

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, APRIL 24, 2025 2:00 PM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED****

<https://us06web.zoom.us/j/87815763092?pwd=a9M5kvqPm3guYxmnh40mXN6OpriFuW.1>

Please note that times are approximate and subject to change.

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	5			Public Comment on Non-Agendized Items
3.	2:05	5	Johnston	Action	<p>Consent Agenda:</p> <p>All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:</p> <ul style="list-style-type: none"> a. Consideration of Approval of March 13, 2025 Special Town Council Meeting Minutes b. Consideration of Approval of March 20, 2025 Regular Town Council Meeting Minutes c. Consideration of Approval of an Intergovernmental Agreement Between San Miguel County, the Town of Telluride and the Town of Mountain Village for the Sharing of GIS Data and Mutual AID in Support of Emergency Planning and Response
4.	2:10	5	Johnston	Action	Consideration of Approval of a Resolution Setting a Mail Ballot Election to be Held on June 24, 2025
5.	2:15	15	Lemley	Action	Consideration of Approval of March 31, 2025 Financials
6.	2:30	10	Wisor	Informational	Department Updates and Business & Government Activity Report (BAGAR)
7.	2:40	10	Wisor Bulson Carmer	Action	<p>Consideration of a Memorandum of Understanding Between the Ilium Property Owners Association and the Town of Mountain Village for Shared Water Facilities (and Separate Legal Water) as it Relates to the Ilium Housing Parcel in Ilium Valley and</p> <p>Consideration of Existing and New Water Facilities</p>
8.	2:50	15	Perez Tudor	Action <i>Quasi-Judicial</i>	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Vested Property Rights Extension for a Site-Specific Development Plan for Lot 137, TBD Granite Ridge Pursuant to Section 17.4.17 of the CDC

**TOWN COUNCIL MEETING
AGENDA FOR APRIL 24, 2025**

	Time	Min	Presenter	Type	
9.	3:05	20	Ward Forsythe	Action <i>Quasi-Judicial</i>	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Adopting the 2024 Editions of the International Building Code (“IBC”), International Residential Code (“IRC”), International Mechanical Code (“IMC”), International Fuel Gas Code (“IFGC”), International Property Maintenance Code (“IPMC”), the International Plumbing Code (“IPC”), the International Existing Building Code (“IEBC”), the International Swimming Pool and Spa Code (“ISPSC”), the 2021 Edition of the International Energy Conservation Code, the 2018 International Fire Code (“IFC”) as Adopted by the Telluride Fire Protection District (TFPD), and the 2023 Edition of the National Electric Code, NFPA70, (“NEC”), as Adopted by the State of Colorado, (Collectively Referred to as the “Codes”).
10.	3:25	20	Pittenger Kirn Cowie	Informational	Update on 2025 Beaver Coexistence Work Plan
11.	3:45	20	McConaughy Wisor	Action <i>Legislative</i>	Second Reading, Public Hearing and Council Vote on an Ordinance Adding Chapter 3.06 to the Town of Mountain Village Municipal Code to Impose a Tax on Ski Tickets
12.	4:05	10	McConaughy	Action <i>Legislative</i>	Consideration of a Resolution Setting Ballot Language and Calling for a Ballot Question on the June 24, 2025 Regular Election Ballot for Voter Approval of a Ski Lift Ticket Tax Proposed by Ordinance
13.	4:15	30	Horning	Informational	Update on Telluride Ski & Golf Operations
14.	4:45	20	Council Members	Informational	Council Boards and Commissions Updates: <ol style="list-style-type: none"> 1. Telluride Tourism Board – Gomez 2. Colorado Flights Alliance – Gilbride, Gomez 3. Transportation & Parking – Duprey & Mogenson 4. Budget & Finance Committee – Duprey, Pearson, & Mogenson 5. Gondola Committee – Mogenson, Prohaska, & Pearson 6. Colorado Communities for Climate Action – Pearson 7. San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez 8. Telluride Historical Museum – Prohaska 9. Collaborative Action for Immigrants (CAFI) – Gomez 10. Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey 11. Infrastructure Committee – Duprey & Magid 12. Telluride Conference Center Committee – Duprey & Magid 13. Miscellaneous Boards and Commissions

**TOWN COUNCIL MEETING
AGENDA FOR APRIL 24, 2025**

	Time	Min	Presenter	Type	
					14. Mayor's Update
15.	5:05	5			Other Business
16.	5:10	10 10 20 20 15	Legal		Executive Session for the Purpose of: <ul style="list-style-type: none"> a. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Ilium Community Housing Parcel Pursuant to C.R.S. 24-6402(4)(e) b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e) c. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding R-2 School District Capital Construction Pursuant to C.R.S. 24-6-402(4)(e) d. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Telluride Ski & Golf Pursuant to C.R.S. 24-6-402(4)(e) e. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Managed Load and Delivery Pursuant to C.R.S. 24-6-402(4)(e)
17.	6:25				Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at 970-369-6429 or email: mvclerk@mtnvillage.org. A minimum notice of 48 hours is required so arrangements can be made to locate requested auxiliary aid(s).

<https://bit.ly/WatchMVMeetings>
Register in advance for this webinar:

<https://us06web.zoom.us/j/87815763092?pwd=a9M5kvqPm3guYxmnh40mXN6OpriFuW.1>

After registering, you will receive a confirmation email containing information about joining the webinar.

**TOWN COUNCIL MEETING
AGENDA FOR APRIL 24, 2025**

Zoom participation in public meetings is being offered as a courtesy, however technical difficulties can happen, and the Town bears no responsibility for issues that could prevent individuals from participating remotely. Physical presence in Council Chambers is recommended for those wishing to make public comments or participate in public hearings.

Public Comment Policy:

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give public comment on.
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor.
- Speakers shall state their full name and affiliation with the Town of Mountain Village if any.
- Speakers shall be limited to three minutes with no aggregating of time through the representation of additional people.
- Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone.
- No presentation of materials through the AV system shall be allowed for non-agendized speakers.
- Written materials must be submitted 48 hours prior to the meeting date to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.



TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-728-8000
970-728-4342 Fax
mvclerk@mtnvillage.org

Agenda Item 3a

TOWN OF MOUNTAIN VILLAGE
MINUTES OF MARCH 13, 2025
SPECIAL JOINT TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Marti Prohaska at 5:30 p.m. on Thursday, March 13, 2025. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Marti Prohaska, Mayor
Scott Pearson, Mayor Pro Tem
Jack Gilbride
Harvey Mogenson
Pete Duprey
Tucker Magid
Huascar E. Gomez (Rick) (Zoom)

Also in attendance were:

Paul Wisor, Town Manager
Michelle Bulson, Assistant Town Manager
Susan Johnston, Town Clerk
Mae Eckard, Deputy Town Clerk
Haley Carmer, Assistant Town Attorney
Drew Nelson, Housing Director
Amy Ward, Community Development Director
Kathrine Warren, Communications Manager
J.D. Wise, Economic Development Director
Molly Norton, Business Development Manager
Lauren Kirn, Sustainability and Grants Project Manager
Lizbeth Lemley, Finance Director
Brittany Newell, Rental Properties Manager
Chris Broady, Police Chief
Jim Loebe, Director of Transit & Recreation
Jaime Holmes, Director of Human Resources
Scott Pittenger, Public Works Director
Jim Soukup, Chief Technology Officer
Chambers Squier, Mountain Munchkins Director
Rob Johnson, Transit Operations Manager

Owen Perkins
Michael Marz
Cath Jett
Denise Mongan
Douglas Tooley
Margaret Rinkevich
Valerie Child
Alex Conlan
David Bulson
Chris Hazen
Fischer Hazen
Brandyn Bair
Eric Bikis
Zoe Dohnal
Hayden Brodowsky
Kevin Geiger
Amie Martell
Kyle Beck
Teddy Errico
Meehan Fee

Ashley Von Sprecken
Donna Wesling
Stephanie Jaquet
Sherri Reeder
Anton Benitez
J Carter
Anton Benitez
Eric Beermann
Linda Brown
Zach Tucker
Chet Horning
Elizabeth Kirn
Madeline Gomez
Carmela Sanna
Jonathan Greenspan
Matthew Hintermeister
Lance Waring

Tara Ogren
Peter Kirn
Sarah Bugay
Susan Ensor
Zach Tucker
Tom Richards
Kiera Skinner
Daniel Zemke
Steve Swenson
Rube Felicelli
Sean Horning
Len Rybicki
Anne Reissner
Dan Enright
Elena Levin
Cameron Kelly
Dave Koitz
Gretchen Koitz

Executive Session for the Purpose of: (2)

- a. **Joint Session with the Town of Telluride for Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Regional Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e) and Section 4.6.C if the Telluride Home Rule Charter**
- b. **Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Acquisition of an Easement on Sunset Plaza Pursuant to C.R.S. 24-6-401(4)(a),(b), and (e)**

On a **MOTION** by Scott Pearson and seconded by Harvey Mogenson, Council voted unanimously to move into Executive Session at 5:30 p.m. for the purpose of:

- a. Joint Session with the Town of Telluride for Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Regional Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e) and Section 4.6.C if the Telluride Home Rule Charter
- b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Acquisition of an Easement on Sunset Plaza Pursuant to C.R.S. 24-6-401(4)(a),(b), and (e)

On a **MOTION** by Ashley Von Sprecken and seconded by Dan Enright, Telluride Council voted unanimously to move into Executive Session at 5:30 p.m. for the purpose of:

- a. Joint Session with the Town of Telluride for Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and

Instructing Negotiators Regarding Regional Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e) and Section 4.6.C of the Telluride Home Rule Charter

- b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Acquisition of an Easement on Sunset Plaza Pursuant to C.R.S. 24-6-401(4)(a),(b), and (e)

Council took a break from 6:38 p.m. to 6:43 p.m.

Consideration of Approval of a Resolution Authorizing Condemnation of Easement Over Real Property for the Purpose of Continuing the Sunset Concert Series (3)

Assistant Town Attorney Haley Carmer and Town Manager Paul Wisor presented. The Mayor opened public comment. Public comment was received from Lance Waring, Michael Marz, Steve Swenson, Jonathan Greenspan, Ashley Von Sprecken, Cath Jett, Paul Savage, Douglas Tooley and Rube Felicelli. The Mayor closed public comment. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Pete Duprey, Council voted unanimously to approve a Resolution authorizing condemnation of easement over real property for the purpose of continuing the Sunset Concert Series, with a caveat that the easement term be extended to 10 years.

There being no further business, on a **MOTION** by Harvey Mogenson and seconded by Tucker Magid, Council voted unanimously to adjourn the meeting at 7:49 p.m.

Respectfully prepared by,

Respectfully submitted by,

Mae Eckard
Deputy Town Clerk

Susan Johnston
Town Clerk



TOWN OF MOUNTAIN VILLAGE
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Agenda Item 3b

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF MARCH 20, 2025
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Pro Tem Scott Pearson at 2:00 p.m. on Thursday, March 20, 2025. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Marti Prohaska, Mayor
Scott Pearson, Mayor Pro Tem
Harvey Mogenson
Pete Duprey
Tucker Magid
Huascar E. Gomez (Rick)
Jack Gilbride

Also in attendance were:

Paul Wisor, Town Manager
Michelle Bulson, Assistant Town Manager
Susan Johnston, Town Clerk
Mae Eckard, Deputy Town Clerk
David McConaughy, Town Attorney
Haley Carmer, Assistant Town Attorney
Drew Nelson, Housing Director
Amy Ward, Community Development Director
Kathrine Warren, Communications Manager
J.D. Wise, Economic Development Director
Molly Norton, Business Development Manager
Lauren Kirn, Sustainability and Grants Project Manager
Lizbeth Lemley, Finance Director
Brittany Newell, Rental Properties Manager
Chris Broady, Police Chief
Jaime Holmes, Director of Human Resources
Jim Soukup, Chief Technology Officer
Chambers Squier, Mountain Munchkins Director
Lauren Tyler, GIS Administrator
Jory Hasler, Network & Server Administrator
Lindsay Niehaus, HR Benefits Coordinator
Katy Burns, Controller & Payroll

David Averill
Juan Robledo
Madeline Gomez
Owen Perkins
John Miller
Susan Ensor
Michael Collins
Sterling Parks
Zoe Dohnal
Tim Walker
Dawn Katz
Ryan McGovern
Zach Tucker
David Riddle
Laura O'Connor
Chris Hazen
Randall Phelps
Douglas Tooley
Mike Robinson
Jason Blevins
David Sorenson
Bryce Christensen

Pat Drew, SCADA Administrator
Dale Reed
Gracia Seeley
David Kennedy
Rory Cowie
Adrian Bergere
Sarah Bugay
BP McGuire
Rick Pusch
Meehan Fee
David Sorenson

John Pandolfo
Sherri Reeder
Tom Richards
Stephanie Fanos
Lucas Downey
Dennis Green
Gerald Ross
Jesse Carlson
Anne Reissner
Len Rybicki

Public Comment on Non-Agenda Items (2)

There was no public comment.

Consent Agenda: (3)

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:

- a. **Consideration of Approval of February 20, 2025 Regular Town Council Meeting Minutes**
- b. **Consideration of Approval of a Letter in Support of the Telluride Mountain Club Trail Proposal Project**

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted unanimously to approve the February 20, 2025 Regular Town Council Meeting Minutes and a letter in support of the Telluride Mountain Club Trail Proposal Project, with the request for more language to be added about the commuting benefits of the connector trail.

On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Tucker Magid, Council voted unanimously to convene as the Town of Mountain Village Housing Authority.

Mountain Village Housing Authority: (4)

- a. **Appointment of One Resident Seat for a Two-Year Term on the VCA Resident Committee**

Finance Director Lizbeth Lemley and Rental Properties Manager Brittany Newell presented. Michael Collins introduced himself. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and

seconded by Tucker Magid, Council voted (6-0) to appoint Sterling Parks to the VCA Resident Committee for a two-year term expiring March 2027.

Mayor Marti Prohaska arrived at 2:06 p.m.

On a **MOTION** by Harvey Mogenson and seconded by Huascar E. Gomez (Rick), Council voted unanimously to reconvene as the Town of Mountain Village Town Council.

Department Updates and Business & Government Activity Report (BAGAR) (5)

Town Manager Paul Wisor presented. Council discussion ensued.

Approval of an IGA for Regional Support of a Regional Youth Hangout (6)

Tri-County Health Network Manager Dawn Katz and Telluride Town Manager Zoe Dohnal presented. Council discussion ensued. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve an IGA for regional support of a regional youth hangout.

Discussion Regarding Mountain Village Load and Delivery Program (7)

Economic Development Director J.D. Wise and Paul Wisor presented. Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Clarifying and Correcting the Density Allocated to Lots 1001 and 1005R, Commonly Called Village Court Apartments (8)

Assistant Town Manager Michelle Bulson and Community Development Director Amy Ward presented. Council discussion ensued. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted (7-0) to approve an Ordinance Clarifying and Correcting the Density Allocated to Lots 1001 and 1005R, Commonly Called Village Court Apartments.

Discussion Regarding Formation of a Council Member Attendance Policy (9)

Paul Wisor presented. Council discussion ensued. Council recommended continuing this conversation at a future Town Council meeting.

Second Reading, Public Hearing and Council Vote on an Ordinance and Code Amendment for Mayoral and Council Compensation (10)

Human Resources Director Jaime Holmes and Lizbeth Lemley presented. Council discussion ensued. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Jack Gilbride, Council voted (7-0) to approve an Ordinance and Code Amendment for Mayoral and Council Compensation.

Consideration of a Resolution Appropriating Additional Sums of Money to the 2025 Budget for Forestry Management (11)

Lizbeth Lemley and Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted unanimously to approve a Resolution Appropriating Sums of Money to the 2025 Budget for Forestry Management.

Council took a break from 3:24 pm to 3:43 pm.

Consideration of a Resolution Approving Amendments to the Town of Mountain Village Your Equity Support (YES) Program Guidelines (12)

Housing Director Drew Nelson presented. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Tucker Magid, Council voted unanimously to approve a Resolution Amending the Town of Mountain Village Your Equity Support (YES) Program Guidelines, with an amendment to the deed restriction to include a first option and first right of refusal to purchase units for sale, and to expand the boundary to include the Norwood R2-J School District. (Must live in the Telluride R1 or Norwood R2-J district but must work in the R1 district)

Consideration of Approval of a Parking Lot Sub-Lease with The Weitz Company for use of a Portion of Lot R During the Construction of the Four Seasons (13)

Paul Wisor presented. This item was tabled.

