescribed by FHPC and available at City Hall.
- (b) All applications for a Certificate of Appropriateness shall be submitted by the Owner to the FHPC and all fees paid. FHPC shall establish procedures for the filing of applications for a Certificate of Appropriateness, which shall include, but not be limited to, the submission of plans, drawings, elevations, photographs, models, specifications and material samples describing the activity for which the Certificate of Appropriateness is required.
- (c) Upon the receipt of a completed application for a Certificate of Appropriateness and the fee therefor established by Council by Resolution, FHPC shall schedule the application for hearing at its next available monthly meeting. The Chairperson of FHPC may, at the request of the Owner, schedule a special meeting of FHPC to hear the application for a Certificate of Appropriateness. The hearing shall be conducted as near as practicable in accordance with the procedures set forth in Section 17.76.080.
- (d) If at the hearing on an application for a Certificate of Appropriateness, FHPC finds that the proposed work conforms with the Standards of Appropriateness, FHPC shall issue a Certificate of Appropriateness to the Owner.
- (e) Changes in work found by the Owner to be necessary after the issuance of Certificate of Appropriateness which will not affect the design integrity or proposed preservation activity may be approved by FHPC staff.
- (f) If the proposed work does not conform with the Standards of Appropriateness, FHPC shall deny the Certificate of Appropriateness, or continue action thereon for up to sixty (60) days with recommendation for amendments which the Owner may wish to submit in a revised application.
- (g) All work performed on a designated Landmark or on an element within a designated Historic District shall conform to the conditions, restrictions and limitations set forth in the Certificate of Appropriateness.
- (h) The decision of FHPC to grant or deny, or grant with modifications, an application for a Certificate of Appropriateness shall contain written findings of fact applying the Standards of Appropriateness enacted by Council to the designated Landmark or element within the designated Historic District for which an application for Certificate of Appropriateness has been filed.
- (i) If FHPC fails to act upon a completed application for a Certificate of Appropriateness within ninety (90) days after the date of filing the application, the application shall be deemed to have been approved and FHPC shall issue the requested Certificate of Appropriateness. The ninety-day period may be extended by the mutual consent of the Owner and FHPC.
- (j) The decision of FHPC on an application for a Certificate of Appropriateness shall be final. FHPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid, to the Owner and the City Building Department together with notice of the Owner's right to appeal the decision.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.130 Administrative Review of a Certificates of Appropriateness.

- (a) The FHPC may delegate the approval of routine types of work and Certificate of Appropriateness to FHPC staff for those projects limited in scope and clearly in compliance with the Standards of Appropriateness. Staff will keep a record and report to the FHPC of all cases approved in such a manner. FHPC will direct staff which types of project can be handled via administrative review and record what types of work falls under administrative review in a memo signed by the chair of the FHPC. In no case will new construction or additions to historic buildings be reviewed under the administrative provision.
- (b) Administrative reviews are conducted in the same manner as normal certificate of appropriateness reviews but staff can approve these on a rolling basis while documenting the approval and reporting to the FHPC at their next regular meeting. In the case that there is not dedicated staff, the City Manager or his/her designee can perform this function according to the adopted standards of appropriateness and may confer with a member of the FHPC.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.140 Demolition Permits.

- (a) FHPC shall develop and recommend for adoption to Council, Demolition standards for the issuance of Demolition Permits. Such Demolition Standards shall consider, among other things:
 - (1) The public's interest in the preservation of the cultural resource.
 - (2) The ability of the cultural resource to reasonably meet National, State or local criteria for designation as a landmark.
 - (3) The age of the cultural resource, its unusual or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.
 - (4) The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.
 - (5) The ability of the cultural resource to promote the general welfare of the City by:
 - a. Encouraging the study of American History, architecture and design;
 - b. By developing an understanding of the importance and value of the American culture and heritage; and
 - c. By making the City a more attractive and desirable place in which to live.
 - (6) The cost and economic feasibility of restoring the cultural resources.
- (b) Except as otherwise provided in this Section, the City Building Department shall not issue a permit to demolish a designated Landmark or an element within a designated Historic District until after a Demolition Permit therefor is issued by FHPC pursuant to this Section. No Owner or any other person shall demolish or undertake to demolish a designated Landmark or an element within a designated Historic District without a Demolition Permit therefor.
- (c) Applications for a Demolition Permit to demolish a designed Landmark or an element within a designated Historic District shall be filed by the Owner with the City Building Department on forms prescribed by FHPC together with the fee established by Council by Resolution. FHPC shall conduct a hearing upon an application for Demolition Permit no later than forty-five (45) days after the application is filed. The hearing shall be conducted as near as practicable in accordance with the procedures set forth in Section 17.76.080.

