

Town of Pitkin, Colorado  
Zoning Code  
2012

Title: A compilation of regulations entitle “Town of Pitkin, Colorado Zoning Code,” adopted by the Board of Trustees of the Town of Pitkin, Colorado, on the 11<sup>th</sup> day of December, 2012, Ordinance No. 1, Series 2012 which regulations provide for the restriction of height and size of buildings and other structures, size of yard and open spaces, population density, location and use of structures and land for residence, business or other purposes, and prescribing penalties for violation of the regulations contained within the Town of Pitkin, Colorado Zoning Code.

Be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, that:

Section 1. Purpose. The Town of Pitkin, Colorado Zoning Code is designed to promote the health, safety, morals and general welfare of the present and future inhabitants of the municipality by lessening congestion in the streets; securing safety from fire, snow, panic, and other dangers; promoting health and the general welfare of the community; providing adequate light and air; preventing the overcrowding of land; avoidance of undue concentration of population; and by facilitating the adequate provisions of transportation, water, sewerage, schools, parks and other requirements.

Section 2. Authority. This Zoning Code is authorized by Title 31, Article 23, Section 301 of the Colorado Revised Statutes, 1973, as amended, and hereby is declared to be in accordance with all provisions of said statute.

Section 3. Definitions. For the purpose of this code, certain words and phrases used herein shall be defined as follows:

A. Word Definitions:

1. Accessory Building or Structure: a building or structure on the same lot as the primary use structure, its use being subordinate to the primary structure. This does include WeatherPORT type, fabric tension structures.

2. Accessory Use: a use customarily associated with, or subordinated to, the principal use on the same lot.

2.1 Agriculture: The raising or domicile of horses, cattle, pigs, sheep, goats, llamas, mules, burros or other quadrupeds whether associated with agriculture or personal use.

3. Alley: Small roadway between main streets, including but not limited to Quartz Lane, Aspen Lane and Sage Lane, as indicated on the Zoning Map.

4. Building: any structure having a roof supported by columns or walls.

5. Building Height: The vertical distance measured from the finished grade to the highest point of the roof. If the grade is not level, take the average of finished grade to the highest point of the roof.

6. Club: any membership organization including a lodge catering to members and their guests, and whose facilities are rendered to meeting, eating and recreational uses, and further, whose activities are not conducted principally for monetary gain.

7. Conditional Use: any use in any zoning district for which the Board of Trustees' approval is necessary and obtainable upon the fulfillment of certain conditions, either expressed in this Code or imposed by the Board of Trustees.

8. Dwelling Unit: A building or portion thereof providing house-keeping facilities for one person or family.

9. Family: one or more persons occupying a common household, but not including common households maintained by or in boarding or rooming houses, lodges, clubs, hotels or fraternities.

10.1 Footprint: outside dimensions of foundation.

10.2 Fence: A vertical structure of minimal width designed to restrict or prevent movement across a boundary.

11. Garage: any building or structure where automobiles, trucks, or vehicles are stored, repaired, painted or equipped.

12. Gross Floor Area: the sum of all the roofed over floor area on all levels of a building, measured from its exterior walls, including all accessory buildings on the same lot.

13. Heavy Equipment: Earth-moving equipment over 10,000 lbs., including but not limited to tractors, backhoes, graders and front-end loaders, dump trucks, semi-tractors and semi-trailers.

14. Home Occupation: any business use performed on an Resident property by the inhabitants thereof, but which is incidental to the residential use.

15. Hotel: a building containing sleeping rooms designed to be rented, and which may or may not have eating or drinking facilities as an accessory use.

16. Indirect lighting: that type of sign illumination in which the elements or devices providing the light source are not visible to the naked eye of one traveling upon the public way.

17. Junkyard: a building, structure or parcel of land or portion thereof used for the storage, collection or sale of waste paper, rags, scrap metal or other discarded material; or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other material, and including the sale of the whole or any part thereof.

18. Loading Area: a parking space other than a public street or alley for the parking of commercial vehicles for the loading or unloading of materials or merchandise.

19. Lot: a parcel or plot of land occupied or designed to be occupied by one or more buildings, structures or uses, arranged so as to meet all the requirements of this Code and facing a public street.

20. Lot Area: the number of square feet included within a lot as measured within the lot boundaries, measured on a horizontal plane upon which the boundaries have been projected.

21. Lot Length: the average distance from the street at the front of the property line to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.

22.0 Lot Width: the average distance between two side lots lines, measured perpendicularly from one of the sides.

22.1 Low Density Housing: Single family dwelling of permanent construction and/or a Manufactured Home installed as permanent construction. Includes home, garage and all associated out buildings.

22.2 Manufactured Home: Defined pursuant to Section 31-23-301, C.R.S. (2011) and as may be amended: a single family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet in width and thirty-six feet in length; is installed on an engineered permanent foundation; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards act of 1974", 42.U.S.C 5401 et seq., as amended.

23. Motel: a building or group of buildings containing individual rooms for sleeping or living, designed and/or used for temporary rental occupancy, and with automobile parking space adjacent to or within the proximity of each rental unit.

24. Non-conforming: Legally existing at the time of the adoption of this Code, but failing to meet all of the requirements contained herein.

25. Outdoor Advertising Device: A building or structure either independent of or attached to another building or structure, and which is shaped, painted or made in such a way as to advertise a commodity, place or service, or to support a posted, painted or attached advertisement for any commodity, place or service.

26. Parking Area: an open space or enclosed structure or building used exclusively for the temporary storage of an automobile or vehicle.

27. Parking Space; that part of a parking area, exclusive of drives, turning areas, or loading space devoted to the parking of one automobile or vehicle.

28. Parking, Off Street: any parking area located wholly within the limits of one or more lots.

29. Public Building or Use: any building or space open to the general use, participation or enjoyment of the public and owned by the town, county, state or federal government or by a public utility corporation or a municipal civic organization.

30. Seat: an individual chair designed to seat one person or a part of a bench designed to seat one person but measuring at least 18 inches in width.

31. Set-back: the shortest distance between any edge of the building or structure and the lot boundary. The roof eaves and/or the water drip line of the roof, are considered the edge of a building or structure. Decks, porches, stairs and other accessory structures, which do not have roofs, will be measured from their shortest distance.

32. Sign: any structure, poster, banner, insignia, billboard, trademark or other device used to indicate directions, advertise, announce or attract attention; except that flags and banners of any country, state, city or non-profit organization shall not be included.