Discussion Regarding Renewing the Bluegrass Festival Facilities Use Agreement (14)

Paul Wisor and Council member Tucker Magid presented. Council discussion ensued. This agreement will be considered at a future Town Council meeting.

Consideration of an Easement Vacation and Quit Claim Deed for a Portion of Drainage Easement Located at Lot 711, 160 Adams Ranch Road (15)

Amy Ward presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick), Council voted unanimously to approve the Easement Vacation and Quit Claim Deed for a Portion of Drainage Easement located at Lot 711, 160 Adams Ranch Road.

Consideration of a Temporary Dewatering and Discharge Agreement with the Weitz Company, LLC (16)

Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the Temporary Dewatering and Discharge Agreement with the Weitz Company, LLC.

Council moved to agenda item 22.

Presentation of the 2025 Community Survey Results (17)

Communications Manager Kathrine Warren presented. Council discussion ensued.

Council took a break from 5:16 p.m. to 5:25 p.m.

Update on Proposed State Funding of Public Education and Potential Impacts to Regional Education (18)

Superintendent of the Telluride R-1 School District John Pandolfo presented. Council discussion ensued. The Mayor opened public comment. No public comment was received. The Mayor closed public comment.

Dinner (19)

Discussion Regarding the History of Wetlands and Beaver Coexistence in the Telluride Region and Considerations for the Meadows Area (20)

President and Owner of Alpine Water Resources (AWR) Dr. Rory Cowie and Sustainability & Grant Projects Manager Lauren Kirn presented. Council discussion ensued.

Council took a break from 6:24 p.m. to 6:31 p.m.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Adding Chapter 3.06 to the Town of Mountain Village Municipal Code to Impose a Tax on Ski Tickets (21)

Town Attorney David McConaughy and Paul Wisor presented. Council discussion ensued. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. On a **MOTION** by Harvey Mogenson and seconded by Scott Pearson, Council voted (7-0) to approve on first reading, an Ordinance Adding Chapter 3.06 to the Town of Mountain Village Municipal Code to Impose a Tax on Ski Tickets.

Council moved to agenda item 23.

Council Boards and Commissions Updates: (22)

1. **Telluride Tourism Board – Gomez**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Duprey & Mogenson**
4. **Budget & Finance Committee – Duprey, Pearson, & Mogenson**
5. **Gondola Committee – Mogenson, Prohaska, & Pearson**
6. **Colorado Communities for Climate Action – Pearson**
7. **San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez**
8. **Telluride Historical Museum – Prohaska**

9. Collaborative Action for Immigrants (CAFI) – Gomez
10. Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey
11. Infrastructure Committee – Duprey & Magid
12. Telluride Conference Center Committee – Duprey & Magid
13. Miscellaneous Boards and Commissions
14. Mayor's Update

Council moved to agenda item 17.

Other Business (23)

There was no other business.

Executive Session for the Purpose of: (24)

- a. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e)
- b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators. Receiving Legal Advice on Specific Legal Questions Related to Taxes and Fees Pursuant to C.R.S. Section 24-6-402(4)(b)
- c. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Securing a Tenant for 622 Mountain Village Boulevard Unit 101A Pursuant to C.R.S. 246402(4)(e)
- d. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Telluride Ski & Golf Pursuant to C.R.S. 246402(4)(e)

On a **MOTION** by Tucker Magid and seconded by Harvey Mogenson, Council voted unanimously to move into Executive Session at 7:30 p.m. for the purpose of:

- a. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Wastewater Treatment Plant Pursuant to C.R.S. 24-6402(4)(e)
- b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators. Receiving Legal Advice on Specific Legal Questions Related to Taxes and Fees Pursuant to C.R.S. Section 24-6-402(4)(b)

- c. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Securing a Tenant for 622 Mountain Village Boulevard Unit 101A Pursuant to C.R.S. 246402(4)(e)
- d. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Telluride Ski & Golf Pursuant to C.R.S. 24-6-402(4)(e)

There being no further business, on a **MOTION** by Huascar E. Gomez (Rick) and seconded by Tucker Magid, Council voted unanimously to adjourn the meeting at 9:27 p.m.

Respectfully prepared by,

Respectfully submitted by,

Mae Eckard
Deputy Town Clerk

Susan Johnston
Town Clerk



Agenda Item 3c
**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Town Council

FROM: Lauren Tyler, GIS Administrator
Chris Broady, Chief of Police

FOR: Town Council, April 24, 2025

DATE: April 3, 2025

RE: Approval of IGA for GIS data sharing with Town of Mountain Village, San Miguel County and Town of Telluride

SUMMARY

The intention of the Intergovernmental Agreement (IGA) between San Miguel County, the Town of Telluride, and the Town of Mountain Village is to establish a framework for mutual aid and data sharing related to Geographic Information Systems (GIS), particularly in support of emergency planning and response.

This IGA formalizes ongoing collaborative efforts among the parties and allows for continued exchange of geospatial data and technical support as needed. There are no financial obligations or commitments beyond cooperation. The proposed IGA does not replace or alter the existing mutual aid MOU between organizations.

ATTACHMENT

- Interagency Agreement for the Sharing of Geospatial Data

RECOMMENDATION

Approve the Intergovernmental Agreement between Town of Mountain Village, San Miguel County and Town of Telluride GIS departments.

PROPOSED MOTION

"I move to approve the Intergovernmental Agreement between San Miguel County, the Town of Telluride, and the Town of Mountain Village for the sharing of GIS data and mutual aid in support of emergency planning and response."

**INTERGOVERNMENTAL AGREEMENT FOR THE SHARING OF GEOSPATIAL
DATA AND GIS PRODUCTS FOR THE PURPOSE OF COORDINATING
RESOURCES TO ENHANCE EMERGENCY PLANNING, PREPAREDNESS,
RESPONSE AND RECOVERY EFFORTS**

This Intergovernmental Agreement ("Agreement") is entered into as of this 2nd day of April 2025 the Effective Date, by and between **San Miguel County, Colorado**, a body corporate and politic (the "County"), **the Town of Telluride, Colorado**, a Colorado home rule municipality ("Telluride"), **and the Town of Mountain Village, Colorado**, a Colorado home rule municipality ("Mountain Village"), collectively referred to in this IGA as the "Parties".

RECITALS

WHEREAS, each of the Parties hereto desires to aid and assist each other by the exchange of information and staffing resources for the purposes of preserving the health, safety, and welfare of their inhabitants; and

WHEREAS, C.R.S. §29-1-201 legislative declaration encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, the Colorado General Assembly has encouraged local and inter-jurisdictional disaster agencies and services planning in the provisions of C.R.S. §24-33.5-707, the "Colorado Disaster Emergency Act", and

WHEREAS, the Colorado General Assembly has authorized such intergovernmental mutual aid agreements by the provisions of C.R.S. §§ 29-1-103 and 29-5-101 to 29-5-109; and

WHEREAS, through greater cooperation in mutual aid, each Party may have greater resources available to aid their community in governmental functions and planning to prepare for times of crisis or disaster.

NOW, THEREFORE, it is agreed as follows:

I. Purpose and Scope

- A. Purpose: The parties wish to establish a framework for the sharing of geospatial data and Geographic Information Systems (GIS) products to enhance coordination, efficiency, and decision-making related to infrastructure, emergency planning and response, and other governmental functions.

- B. Scope of Services: The Parties agree to provide mutual GIS support, which may include:
1. Sharing geospatial data relevant to emergency management.
 2. Providing mapping and analysis support during emergencies.
 3. Coordinating GIS personnel and technical expertise as needed.
 4. Developing and maintaining GIS tools for emergency response.
 5. Conducting joint training and exercises related to GIS for emergency management.

II. Data Sharing, Access, and Use

A. Data Access and Use

1. Each Party shall provide access to GIS data and services necessary for emergency planning and response through electronic means.
2. Data and products shared under this Agreement are intended for governmental use only and shall not be resold or distributed to third parties without prior written consent.
3. Each Party shall take reasonable steps to ensure the accuracy and timeliness of shared data but makes no warranties regarding completeness, reliability, or suitability for all purposes.

B. Data and Products to Be Shared

The Parties agree to share the following geospatial datasets and products, as available:

1. Parcel boundaries and ownership information
2. Street centerlines and transportation networks
3. Utility and infrastructure data
4. Environmental and natural resource data
5. Emergency services planning and response data
6. Aerial imagery
7. GIS web services, ArcGIS Online items and web applications, file transfers, or shared databases related to emergency planning and response
8. Any other mutually agreed-upon datasets or products

III. Responsibilities of the Parties

- A. Each Party shall designate a GIS Coordinator or equivalent contact person to facilitate the data-sharing for the coordination and implementation of this agreement.

San Miguel County Representative

Name: Heather Widlund

Title: SMC GIS Director

Mailing Address: PO Box 1170 Telluride, CO 81435

Physical address: 335 W Colorado Ave, IT Office, Telluride

Phone: 970-369-5470
Email: heatherw@sanmiguelcountyco.gov

Town of Telluride Representative

Name: Cathy Knight
Title: Administrative Analyst, Public Works
Mailing Address: PO Box 397, Telluride, CO 81435
Physical Address: 1370 Black Bear Rd, Telluride
Phone: 970-728-8415
Email: cknight@telluride-co.gov

Town of Mountain Village Representative

Name: Lauren "LT" Tyler
Title: GIS Administrator & Addressing Coordinator
Mailing Address: 455 Mountain Village Blvd, Ste A,
Telluride, CO 81435
Phone: 970-369-8289
Email: lt Tyler@mtnvillage.org

- B. The Parties shall communicate regularly and meet periodically to discuss GIS needs, data updates, compatibility, operational procedures, and emerging needs.
- C. Each Party remains responsible for the maintenance and security of its own GIS data and infrastructure.

IV. Confidentiality and Security

- A. The Parties agree to maintain the confidentiality of sensitive or restricted geospatial data and comply with applicable laws and regulations governing data security.
- B. Reasonable security measures shall be implemented to protect shared data from unauthorized access, misuse, or disclosure.

V. Cost Sharing

- A. This Agreement does not obligate any Party to provide funding to another Party.
- B. Any costs associated with data maintenance, upgrades, or distribution shall be borne individually by each Party unless otherwise agreed in writing.

VI. Governmental Immunity

The Parties do not intend to waive, by any provision of this Agreement, any rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq*, as currently in effect and as it may be subsequently

amended. This immunity continues beyond the termination of this Agreement for the acts or omissions that occurred during the Agreement Term.

VII. Term and Termination

- A. This Agreement shall commence on the Effective Date upon execution of this Agreement by all Parties and shall remain in effect unless terminated by mutual written agreement or by providing 60 days written notice to the other Parties.
- B. Upon termination, each Party agrees to discontinue the use of GIS data and services obtained under this Agreement, except as required for archival or compliance purposes.

VIII. Amendment

This Agreement may be amended only in writing and upon mutual consent of all Parties.

IX. Dispute Resolution

Any disputes arising under this Agreement shall be resolved through negotiation or mediation before resorting to legal action.

X. Colorado Open Records Act

The parties acknowledge that each Party is a governmental entity formed according to Colorado law, and as such, is subject to the Colorado Open Records Act, C.R.S. § 24-72-200 *et seq.* ("CORA"). In the event any Party receives a request under CORA that would require production of records related to this Agreement, the Party will inform the other Parties of such request and provide each with a copy of any such written request. Any Party shall promptly notify the other Parties if: (a) production of the requested record would disclose another Party's privileged information, and/or confidential commercial or financial data pursuant to C.R.S. § 24-72-204(3)a(IV) or; (b) the Party desires to pursue a legal action to prevent disclosure of such documents. Each Party shall determine whether to deny the request that originated with that Party. If the Party's denial of a request is challenged, the Party will notify the other Parties of such challenge and provide the Parties with a written copy of any such challenge.

XI. Notice

Notice under this Agreement shall be given in writing and shall be deemed received if given by: (a) confirmed electronic transmission (as defined below) when transmitted, if transmitted on a business day and during the normal business hours of the recipient, and otherwise on the next business day following transmission; (b) certified mail, return receipt requested, postage pre-paid, three (3) business days after being deposited in the United States mail; or (c) overnight carrier service or

personal delivery when received. Notice shall be given to the Parties at the representative addresses as listed in Paragraph III.A.

“Electronic Transmission” means any form of communication not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process, but specifically excluding facsimile transmissions and texts. The parties agree that: (a) any notice or communication transmitted by electronic transmission shall be treated in all manner and respects as an original written document; (b) any such notice or communication shall be considered to have the same binding and legal effect as an original document, and; (c) at the request of either party, any such notice or communication shall be re-delivered or re-executed, as appropriate, by the party in its original form.

IN WITNESS WHEREOF, the Parties have entered into and executed this Agreement as of the Effective Date.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: Anne Brown
Anne Brown
Chair, Board of County Commissioners

Date: 4/9/2025

Attest:

Carmen Warfield
Carmen Warfield, Chief Deputy Clerk

Date: 4/9/2025

Reviewed by the County Attorney as to Form:

Maura Fahey
Maura Fahey

Date: 4/2/2025

TOWN OF TELLURIDE

By: _____
Teddy Errico, Mayor

Date: _____

Attest:

Tiffany Kavanaugh, Clerk

Date: _____

Reviewed by the Assistant Town Attorney as to Form:

Jason Wilson

Date: _____

TOWN OF MOUNTAIN VILLAGE

By: _____
Marti Prohaska, Mayor

Date: _____

Attest:

Susan Johnston, Clerk

Date: _____

Reviewed by Attorney as to Form:

David H. McConaughy

David H. McConaughy
Garfield & Hecht, P.C.

Date: 4/4/2025

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO AUTHORIZING A MAIL BALLOT ELECTION ON JUNE 24, 2025**

RESOLUTION NO. 2025-0424-

WHEREAS, the Town of Mountain Village (the “Town”) is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Colorado Constitution and the Town’s Home Rule Charter (the “Charter”); and

WHEREAS, the members of the Town Council of the Town of Mountain Village (the “Town Council”) have been duly elected and qualified; and

WHEREAS, June 24, 2025 is the date of the next regular election in the Town; and

WHEREAS, pursuant to Article II, Section 2.1 of the Charter, elections shall be governed by the Colorado Municipal Election Code of 1965, C.R.S. §§ 31-10-101, *et seq.*, as amended (the “Municipal Election Code”), and mail ballot elections shall be governed by the Colorado Mail Ballot Election Act, C.R.S §§. 1-7.5-101, *et seq.*, as amended, notwithstanding any contrary provisions of the Municipal Election Code; and

WHEREAS, the Town has determined that the Town Clerk will conduct the election on June 24, 2025 as a mail ballot election as follows.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Mail Ballot Election. The Town Council hereby determines that the regular election of the Town to be held on June 24, 2025 shall be conducted as a mail ballot election pursuant to C.R.S. §§ 1-7.5-101, *et seq.*, and C.R.S. §§ 31-10-101, *et seq.* The Town Clerk is hereby appointed the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election, and she may execute such documents as may be required in furtherance of this power.

Section 3. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on April 24, 2025.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney



Memorandum

To: Town Council
From: Lizbeth Lemley, Julie Vergari
Date: April 17, 2025
Re: Town of Mountain Village Financial Statements through March 2025

Mountain Village Financials Statements through March 2025

General Fund Summary

The March financial statements as presented reflect the 2025 adopted budget prorated through March 2025. Also included are 2024, 2023 and 2022 actuals for comparison.

As of March 31, 2025, general fund revenues of \$7.66 million were less than budget by \$2.29 million or (23%). This is due primarily to the timing of property tax and community development receipts. Revenues compared to 2024, 2023 and 2022 revenues were over by 10%, 15% and 14% respectively. Sales taxes accrued and collected through March 2025 were 1.4 % under budget and 2.5% less than 2024.

General Fund operating expenditures through March totaled \$3.6 million and were \$387,000 or 9.7% under budget. Most of these savings are due to timing variances and savings related to personnel and utility costs. Additional discussion of these variances is included on the General Fund Revenue and Expenditure Report in this packet.