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- (d) Notice of the time, date and place of the hearing on an application for a Demolition Permit shall be mailed by first-class mail, postage prepaid, to the Owner at least ten (10) days before the hearing.
 - (e) If FHPC fails to act upon a completed application for a Demolition Permit within sixty (60) days after the date of filing the application, the requested Demolition Permit shall be deemed to have been issued by FHPC. The sixty-day period may be extended, in writing, by the mutual consent of FHPC and the Owner.
 - (f) The decision of FHPC to grant or deny a Demolition Permit shall contain written findings of fact applying the Demolition Standards for issuance of Demolition Permits enacted by Council to the designated Landmark or element within the designated Historic District for which an application for a Demolition Permit has been filed.
 - (g) No Demolition Permit shall be required to be issued by FHPC for the demolition of any designated Landmark or element within a designated Historic District determined to be a dangerous building or structure pursuant to the provisions of the International Building Code, the International Residential Code and the International Existing Building Code, or successor codes, as adopted and amended by the City.
 - (h) The decision of FHPC shall be final. FHPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid, to the Owner and the City Building Department together with notice of the Owner's right to appeal the decision.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.150 Emergencies.

Notwithstanding any provision of this Chapter to the contrary, if any designated Landmark or element within a designated Historic District is damaged by fire, act of God, or other casualty, the Building Official, or other public authority having the power to do so, may order or direct the construction, reconstruction, alteration, repair, relocation or demolition of such damaged Landmark or element within a Historic District for the purpose of remedying or eliminating conditions which constitute an imminent danger to life, health or property. A copy of any such order directing the construction, reconstruction, alteration, repair, relocation or demolition shall be sent to FHPC and the City Manager.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.160 Certificate of Economic Hardship.

- (a) An application for a Certificate of Economic Hardship may be submitted by the Owner of a designated Landmark or an element in a designated Historic District to FHPC on forms to be prescribed by FHPC and payment of the fee established by Council by Resolution. The application shall include plans for any proposed alteration, reconstruction, removal, relocation or demolition.
- (b) FHPC may, at its discretion, solicit testimony, schedule a public hearing, or require that the Owner for a Certificate of Economic Hardship make submissions concerning any or all of the information set forth below before it makes a determination on the application:
 - (1) An estimate of the cost of the proposed alteration, restoration, construction, removal, restoration or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations of FHPC for changes necessary for the issuance of a Certificate of Appropriateness;
 - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the Landmark or element within a Historic District and its suitability for rehabilitation;

(Supp. No. 34, 8-25)