33. Structural Alteration: any addition to or subtraction from parts of a building including columns, beams, girders, foundations, roofs, walls, porches, doors and windows.

34. Structure: anything constructed or erected upon and affixed to the ground except utility poles, flag poles or walls less than four feet high. Walls greater than 4 feet in height are structures.

35. Temporary Use: any use in any zoning district which is temporary in nature, with duration not to exceed 14 days.

36. Intentionally left blank; not used.

37. Use: The purpose for which any land, structure or building is designed, maintained or occupied.

38.1 Use By Right: Any use listed as a Principal Permitted Use in this Code in any given zoned district.

38.2 Wall: A vertical structure with a solid footing, usually solid and not of minimal width to support its height.

39. Yard: the space on the same lot as a building or structure that is unoccupied and open to the sky.

40. Yard, Front: that portion of a yard between the front street line and the building and between the two side lots lines, the depth of which shall be the least distance between the front lot line and any part of the building.

41. Yard, Rear: that portion of a yard between the rear of a building and the rear lot line, and between the two side lot lines, the depth of which shall be the least distance between the rear lot line and any part of the building.

42. Yard, Side: all yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and any part of the building.

Section 4. Description of Districts. Pitkin is divided into two Zoning districts:

A. Resident. Low Density residential: this district is for single family dwellings.

B. Business. Business: this district provides for any permitted business uses and multiple dwelling units located within the Town of Pitkin, Colorado.

C. There shall be no Agricultural District within the Town of Pitkin where Agriculture is performed.

Section 5. Zoning Map. The location of the Zoning Districts shall be maintained on a map entitled "Town of Pitkin, Colorado Official Zoning Map." This map, along with any explanatory materials, is a part of this Code. The official map shall be retained by the Town Clerk, with copies issued to the Mayor and the secretary of the Board of Zoning Adjustment. Unless otherwise specified on the map, zoning boundaries shall coincide with the centerlines of streets and alleys or with specified lot lines. All amendments to the map made in accordance with this Code shall be noted within two weeks upon the Official Map and the above mentioned copies.

Section 6. Application. Except as provided in this Section, or by a variance granted by the Board of Zoning Adjustment:

A. No building, structure or land shall be occupied or used and no building or structural part thereof shall be erected, moved or structurally altered unless in conformity with all of the provisions of this Code for the District in which it is located.

B. No part of a yard or loading area or open space needed by any building or structure to meet the requirements of this code may be included, in whole or in part, in meeting the requirements of any other building or structure.

C. No yards or lots existing at the time of adoption of this Code shall be reduced below the minimum dimensions of area required by this code.

Section 7. Principal Permitted Uses. This section enumerates the principal uses which are permitted in each zoning district:

A. Resident, Low Density Residential:

1. Dwellings, single family
2. Community centers and public buildings
3. Parks and playgrounds
4. Accessory uses as listed in Section 10 of this Code

B. Business, Business:

1. Any use permitted in the Resident district
2. Accessory buildings and uses
3. Amusement or recreation
4. Automobile gas stations or garages
5. Automobile parking lots
6. Club or lodge
7. Dining or drinking places
8. Hotel or motel
9. Laundromat
10. Office or clinic
11. Retail store or shop
12. Schools and churches, including seasonal church schools.

Section 8. Conditional Uses. The following uses shall be permitted only after written request to the Board of Trustees, and acceptance of written approval made by the Board of Trustees:

A. Temporary construction facility for a period not to exceed two years.

B. Public Utilities.

C. Heavy equipment storage, unless in an enclosed facility, so as not to be visible.

D. Home Occupations. Any variances granted shall be for only a one (1) year term and subject to review at the end of each year of continuance of such home occupation.

Section 9. Temporary Uses. Upon application to the Board of Trustees, a temporary use permit may be issued. Such temporary use permit shall be valid only for the period of time granted by the Board of Trustees. Failure to terminate such temporary use by the specified time shall be punishable as is provided for in this Code.

Section 10. Permitted Accessory Uses. The following uses are permitted in the specified districts provided they are incidental to and on the same premises as a permitted use, and meet all other requirements of this Code.

A. Resident District:

1. Garage for storage of vehicles.
2. Any accessory buildings, structures or uses required in addition to and in conjunction with any use permitted in the district.
3. The total of all accessory buildings and/or garages shall be subordinate in size and usage to the dwelling unit. All accessory buildings combined must have a smaller footprint than the main dwelling unit.
4. Storage of a camper, camper trailer or motor home, if a dwelling unit has been constructed on the property.

B. Business District: Any building or structure incident to and necessary for the operation of a use permitted in the district.

Section 11. Non-permitted Uses. Regardless of whether the nature of the uses are otherwise permitted by Sections 7, 8, 9 or 10, those uses which produce excessive amounts of smoke, dust, fumes, noise or other deleterious effects, or which may threaten the quality of water within the town, either flowing or below ground, are prohibited.

No person may reside for any period of time in any dwelling unit that does not meet the minimum specifications of Section 3(A)(22.2), including any trailer, house trailer, mobile home, motor home, camper, camper trailer, travel trailer, truck camper, tent, etc.

Camping by trailer, motor home or tent is allowed on private property, in compliance with the Camping Ordinance of the Town of Pitkin.

Section 12. Space Requirements.

A. Minimum lot area. The lot area per dwelling unit shall not be less than the following:

1. Resident District: 9,000 square feet
2. Business District: 9,000 square feet

B. Minimum Building Size. The following building sizes are the minimum allowable in the specified districts:

1. Resident District: 600 square feet of usable floor space, which has a minimum headroom clearance of 5 feet. This applies to the primary dwelling only and not to accessory buildings.

2. Business District: 600 square feet of usable floor space, which has a minimum headroom clearance of 5 feet. This applies to the primary dwelling only and not to accessory buildings.

C. Front Yard Set-back: All buildings and structures shall be set back a minimum of the following distances from the front property lines:

1. Resident District: 10 feet
2. Business District: 10 feet

All building sites that adjoin Main, State, Mesa, Armstrong, or River Street will use these streets as defining the Front Yard.

D. Side Yard Set-back. All buildings and structures shall be set back from the side property line a minimum of the following distances.

1. Resident District: 10 feet from the property line when adjoining private property or 5 feet from the property line when adjoining roads or alleys.

2. Business District: 10 feet from the property line, except that when residences are built in the Business District, they must meet Resident District set-backs.