Year to date, the General Fund Revenue and Expenditure report reflects a surplus of \$1.9 million.

Transfers to other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Capital Projects Fund (From GF)	\$ 130,292	\$ -	\$ 130,292	\$ 130,292
Child Development Fund	\$ 115,947	\$ 106,626	\$ 116,011	\$ 9,385
Conference Center Subsidy	\$ 25,063	\$ 248,098	\$ 25,063	\$ (223,035)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 162,302	\$ 403,361	\$ 423,027	\$ 19,666
Vehicle & Equipment Acquisition Fund	\$ 46,501	\$ 269,571	\$ 46,501	\$ (223,070)

Income transfers from other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 4,520	\$ 491,513	\$ 483,225	\$ (8,288)
*Tourism Fund	\$ 17,354	\$ 76,056	\$ 72,463	\$ (3,593)
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 1,468	\$ 6,638	\$ 4,125	\$ (2,513)

Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

Acquisitions to date were for a Plaza Services and a PD vehicle.

Capital Projects Fund – No Fund Income Statement Attached

\$130,292 related to the VCA Bus Stop has been expended.

Historical Museum Fund – No Fund Income Statement Attached

\$57,737 in property taxes were collected and \$56,282 has been tendered to the historical museum. The county treasurer retained \$1,115 in treasurer's fees.

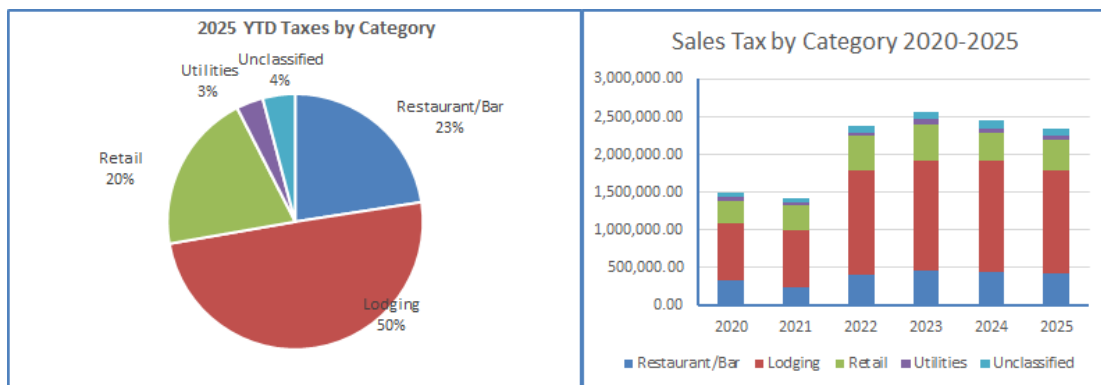
Mortgage Assistance Fund – No Fund Income Statement Attached

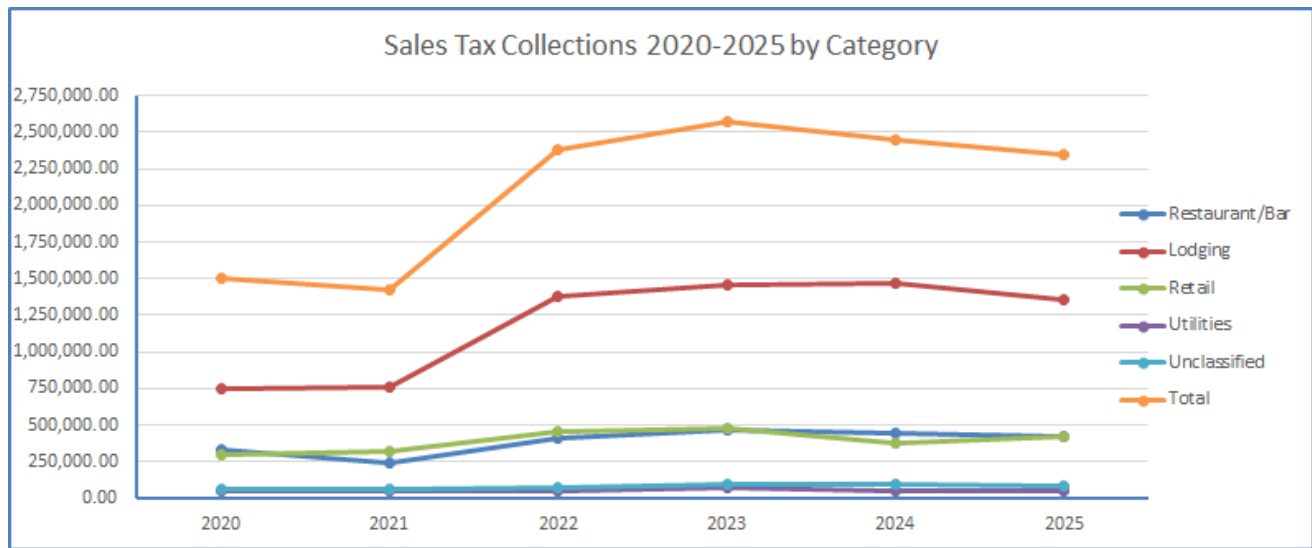
Interest payments of \$377 were received and a principal repayment of \$4,900 was made.

Sales Tax

The table below reflects actual sales tax collections through March 31, 2025, which represent February 2025 sales tax remittances. Sales taxes are collected one month in arrears. The year-to-date financial statements through March 2025 include accrued March sales tax amounts based on the approved budget. These amounts are trued up when collected in April.

Tax Collection Summary								
4.5% Tax	February 2020	February 2021	February 2022	February 2023	February 2024	February 2025	2025-2024 % change	2025-2020 % change
Restaurant/Bar	\$ 171,954	\$ 134,360	\$ 235,899	\$ 257,892	\$ 252,889	\$ 245,753	-2.82%	42.92%
Lodging	377,426	436,600	793,025	795,488	815,220	777,831	-4.59%	106.09%
Retail	148,239	176,078	242,308	232,438	191,962	216,716	12.90%	46.19%
Utilities	24,552	23,370	26,033	38,772	26,297	25,010	-4.90%	1.86%
Unclassified	30,530	31,301	47,943	50,303	49,387	53,081	7.48%	73.86%
Total	\$ 752,701	\$ 801,709	\$ 1,345,207	\$ 1,374,893	\$ 1,335,755	\$ 1,318,390	-1.30%	75.15%
4.5% Tax	YTD 2020	YTD 2021	YTD 2022	YTD 2023	YTD 2024	YTD 2025	2025-2024 % change	2025-2020 % change
Restaurant/Bar	\$ 338,012	\$ 237,553	\$ 408,293	\$ 467,129	\$ 449,939	\$ 422,989	-5.99%	25.14%
Lodging	744,499	759,636	1,384,697	1,460,919	1,464,709	1,361,340	-7.06%	82.85%
Retail	303,195	325,247	450,774	476,529	378,265	419,717	10.96%	38.43%
Utilities	51,089	47,470	53,283	73,255	55,948	51,066	-8.73%	-0.05%
Unclassified	61,577	59,751	78,417	95,130	98,354	87,668	-10.86%	42.37%
Total	\$ 1,498,373	\$ 1,429,657	\$ 2,375,463	\$ 2,572,962	\$ 2,447,215	\$ 2,342,780	-4.27%	56.35%





Tourism Fund

Business license fees of \$378,942 are over budget (3%). Penalties of \$7,344 were collected and transferred to the General Fund.

2025 restaurant taxes totaling \$187,688 have been recorded and 100%, less a 2% administrative fee, will be tendered to the airline guarantee program. \$1.2 million in lodging taxes were recorded and ½ of the lodging tax, less a 2% administrative fee, will be tendered to the airline guarantee program.

Lodging taxes are 7% under prior year. Restaurant taxes are under prior year by 5.6%.

Town of Mountain Village Colorado Lodging Tax Summary									
	2021	2022	2023	2024	2025		2024	2025	Budget
	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)		Var %	Budget	Var %
January	272,725	523,260	591,486	576,823	518,344		-10.14%	534,179	-3.05%
February	358,584	700,805	708,132	723,205	690,933		-4.46%	639,480	7.45%
March	476,051	759,281	722,313	740,508	-		-100.00%	658,224	NA
April	40,874	33,263	32,204	54,408	-		-100.00%	44,679	NA
May	51,474	81,855	33,735	58,407	-		-100.00%	55,644	NA
June	229,731	239,859	254,544	243,076	-		-100.00%	196,097	NA
July	412,650	371,297	367,082	377,958	-		-100.00%	324,951	NA
August	336,701	294,342	313,933	315,837	-		-100.00%	271,253	NA
September	323,713	299,591	289,587	256,668	-		-100.00%	337,910	NA
October	133,675	123,341	125,604	128,901	-		-100.00%	169,701	NA
November	71,435	55,744	54,734	51,936	-		-100.00%	68,375	NA
December	553,765	537,068	479,863	512,453	-		-100.00%	674,658	NA
Total	3,261,375	4,019,707	3,973,215	4,040,179	1,209,277		-70.07%	3,975,151	-228.72%
Tax Base	81,534,381	100,492,663	99,330,387	101,004,469	30,231,920			99,378,775	
Town of Mountain Village Colorado Restaurant/Bar Tax Summary									
	2021	2022	2023	2024	2025	0	2024	2025	Budget
	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)		Var %	Budget	Var %
January	45,706	76,624	92,994	86,439	78,477		-9.21%	89,371	-13.88%
February	59,659	104,748	114,079	112,395	109,191		-2.85%	121,807	-11.55%
March	82,463	126,092	130,164	128,821	-		-100.00%	135,549	NA
April	5,733	4,195	3,718	12,431	-		-100.00%	12,421	NA
May	6,196	5,901	5,561	6,240	-		-100.00%	6,619	NA
June	55,645	60,810	56,540	49,994	-		-100.00%	52,976	NA
July	66,892	74,492	80,968	68,945	-		-100.00%	77,187	NA
August	61,744	67,110	68,618	55,354	-		-100.00%	56,608	NA
September	62,772	64,352	70,895	50,400	-		-100.00%	55,896	NA
October	25,593	27,132	31,600	24,157	-		-100.00%	24,536	NA
November	8,777	8,854	8,044	7,314	-		-100.00%	9,422	NA
December	72,532	91,455	77,661	84,329	-		-100.00%	89,617	NA
Total	553,712	711,765	740,842	686,818	187,668		-72.68%	732,009	-290.06%
Tax Base	27,685,593	35,588,233	37,042,121	34,340,892	9,383,393			36,600,450	

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
General Fund									
Revenues									
Charges for Services	\$ 684,394	\$ 787,428	\$ (103,034)	-13.08%	\$ 2,671,319	\$ 1,986,925	\$ 258,094	\$ 49,049	\$ 132,936
Contributions	45,382	-	45,382	NA	75,000	29,618	325,000	2,319	20,994
Fines and Forfeits	1,015	1,561	(546)	-34.98%	6,800	5,785	220	1,410	82,900
Interest Income	278,173	116,443	161,730	138.89%	740,000	461,827	244,658	225,799	7,239
Intergovernmental	127,821	101,398	26,423	26.06%	490,838	363,017	66,582	167,461	160,681
Licenses and Permits	96,829	412,819	(315,990)	-76.54%	2,038,940	1,942,111	162,123	50,507	94,232
Miscellaneous Revenues	78,276	55,543	22,733	40.93%	318,902	240,626	59,083	38,536	21,858
Taxes and Assessments	6,346,140	8,472,845	(2,126,705)	-25.10%	24,206,040	17,859,900	5,873,660	6,152,867	6,187,255
Total Revenues	7,658,030	9,948,037	(2,290,007)	-23.02%	30,547,839	22,889,809	6,989,420	6,687,948	6,708,095
Operating Expenses									
Legislation & Council	41,769	69,104	(27,335)	-39.56%	258,464	216,695	53,539	29,859	18,455
Town Manager	196,794	220,198	(23,404)	-10.63%	1,253,313	1,056,519	131,580	145,654	74,225
Town Clerk's Office	88,429	94,009	(5,580)	-5.94%	379,470	291,041	77,447	78,263	69,709
Finance	570,060	569,174	886	0.16%	1,515,564	945,504	503,077	306,311	393,476
Technical	173,303	180,671	(7,368)	-4.08%	827,835	654,532	115,161	83,347	95,399
Human Resources	120,742	141,780	(21,038)	-14.84%	785,909	665,167	135,551	99,631	78,528
Town Attorney	93,322	93,400	(78)	-0.08%	440,909	347,587	70,093	103,874	85,303
Communications and Business Development	146,247	128,929	17,318	13.43%	738,781	592,534	102,244	74,076	86,266
Municipal Court	8,870	8,921	(51)	-0.57%	43,542	34,672	8,508	8,623	7,357
Police Department	437,590	416,220	21,370	5.13%	1,736,224	1,298,634	385,496	395,592	263,089
Community Services	19,743	20,374	(631)	-3.10%	84,501	64,758	14,558	11,227	12,511
Community Grants and Contributions	214,711	217,443	(2,732)	-1.26%	229,443	14,732	89,700	89,038	91,150
Roads and Bridges	214,388	202,129	12,259	6.06%	1,390,639	1,176,251	194,546	185,370	148,452
Vehicle Maintenance	123,093	156,347	(33,254)	-21.27%	656,202	533,109	120,309	130,335	104,614
Municipal Bus	52,397	120,430	(68,033)	-56.49%	609,217	556,820	56,518	30,263	49,019
Parks & Recreation	175,481	174,649	832	0.48%	768,683	593,202	165,248	155,250	118,391
Plaza Services	426,706	521,771	(95,065)	-18.22%	2,151,621	1,724,915	416,426	448,231	362,011
Public Refuse Removal	11,407	26,648	(15,241)	-57.19%	76,598	65,191	17,680	14,075	9,061
Building/Facility Maintenance	97,612	133,677	(36,065)	-26.98%	391,489	293,877	131,369	82,121	46,905
Building Division	144,897	159,782	(14,885)	-9.32%	960,515	815,618	91,673	94,110	103,325
Housing Division Office	-	-	-	NA	-	-	-	-	26,291
Planning and Zoning Division	239,512	328,401	(88,889)	-27.07%	1,732,400	1,492,888	212,157	161,862	155,785
Contingency	-	-	-	NA	95,000	95,000	-	-	-
Debt Service	-	-	-	NA	1,077,208	1,077,208	-	-	-
Total Operating Expenses	3,597,073	3,984,057	(386,984)	-9.71%	18,203,527	14,606,454	3,092,880	2,727,112	2,399,322
Surplus / Deficit	4,060,957	5,963,980	(1,903,023)	-31.91%	12,344,312	8,283,355	3,896,540	3,960,836	4,308,773
Capital Outlay	1,965,992	1,866,858	99,134	5.31%	3,329,833	1,363,841	99,173	54,570	63,113
Surplus / Deficit	2,094,965	4,097,122	(2,002,157)	-48.87%	9,014,479	6,919,514	3,797,367	3,906,266	4,245,660
Other Sources and Uses									
Sale of Assets	743	-	743	NA	-	(743)	-	12,005	-
Insurance Claim Proceeds	-	-	-	NA	-	-	-	-	1,327
Transfer (To) From Affordable Housing	(423,027)	(403,361)	(19,666)	4.88%	(979,596)	(556,569)	(271,619)	(287,472)	(438,754)
Transfer (To) From Affordable Housing-Other	-	-	-	NA	1,918,631	1,918,631	-	-	-
Transfer (To) From Broadband	-	-	-	NA	-	-	-	-	(592,515)

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
General Fund									
Transfer (To) From Child Development	(116,011)	(106,626)	(9,385)	8.80%	(510,696)	(394,685)	(80,895)	(31,049)	-
Transfer (To) From Capital Projects	(130,292)	-	(130,292)	NA	-	130,292	(6,713)	(171)	(29,795)
Transfer (To) From Debt Service	4,125	6,638	(2,513)	-37.86%	25,000	20,875	1,966	5,082	5,437
Transfer (To) From Overhead Allocation	483,225	491,513	(8,288)	-1.69%	509,667	26,442	482,814	690,445	186,999
Transfer (To) From Parking Services	-	-	-	NA	(451,131)	(451,131)	-	-	-
Transfer (To) From Conference Center	(25,063)	(248,098)	223,035	-89.90%	(1,647,179)	(1,622,116)	(77,930)	(64,966)	(37,513)
Transfer (To) From Tourism	72,463	76,056	(3,593)	-4.72%	138,143	65,680	79,647	81,555	70,510
Transfer (To) From Vehicle/Equipment	(46,501)	(269,571)	223,070	-82.75%	(1,073,800)	(1,027,299)	(144,356)	(123,698)	(153,509)
Transfer (To) From VCA	-	-	-	NA	1,077,208	1,077,208	-	-	-
Transfer (To) From Water/Sewer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(180,338)	(453,449)	273,110	-60.23%	(993,753)	(813,415)	(17,086)	281,731	(987,813)
Surplus / Deficit	\$ 1,914,627	\$ 3,643,673	\$ (1,729,047)	-47.45%	\$ 8,020,726	\$ 6,106,099	\$ 3,780,281	\$ 4,187,997	\$ 3,257,847

Revenues

Taxes & Assessments - 38% of the annual budget for property taxes has been accrued/collected. Specific Ownership taxes are over budget. Sales tax is \$54,500 or 1.4% under budget. Construction use tax collections are \$201,700 due in part to timing of receipts.