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- (3) The estimated market value of the Landmark or element within a Historic District in its current condition; after completion of the proposed alteration, restoration, construction, removal, relocation or demolition; after any changes recommended by FHPC; and, in the case of a proposed demolition, after renovation for continued use;
 - (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing Landmark or element within a Historic District;
 - (5) The amount paid for the Landmark or element within a Historic District, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the Owner and the person from whom the Landmark or element within a Historic District was purchased, and any terms of financing between them;
 - (6) If the Landmark or element within a Historic District is income-producing, the annual gross income therefrom for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - (7) The remaining balance on any mortgage or other financing secured by the Owner of a Landmark or element within a Historic District and annual debt service, if any, for the previous two (2) years;
 - (8) All appraisals obtained within the previous two (2) years by the Owner in connection with the purchase, financing, or ownership of the Landmark or element within a Historic District;
 - (9) Any listing of the Landmark or element within a Historic District for sale or rent, the purchase price asked and offers received, if any, within the previous two (2) years;
 - (10) The actual valuation and assessed value of the Landmark or element within a Historic District according to the two (2) most recent assessments;
 - (11) The form of ownership or operation of the Landmark or element within a Historic District, whether individual, sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and
 - (12) Any other information the Owner chooses to provide.
- (c) In the event that any of the information is not reasonably available to the Owner, cannot be obtained by the Owner, or may not be disclosed without a substantial adverse impact on the Owner, the Owner may file with FHPC a description of the information which cannot be provided and describe the reasons that the information cannot be provided.
 - (d) FHPC shall review all the evidence and information required of an Owner for a Certificate of Economic Hardship and make a determination whether the denial of a Certificate of Economic Hardship has deprived, or will deprive, the Owner reasonable use of, or economic return on, the Landmark or element within a Historic District. Failure of FHPC to act within sixty (60) calendar days after the date a completed application is received, unless an extension is agreed upon in writing by the Owner and FHPC, shall be deemed to constitute approval and a Certificate of Economic Hardship shall be issued by FHPC authorizing the proposed alteration, restoration, construction, removal or demolition.
 - (e) Upon a finding by FHPC that without approval of the proposed alteration, restoration, construction, removal, relocation, or demolition, all use of, or economic return from a Landmark or element within a Historic District will be denied the Owner, FHPC shall issue a Certificate of Economic Hardship authorizing the proposed alteration, restoration, construction, removal or demolition.
 - (f) Upon a finding by FHPC that without approval of the proposed alteration, restoration, construction, removal, relocation or demolition, the Landmark or the element within a Historic District cannot be put to reasonable use or the Owner cannot obtain a reasonable economic return therefrom, FHPC shall issue a Certificate of

Economic Hardship authorizing alteration, restoration, construction, removal, relocation or demolition which may not be in strict conformance with the Standards of Appropriateness but are consistent with the purposes of this Chapter. If FHPC finds differently, it shall deny the application for a Certificate of Economic Hardship.

- (g) The decision of FHPC shall be final. FHPC shall deliver a copy of its findings and decision by first-class mail, postage prepaid to the Owner and Building Official together with notice of the Owner's right to appeal the decision.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.170 Affirmative maintenance.

Designated Landmarks and elements within designated Historic Districts shall be maintained so that the historic structure does not begin to significantly deteriorate or become an unsafe building or hazard to the public. FHPC, on its own initiative, may file a complaint with the City Manager requesting that the City proceed under the applicable provisions of this Code to require correction of such defects or to make required repairs.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.180 Appeals.

Any Owner or other interested person adversely affected by a final decision of FHPC with respect to an application for a Certificate of Appropriateness, an application for a Demolition Permit, or an application for a Certificate of Economic Hardship may seek judicial review by the District Court, Fremont County, Colorado, in the manner provided in Rule 106(a)(4), C.R.C.P. A complaint seeking such review shall be filed in said District Court not later than thirty (30) days after the final decision of FHPC.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.190 Penalties.

- (a) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished pursuant to the City's general penalty provisions at Section 1.12.010.
- (b) For purposes of this Chapter, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provision.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.200 Injunction.

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of Sections 15.60.110(a)(3); 15.60.120(h); or 15.60.140(b), the City Manager may direct the City Attorney to file an action in the District Court, Fremont County, Colorado for an order enjoining the act or practice, or requiring the person to refrain from the prospective violation, or to remedy the violation by restoring the affected property to its previous condition. The District Court shall, in addition to any other relief, award City its costs and expenses of such action including reasonable attorney fees.

(Ord. No. 4-2015, § 1, 5-18-2015)

15.60.210 Severability.

The requirements and provisions of this Chapter are severable. If any article, section, paragraph, sentence or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, such declaration shall not affect the validity or applicability of this Chapter as a whole or of any part hereof other than the part held void, invalid, or otherwise inoperative.

(Ord. No. 4-2015, § 1, 5-18-2015)