E. Rear Yard Set-back. All buildings and structures shall be set back from the rear lot line a minimum of the following distances:

1. Resident District: 10 feet from the property line when adjoining private property or 5 feet from the property line when adjoining roads and alleys.

2. Business District: 10 feet from the property line when adjoining private property or 5 feet from the property line when adjoining roads and alleys.

F. Fence Set-backs. New and replacement fences may be built at or upon the lot boundary, except for the lot boundary adjacent to an alley where a 5 foot setback is required. All fences require a building permit and the minimum permit fee must be paid.

G. All Resident and Business Districts shall have an area and access to park one vehicle on the building property site. This parking is off the street and maybe accessed from either a street or alley adjoining the building property lot.

H. All construction in Business Districts shall have an ample parking area on the building property lot and shall not solely rely upon parking on Town streets.

### Section 13. Maximum Building Structure and Fence Heights.

A. No building shall be built or structurally altered to exceed the following heights in the specified districts:

1. Resident District: 40 feet

2. Business District: 40 feet-

B. A fence shall not be greater than 4 feet in height within 10 feet of a lot's front boundary.

Section 14. Non-Conformance. Certain uses of land or buildings, sizes of lots, or locations or sizes of structures, may be found to be in existence at the time of passage of this Code, which do not meet the requirements set forth herein. This Code allows the continuation of such uses and structures, but not to permit enlargement nor to allow its continuance should such structure be destroyed by fire or any other causes. Extending such non-conformance is declared to be incompatible with the other uses in any district. Any construction on lots or buildings accepted as non-conforming at the time of this code, must conform in all respects to the requirements of this Code.

A. Conforming and non-conforming lots: Non-conforming lots may be built upon or used only with the approval of the Board of Zoning Adjustment.



B. Lot Conformance: No lot which is conforming in size at the time of passage of this Code may be subdivided or reduced in size in such a way that it would become non-conforming in size or cause any building, space, set-back or use to become non-conforming.

C. Alterations and/or Extensions: No building or use that is non-conforming as of the effective date of this Code shall be structurally altered or expanded in any way which would increase the degree or area of non-conformance. The following changes or alterations may be made to a non-conforming building:

1. Repairs to a building or structure that are required to make it safe.
2. Maintenance and repairs needed to keep the building in good condition.
3. Any structural alteration which would not increase the degree of non-conformity or change the use to a non-conforming use.

D. Restoration: Any non-conforming building or structure that is damaged by fire and is determined to be structurally unsound by the Fire Marshall may not be rebuilt without complete conformance with this code.

Any non-conforming building or structure which is damage by means other than fire will be inspected by a professional structural engineer and if determined to be structurally unsound, may not be rebuilt without complete conformance with this code.

(NOTE: Structures damaged and found structurally unsound, that are located on building sites of only one or two lots AND adjacent lots are not available for addition to make the building site conforming to this code, may request a variance from this code as defined in Section 18(B) (8). The approval of this variance request is still subject to the review of the Zoning Board of Adjustment.)

E. Previously approved Uses: Any building or structure that has been officially approved by the Board of Trustees or Board of Zoning Adjustment, or for which a permanent footing or foundation has been constructed prior to passage of this Code may proceed to completion providing that the structural members are completed within one year of the effective date of this code.

F. Change in Non-conforming Use: No non-conforming use of a building or structure may be changed to another non-conforming use except by approval of the Board of Zoning Adjustment.

Section 15. Signs and Advertising devices. No sign or other advertising device shall be erected, altered, maintained or moved without a minimum fee permit issued by the Board of Zoning Adjustment. Such a sign or devices shall conform to the provisions of this Code. No new permit shall be issued, or sign or advertising device may be erected unless such sign or device conforms to the following schedule of types of use and classification of signs permitted under this section.

A. Sign types allowed, by District:

1. Resident, Residential: classifications A and F.
2. Business, Business: classifications C, D, E, F.

B. Classification Types:

1. Type A, Identification Signs:

- a. Purpose: To identify premises, occupants or services.
- b. Size: Maximum 3 square feet per sign.
- c. Number: One for each street adjacent to the property.
- d. Illumination: Non except for identification of house number.
- e. Height: No higher than the roof line of the tallest building on the premises.
- f. No permit shall be required for an identification sign which otherwise

conforms to this section.

2. Type B, Directional Signs:

- a. Purpose: To direct the flow of traffic in and out of drives, parking areas or buildings.
- b. Size: maximum 3 square feet per sign.
- c. Number: Two for each premise plus one for each street adjacent to the property.
- d. Illumination: Indirect only.
- e. Height: No higher than the roof line of the tallest building on the premises.

3. Type C, Indoor Business Signs or Devices:

- a. Purpose: to announce the name of a business or service and/or to indicate the type of business.
- b. Size: Maximum 50 square feet per sign.
- c. Number: Two per premise visible from the street.
- d. Illumination: Any, except that direct and/or flashing illumination is not permitted where such signs would face into an Resident or Resident zoned District lying within 100 feet of the face of the sign measured perpendicularly.
- e. Height: Not to exceed above the roof line so as to become an outdoor advertising device or sign.

4. Type D, Outdoor business /signs or Devices:

- a. Purpose: to advertise business activities on the premises.
- b. Size: not to exceed 5 square feet for each foot of frontage of the property upon which the sign is located, but with a maximum size of 50 square feet.
- c. Number: two per premise on each adjacent street
- d. Illumination: indirect illumination only, with no flashing signs.
- e. Height: not to exceed the highest point on the roof line.

5. Type E, Non-residential Identification:

- a. Purpose: to announce the name location, sponsor or occupant of a building.
- b. Size: maximum 15 square feet pr sign.
- c. Number: two per premise on each adjacent street.

- d. Illumination: indirect, non-flashing only.
  - e. Height: no higher than the highest point on the roof line.
6. Type F, Temporary Signs:
- a. Purpose: to announce the sale or leasing of a property, public or private events to be held, builder, architect or tenant of a proposed building, and election campaigns.
  - b. Size: maximum 15 square feet per sign.
  - c. Number: one for each facing street frontage, placed so that only one sign faces each street.
  - d. Illumination: none.
  - e. Height: maximum of 8 feet above ground level.
  - f. No permit shall be required for a temporary sign which otherwise conforms to this Section.
  - g. Any real estate signs posted at a property must be removed within 7 days of that property's real estate closing date, unless frozen to the ground.
  - h. Any temporary event signs must be removed within 48 hours after the event advertised on the sign, unless frozen to the ground.
  - i. Political/Campaign signs: Shall be removed within seven days after the election date.