Licenses & Permits - Construction permits are under budget by \$324,700 due in part to timing of receipts. Construction parking fees through this period are \$4,900 or 38% over budget.

Intergovernmental - Intergovernmental revenues are over budget due to IGA receipts related to regional gondola planning.

Charges for Services - Development DRB and planning fees are under budget by \$126,900 and \$421,700 over last year.

Fines & Forfeitures - Fines are under budget by \$546.

Investment Income - Investment income is over budget by \$161,400.

Miscellaneous Revenues - Plaza and vending carts rents are over budget \$8,600 and miscellaneous grants are over budget \$6,600.

Contributions - Contributions from TMVOA for the cedar shake roof fee waiver program and the projector funding have been received.

Top Ten Budget Variances

Over Budget

Police Department - \$21,370 Over budget in dispatch fees and software support. Dispatch fees are not expected to exceed budget for the year.

Communications and Business Development - \$17,318 Over budget mainly due to BDAC expenditures.

Road & Bridge - \$12,259 Over budget mainly in vehicle repair and maintenance.

Finance - \$886 Over budget in auditing fees and Munirevs support fees due to the change in billing frequency.

Parks and Recreation - \$832 Over budget in vehicle repair and ice rink expenses.

Under Budget

Plaza Services - \$95,065 Under budget in utilities and employee costs.

Planning & Zoning - \$88,889 Savings in personnel costs due to vacancies and consulting expenses.

Municipal Bus Service - \$68,033 Employee wages and benefits are under budget.

Building/Facility Maintenance - \$36,065 Under budget in snowmelt boiler maintenance and street light repair.

Vehicle Maintenance - \$33,254 Under budget due to personnel costs.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Tourism Fund									
Revenues									
Business License Fees	\$ 378,942	\$ 368,013	\$ 10,929	2.97%	\$ 406,559	\$ 27,617	\$ 370,889	\$ 362,174	\$ 306,212
Lodging Taxes	1,949,926	1,831,883	118,043	6.44%	3,975,151	2,025,225	2,040,536	2,021,931	1,928,045
Lodging Taxes - Prior Year	-	-	-	NA	-	-	-	11,431	2,660
Penalties and Interest	7,556	10,403	(2,847)	-27.37%	20,000	12,444	10,037	12,442	7,320
Restaurant Taxes	315,421	346,727	(31,306)	-9.03%	732,009	416,588	325,296	333,028	307,464
Restaurant Taxes - Prior Year	54	-	54	NA	-	(54)	1,997	2,727	2,707
Total Revenues	2,651,899	2,557,026	94,873	3.71%	5,133,719	2,481,820	2,748,755	2,743,733	2,554,408
Tourism Funding									
Admin Fees	-	-	-	NA	2,500	2,500	-	-	-
Airline Guaranty Funding	1,626,837	1,324,656	27,214	2.05%	2,665,193	1,038,356	1,320,610	1,325,387	1,250,013
Marketing Funding	-	125,000	(125,000)	-100.00%	1,500,000	1,500,000	125,000	162,464	27,942
General Operating Expense	62,092	87,761	(25,669)	-29.25%	447,738	385,646	49,999	56,510	-
Total Tourism Funding	1,688,929	1,537,417	(123,455)	-8.03%	4,615,431	2,926,502	1,495,609	1,544,361	1,277,955
Surplus / Deficit	962,970	1,019,609	218,328	21.41%	518,288	(444,682)	1,253,146	1,199,372	1,276,453
Other Sources and Uses									
Transfer (To) From TCC	-	-	-	NA	(300,000)	(300,000)	-	-	-
Transfer (To) From General Fund	(72,463)	(76,056)	455	-0.60%	(138,143)	(65,680)	(79,647)	(81,555)	(70,510)
Total Other Sources and Uses	(72,463)	(76,056)	455	-0.60%	(438,143)	(365,680)	(79,647)	(81,555)	(70,510)
Surplus / Deficit	890,507	943,553	(53,046)		80,145	(810,362)			
Beginning Fund Balance	1,833,899	1,630,966			1,630,966				
Ending Fund Balance	\$ 2,724,406	\$ 2,574,519			\$ 1,711,111				

March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Parking Services Fund									
Revenues									
EV Station Revenues	\$ 1,382	\$ 1,992	\$ (610)	-30.62%	\$ 5,700	\$ 4,318	\$ 1,802	\$ 856	\$ -
Fines and Forfeits	52,926	44,844	8,082	18.02%	188,229	135,303	67,322	19,955	21,675
Gondola Parking Garage	150,550	157,830	(7,280)	-4.61%	358,700	208,150	159,378	35,835	52,006
Grant Revenues	-	-	-	NA	-	-	-	-	-
Heritage Parking Garage	123,318	131,914	(8,596)	-6.52%	316,000	192,682	141,852	109,829	116,960
Interest Income	-	-	-	NA	-	-	-	-	-
Meadows Parking Lot	4,815	-	4,815	NA	-	(4,815)	-	-	-
Parking in Lieu Buyouts	-	-	-	NA	-	-	-	-	62,500
Parking Meter Revenues	43,152	17,712	25,440	143.63%	48,260	5,108	24,890	10,232	14,759
Parking Permits	25,895	36,237	(10,342)	-28.54%	127,846	101,951	43,351	17,690	4,365
Special Event Parking	-	-	-	NA	120,000	120,000	-	-	-
Total Revenues	402,038	390,529	11,509	2.95%	1,164,735	762,697	438,595	194,397	272,265
Operating Expenses									
Other Operating Expenses	5,927	7,521	(1,594)	-21.19%	69,350	63,423	7,586	47,784	5,833
Personnel Expenses	81,739	85,162	(3,423)	-4.02%	337,033	255,294	67,387	33,574	22,166
Gondola Parking Garage	23,720	19,896	3,824	19.22%	127,758	104,038	17,145	10,336	12,330
Surface Lots	25,770	24,817	953	3.84%	110,900	85,130	23,734	23,325	1,469
Heritage Parking Garage	28,938	24,313	4,625	19.02%	110,630	81,692	23,628	34,321	24,948
Meadows Parking	-	-	-	NA	13,000	13,000	-	-	-
Total Operating Expenses	166,094	161,709	4,385	2.71%	768,671	602,577	139,480	149,340	66,746
Surplus / Deficit	235,944	228,820	7,124	3.11%	396,064	160,120	299,115	45,057	205,519
Capital									
Capital	14,443	25,037	(10,594)	-42.31%	970,000	955,557	30,860	17,391	2,465
Surplus / Deficit	221,501	203,783	17,718	8.69%	(573,936)	(795,437)	268,255	27,666	203,054
Other Sources and Uses									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Overhead Allocation	(60,496)	(60,496)	-	0.00%	(60,496)	-	(60,496)	(11,856)	(9,623)
Transfer (To) From General Fund	-	-	-	NA	451,131	451,131	-	-	-
Total Other Sources and Uses	(60,496)	(60,496)	-	0.00%	390,635	451,131	(60,496)	(11,856)	(9,623)
Surplus / Deficit	\$ 161,005	\$ 143,287	\$ -	0.00%	\$ (183,301)	\$ (344,306)	\$ 207,759	\$ 15,810	\$ 193,431
Beginning Fund Balance	\$ 420,683	\$ 183,301			\$ 183,301				
Ending Fund Balance	\$ 581,688	\$ 326,588			\$ -				

Parking revenues are over budget by 3%. HPG revenues are under budget 6.5% and under prior year 13%. Parking meter (surface lots) revenues are over budget 144% and over prior year 73.4%. GPG is under budget 4.6% and under prior year by 5.5%. Parking fines are over budget 18%, and under prior year 21.4%. General operating expenses are under budget in salaries and wages. GPG expenses are over budget in general maintenance. Surface lots are over budget in credit card processing fees. HPG is over budget in shared expenses. Capital expense was for Meadows parking redesign.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Gondola Fund									
Revenues									
Capital/MR&R Grant Funding	\$ -	\$ -	\$ -	NA	\$ 150,000	\$ 150,000	\$ -	\$ -	\$ 6,460
Event Operations Funding	6,421	-	6,421	NA	-	(6,421)	4,233	2,330	5,128
Event Operations Funding - TOT	-	-	-	NA	36,000	36,000	-	-	-
Miscellaneous Revenues	-	-	-	NA	-	-	-	-	-
Operations Grant Funding	-	-	-	NA	133,000	133,000	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Van Rider Revenues	-	-	-	NA	4,300	4,300	1,050	1,350	1,026
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
TSG 1% Lift Sales	184,184	189,610	(5,426)	-2.86%	244,899	60,715	189,666	113,546	208,487
TMVOA Operating Contributions	1,405,460	1,452,874	(47,414)	-3.26%	5,817,159	4,411,699	1,269,873	1,211,390	998,258
TMVOA Capital/MR&R Contributions	219,567	77,375	142,192	183.77%	313,000	93,433	95,835	71,311	118,106
Total Revenues	1,815,632	1,719,859	95,773	5.57%	6,698,358	4,882,726	1,560,657	1,399,927	1,337,465
Operating Expenses									
Overhead Allocation Transfer	13,560	10,000	3,560	35.60%	40,000	26,440	13,149	10,339	9,039
MAARS	12,386	14,017	(1,631)	-11.64%	78,202	65,816	13,271	14,303	13,091
Chondola	101,051	74,346	26,705	35.92%	314,774	213,723	42,569	70,085	77,486
Operations	728,645	788,464	(59,819)	-7.59%	3,080,589	2,351,944	711,294	666,284	573,996
Maintenance	513,346	524,583	(11,237)	-2.14%	2,048,881	1,535,535	467,358	425,953	369,708
FGOA	227,077	231,074	(3,997)	-1.73%	552,912	325,835	217,181	141,652	169,579
Major Repairs and Replacements	26,675	11,753	14,922	126.96%	208,000	181,325	220	71,311	124,566
Contingency	-	-	-	NA	120,000	120,000	-	-	-
Total Operating Expenses	1,622,740	1,654,237	(31,497)	-1.90%	6,443,358	4,820,618	1,465,042	1,399,927	1,337,465
Surplus / Deficit	192,892	65,622	127,270	193.94%	255,000	62,108	95,615	-	-
Capital									
Capital Outlay	192,892	65,622	127,270	193.94%	255,000	62,108	95,615	-	-
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund expenditures are 5.6% over budget. MAARS is under budget in personnel expenses. Chondola is over budget in personnel cost and Telski labor due in part to the timing of invoicing. Gondola ops is under budget in personnel costs. Gondola Maintenance is under budget in parts. FGOA is under budget in natural gas. There have been MR&R expenditures for cabin refurb, grip replacements, and station upgrades to date.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Child Development Fund									
Revenues									
Infant Care Fees	\$ 50,012	\$ 56,540	(6,528)	-11.55%	\$ 217,667	\$ 167,655	\$ 31,294	\$ 13,932	\$ 13,380
Toddler Care Fees	39,535	51,825	(12,290)	-23.71%	200,213	160,678	39,955	34,081	26,419
Preschool Fees	48,513	64,926	(16,413)	-25.28%	250,231	201,718	57,420	27,382	37,824
Fundraising Revenues - Infant	-	-	-	NA	3,500	3,500	685	20	-
Fundraising Revenues - Preschool	-	-	-	NA	3,500	3,500	444	20	-
Fundraising Revenues - Toddler	-	-	-	NA	3,500	3,500	440	20	-
Grant Revenues - Infant	-	-	-	NA	32,000	32,000	-	25,000	35,000
Grant Revenues - Preschool	-	-	-	NA	36,000	36,000	-	17,500	15,000
Grant Revenues - Toddler	-	-	-	NA	39,000	39,000	-	22,500	20,000
Intergovernmental Funding	1,000	-	1,000	NA	15,000	14,000	-	-	-
Total Revenues	139,060	173,291	(34,231)	-19.75%	800,611	661,551	130,238	140,455	147,623
Operating Expenses									
Toddler Care Other Expense	19,063	13,166	5,897	44.79%	65,674	46,611	14,940	17,551	11,936
Toddler Care Personnel Expense	74,893	58,967	15,926	27.01%	294,991	220,098	49,398	50,580	45,720
Infant Care Other Expense	8,072	11,123	(3,051)	-27.43%	37,442	29,370	13,750	8,063	4,435
Infant Care Personnel Expense	79,786	111,160	(31,374)	-28.22%	463,926	384,140	51,735	40,587	22,315
Preschool Other Expense	13,861	12,929	932	7.21%	50,470	36,609	15,929	9,253	12,487
Preschool Personnel Expense	59,396	72,572	(13,176)	-18.16%	263,804	204,408	54,771	45,470	34,052
Total Operating Expenses	255,071	279,917	(24,846)	-8.88%	1,176,307	921,236	200,523	171,504	130,945
Surplus / Deficit	(116,011)	(106,626)	(9,385)	8.80%	(375,696)	(259,685)	(70,285)	(31,049)	16,678
Capital									
Capital Outlay	-	-	-	NA	135,000	135,000	10,610	-	-
Total Capital	-	-	-	NA	135,000	135,000	10,610	-	-
Surplus / Deficit	(116,011)	(106,626)	(9,385)	8.80%	(510,696)		(80,895)	(31,049)	16,678
Other Sources and Uses									
Grants/Contributions	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	116,011	106,626	(9,385)	-8.80%	510,696	394,685	80,895	31,049	-
Total Other Sources and Uses	116,011	106,626	(9,385)	-8.80%	510,696	394,685	80,895	31,049	-
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ 394,685	\$ -	\$ -	\$ 16,678

Child Development revenues are under budget by \$34,200 due in part to the timing of implementing the expanded programs. Operating grant revenues have not been received as of the end of March. Operating expenses are \$24,800 under budget, Toddler personnel expense is over budget but offset by and Preschool and Infant personnel costs under budget. The program has required \$116,011 in funding from the General Fund in 2025.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

2025						2024		2023		2022									
Actual YTD		Budget YTD		Budget Variance (\$)	Budget Variance (%)	Annual Budget		Budget Balance		Actual YTD	Actual YTD	Actual YTD							
Water & Sewer Fund																			
Revenues																			
Mountain Village Water and Sewer		\$	1,103,394	\$	1,100,248	\$	3,146		0.29%	\$	4,400,994	\$	3,297,600	\$	1,013,672	\$	973,644	\$	878,373
Other Revenues			2,020		2,025		(5)		-0.25%		8,100		6,080		940		2,318		2,015
Ski Ranches Water			101,395		108,344		(6,949)		-6.41%		433,376		331,981		106,607		93,297		83,457
Skyfield Water			8,700		11,099		(2,399)		-21.61%		44,394		35,694		8,844		8,008		6,496
Total Revenues			1,215,509		1,221,716		(6,207)		-0.51%		4,886,864		3,671,355		1,130,063		1,077,267		970,341
Operating Expenses																			
Mountain Village Sewer			162,277		298,978		(136,701)		-45.72%		1,195,910		1,033,633		50,913		107,012		155,483
Mountain Village Water			340,083		333,700		6,383		1.91%		1,269,999		929,916		266,654		256,039		248,412
Ski Ranches Water			1,915		12,200		(10,285)		-84.30%		48,800		46,885		2,342		2,946		18,361
Contingency			-		-		-		NA		35,000		35,000		-		-		-
Total Operating Expenses			504,275		644,878		(140,603)		-21.80%		2,549,709		2,045,434		319,909		365,997		422,256
Surplus / Deficit			711,234		576,838		134,396		23.30%		2,337,155		1,625,921		810,154		711,270		548,085
Capital																			
Capital Outlay			92,030		1,457,148		(1,365,118)		-93.68%		7,061,594		6,969,564		123,923		48,384		55,342
Surplus / Deficit			619,204		(880,310)		1,499,514		-170.34%		(4,724,439)		(5,343,643)		686,231		662,886		492,743
Other Sources and Uses																			
Grants			-		-		-		NA		-		-		-		-		-
Mountain Village Tap Fees			129,900		610,075		(480,175)		-78.71%		2,440,301		2,310,401		-		-		16,516
Overhead Allocation Transfer			(217,971)		(217,971)		-		0.00%		(217,971)		-		(217,971)		(217,971)		(62,259)
Sale of Assets			-		-		-		NA		-		-		-		-		-
Ski Ranches Contributions			-		-		-		NA		-		-		-		-		-
Ski Ranches Tap Fees			-		-		-		NA		5,000		5,000		-		-		-
Skyfield Tap Fees			-		-		-		NA		2,000		2,000		-		-		-
Transfer (To) From General Fund			-		-		-		NA		-		-		-		-		-
Total Other Sources and Uses			(88,071)		392,104		(480,175)		-122.46%		2,229,330		2,317,401		(217,971)		(217,971)		(45,743)
Surplus / Deficit		\$	531,133	\$	(488,206)	\$	1,019,339		-208.79%	\$	(2,495,109)	\$	(3,026,242)	\$	468,260	\$	444,915	\$	447,000

Mountain Village water revenues are over budget in base water/sewer fees, irrigation fees, and snowmaking, but under in excess water charges. Ski Ranch & Skyfield revenues are under budget in excess water charges. Other revenues are on budget. TOT sewer expenditures are estimated and accrued but sewer consulting and legal costs are under budget. Mountain Village water expenses are under budget in personnel expenses, R&M, and water augmentation plan costs. Ski Ranch operations are under budget in legal expense and R&M. Capital costs are for Scada, land acquisition costs, infiltration remediation, regional sewer expense, and meter purchases.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Telluride Conference Center Fund									
Revenues									
Beverage Revenues	\$ 71,071	\$ 40,000	\$ 31,071	77.68%	\$ 80,000	\$ 8,929	\$ -	\$ -	\$ -
Facility Rental	80,800	120,000	(39,200)	-32.67%	240,000	159,200	-	-	-
Catering Revenues	68,731	90,000	(21,269)	-23.63%	180,000	111,269	-	-	-
Operating/Other Revenues	58,922	-	58,922	NA	-	(58,922)	-	-	-
Total Revenues	279,524	250,000	29,524	11.81%	500,000	220,476	-	-	-
Operating Expenses									
Beverage Operations	5,832	-	5,832	#DIV/0!	-	(5,832)	-	-	-
General Operations	241,890	316,090	(74,200)	-23.47%	632,179	390,289	3,748	-	-
Administration	46,755	77,758	(31,003)	-39.87%	300,000	253,245	74,182	39,966	37,513
Marketing	642	41,250	(40,608)	-98.44%	165,000	164,358	-	25,000	-
Contingency	-	-	-	NA	-	-	-	-	-
Total Operating Expenses	295,119	435,098	(139,979)	-32.17%	1,097,179	802,060	77,930	64,966	37,513
Surplus / Deficit	(15,595)	(185,098)	169,503	-91.57%	(597,179)	(581,584)	(77,930)	(64,966)	(37,513)
Capital Outlay/ Major R&R	9,468	63,000	(53,532)	-84.97%	1,350,000	1,340,532	-	-	-
Surplus / Deficit	(25,063)	(248,098)	223,035	-89.90%	(1,947,179)	(1,922,116)	(77,930)	(64,966)	(37,513)
Other Sources and Uses									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	25,063	248,098	(223,035)	-89.90%	1,647,179	1,622,116	77,930	64,966	37,513
Transfer From Tourism	-	-	-	NA	300,000	300,000	-	-	-
Total Other Sources and Uses	25,063	248,098	(223,035)	-89.90%	1,947,179	1,922,116	77,930	64,966	37,513
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

Expenses for the year are HOA dues, contracted services, utilities, supplies, janitorial expense, repairs/maintenance, and consulting. Revenue are shown net of related Cost of Goods sold. Budget spreads are generally allotted based on prior year activity, but TCC did not begin operations under the Town until May of last year. It was assumed 50% of budgeted revenues and related expenses would be incurred in the first quarter.

**Town of Mountain Village Monthly Revenue and Expenditure Report
March**

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Affordable Housing Development Fund									
Revenues									
Housing Application Fees	\$ 1,000	\$ 96	\$ 904	941.67%	\$ 2,900	\$ 1,900	\$ 250	\$ 750	\$ 1,970
Contributions	-	-	-	NA	2,500,000	2,500,000	-	-	-
Grant Proceeds	-	-	-	NA	-	-	-	-	-
Housing Mitigation Fees	105,719	21,727	83,992	386.58%	1,400,000	1,294,281	3,029	-	-
Interest Income	4,355	-	4,355	NA	-	(4,355)	-	-	-
Rental Income	11,305	32,163	(20,858)	-64.85%	113,736	102,431	12,012	11,700	14,180
Sale Proceeds	256,350	145,540	110,810	76.14%	800,000	543,650	400,000	-	-
Total Revenues	378,729	199,526	179,203	89.81%	4,816,636	4,437,907	415,291	12,450	16,150
Expenses									
Leased Properties	-	-	-	NA	-	-	-	-	3,780
Operating Expenses	70,308	69,099	1,209	1.75%	345,816	275,508	44,341	21,635	-
Norwood Property	-	-	-	NA	-	-	-	-	150
Meadowlark	116	-	116	NA	-	(116)	2,968	684,331	221
Ilium Property expenses	19,012	25,000	(5,988)	-23.95%	1,040,000	1,020,988	9,340	-	-
Town Owned Properties	14,937	2,198	12,739	579.57%	12,786	(2,151)	106	12,148	-
Future Housing/Density Bank	-	-	-	NA	-	-	2,819	33,838	8,635
RHA Funding	-	-	-	NA	-	-	-	-	-
YES Funding	-	-	-	NA	200,000	200,000	-	-	-
Purchase/Resale Units	-	-	-	NA	-	-	-	-	26,595
Total Expenses	104,373	96,297	8,076	8.39%	1,598,602	1,494,229	59,574	751,952	39,381
Surplus / Deficit	274,356	103,229	171,127	165.77%	3,218,034	2,943,678	355,717	(751,952)	(23,231)
Capital Outlay/ Major R&R	10,211	-	-	NA	-	(10,211)	-	-	-
Surplus / Deficit	264,145	103,229	171,127	165.77%	3,218,034	2,953,889	355,717	(751,952)	(23,231)
Debt Service									
Principal Payments	-	-	-	NA	205,000	205,000	-	-	-
Interest payments	-	-	-	NA	381,600	381,600	-	-	-
Admin Fees	-	-	-	NA	-	-	-	-	-
Total Debt Service	-	-	-	NA	586,600	586,600	-	-	-
Surplus / Deficit	264,145	103,229	171,127	165.77%	2,631,434	2,367,289	355,717	(751,952)	(23,231)
Other Sources and Uses									
Transfer (To) From MAP	-	-	-	NA	(63,500)	(63,500)	-	-	-
Lease Financing Proceeds	-	-	-	NA	-	-	-	-	-
Gain or Loss on Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund - Sales Tax	423,027	403,361	19,666	4.88%	979,596	556,569	271,619	287,472	438,754
Transfer (To) From VCA	-	-	-	NA	(613,807)	(613,807)	-	-	-
Transfer (To) From General Fund (Other)	-	-	-	NA	(1,918,631)	(1,918,631)	-	-	-
Total Other Sources and Uses	423,027	403,361	19,666	4.88%	(1,616,342)	(2,039,369)	271,619	287,472	438,754
Surplus / Deficit	\$ 687,172	\$ 506,590	\$ 151,461	29.90%	\$ 1,015,092	\$ 327,920	\$ 627,336	\$ (464,480)	\$ 415,523

Expenses consist of HOA dues, Ilium property expenses, and general operating costs. Operating expenses are over budget in legal cost. Town owned properties are over budget due to maintenance costs and HOA dues.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

Village Court Apartments

Operating Revenues

Rental Income	\$	876,192	\$	873,446	\$	2,746	0.31%	\$	3,677,661	\$	2,801,469	\$	604,888	\$	583,363	\$	562,212
Other Operating Income		36,934		32,237		4,697	14.57%		135,615		98,681		39,926		31,660		31,558
Total Operating Revenue		913,126		905,683		7,443	0.82%		3,813,276		2,900,150		644,814		615,023		593,770

Operating Expenses

Office Operations		47,797		53,638		(5,841)	-10.89%		240,506		192,709		29,147		47,444		43,635
General and Administrative		157,584		203,035		(45,451)	-22.39%		230,522		72,938		99,841		46,296		117,352
Utilities		96,665		101,287		(4,622)	-4.56%		390,290		293,625		100,951		124,209		98,497
Repair and Maintenance		161,162		204,866		(43,704)	-21.33%		828,282		667,120		135,147		118,641		113,967
Major Repairs and Replacement		15,951		28,700		(12,749)	-44.42%		167,800		151,849		17,113		30,387		15,046
Contingency		-		-		-	NA		14,500		14,500		-		-		-
Total Operating Expenses		479,159		591,526		(112,367)	-19.00%		1,871,900		1,392,741		382,199		366,977		388,497

Surplus / (Deficit) After Operations

Non-Operating (Income) / Expense

Debt Service, Interest		-		-		-	NA		336,198		336,198		-		-		-
Debt Service, Fees		350		-		350	NA		-		(350)		-		-		-
Debt Service, Principal		-		-		-	NA		452,079		452,079		-		-		-
Total Non-Operating (Income) / Expense		350		-		(350)	NA		788,277		787,927		-		-		-

Surplus / (Deficit) Before Capital

Capital Spending		-		-		-	NA		498,500		498,500		2,652,068		432,100		37,038
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Surplus / (Deficit)

Other Sources / (Uses)

Transfer (To)/From General Fund		(191,198)		(191,198)		-	0.00%		(191,198)		-		(191,198)		(191,198)		(53,402)
Town Contribution		-		-		-	NA		-		-		-		-		-
Sale of Assets		-		-		-	NA		-		-		-		-		-
Transfer to GF - Debt Service		-		-		-	NA		(1,077,208)		(1,077,208)		-		-		-
Grant Revenues		-		-		-	NA		-		-		-		-		-
Transfer From AHDF		-		-		-	NA		613,807		613,807		-		-		-
Total Other Sources / (Uses)		(191,198)		(191,198)		-	0.00%		(654,599)		(463,401)		(191,198)		(191,198)		(53,402)

Surplus / (Deficit)

Rent revenues are in line with budget. Rent revenues exceed 2024 revenues by 45% due to the 2025 rent increase and the addition of building 15 and 16 rents. Other revenues are over budget 14.6% due mainly to interest income and miscellaneous revenues. Office operations are under budget 11% primarily due to employee costs and dues and fees. General and administrative is under budget by 22.4% as a result of association dues yet to be paid and property insurance under budget. Utilities are under budget by 4.6% primarily due to water and sewer charges and waste disposal. Maintenance is under budget 21.3% due to employee costs and janitorial expense. MR&R expenses include carpet replacement, painting/staining, and appliances.

Town of Mountain Village Monthly Revenue and Expenditure Report
March

	2025						2024	2023	2022
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Debt Service Fund									
Revenues									
Abatements	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	-	-	-	NA	199,200	199,200	-	-	-
Miscellaneous Revenue	-	-	-	NA	-	-	-	-	-
Property Taxes	192,492	184,304	8,188	4.44%	487,092	294,600	213,404	223,228	217,219
Reserve/Capital/Liquidity Interest	1,348	388	960	247.42%	2,000	652	22	855	100
Specific Ownership Taxes	4,125	4,214	(89)	-2.11%	25,000	20,875	1,966	5,082	5,437
Total Revenues	197,965	188,906	9,059	4.80%	713,292	515,327	215,392	229,165	222,756
Debt Service									
2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG									
2001/2011 Bond Issue - Interest	-	-	-	NA	54,200	54,200	-	-	-
2001/2011 Bond Issue - Principal	-	-	-	NA	145,000	145,000	-	-	-
2006/2014/2020 Bonds - Heritage Parking									
2020 Bond Issue - Interest	-	-	-	NA	74,320	74,320	-	-	-
2020 Bond Issue - Principal	-	-	-	NA	390,000	390,000	-	-	-
Total Debt Service	-	-	-	NA	663,520	663,520	-	-	-
Surplus / (Deficit)	197,965	188,906	9,059	4.80%	49,772	(148,193)	215,392	229,165	222,756
Operating Expenses									
Administrative Fees	-	-	-	NA	8,048	8,048	-	4,733	681
County Treasurer Collection Fees	5,775	4,890	885	18.10%	14,799	9,024	6,287	6,697	6,516
Total Operating Expenses	5,775	4,890	885	18.10%	22,847	17,072	6,287	11,430	7,197
Surplus / (Deficit)	192,190	184,016	8,174	4.44%	26,925	(165,265)	209,105	217,735	215,559
Other Sources and Uses									
Transfer (To) From General Fund	(4,125)	(6,638)	2,513	-37.86%	(25,000)	(20,875)	(1,966)	(5,082)	(5,437)
Transfer (To) From Other Funds	-	-	-	NA	-	-	-	-	-
Payment to Refunding Bonds Escrow	-	-	-	NA	-	-	-	-	-
Proceeds From Bond Issuance	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(4,125)	(6,638)	2,513	-37.86%	(25,000)	(20,875)	(1,966)	(5,082)	(5,437)
Surplus / (Deficit)	\$ 188,065	\$ 177,378	\$ 10,687		\$ 1,925	\$ (186,140)	\$ 207,139	\$ 212,653	\$ 210,122
Beginning Fund Balance	\$ 310,480	\$ 337,226	\$ (26,746)						
Ending Fund Balance	\$ 498,545	\$ 514,604	\$ (16,059)						



AGENDA ITEM 6
TOWN MANAGER

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Mountain Village Town Council
FROM: Paul Wisor, Town Manager
DATE: April 18, 2024
RE: Department Updates & BaGAR

Executive Summary: Below is a summary of notable activity within each of the Town's departments. Please contact the Town Manager if this report raises any questions.

Public Works

Road & Bridge

The end of the ski season came with winter storms that kept the team busy with some high-intensity snowfall. As the temperatures rise and the roads dry out, the team is focusing on asphalt repair and parking garage cleaning. Road striping is planned to begin in early May around the Village and asphalt projects are planned to begin around May 12th.

Water

Water production is tapering off as we enter the off-season. The water meter replacement project is over 90% complete. The remaining meters to be swapped will be handled internally and with local plumbers.

Plaza Services

Spring snow has kept the crew busy in maintaining the plazas. The return of closing day concerts in Heritage Plaza also kept the crew on their toes and busy keeping things tidy. Off season projects including paver repair, landscaping and irrigation installations will begin as soon as the ground begins to soften.

Facility Maintenance

Lower See Forever boilers have been replaced and helped keep the snow at bay through the end of the season. Miscellaneous projects will keep the team busy through the off-season as freedom to work in otherwise high-traffic areas can be executed. End of season turnover and spring clean up continue to keep the team at VCA busy.

Vehicle Maintenance

VM continues to be kept busy with keeping our winter equipment operational and normal flow of vehicle services. As we transition into spring, the team will be working to ensure our summer equipment is ready to go and our winter equipment is serviced and sent back out with their summer kit.

Transportation/Parks & Rec

Parking

With the close of the ski area, parking operations have transitioned to summer rates and policies. Phase 3 of the structural steel painting project at the Gondola Parking Garage (GPG) will begin on Level 5 in early June. Summer utilization in GPG is expected to increase significantly due to the permanent closure of the Pond and 161 lots, a result of the Four Seasons construction project.