C. Non-conforming Signs: All signs in existence on the effective date of this Code may remain, provided they are maintained in a state of good repair. They may not be replaced, relocated or structurally altered unless they conform to the provisions of this Code.

Section 16. Administration and Enforcement: This Code shall be administered and enforced by the Zoning Enforcement Official appointed by the Board of Trustees of the Town of Pitkin, Colorado.

Section 17. Building Permits:

A. No Building or structure shall be erected, moved, or structurally altered unless a permit for said work has been issued by the Town Building Inspector, and no permit shall be issued unless the building or structure is in full conformance with this Code or unless a permit of variance has been issued by the Board of Zoning Adjustment. Storage shed of 120 square feet and smaller, including Weatherport type structures, will not need a permit but must meet setbacks (limit of one per building site). The storage shed must be free standing and cannot attach to any structure.

All decks and porches require a building permit and subject to permit fees.

B. All applications for building permits shall be accompanied by an accurate drawing to scale showing plot plan and location, floor plan, heights and size of all buildings or structures, location of proposed buildings, fences and signs. Drawings of a typical wall section, foundation footer, stem wall sections and an elevation drawing of the front, each side and rear of all new structures is also required with the application.

C. The building permit applicant is required to survey and mark all the property lot corners that are shown or referenced in the plot plan prior to submitting the application. These corners shall be marked in a manner that they are visible to the Town Building Inspector.

D. All applications for building permits must be reviewed by two (2) members of the Board of Zoning Adjustment for conformance to this Code prior to issuance of the building permit. Upon receipt of this application each applicant will receive a copy of this Code.

E. No Residential or Business building permit for new construction shall be issued until a professionally engineered individual septic disposal system (ISDS) and a water supply has been approved in writing by the Town Sanitarian or Town Building Inspector. Once a septic system has been installed and an inspection performed by the Town Sanitarian or Town Building Inspector, the residence dwelling unit or other building structure must be constructed in compliance with the permitted septic system. This section does not apply to fences, porches, decks and other accessory structures that do not have water and/or sewage.

No permit for exterior addition to, or alteration of, an existing structure or its use, which will affect septic usage, shall be issued until the existing septic system has been inspected by a professional engineer. The engineering report must indicate that the current septic system is suitable for the building change. If any corrections or expansions to the septic system are required by the engineer, they must be included in building permit for the building modification.

Septic system designs that have an absorption field which is shared by two or more individual septic tanks are allowed if properly engineered.

F. No excavation for any structure shall begin until a building permit has been issued.

G. During the period of construction, there will be several inspections made by either State of Colorado Inspectors or the Town Building Inspector. Appendix "A" lists all the applicable building codes and standards which are used to inspect the construction.

The property owner is responsible for controlling, collection and disposal of all trash before, during and after the period of construction. The property owner is also responsible to repair any damage to Town of Pitkin streets and roads caused by the construction.

H. A building permit shall be valid from the date of issuance. If a Final Inspection cannot be completed within two years, then the property owner must provide progress reports to the

Board of Zoning Adjustment with an estimated time to complete the construction.

I. Any deviations from an approved building permit on a building under construction must be approved in writing by the Town Building Inspector.

J. Certificate of Occupancy.

1. No land or building shall be changed in use, nor shall any new building, structure or land be occupied or used without first obtaining a Final Inspection from the Town Building Inspector to ensure compliance with the original building permit and this Code.

2. A Certificate of Occupancy shall be signed by the Town Building Inspector, with one copy to be given to the owner, and a duplicate to be retained by the Town Clerk along with the original permit application.

K. Building Permit Fees: A fee for the examination and administration of this permit shall be established by the Board of Trustees. The Permit Fee shall be payable to the Town of Pitkin upon receipt of the application.

- Residential/Commercial: \$100 plus \$.50 per square foot
- Accessory Buildings: \$50 plus \$.25 per square foot
- Remodeling within existing space and decks: \$25 plus \$.10 per square foot.
- Fences and any other construction requiring a permit: \$25.

L. Septic Permit Fees: \$100 per perc test, plus \$150 for final inspection.

M. All water wells drilled within the Town of Pitkin, requires a Town Well Permit. A plot plan of the property on which the new well will be drilled, that shows the location of the new well, all abandoned wells and all septic systems is required for the permit application. The Town Building Inspector will review this application and assure the proper separation distance between all well and septic system is maintained.

There is a fee of \$25 for the Well Permit.

Section 18. Board of Zoning Adjustment. A Board of Zoning Adjustment is hereby created.

A. Membership and Organization:

1) The Board of Zoning Adjustment shall consist of at least three (3) members, but not more than five (5) members. All members shall be full time / year round residents of the Town of Pitkin and property owners within the Town of Pitkin. The Town of Pitkin Board of Trustees shall appoint the members of the Board of Zoning Adjustment.

2. The term of appointment shall be for a period of three years, staggered so that one or two members' terms expire each calendar year. The term shall run from May 1st through April 30th of the following third year.

3. The Board of Zoning Adjustment which heretofore existed under Ordinance No. 5, Series of 2001, and the membership thereof shall remain until their current terms expire. Thereafter, all appointments to the Board of Zoning Adjustment shall be made in conformance with this Code.

4. When a vacancy occurs prior to the expiration of the term, said vacancy shall be filled in the same manner as a regular appointment, but the newly appointed member shall serve the unexpired term of the office in which the vacancy occurred.

5. The members of the Board of Zoning Adjustment shall elect a member of the Board to serve as Chairman for the period of one year. This election shall occur on the first meeting of the year after May 1st.

6. The Board of Zoning Adjustment members shall receive no compensation for their services, but may be reimbursed for expenses incurred during the performance of official duties as authorized by the Board of Trustees.

7. The Board of Trustees shall have the power to remove any member of the Board of Zoning Adjustment for cause, following a public hearing on the matter.

#### B. Duties and Powers:

1. The Board of Zoning Adjustment shall meet at the call of the Chairman, the Board of Trustees, the Town Building Inspector, or by an affected party wishing to appeal a decision of the Zoning Enforcement Official.

2. The Board of Zoning Adjustment is empowered to adopt any rules and regulations which it deems necessary to transact business or to expedite its functions, provided said rules and regulations are consistent with the provisions of this code.

3. Minutes shall be kept of all meetings and is the responsibility of the Town Clerk. All meeting minutes will be part of the public record.