Gondola / Bus

The gondola closed for the shoulder season on April 7 and is scheduled to reopen on Thursday, May 22 for summer operations. SMART bus service between the Town of Mountain Village (TMV) and the Town of Telluride (TOT) began on April 7.

Gondola ridership in March decreased by 18.11% compared to 2024 (44,126 riders vs. 53,888). Total winter season ridership was down 2.94% compared to the 2023–2024 season (1,420,362 vs. 1,463,328). Year-to-date ridership has decreased 2.84% compared to the previous year. Maintenance crews are currently performing routine bi-annual safety inspections and addressing larger maintenance tasks that cannot be completed during the operating season.

The operations team is also deep cleaning station areas, storing winter uniforms, and completing other seasonal transition tasks. Additionally, The Weitz Company has commenced work on the slope stabilization project above Station 4.

Parks and Recreation

The Nordic trail system remained in use through the end of the ski season, with periodic grooming as conditions allowed. The ice rink operated on weekends with evening hours through closing day.

During this time, structural issues were identified in the catch basin and melt pit used for Zamboni shavings and snow removal. Temporary shoring was installed to prevent failure, but the basin will need to be removed and rebuilt this summer. The repair will include improved drain system designs and enhanced catch basin wall construction to permanently resolve this issue.

Planning continues for the upcoming trail-building, biking, and pedestrian improvement season. Additionally, the climbing boulder in Conference Center Plaza is scheduled for removal prior to Memorial Day weekend.

Clerks

The Clerks are in full prep mode for the upcoming election on June 24, 2025. We are fine tuning the election database and working closely with Voter Magic to master the new system. The two information sessions held on Thursday, March 20th from 12:00-1:00 p.m. and the second is Monday, March 24th from 6:00 to 7:00 p.m. were very well attended with several interested candidates. At this time, we have 4 candidates who have submitted their paperwork. The deadline to declare candidacy is May 9th and the deadline to register to vote is May 23rd. Voter verification cards will be mailed in the week of May 5th.

Human Resources

Human Resources Generalist, Ashley Bulk and Transit Recruiting Coordinator, Wolfgang Perkins, successfully completed all seasonal employee offboarding and employee housing move-outs. Wolfgang and Ashley are already moving towards Gondola's next season with interviewing and coordinating summer seasonals. Other summer seasonal hiring has been going well for forestry, parks and plaza services.

Our first round of performance review, aka Annual Success & Development Collaborative Plan, check-ins were completed throughout the organization in April. The next formal check-in is scheduled for September. HR best practice for successful annual reviews tout frequent check-ins as the catalyst for driving successful goal achievement because they foster clarity, alignment, and continuous improvement through constant feedback. Our new process involving check-ins has transformed performance management from an annual box-checking exercise into an ongoing, meaningful dialogue that helps people do their best work.

Police

The police department's calls for service increased slightly in March, totaling 513 calls. This included 8 traffic contacts, 5 motor vehicle crashes, and a hit-and-run. In one of the crashes, the driver was cited for driving without a valid driver's license or proof of insurance. During another traffic contact, an active warrant was discovered, leading to the driver's arrest.

We also had 20 active investigations, including the following cases; Responded to a disturbance at Big Billie's. While no charges were filed, we helped solve a cold theft case from Telluride using evidence found at the scene. In another disturbance at a gondola station, the suspect was issued a summons for harassment, disorderly conduct, and criminal mischief.

There was a reported theft of a Rolex watch from a guest staying in a local hotel. A sex assault case that is still active and gathering more information. Multiple local teens entered and slept in an unlocked house for a couple of weeks. The primary suspect was issued a summons for trespassing. A person was arrested for violating a restraining order, and another person was arrested for third-degree assault and harassment (domestic violence) at a hotel.

We have several active fraud investigations, including a resident involved in a fraud where \$195,000 was stolen from a phishing scam. Another victim paid \$9500 from a scam phone call, and a third victim paid \$500 from a scam email. We also had a report of a person paying \$1500 to purchase an item on Facebook Marketplace and never receiving it.

The Mountain Village Police Department is the first agency to launch Policy Chat as part of the Axon software bundle. This tool provides immediate, citation-backed responses to inquiries about department policies, enhancing compliance and operational efficiency. Although still in the development phase, officers will soon access this information through their body-worn cameras. In other policy-related news, Lexipol recognized us for excellence in policy management and training in 2024. Lexipol provides us with policy management, training, and wellness solutions. The Lexipol Connect program tracks performance based on five metrics proven to measure success in policy management. The Mountain Village Police Department achieved Gold, the highest level of recognition offered, for consistent and effective policy dissemination to personnel, timely policy updates as laws change, and officer training on policies. This marks the third consecutive year we have been recognized at the Gold Level.

For training in March, CSOs Marchand and Delgado attended a 40-hour Field Training Officer class to further enhance their leadership skills. Sgt Moir completed the Standardized Field Sobriety Test (SFST) instructor recertification class and then recertified all our officers in SFST. Sgt Moir also recertified the entire staff in CPR/First Aid/AED. Officer Fabian participated in a 40-hour Crisis Negotiation Training. This builds on the initial Crisis Intervention training that all staff have attended.

We would like to recognize and thank Jodi Miller for her dedication and service to the Town of Mountain Village, its citizens, workers, and guests, and the police department over the last twenty-two and a half years. Jodi will be retiring on April 30th.

Economic Development and Communications

Economic Development

The Town supported the facilitation of a great closing weekend, including well attended events in the Village Center and the “Purple Party”, which was hosted by TMOVA and TSG and featured a Prince cover band.

The Plaza Vending Committee met and approved applications for summer vending from Latin Creations and Mr. Churro.

Summer planning is ongoing, particularly for Market on the Plaza. Applications closed on March 31, and we continue to see significant interest and excitement for this perennial event. Twenty-seven new vendors applied to be a part of the Market, compared to sixteen last year. Vendor selections will take place in the coming weeks and we’re looking forward to another great season with some exciting new options.

Communications / Public Information

The communications department was thrilled to release our second Town of Mountain Village Annual Report, in collaboration with our new communications firm, Slate Communications. This report highlights the great work and projects that were completed by the Town in 2024.

Staff is working together with regional jurisdictions to launch a Regional Housing Needs Assessment page on SMRHA’s website.

In collaboration with the Clerk’s department, staff is working to finalize document accessibility and is transitioning archive documents to PaperVision to meet State of Colorado accessibility rules before the July 1 deadline.

Telluride Conference Center

Staff at the TCC is focusing on deep cleaning and preparations for the upcoming summer season. Paint and Carpet upgrades are set to begin this month and will provide a meaningful improvement to all front-of-house areas in the facility.

Sales efforts continue, including the recent signing of a two-year agreement with the Telluride Film Festival (TFF) for their annual event. Notably TFF will continue to host the “After the Film Festival” screenings at the TCC in 2025 and 2026, which offers a great opportunity for the community to catch some of the notable films in the days following the festival.

IT

IT has successfully removed the Mountain Village public Wi-Fi system. The new Vendor Market and Music World networks are up and running. A few more additions to this new network are still required but all in all the major upgrade is done. In the next couple weeks, IT will be shutting down the Mountain Village public Wi-Fi internet connection saving TMV \$500 per month in expense. The Vendor Market Wi-Fi network will act as a network backup for merchants participating in Market on the Plaza. Music World will provide Wi-Fi access for music control in the Mountain Village core area and Sunset Plaza. The Music World system will also allow for emergency public service announcements in these areas. IT continues to work on the May 14th tabletop ransomware exercise. The Verkada camera and access control project is underway. This new system continues to work well.

Munchkins

Over the past few weeks, Munchkins has experienced several staff transitions. Most notably, Jordan, our lead preschool teacher, has relocated back to Arizona. We’re incredibly grateful for her contributions and wish her all the best in her new chapter.

In response, we've recently welcomed a few new childcare assistants to our team and are currently in the process of hiring a new lead preschool teacher to fill the position left by Jordan.

We're excited about the fresh energy and new perspectives these team members will bring. Spring Break has been a valuable time for our center — allowing us to catch our breath, deep clean, rearrange spaces, and prep for the busy summer months ahead. It's also been a great opportunity for our staff to focus on completing required courses and professional development.

Town Manager

Ilium Housing

Council is reviewing the final MOU with the Ilium Park Owners Associated related to shared water infrastructure for a final time in April. The IPOA reviewed Mountain Village initiated edits to the MOU at their April meeting. This will be a meaningful step towards securing the necessary infrastructure for our long-term goal of building additional housing in Ilium. The IPOA has been a willing and cooperative partner sharing in our long-term vision in the Ilium Valley and I (Michelle Bulson on behalf of the Town of Mountain Village) would like to personally thank them for sharing our regional vision and being both good stewards and partners.

Ilium Wastewater

Approving a Memorandum of Understanding between the Alexander Family, the County and Mountain Village is our next step prior to submitting the necessary applications to the county to perfect the land entitlements for a future critical facility, a regional wastewater treatment plant. This is on our April agenda and also on the County's April agenda. Staff is prepared to prioritize the applications next so that we can begin the public review process with San Miguel County this spring/summer.

Housing Needs Assessment

The San Miguel County Regional Housing Authority on behalf of the Town of Telluride, San Miguel County and the Town of Mountain Village continues to work with EPS towards production of a final draft and final public comment period. Collectively we produced a forward-facing web page for the public that shows the timeline of work on this study, associated milestones and a resource page for work product to date. This lives on the SMRHA website. The housing needs assessment will be organized slightly differently than years past so that it follows the guidelines of SB-174. Organized as such, could allow us regionally to be eligible for additional financial resources for housing. Although we had all hoped it would have been completed sooner, with leadership transitions at the SMRHA, and reorganizing the assessment to follow SB-174 ended up impacting the timeline. A more definitive timeline of completion should be forthcoming in late April early May.

Housing

- Village Court Apartments: VCA staff are currently working through unit turnovers following the end of the ski season, with additional opportunities opening up for applicants that have been on the waitlists for units. There are currently 187 applicants on the 3 waitlists for VCA (some of which are duplicate applicants). Sierra is working part time at VCA due to the recent departure of the Rental Properties Coordinator. Work will commence on asphalt repair and replacement in the VCA parking lot during May and early June. The VCA bus stop is open and fully operational, and a ribbon-cutting is tentatively scheduled within the next month or so.
- Website: Staff is working with our Communications team to improve information on the Town's website along with our application forms and processes. It is our hope to have significant updates provided on the website by the beginning of July, including clearer online application forms in both English and Spanish that will improve staff processing times. It is our anticipation that this update will also assist in the biennial deed restriction compliance check that the Town will be performing in the fall.
- Deed Restrictions: The Town recently assisted in a real estate transaction for a deed-restricted unit in the Meadows for a final sales price of \$2.4M. It is staff's belief that this represents a new price threshold in Mountain Village that should be monitored going forward. Staff is also assisting in a deed-restricted transaction for the library district and is monitoring other potential deed-restricted sales within Mountain Village.



Business and Government Activity Report For the month ending: March 31st

Activity - Village Court Apartments	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Occupancy Rate %	94.90%	0.00%	94.64%	96.82%	-0.45%	97.42%	-2.78%	-2.9%
# Vacated Units	2	(2)	7	3	1	6	1	16.7%
# Work Orders Completed	19	(13)	103	25	3	67	36	53.7%
# on Waiting List	187	(19)		160	(2)		27	16.9%
Activity - Public Works	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Service Calls	518	87	1,390	607	141	1,681	(291)	-17.3%
Truck Rolls	96	36	228	105	9	247	(19)	-7.7%
Snow Fall - Inches	43	6	115	62	6	164	(49)	-29.9%
Water Billed Consumption - Gallons	8,371,000	1,153,000	54,262,000	9,245,000	276,000	67,279,000	(13,017,000)	-19.3%
Sewage Treatment - Gallons	11,742,000	2,036,000	30,628,000	10,347,000	1,240,000	28,864,000	1,764,000	6.1%
Activity - Child Development Fund	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
# Infants Actual Occupancy	10.60	0.05		6.23	(1.04)		4.36	70.0%
# Toddlers Actual Occupancy	9.35	0.00		9.97	1.04		(0.62)	-6.2%
# Preschoolers Actual Occupancy	12.05	(0.21)		14.34	0.00		(2.29)	-16.0%
Activity - Transportation and Parking	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
GPG Parking Utilization (% of total # of spaces occupied)	71.8%	0.00%	68.4%	78.80%	1.20%	74.6%	-6.2%	-8.3%
HPG Parking Utilization (% of total # of spaces occupied)	68.4%	0.80%	63.8%	53.70%	-4.10%	53.5%	10.3%	19.3%
Parking Utilization (% of total # of spaces occupied)	61.4%	0.20%	58.6%	65.80%	-0.60%	63.3%	-4.7%	-7.4%
Bus Routes - # of passengers	0	0	0	0	0	0	0	NA
Paid Parking Revenues	\$123,630	(\$8,066)	\$347,730	\$121,778	(\$3,102)	\$369,470	(\$21,740)	-5.9%
Activity - Human Resources	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
FT Year Round Head Count	100	(3)		96	(3)		4	4.2%
Seasonal Head Count (FT & PT)	4	0		4	0		0	0.0%
Gondola FT YR, Seasonal, PT YR Head Count	54	(5)		51	(1)		3	5.9%
Total Employees	158	(8)		151	(4)		7	4.6%
Gondola Overtime Paid - Hours	134	63	400	370	61	982	(582)	-59.3%
Other Employee Overtime Paid - Hours	146	75	386	170	7	453	(67)	-14.8%
Total # New Hires	1	(1)	7	2	2	9	(2)	-22.2%
# Terminations	4	1	9	2	(3)	11	(2)	-18.2%

Seasonal EE's: Gondola Ops, Parking, Plaza Services, 1 Vehicle Mtn Intern New Hires: 1 Childcare Assistant Terms: 1 Childcare Assistant, 1 Lead Teacher, 2 seasonal Gondola Operator Reason for Terms: 2 terminations, 1 resigned (still in area), 1 moved out of area

Activity - Communications & Business Development	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Town Hosted Meetings	7	1	19	6	0	20	(1)	-5.0%
Email Correspondence Sent	16	4	44	17	2	60	(16)	-26.7%
E-mail List - #	8,384	(39)		8,439	(64)		(55)	-0.7%
Ready-Op Subscribers	2,245	(11)		2,203	0		42	1.9%
News Articles	88	71	59	16	0	52	7	13.5%
Press Releases Sent	2	1	6	2	2	4	2	50.0%
Activity - Gondola and RETA	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Gondola # of Passengers	377,319	25,266	1,038,870	390,671	35,336	1,060,809	(21,939)	-2.1%
Chondola # of Passengers	37,352	3,490	107,595	36,152	897	112,266	(4,671)	-4.2%
RETA fees collected by TMVOA	\$ 1,014,167	\$ 691,487	\$ 1,965,728	\$ 469,155	\$ (922,245)	\$ 2,845,845	(\$880,117)	-30.9%
Activity - Police	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Calls for Service	513	17	1,587	547	12	1,656	(69)	-4.2%
Investigations	20	5	62	30	4	71	(9)	-12.7%
Alarms	12	(17)	59	9	(5)	35	24	68.6%
Arrests	3	0	10	7	4	10	0	0.0%
Summons	2	(1)	9	3	0	7	2	28.6%
Traffic Contacts	8	4	31	9	(2)	37	(6)	-16.2%
Traffic Tickets Written	2	1	4	4	4	7	(3)	-42.9%
Parking Tickets Written	316	(232)	1,484	669	210	1,787	(303)	-17.0%
Administrative Dismissals	28	(12)	124	82	26	230	(106)	-46.1%