4. The public may attend all meetings of the Board of Zoning Adjustment and may be heard.

5. The Chairman of the Board of Zoning Adjustment shall notify, in writing, the Town Building Inspector and the property owner involved of all decisions made, resolutions passed or permits authorized.

6. The Board of Zoning Adjustment shall have the power to interpret this Code as is necessary to conduct business, so long as the purpose of this Code is not compromised.

7. The Chairman of the Board of Zoning Adjustment shall post advance notice of any meeting of the Board of Zoning Adjustment at least 48 hours in advance of such meeting. Notice of Board of Zoning Adjustment meetings shall be posted in a public place.

8. The Board of Zoning Adjustment may authorize, in specific cases, such variance from the terms of this Code as will not be contrary to the public interest, where, by reason of exceptional physical narrowness, shallowness, or shape of a specific piece of property's topography at the time of enactment of this Code or any amendment thereto, or by reason of exceptional physical situation to adjoining property or condition of such adjoining piece of property, the strict application of any regulation herein provided would result in peculiar and exceptional practical difficulties to, or exceptional and extraordinary hardship upon the owner of such property. A variance from such strict application of this code may be approved so that substantial justice may be done and the public interest secured; provided that such variance, modification or waiver will not have the effect of nullifying the purpose of this code.

A. In no case shall any variance, modification or waiver of this code be more than a minimum easing of the requirements; in no case shall it have the effect of reducing the

traffic capacity of any major or secondary streets; and in no case shall it be in conflict with existing zoning resolution.

B. In granting variances, modifications or waivers, the Zoning Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards and regulations as affected.

9. The Board of Zoning Adjustment shall act in strict accordance with all applicable laws of the municipality, the State of Colorado and its political subdivisions, and the County of Gunnison.

10. All appeals to the Board of Zoning Adjustment shall be in writing with a separate attachment sheet(s) showing all diagrams and sites necessary for reasonable clarification and understanding. Every appeal shall indicate what provisions of this Code are involved and what relief from said provisions is being sought. Thereafter, the Chairman shall, within fifteen (15) calendar days, convene the Board of Zoning Adjustment for a review of the requested appeal. Notification of the Board of Zoning Adjustments decision shall be in writing, with copies to the appellant, the Town Building Inspector and the Board of Trustees.

C. Appeals from the Board of Zoning Adjustment shall be made to the Board of Trustees.

Section 19. Notification of Alleged Violations. Whenever the Zoning Enforcement Official determines that there has been a violation of this Code, he shall notify the person responsible for the violation or alleged violation, in writing by certified mail with return receipt, and shall order that the necessary correction be made within fifteen (15) days. Copies of such notification shall be forwarded to the Town Attorney and the Board of Trustees. If the violation is not corrected or a plan approved to affect corrections within the specified time after notification, the Board of Trustees shall notify the Town Attorney to proceed with whatever legal action is deemed appropriate and available.

Section 20. Amendments and Zoning Change Requests.

Amendments, supplements, changes or repeal of this Code, or any part thereof, or to the Official Zoning Map, may be initiated by application of:

1. Board of Trustees.
2. Zoning Board of Adjustment
3. Any citizen, group, firm or corporation residing, owning or leasing property in the Town of Pitkin.

A. Application for an amendment to this Code shall be made in writing and filed with the Town Clerk.

1. Upon receipt of application Town Clerk will notify Board of Zoning Adjustment and Board of Trustees of proposed request. Board of Zoning Adjustment shall within fifteen (15) calendar days, convene the Board of Zoning Adjustment to review the request and make a timely referral recommendation to the Board of Trustees for final decision. Additional study time and further investigation may be required before referral can be completed and submitted to Board of Trustees. The proposed change shall then be scheduled for consideration at a Board of Trustees meeting.

2. Before any approval for change to this Code is enacted, a public hearing shall be held, with 15 days advance notice of the time and place to be published in a newspaper having general circulation with the town. The applicant shall defray the cost of such publication for changes to this Code. The Board of Trustees shall not consider any such changes until all costs of publication and necessary expenses are provided for by the applicant.

3. The adoption of any amendment to this Code shall require the favorable vote of a majority of the duly elected members of the Board of Trustees present at the meeting held to consider such amendment, except where there is filed a written protest against such amendment under the provisions of C.R.C. 31-23-305, in which case that statute shall govern.

B. Zone change requests and amendments to the official zoning map shall be made in writing and filed with the Town Clerk. The request shall contain the following information and diagrams as a minimum:

1. Description of the land area to be re-zoned, requested new classification and a drawing to scale showing all boundaries of the area involved along with an indication of the existing zoning on all adjacent sides of the area.

2. A statement of justification for the re-zoning, including one or more of the following conditions:

- a. Changing area conditions.
- b. Error in original zoning.
- c. Conformance to an area master plan, adopted by the Town of Pitkin.
- d. Suitability of the site to a certain use.
- e. Optional: A letter from adjacent property owners showing no objection to

the change.



3. Description and sketches of buildings or uses proposed if re-zoning is granted, along with a diagram of land and building uses within 200 feet of the boundaries of the proposed area of change in all directions.

4. Time schedule for any contemplated new uses or construction.

5. Justification for any new business zoning.

6. Anticipated effects the new zoning will have on adjacent uses and users.

7. Upon receipt of request Town Clerk will notify Board of Zoning Adjustment and Board of Trustees of proposed request. Board of Zoning Adjustment shall within fifteen (15) calendar days, convene the Board of Zoning Adjustment to review the request and make a timely referral recommendation to the Board of Trustees for final decision. Addition study time and further investigation may be required before referral can be completed and submitted to Board of Trustees. The proposed change shall then be scheduled for consideration at a Board of Trustees meeting.

8. Before any approval for change to the Zoning Map is enacted, a public hearing shall be held, with 15 days advance notice of the time and place to be published in a newspaper having general circulation with the town. The applicant shall defray the cost of such publication for changes to the Zoning map. The Board of Trustees shall not consider any such changes until all costs of publication and necessary expenses are provided for by the applicant.

C. All final decisions for changes to Zoning and the Official Zoning Map will be decided by the Board of Trustees; the Board shall return a decision to the applicant and forward that decision within 15 days following said decision.

Section 21. Repeal of Ordinance No. 3, Series of 1980. Ordinance No. 5, Series of 2001, and any other prior Zoning Ordinances or Zoning Codes, are repealed on the effective date of this Code.

Section 22. Violation and Penalty. Violation of this Code is a misdemeanor. Every person who willfully violates any provision of this Code, or fails or neglects to comply with any requirement of this Code is guilty of a misdemeanor. Such person shall be deemed to commit a separate offense for each and every day during any part of which any such violation for non-compliance occurs, and shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense.

Section 23. Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this Code may file a written complaint with the Board of Zoning Adjustment, which Board shall investigate such complaint without delay and may recommend to the Board of Trustees to take action to have the violation corrected.

Section 24. Interpretation, Conflicts and Validity.

A. This Code shall be interpreted and applied to the extent required for the proper protection of the public health, general welfare and promotion of safety.

- B. Whenever a conflict exists between these provisions and any other lawfully adopted rules, regulation, resolutions or ordinances, the one which is the most restrictive or meets the highest standards shall apply.
- C. If any provisions of this Code or the applications thereof is held invalid, such invalidity shall not affect the remaining provisions or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to separable.

Section 25. Effective Date. This Code shall take effect and be in force 30 days after publication of the adopting ordinance, provided it has been approved by the Mayor of the Town of Pitkin, Colorado.

Attestation: This is a true representation of the Town of Pitkin, Colorado Zoning Code adopted by Ordinance No. XX, Series 2012 on the XX<sup>th</sup> day of July, 2012 on second reading by the Town of Pitkin, Colorado Board of Trustees.

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Town Clerk

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Appendix "A"  
Applicable Building Standards used for Inspection

All construction, within the Town of Pitkin, will be inspected and must conform to the following building standards.

1. Foundation: The International Residential Code is used as a standard and for the inspection of all foundation construction. This inspection is performed by the Town of Pitkin.
2. Framing: The International Residential Code is used as a standard and for the inspection of all framing construction.
3. Electrical: The State of Colorado requires a State Electrical Permit for all construction within the State. The State will also inspect the construction for adherence to the National Electrical Code which is in effect at the time of construction. At least two State inspections will be performed.
4. Plumbing: The State of Colorado requires a State Plumbing Permit for all construction. The International Mechanical Code and the International Plumbing Code is used as a standard and for inspection of all construction.
5. Wood Burning Appliances: All wood burning appliances, used within the Town of Pitkin, must be compliant to the emissions standards established by the Federal Environmental Protection Agency (EPA) for that type of appliance. If no emissions standard is established by the EPA for the type of appliance being installed, then the appliance must be in compliance with an EPA guidelines established for such appliance. The appliance must be labeled and listed with the EPA.
6. Energy Efficiency: International Energy Conversation Code.

Appendix "B"  
Town of Pitkin Zoning District Map

To Be Provided

Appendix "C"  
Town of Pitkin Septic Ordinance

ORDINANCE NO. 1  
SERIES 2009

AN ORDINANCE REPEALING ORDINANCE NO. 3, SERIES 2002 REGARDING THE INSPECTION, PUMPING, MAINTENANCE, AND PERMITTING OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS  
AND  
ADOPTING REGULATIONS REGARDING THE INSPECTION, PUMPING, MAINTENANCE, AND PERMITTING OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS, GRAY WATER SYSTEMS, AND HOLDING TANKS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PITKIN, COLORADO THAT:

1. Ordinance No. 3, Series 2002 Regarding the Inspection, Pumping, Maintenance, and Permitting of Individual Sewage Disposal Systems and Holding Tanks, is hereby repealed in its entirety.
2. Ordinance No. 1, Series 2009 is Ordained as follows:

**Section 1. Declaration.** In order to preserve the environment and protect the public health, to eliminate and control causes of disease, infection, and aerosol contamination, and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish minimum standards, rules and regulations for individual sewage disposal systems (ISDS), gray water systems, and for holding tanks/vaults currently existing within the Town, and to provide the authority for the administration and enforcement of such minimum standards, rules and regulations.

**Section 2. Purpose.** The purpose of these guidelines is to improve and clarify established minimum standards for the maintenance and use of ISDS and gray water systems within the Town of Pitkin, and also to establish standards for the maintenance and use of holding tanks/vaults existing within the Town of Pitkin, Colorado as of the date of this Ordinance.

**Section 3. Scope of Authority.** The Town Sanitarian and the Environmental Health Clerk of the Town of Pitkin are authorized by the Board of Trustees of the Town of Pitkin to act to enforce the standards and regulations set forth herein.

**Section 4. Interpretation and Definition.** For the purpose of this Ordinance, certain words and phrases used herein shall be defined as in Colorado Revised Statutes, Section 25-10-103.

**Section 5. Septic Tank Pumping.** Unless one of the Town Septic Inspectors recommends pumping earlier than three (3) years, each property owner supporting an ISDS shall be required to have, at his or her expense, the septic tank located on the property either pumped or inspected by an inspector licensed in the County of Gunnison, Colorado or the State of Colorado, or an Inspector approved by the Town of Pitkin. Such Inspection shall include the fixtures, including but not limited to sink(s), toilet(s), bathtub(s) and shower(s) which are or may be connected to the system. (See Section 5.3)

**Section 5.1. Verification.** Verification that the entire system has been inspected or pumped must be submitted to the Environmental Health Clerk. The verification shall be in writing, shall be in the form prescribed by the Environmental Health Clerk, shall be signed by the licensed systems inspector, shall adequately demonstrate successful pumping if recommended or completed, shall clearly indicate whether the systems inspector recommended further maintenance, repair or pumping, and shall clearly indicate whether the systems inspector had access to all compartments of the ISDS tank.

**Section 5.2. Compliance with Recommendations.** All recommendations of the systems inspector made during the course of inspection or pumping regarding maintenance, repair or pumping must be complied with by the property owner or owner's representative supporting an ISDS within 30 days.

**Section 5.3. Schedule for Inspection and/or Pumping.** From the time of the last inspection or pumping, each property owner shall be required to have the septic tank their property is supporting pumped or inspected every three (3) years, each time providing verification to the Environmental Health Clerk no later than November 15<sup>th</sup> of each third year. For example: any new system put in place or any system that was pumped in 2008, shall be pumped and/or inspected in the year 2011 with verification provided to the Environmental Health Clerk no later than November 15, 2011. Any property owner with an ISDS that was required, under the prior ordinance, to have their ISDS pumped in the year 2008 and has received notice of non-compliance from the Environmental Health clerk shall be allowed six months from the date this Ordinance is passed to come into compliance with the inspection and/or pumping requirements of this Ordinance.