Business and Government Activity Report For the month ending: March 31st

Activity - Building/Planning	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Community Development Revenues	\$723,437	\$716,638	\$946,770	\$550,746	\$340,363	\$885,807	\$60,963	6.9%
# Permits Issued	24	13	47	12	(6)	43	4	9.3%
Valuation of Mtn Village Remodel/New/Additions Permits	\$3,133,833	\$761,863	\$12,966,626	\$12,693,183	(\$28,705,774)	\$57,326,080	(\$44,359,454)	-77.4%
Valuation Mtn Village Electric/Plumbing/Other Permits	\$44,301	(\$30,699)	\$199,301	\$122,370	\$59,870	\$225,946	(\$26,644)	-11.8%
# Inspections Completed	367	113	912	218	61	555	357	64.3%
# Design Review/Zoning Agenda Items	9	0	30	10	(12)	42	(12)	-28.6%
# Staff Review Approvals	55	23	119	47	27	108	11	10.2%
Activity - Vehicle Maintenance	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
# Preventive Maintenance Performed	23	13	51	20	7	51	0	0.0%
# Repairs Completed	31	7	102	31	9	77	25	32.5%
Special Projects	1	0	6	2	(2)	10	(4)	-40.0%
# Roadside Assists	0	0	0	0	0	0	0	NA
Activity - Finance	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
# Other Business Licenses Issued	41	3	1,178	33	8	1,179	(1)	-0.1%
# Privately Licensed Rentals	2	0	94	2	0	93	1	1.1%
# Property Management Licensed Rentals	2	1	527	0	(5)	532	(5)	-0.9%
# Unique Property Advertisements Listings for MV	na	NA		685	63		NA	NA
% of Paperless Billing Customers	62.80%	0.84%		59.80%	-5.43%		3.0%	5.0%
# of TMV AR Bills Processed	1,113	(7)	3,356	1,092	(1206)	3,291	65	2.0%
Activity - Telluride Conference Center	2025 MONTH	Monthly Change	2025 YTD	2024 MONTH	Monthly Change	2024 YTD	YTD or MTD Variance	YTD or MTD Variance %
Number of Leads	12	2	30	na	NA	na	NA	NA
Leads Turned Down/Lost	6	4	10	na	NA	na	NA	NA
Contracts Requested	2	-1	7	na	NA	na	NA	NA
Contracts Executed	1	0	3	na	NA	na	NA	NA
Actual Revenues (Gross)	\$69,956	-\$154,630	\$316,374	na	NA	na	NA	NA
Contracted Base Revenues	\$46,200	-\$118,702	\$230,342	na	NA	na	NA	NA
Revenues Above Contracted	\$23,756	-\$35,928	\$86,032	na	NA	na	NA	NA
Revenues Above Contracted - %	51.4%	51.4%	37.3%	na	NA	na	NA	NA

TCC Contracted Activity	2025	2026	2027
Number of Contracted Events	15	5	1
Contracted Base Revenue	\$ 331,131	\$ 160,924	\$ 49,245
Budgeted Revenue	\$ 500,000	na	na
% of Budget Revenue Contracted	66%	na	na
Number of Tentative Events *	8	8	1
Tentative Base Revenue	\$ 105,972	\$ 207,338	\$ 16,710

*Events are listed as tentative when a contract has been requested is not executed.

Accounts Receivable							Other Stats	
	TMV Operating Receivables (includes Gondola funding and childcare)		Utilities - Water/Sewer		VCA - Village Court Apartments			
Current	\$632,638	86.3%	356,590	93.9%	\$10,138	67.7%		
30+ Days	22,496	3.1%	14,884	3.9%	(535)	-3.6%		
60+ Days	5,326	0.7%	4,141	1.1%	2,511	16.8%		
90+ Days	1,193	0.2%	1,956	0.5%	2,855	19.1%		
over 120 days	71,350	9.7%	2,073	0.5%	-	0.0%		
Total	\$ 733,003	100.0%	\$ 379,644	100.0%	\$ 14,969	100.0%		
	Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR			
Current	\$4,744	78.4%	\$ 1,004,110	88.6%	\$ 570,070	97.5%		
30+ Days	1,290	21.3%	38,135	3.4%	8,332	1.4%		
60+ Days	20	0.3%	11,998	1.1%	2,597	0.4%		
90+ Days	-	0.0%	6,004	0.5%	(4,850)	-0.8%		
over 120 days	-	0.0%	73,423	6.5%	8,758	1.5%		
Total	\$6,054	100.0%	\$ 1,133,670	100.0%	\$ 584,907	100.0%		

Population (estimated) 1,434
(Active) Registered Voters 695
Assessed Property Valuation 438,821,785



TOWN MANAGER'S DEPARTMENT
455 Mountain Village Blvd.
Mountain Village, CO 81435
Agenda Item 7

TO: Town of Mountain Village Town Council
FROM: Michelle Haynes, Assistant Town Manager, on behalf of the Town of Mountain Village
FOR: April 24, 2025
DATE: April 16, 2025
Memo: Consideration of Approval of a Memorandum of Understanding (MOU) Between Mountain Village and the Ilium Park Owners Association (IPOA) for shared water infrastructure, as revised.

Executive Summary: The IPOA reviewed the MOU at a board meeting in January of 2025 with Town review in February. Staff, our water attorney, Garfield and Hecht and Eric Bikis with SGM reviewed the MOU and provided critical clarification regarding the legal and wet water elements, which led to substantive changes to the MOU, primarily, removal of reference to tap fees (explanation below). The final draft of the MOU is attached and has been approved by the IPOA in its current, redlined form in April, and is presented for the Town's final review today.

ATTACHMENTS

Exhibit A: Draft revised MOU, redlines are those recommended by the IPOA attorney
Exhibit B: An overview of key goals and concepts associated with the execution of the MOU.

OVERVIEW

On April 3rd, the IPOA met to consider a few additional edits to the MOU initiated by the Town of Mountain Village after we had our water attorney, Chris Geiger, and Garfield and Hecht re-review the draft MOU that you reviewed and approved in February.

The attached draft, see exhibit A, reflects the MOU as revised by Town staff and includes redline edits proposed by the IPOA attorney that the town can review, discuss, accept, or reject.

- The substantive changes from your last review in addition to the IPOA attorney recommended edits include a revision to the purchase of tap fees. Since the IPOA cannot legally provide water outside of their boundary or for uses beyond those included in the water court decrees for their wells, the Town cannot use IPOA water rights to serve its housing project. Instead, the Town must obtain its own decreed water rights for the project, which will be decreed to and administered through the IPOA well structures. Because we will not be using IPOA water, we do not have to pay tap fees. However, once our housing is constructed, our water will be treated and distributed through the IPOA's infrastructure, making the Town a water user that must pay fees consistent with those charged to the existing users to cover the costs associated with the distribution, treatment and upkeep of the existing infrastructure owned by the IPOA.
- Reference to the shared infrastructure agreement remains and is critical to the long-term vision of a unified water treatment facility in Ilium and our housing development.

- The Town also always intended to pay for the second water storage tank. Whether it benefits the IPOA or not is somewhat immaterial because it will benefit the overall redundancy and system to which our project will connect. That being said, staff has no issue with the IPOA edits to this section as the intention all along was that we would pay for the second water storage tank, which is reflected in redline attached.
- As shown in redline, the final edit requested by the IPOA is that upon a Certificate of Occupancy for our first home in Ilium, we would reimburse the IPOA for ½ of the piping costs incurred by IPOA to connect well #2 to the treatment facility. This is a reasonable request because water serving the Project will likely be sourced, in part, from well #2.

SUBSTANTIVE CHANGES TO THE MOU

Staff indicated if substantive changes were to occur once the IPOA re-reviewed the MOU, we would bring the MOU back to you for your review and approval.

The IPOA intends to begin to drill the well in May, so staff recommends approval of the MOU so that it can be in place before the drilling begins.

There may be an associated access easement we'll need to perfect once the well is drilled which we can handle at the staff level between the IPOA and the Town of Mountain Village.

As a reminder the Key Goals of the MOU are as follows:

- Collaborate on shared water infrastructure.
- Transition from IPOA's package wastewater plant to a future regional wastewater treatment plant (WWTP).
- Ensure legal and physical independence of water rights while sharing infrastructure.

RECOMMENDED MOTION

I recommend the approval of the Memorandum of Understanding with the Ilium Park Owners association attached as Exhibit A.

/mbb

EXHIBIT A. MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into on _____, 2025 (“Effective Date”), by and between the TOWN OF MOUNTAIN VILLAGE (the “Town”), a Colorado home rule municipality, and the ILIUM PARK OWNERS ASSOCIATION (the “IPOA”), a Colorado nonprofit corporation. The Town and IPOA may be referred to individually as a “Party” or collectively as the “Parties.”

RECITALS

A. The IPOA is a deed-restricted community comprised of approximately 70 units located in unincorporated San Miguel County, Colorado, just west of Telluride (“Community”). The IPOA holds Decrees in Cases No. 93CW161, 93CW163 and 04CW175 which collectively confirm water rights for, and allow the operation of, three wells to serve the Community; these wells are named Ilium Well No. 1, Ilium Well No. 2 and Ilium Well No. 3. Ilium Well No. 1 and Ilium Well No. 2 have not been constructed. Ilium Well No. 3 was constructed under the IPOA’s well permit No. 64932-F adjacent to 63L commonly called Ilium Road, and provides potable water to the Community. The IPOA’s package wastewater treatment plant (“Package Plant”) is housed in the building next to Ilium Well No. 3.

B. The Town intends to construct primarily a workforce housing project, (“Project”) located on property near the Community on real property owned by the Town and described on Exhibit A (the “Town Property”).

C. Along with the Town of Telluride, the Town intends to form a regional wastewater authority (“Authority”) and construct a new regional wastewater treatment facility (“WWTP”) for the purpose of serving both towns, the Town Property, the Community, and other properties, all of which is subject to ongoing negotiations between the two towns and is not guaranteed.

D. The Parties have been negotiating potential terms and conditions of an agreement whereby the IPOA would (i) abandon the existing Package Plant, and in conjunction with such abandonment, be serviced instead by the new Authority and WWTP, (ii) share the Ilium Well No. 3 infrastructure and treatment and distribution system to deliver water to the Project, and (iii) work with the Town to construct Ilium Well No. 2 and connect it to the shared water distribution system serving both the Community and the Project.

E. The Parties desire to enter into this MOU to memorialize their present intentions and plans to continue working together towards the execution of an agreement, as outlined below.

TERMS

1. Well Infrastructure. As explained in Section 2, the Town will obtain new groundwater rights to serve the Property and will not utilize water under any IPOA Decrees to serve the Project. Because the Town’s new water rights will be decreed to and operated through Ilium Well No. 1, Ilium Well No. 2, and Ilium Well No. 3, the Parties intend to share the existing Ilium Well No. 3 infrastructure and water distribution and treatment infrastructure and if constructed, the Ilium Well No. 2 and Ilium Well No. 1 infrastructure (collectively, the “Well

Infrastructure”). Subject to the terms of the agreement contemplated herein, the Parties anticipate sharing certain of the Well Infrastructure costs as follows:

- a. The cost of the construction of Ilium Well No. 2 will be split equally (50% to be paid by each of the IPOA and the Town). The Town’s share of these expenses shall be solely for the permitting, drilling, testing, and construction of Ilium Well No. 2 and will be credited towards the Town’s share of operation, maintenance, repair, and replacement costs as determined under the final agreement described in Section 3.
- b. If the IPOA desires to connect Ilium Well No. 2 to the IPOA’s water system for redundancy purposes or otherwise prior to the Town’s need to utilize water produced from Ilium Well No. 2 for the Project, the IPOA shall bear the costs of such connection, including the installation of piping, power connection, and integration of Ilium Well No. 2 into the treatment system. Upon the issuance of the first Certificate of Occupancy for a home in the Project, the Town shall reimburse IPOA for ½ of the cost piping used to connect Ilium Well No. 2 to the treatment system.
- c. Upon completion, the Parties will share the costs of maintenance and monitoring for Ilium Well No. 3 and Ilium Well No. 2 equally.
- d. Town shall bear all costs to connect the Project to the Well Infrastructure.
- e. The Parties shall split equally the cost of pumps for Ilium Well No. 2 and Ilium Well No. 3 if both wells ultimately serve both the Community and the Property, provided that if the Town needs or desires a well pump of greater capacity than would be required to serve 200% of the IPOA’s needs, the Town shall bear the marginal costs of oversizing the well pump.

To the extent that Ilium Well No. 3 and/or proposed Ilium Well No. 2 may be located outside of any existing easement on the Property, the Parties agree to cooperate to provide for appropriate easements and to vacate any unnecessary easements on their respective properties. The Party that pays or advances any shared costs shall promptly invoice the other Party for its share which shall be payable within 30 days of the receipt of the invoice.

2. Water Court Process. The Town, at its expense, intends to apply to the Water Court to obtain new groundwater rights to be decreed at and operated through Ilium Well No. 1, Ilium Well No. 2, and Ilium Well No. 3 to provide for water service for the Project and an augmentation plan for the new water rights. The Parties will share the Ilium Well No. 3 and Ilium Well No. 2 Well Infrastructure and may construct and share Ilium Well No. 1 in the future if they mutually agree. The IPOA agrees that it shall cooperate, at no additional cost, with the Town on any applications which the Town deems necessary to comply with the terms of this MOU and shall not file any opposition or protests with the water court concerning same. The Town will be responsible for obtaining and paying for any new water rights augmentation contract from Trout Lake or other sources to support the water supply necessary for the Project, and any amended or new well permit(s) associated with its water court application.

3. Agreement. The Parties agree to continue negotiations of an agreement in good faith including, but not limited to, addressing the issues outlined herein, with the goal of reaching agreement on all material terms by the end of 2025. Outstanding issues include without limitation: whether Authority or Town Facility (defined below) will provide wastewater services; the amount of capacity needed and reserved for the Community; how many units the Town will construct for the Project; and the allocation of cost-sharing for the operation, maintenance, repair, and replacement of the Well Infrastructure and related potable water facilities including the cost of constructing and permitting Ilium Well No. 2.

4. Storage Tank. At such time as the phased deed-restricted housing is constructed in Ilium Valley, the existing water storage tank would also serve the Project, as needed, provided that any use by the Town will leave sufficient capacity in the existing tank for the IPOA's needs including reserved capacity for fire flows. The Parties agree to cooperate in the planning, design and future construction of a second storage tank to provide additional capacity to serve the Project which second Storage Tank may have incidental use for redundancy purposes that may benefit IPOA. However due to the limited benefits of the second tank to IPOA, such benefits shall not be deemed material in nature.. The cost of design and construction of the second tank will be borne solely to the Town. Pending mutual agreement on cost-sharing, the Town agrees to bear the initial costs of planning and design for the second tank. The Parties will also cooperate to determine an appropriate location of the second tank in the general vicinity and elevation of the existing tank on property owned or controlled by either Party. The timing of construction of the second tank will be determined based on actual need in consultation with a qualified and licensed Colorado engineer.

5. Support for Project and WWTP. Considering the importance of affordable housing and the potential for WWTP to become a regional solution for wastewater needs and service, and the layers of review and approval needed to make the Project and the WWTP a reality, the Parties acknowledge the importance of demonstrating support for the efforts described in this MOU and will endeavor to do so. The IPOA shall support, at no additional cost, the Project and the WWTP with San Miguel County and CDPHE.

6. Wastewater Service to Community. The IPOA intends to abandon the Package Plant in exchange for service by the Authority from the new WWTP. The Town is under contract to purchase the property on which the new WWTP is to be located and is in negotiations with other local governments to form the Authority. The IPOA will become a customer of that Authority, and a certain amount of capacity at the WWTP will be reserved for the Community. The IPOA intends to contract with the Authority regarding said service. In the event that negotiations to form the Authority fail, the Town intends to construct its own wastewater treatment facility ("Town Facility"), the IPOA will become a customer of the Town, and the Town Facility shall reserve capacity to serve the Community. It is the intent of the Parties that the IPOA would be charged the same rates for sewer service as will be applied to residences and structures to be developed within the Town Property, whether from the new WWTP or a Town Facility. The Parties acknowledge that the Authority, if created, will be the rate-setting authority for the WWTP and will need to consent to any agreement between the IPOA and the Town as to sewer rates.

7. System Maintenance Costs. Because the Town will not be using any IPOA water supply to serve the Project, the Town is not required to pay any tap fees to the IPOA. Instead, the agreement referenced in Section 3, above, will address the Parties' respective obligations regarding Well Infrastructure and other system operation, maintenance, repair, and replacement costs and credits to the Town for the same as provided above.