**Section 5.4. Access to Septic Tank.** Each property owner supporting an ISDS shall provide the systems inspector with access to all compartments of the ISDS tank. In the event such access is not available to the systems inspector, the property owner must have the ISDS tank pumped by a licensed systems inspector or cleaner and in no event shall an inspection be adequate if the systems inspector does not have proper access to all compartments.

**Section 6. Permit for ISDS.** Each property owner supporting an existing ISDS or proposing a new ISDS shall not commence construction, installation, enlargement, change in use, relocation or repair of such system without first obtaining a Septic Permit as provided for herein. Application for such permit shall include the following:

Section 6.1. Construction, Installation, Enlargement, or Relocation. Any ISDS constructed, installed, enlarged or relocated in the Town of Pitkin, Colorado, shall be supported by a site specific plan designed and engineered by a licensed Colorado engineer to meet the requirements set forth in this Ordinance and to ensure that none of the setback or discharge parameters set forth therein shall be exceeded at any time. Such engineering shall also include construction and inspection schedules appropriate to ensure continued proper operation of the system.

Section 6.2 Set Backs.

MINIMUM SETBACK REQUIREMENTS

DESCRIPTION	DISTANCE FEET
Well to Septic Tank	50
Well to Absorption Field	100
Water Line to Absorption Field	25
Water Line to Septic Tank/Sewer Line	10
Dwelling Occupied Building to Absorption Field	20
Building to Septic Tank	5
Property Line to Absorption Field	10
Property Line to Septic Tank	10
Drain Lines/Intermittent Irrigation Lateral to Absorption Field	10
Drain Lines/Intermittent Irrigation Lateral to Septic Tank	10
Septic Tank to Absorption Field	6
Water Course to Septic Tank	50
Water Course to Absorption Field	50

Section 6.3. Change in Use. Any ISDS for which a change of use is contemplated within the Town of Pitkin, Colorado shall be supported by certification by a licensed Colorado engineer that such change of use can be supported by the existing ISDS. If the engineer cannot certify that the existing ISDS can support the proposed change in use the engineer shall develop a specific plan for any repairs or maintenance that must be completed to support such change of use or alternatively, to engineer a new system as set forth in Section 6 of this Ordinance.

Section 6.4. Repairs. Any ISDS that requires major repair shall be supported by a repair plan developed by a licensed Colorado engineer.

Section 6.5 Review and Approval. Any new installation, enlargement, change of use, relocation, or repair of an ISDS system will include written design and

engineering specifications and must be submitted for review and approval by the Town Sanitarian to include a permit application and onsite visit.

A site perc test and profile hole will be required unless procedure is deemed unnecessary by licensed engineer and waived by the Town Sanitarian.

The written design and engineering specifications must be submitted to the Board of Trustees of the Town of Pitkin, Colorado for review and final approval before a permit for any construction, installation, enlargement, change of use, relocation, or major repair of an ISDS system will be issued.

Upon commencement of any new excavation the Town Sanitarian must inspect such construction, installation, enlargement, change of use, relocation, or repair of an ISDS system for compliance in accordance with the engineered specifications and the Town of Pitkin requirements. Approval of any system must be in writing.

A final inspection by the Town Sanitarian must be requested by the contractor to confirm compliance in accordance with the engineered specifications and Town of Pitkin requirements before any site back filling.

Section 6.6 Installers. Upon receipt of an approved permit to install or repair an ISDS system the work must be performed by a septic installer licensed by the Gunnison County Planning Department Environmental Health Office.

Section 6.7. Septic Permit Fees. The septic permit fees shall be set as follows and the fees set forth herein shall supersede any fee structure set forth in the Zoning code, 2001:

- 6.7.1 New Installation. The fee shall be \$100.00 for each perc test and \$150.00 for the final inspection by the Town Sanitarian. Any septic system must be supported by an engineered plan developed by a licensed engineer; conforming to all set back requirements set by the Town of Pitkin, Colorado and the State of Colorado.
- 6.7.2 Major Repair, Modification, or Change in Use. The fee shall be \$100.00 for each perc test and \$150.00 for the final inspection by the Town Sanitarian in the event a major repair, modification or change in use is being proposed to both the absorption field and the septic. Any proposal for a major repair to, modification of, or change in use for an existing septic system shall be supported by a plan prepared by a licensed engineer including a copy of the plot plan and must conform to all set back requirements set by the Town of Pitkin, Colorado.
- 6.7.3 Repair or Replacement of Components. For the repair or replacement of any component for the septic tank, absorption field, or distribution system



a proposal must be submitted to the Town Sanitarian of the Town of Pitkin, Colorado and the fee for any required final inspection by the Town Sanitarian of any two or less of the following shall be: the tank only shall be one hundred and twenty-five dollars (\$125.00); the absorption field only shall be one hundred and twenty-five dollars (\$125.00); and the distribution system only shall be seventy-five dollars (\$75.00). If any repair, replacement, or modification of the system requires final inspection by the Town Sanitarian of any two or more of these components (the tank, absorption field, or the distribution system) then such repair, replacement, or modification shall fall under the fee structure of Section 6.7.2 of this Ordinance. The Town Sanitarian may, at his or her discretion, require that any such repair or replacement be supported by a plan prepared by a licensed engineer including a copy of the plot plan.

**Section 7. Regulations Relating to Holding Tank/Vaults.** Any property that does not currently support a holding tank/vault system may not install a holding tank/vault system within the Town of Pitkin. Holding tank/vault systems existing as of the date of this Ordinance may be replaced or repaired, subject to the following standards, rules and regulations.

Section 7.1 Holding Tank/Vault Inspection and Pumping. Upon receipt of a notice of inspection and/or pumping the property owner or renter shall be responsible for informing the Environmental Health Clerk the tank is not in need of pumping and the system is not leaking or in need of repair. When tank is pumped by a licensed system cleaner and inspector, documentation pertaining to condition of tank and system must be provided to the Environmental Health Clerk.

Section 7.2 Replacement of Holding Tanks/Vaults. If in need of replacement the tank will be replaced with a 1000 gallon or larger concrete or poly plastic tank with the outlet or outlet invert sealed with no leakage. The tank and piping must meet the same requirements as set forth for an ISDS system. The replacement will require a permit.

**Section 8. Gray Water System.** A system designed to collect, treat, and dispose only liquid waste from sinks, lavatories, tubs, showers, and laundry or other approved plumbing fixtures excluding toilet fixtures.

Section 8.1 Permit Required. A gray water system shall require a permit from the Town of Pitkin supported by approved certification by a licensed Colorado engineer for new installations, existing systems requiring major repair, and change of use.

Section 8.2 Design Standards. A gray water system shall meet at least all minimum design and construction standards for an ISDS based on the amount and character of wastes for the fixtures and the number of persons to be served. The minimum designed tank size shall not be less than thirty-eight (38) gallons. More than one tank may be used to accommodate design flow. Metal or coated metal, cement block, brick, fiberglass, wood, or stone tanks are not approved for new installations.

Gray water systems may be repaired only by replacement with an approved concrete or poly plastic tank.

Section 8.3 Compliance. A gray water system permit shall be required at all locations where composting toilets, vault privies, incinerator toilets, chemical toilets, and other non-discharging systems are used. An exception would be portable toilets for temporary use only. For such temporary use, a gray water system may not be required.

## **Section 9. Regulations relating to other systems.**

Section 9.1 Vault Privy. New construction of a vault privy is not permitted within the town of Pitkin. Existing vault privies may continue to be used unless it is determined to be leaking or declared a public health hazard or in violation of the Town of Pitkin Nuisance Ordinance by the Town Sanitarian or Environmental Health Clerk. For existing vault privies the Town Environmental Health Clerk has the right to review pumping certificates to ensure that such systems are maintained in an appropriate manner.

Section 9.2 Pit Privy. New construction of a pit privy is not permitted within the town of Pitkin. Existing pit privies may continue to be used unless it is determined to be creating a public health hazard or in violation of the Town of Pitkin Nuisance Ordinance. All pit privies should meet the following requirements for use: Fly-tight construction; a superstructure affording complete privacy, and a self closing door; an earth mound around the top of the compartment and below the floor level, which slopes downward away from the superstructure base; a floor and riser of concrete or other impervious material; and easily cleanable covers of impervious material with hinges. All venting shall be fly-proofed with No. 16 or tighter mesh screening. Effective capacity of the pit shall be no less than 400 gallons. Pit shall be located in soil where the maximum seasonal level of the groundwater table will be no closer than four feet below the bottom of the pit.

Section 9.3 Slit Trench. Slit Trenches are not permitted within the Town of Pitkin.

Section 9.4 Composting Toilets. Composting toilets are designed for deposits of feces, urine, and readily decomposable household garbage, which are not diluted with water or other fluids, retained in a compartment in which aerobic composting will occur. The compartment may be located within a dwelling or building provided the unit complies with the applicable requirements of these regulations, and provided the installation will not result in conditions considered by the Town of Pitkin to be a health hazard. The effective volume of the receptacle must be sufficient to accommodate the number of people served.

Adequate additional volume shall be provided for the use of composting materials which shall not be toxic to the process or hazardous to persons and which shall be used in sufficient quantity to assure proper decomposition.

Compartment and appurtenances related to the unit shall include fly-tight construction and exterior ventilation as required by the current Colorado Plumbing Code.

When the available effective volume is filled to 75% of capacity, residue from the unit shall be properly disposed of by acceptable solid waste practices.

Composting toilets will bear the seal of the National Sanitation Foundation or an equivalent testing program. Composting toilets shall be operated according to manufacture's specifications. The system design shall compensate for the effects of low temperature.

Composting toilets are only allowed in the Town of Pitkin in combination with a gray water system. The composting toilet and gray water system will require a permit from the Town of Pitkin supported by a licensed Colorado engineer for existing systems requiring major repair, and change of use.

**Section 10. Notification of Alleged Violations.** Whenever the Environmental Health Clerk determines that there has been a violation of this Ordinance, he or she shall notify the person responsible for the violation or alleged violation, in writing by certified mail with return receipt requested or other appropriate service, and shall order that the necessary correction be made within ten (10) business days. Such notice shall also be provided in writing and served on the property owner by certified mail, return receipt requested. A copy of this notification shall be forwarded to the Town attorney and the Board of Trustees of the Town of Pitkin, Colorado. If the violation is not corrected within the specified time after notification, the Board of Trustees of the town of Pitkin, Colorado shall notify the Town Attorney to proceed with appropriate legal action.

**Section 11. Violation and Penalty.** Violation of this ordinance is a misdemeanor and a nuisance. Every person who willfully violates any provision of this Ordinance, or fails or neglects to comply with any requirement of this Ordinance is guilty of a misdemeanor. Each violation shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense. Each month that a property owner remains in noncompliance shall constitute a separate offense. If a person willingly continues to violate any provisions of this Ordinance and the violation becomes a public nuisance the violator may be prosecuted by the provisions of the Town of Pitkin Nuisance Ordinance, Ordinance No. 1, Series 2002.

**Section 12. Interpretation, Conflicts and Validity.**

**Section 12.1. Interpretation and Application.** This Ordinance shall be interpreted and applied to the extent required for the proper protection of the public health, general welfare and promotion of safety.

**Section 12.2. Conflict.** Whenever a conflict exists between these provisions and any other lawfully adopted rules, regulations, resolutions, or Ordinances of the Town of Pitkin, Colorado, the one which is more restrictive shall apply.

Section 12.3. Validity. If any provision of this Ordinance or the applications thereof is held invalid, such invalidity shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be separable.

Section 12.4. Repeal of Other Ordinances. All other Ordinances or parts of Ordinances of the Town of Pitkin, Colorado in conflict herewith are hereby repealed.

**Section 13. Effective Date.** This Ordinance shall take effect and be in full force and effect thirty (30) days after publication following adoption.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED THIS 10<sup>th</sup> day of March, 2009.

\_\_\_\_\_  
Steve Pinkston, Mayor

ATTEST;

\_\_\_\_\_  
Nancy Duetsch, Town Clerk

Appendix "D"  
Example of a Colorado Permit to Construct a Well

Division 4 WD 28

GUNNISON COUNTY  
SW ¼ NW ¼ Section 10  
Township 50 N Range 4 E New Mex P.M.

**PERMIT TO CONSTRUCT A WELL**

**CONDITIONS OF APPROVAL**

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approval pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 00.0 acre(s) described as \_\_\_\_\_, Pitkin Subdivision, Gunnison County.
- 4) The use of ground water from this well is limited to ordinary household purposes inside one single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate of this well shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

**Source**

OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES  
818 Centennial Bldg., 1313 Sherman ST., Denver, Colorado 80203  
(303) 866-3581

Appendix "E"  
Building Permit Application Package