8. Effect of MOU. The purpose of this MOU is to reflect the present intentions of the Parties but not to be a binding contract. Either Party may terminate this MOU at any time by sending written notice to the other Party. This MOU and the agreement contemplated herein are subject to the Town's verification of all well permits and decrees listed herein, the financial viability of the Project, or otherwise necessary to accomplish the goals of this MOU. The Parties agree to work together in good faith to prepare binding contracts and other documents as may be necessary to carry out their intentions as set forth above.

9. Future Agreements. The Parties desire to leave open the possibility of future agreements. The Parties may wish to create an association or other form of joint entity to manage the shared water system upon development of the Project and agree to negotiate in good faith on such matters. Future agreements may address the ownership of assets, division of ongoing maintenance obligations, and other topics related to the administration of the terms herein.

10. Assignment. The terms of any agreement reached between the Town and IPOA shall apply to any and all successors and assigns of the Town with the same force and effect that such terms apply to the Town.

TOWN OF MOUNTAIN VILLAGE

ILIUM PARK OWNERS ASSOCIATION

By: _____
Name:
Title:

By: _____
Name:
Title:

ATTEST:

ATTEST:

Town Clerk

Secretary

**EXHIBIT A
TOWN PROPERTY**

[to be inserted with execution of the document]

EXHIBIT B. OVERVIEW OF THE BACKGROUND AND TERMS OF THE MOU

BACKGROUND

1. Land Acquisition & Zoning

- **TMVHA** purchased **56.5 acres** in Ilium Valley from the Alexander family in **Fall 2023**.
- Property is zoned for **Community Housing**, located **outside** the Mountain Village municipal boundary in **San Miguel County**.

2. Project Vision

- Town Council considers this a **long-term, phased regional housing development**.
- **Ilium Valley** selected due to:
 - Available land.
 - Proximity to **Telluride** and **Mountain Village**.

3. Initial Development Focus

- First priority: **Establish water and wastewater facilities**.
- **Town** and **IPOA** see **mutual benefit** in sharing current and future infrastructure.

4. MOU Review Process

- **Infrastructure Committee** reviewed and provided feedback on the MOU.
- **IPOA Meeting (Jan 6, 2025)**:
 - Held in open and executive session.
 - General agreement reached on current MOU terms.
- **Town Council**:
 - Reviewed MOU in **February**.
 - Awaiting **IPOA's April edits**.
 - If accepted, Town Council will re-review on **April 23rd**.

5. Legal Review & Revisions

- Reviewed by the **Town's water attorney** and **assistant town attorney**.
- Key clarification:
 - IPOA cannot legally provide water outside its boundary without amending its decrees.
 - **MOU revised** to specify a **shared infrastructure agreement**, not a water rights transfer.
 - Will further detail how **separate water sources** are managed both **legally and physically**.

OVERVIEW OF THE REVISED MOU

Parties Involved:

- **Town of Mountain Village** – Developing workforce housing on nearby property.
- **Ilium Park Owners Association (IPOA)** – A 70-unit deed-restricted community with existing water and wastewater infrastructure.

Key Goals:

- Collaborate on shared water infrastructure.
- Transition from IPOA's package wastewater plant to a future regional wastewater treatment plant (WWTP).
- Ensure legal and physical independence of water rights while sharing infrastructure.

Water Infrastructure & Cost Sharing:

- **Town will obtain its own groundwater rights** and will not use water under IPOA's existing decrees.
- **Shared Infrastructure**: Ilium Wells No. 1, 2, and 3 (existing or to be constructed).
- **Well No. 2 Construction Costs**: 50/50 split between IPOA and the Town.

- **Connection Costs:**
 - IPOA covers connection if used before Town needs it. Once the town completes its first home, we would reimburse for ½ of the connection cost.
 - Town covers all costs to connect its project to the shared system.
- **Pump Costs:** Shared equally, unless Town requires larger capacity, in which case Town covers the additional cost.
- **Maintenance & Monitoring:** Shared for Wells No. 2 and 3.
- **Easements:** Parties agree to cooperate on easement placement and vacation as needed.

Water Court & Legal Water Rights:

- Town will independently pursue water court approval and associated well permits and augmentation plans.
- IPOA will cooperate and not oppose Town's water court filings.
- Town will acquire augmentation water (e.g., from Trout Lake) as needed.

Storage Tank Planning:

- Existing tank may serve both communities if capacity allows.
- **Second Tank:** To be jointly planned, with the Town funding initial planning and design and construction.

Wastewater Treatment Plans:

- **IPOA will abandon its existing Package Plant** and connect to the planned regional WWTP.
- Town is acquiring land and leading efforts to establish the WWTP and a regional wastewater authority.
- **If regional authority fails,** Town will construct its own facility (Town Facility).
- IPOA will be a customer of either facility and pay **same rates as Town's residential users.**

System Maintenance & Fees:

- No tap fees paid by the Town, as it is not using IPOA's water rights.
- Final agreement will define:
 - Cost-sharing for maintenance, repair, and replacement of shared systems.
 - Credits for Town's contributions.
 - Water rates charged to Mountain Village residents to match IPOA's structure.

Future Agreements & Intentions:

- **This MOU is non-binding** and represents current intentions only.
- Either Party can terminate the MOU at any time with written notice.
- Parties agree to work toward a binding agreement by the end of 2025.
- Open to forming a joint entity (e.g., association) to manage shared infrastructure in the future.
- Any agreements will apply to successors or assigns of the Town.

Responses to Technical Questions:

(Answers italicized for clarity.)

1. **What percentage of the actual water would Mountain Village have rights to once it goes through water court?**
Each entity will hold its own independent water rights.

2. **Who has seniority if the wells cannot produce enough water for all users?**
The IPOA holds senior water rights.
 3. **Is there sufficient water in both wells (once the second is drilled) to support the IPOA, its build-out, and Mountain Village's proposed 350 units?**
If water from the shared wells is insufficient, Mountain Village will be responsible for securing an alternative water source, such as drilling an independent well.
-



PLANNING & DEVELOPMENT SERVICES

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

TO: Mountain Village Town Council

FROM: Claire Perez, Planner II

FOR: Town Council Public Hearing, April 24, 2025

DATE: April 4, 2025

RE: Vested Property Rights Extension for Lot 137A, TBD Granite Ridge

Project Geography

Legal Description:

LOT 137 TELLURIDE MOUNTAIN VILLAGE FIL 1 ACC TO PLAT REC 03 09 1984 AT 233115
AND REPLAT REC 04 17 2024 AT 484588 SMC CO

Address: TBD Granite Ridge

Applicant/Agent: Narcis Tudor

Owner: Epic Ridge Properties, LLC

Zone District: Single-family

Existing Use: Vacant

Proposed Use: Single-family home

Adjacent Uses:

- **North:** Active Open Space
- **South:** Single-family
- **East:** Active Open Space
- **West:** Single-family

Attachments

Exhibit A: Applicant Narrative

Full Application (including approved plan set) can be found at the link below: <https://mtnvillage.files.com/f/a4a748e94c54cb5e>

Current Entitlements

Lot 137 was approved for a new single-family home by the DRB on July 6, 2023. The applicant has applied for a three-year Vested Property Rights Extension for this property.

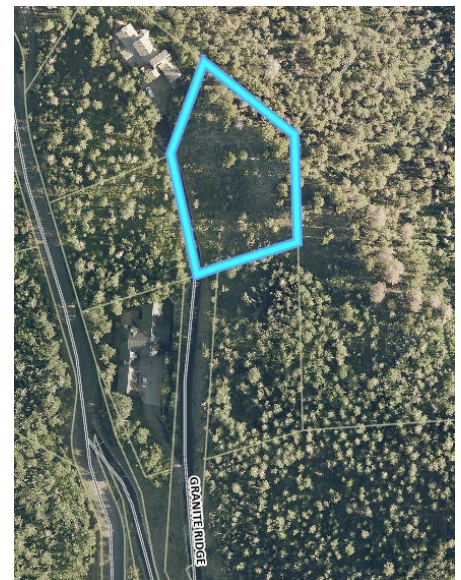


Figure 1: Vicinity Map

The approval includes a single-family development with 13,336 livable square feet, including a 748 square foot guest suite, and a 1,227 square foot garage. Lot 137 is a difficult lot for development. The entire lot contains slopes that are 30 percent or greater. There is also a large rock slab on the site, which slopes upwards from the west to the east. The site is heavily forested and will require the removal of a significant amount of landscape. Due to the challenging site constraints, the lot was granted a height variance and a minor subdivision to vacate a portion of the general easement at the June 15, 2023, Town Council meeting. Additionally, the application has been granted a 6-month renewal extending the existing approval to May 19, 2025. The applicant is requesting a three-year extension of the issued approval to move forward with the construction of the single-family home. They cite construction difficulties and a short building season as the primary deterrent to being able to commence construction immediately.



Vested Property Rights

A vested property rights extension allows a developer to extend their existing approvals through a Class 4 development application process for a period longer than the initial 18-month period. Town Council can elect to approve an extended vested period that is specific to their site-specific development plan (approved design drawings), typically for an additional three-year period. This is one way for a developer to request additional time to get through due diligence and prepare full building plan sets prior to building permit submittal without losing their current entitlements.

Section 17.4.17 of the CDC lists the following criteria for the Town Council to approve a vested property right application. The DRB is a recommending body to Town Council.

Please note staff comments in blue:

a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;

Staff: Due to the complexity of the site, the project involves several engineers along with an experienced general contractor. There are a limited number of experienced contractors due to the volume of ongoing development in the area. The applicant is requesting additional time to complete their due diligence, including hiring a contractor and engineers. It is the staff's understanding that the applicant intends to construct within the three years and would not require an extension beyond the three-year period.

b. The site-specific development plan is consistent with public health, safety and welfare;

Staff: The design review received DRB and Town Council approval, and staff feels that the final approval represents site-specific development that meets these criteria.

c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;

Staff: Staff feels that the final approval represents site-specific development that meets these criteria.

d. The site-specific development plan meets the criteria for decision for concurrent, required development application(s); and

Staff: Staff finds this condition met. There are no concurrent development applications, as the site-specific plans have been approved.

e. The proposed vested property right meets all applicable Town regulations and standards.

Staff: Staff finds this condition met.

General Comments:

The criteria listed under subsection (a) are the most pertinent to the discussion. If Town Council finds that the claimed site-specific circumstances, such as size and phasing of development, and economic circumstances, such as economic cycles and market conditions, to be valid obstacles for initiating construction currently, then a vested property right extension seems reasonable. Council should also discuss the length of vesting, whether they would recommend the typical three-year period requested by the applicant or a different length. Vested property rights are typically granted for large scale development of mixed uses with complex development issues.

Design Review Board Recommendation: The Design Review Board reviewed the application to extend Vested Property Rights for Lot 137, TBD Granite Ridge at the April 3, 2025, Design Review Board meeting and voted unanimously to recommend to Town Council approval of a Vested Property Rights Extension for Lot 137, TBD Granite Ridge for a period of 3 years.

Staff Recommendation: Staff recommends that Town Council approves this application and if Town Council moves to approve, staff suggests the following motion:

Proposed Motion:

I move to approve, the first reading of an Ordinance regarding the extension of a Vested Property Right at Lot 137, TBD Granite Ridge, from January 6, 2025, to January 6, 2028, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated April 3, 2025, and to ask the Town Clerk to set a public hearing for May 15, 2025.

With the following findings:

- 1) The proposal to extend the Lot 137 vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1)

And, with the following conditions:

- 1) *Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: "Approval of this site-specific development plan may create a vested*

property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village's Community Development Code."

- 2) The Town shall publish a notice in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)*
- 3) Prior to the issuance of a building permit, the landscape and fire mitigation plan shall be revised to meet current standards.*
- 4) Per CDC 17.3.9 Housing Impact Mitigation Requirements for this development application are set at 100% since the application was submitted and deemed complete in 2025.*
- 5) All previous conditions of approval from the original 2023 Design Review approval remain applicable for any future development.*

January 29, 2025

RE: LOT 137 TELLURIDE MOUNTAIN VILLAGE – VESTED PROPERTY RIGHTS MEMO

To: Mountain Village Design Review Staff + Board
Mountain Village Town Council

Thank you for taking the time to review our Vested Property Rights request for Lot 137 Granite Ridge which is based on a number of factors outlined below.

PROJECT LOCATION | SITE ACCESS

The project is situated on a steep lot, accessible via a narrow, single-lane road. Due to these constraints, construction mobilization is limited to a short timeframe between June and November, when weather conditions are stable.

ENGINEERING COORDINATION | TIMEFRAME

The project involves a number of engineers approaching it in a coordinated effort. Due to the complexity of the site conditions and construction, the Geotechnical, Shoring, Rock Anchoring, Micropiling, Excavation and Structural engineers all need to work in sequential order to prepare the site for construction. The availability of the involved players has been extended due to the current construction climate and local construction industry.

CONTRACTOR AVAILABILITY | SCHEDULE

The nature of this project necessitates a highly qualified team. An experienced General Contractor is of utmost importance, yet their availability—along with that of subcontractors—is affected by the prolonged timelines of ongoing construction projects in the area.

As we all recognize, the limited local pool of subcontractors has led to significantly longer construction durations. Projects that once took 18–24 months to complete are now requiring 36–48 months.

Given the unique complexity of Lot 137 Granite Ridge, the availability of skilled professionals is critical to its successful execution.

EXTENSION | VESTED PROPERTY RIGHTS REQUEST

Based on the reasons stated above we ask that you will consider a 36 month Extension | Vested Property Rights for Lot 137 Granite Ridge.

Thank you for taking the time to review our application and should you have any questions please do not hesitate to contact me directly.

Narcis Tudor
ARCHITECT # 00402820



DEVELOPMENT REFERRAL FORM

COMMUNITY DEVELOPMENT DEPARTMENT
455 Mountain Village Blvd. Ste. A
Mountain Village, CO 81435
(970) 728-1392

Referral Agency Comments Lot 137, 102 Granite Ridge

Public Works: No issues

ORDINANCE NO. 2025-__

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR LOT
137, TDB GRANITE RIDGE**

WHEREAS, The Town of Mountain Village (the “Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof; and

WHEREAS, Epic Ridge Properties LLC (“the Applicant”) is the owner of record of real property described as Lot 137A Town of Mountain Village, as depicted on the document recorded on April 17, 2024, in the real property records of San Miguel County, Colorado at reception number 484588 (the “Property”); and

WHEREAS, The Design Review Board approved an application in July 2023 for a single-family home; and

WHEREAS, The Applicant submitted a Vested Property Right Extension development application on January 29, 2025, seeking a further extension of the Vested Property Right to January 6, 2028 (the “Vested Property Rights Extension Application”); and

WHEREAS, The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “CDC”); and

WHEREAS, The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on April 3, 2025, and with public notice of such application as required by the public hearing noticing requirements of the CDC. The DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Vested Property Rights Extension Application be approved with conditions pursuant to the requirement of the CDC; and

WHEREAS, The meeting held on April 3, 2025, was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas; and

WHEREAS, The Town Council desires to approve an extended vested property right.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Notice. The Town shall publish a notice in the newspaper of record within 14 days of approval describing that a vested property right has been created extended consistent with CDC Section 17.4.17 (E)(4).

Section 3. Incorporation of 2023 DRB Conditions of Approval. All previous conditions of approval from the original 2023 Design Review approval remain applicable for any future development.

Section 4. Approvals. The Town Council finds the proposed Vested Property Rights Extension Application meets the Vested Property Rights criteria for decision contained in CDC Section 17.4.17 as follows:

1. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions.
2. The site-specific development plan is consistent with public health, safety, and welfare.
3. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development.
4. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s);
5. The proposed vested property right meets all applicable Town regulations and standards.

Section 5. Vested Property Right Extension. The Vested Property Right is hereby extended for a period of three (3) additional years until January 6, 2028.

Section 6. Ordinance Effect. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 7. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective fourteen days after final publication pursuant to section 5.9 of the Town Charter.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 24th day of April 2025.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____

Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15th day of May 2025

**TOWN OF MOUNTAIN VILLAGE
TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as To Form:

David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E.Gomez "Rick"				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2025 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E.Gomez "Rick"				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2025.

Susan Johnston, Town Clerk

(SEAL)



COMMUNITY DEVELOPMENT DEPARTMENT

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item # 9

TO: Mountain Village Town Council

FROM: Lars Forsythe, Chief Building official

FOR: April 24, 2025

DATE: April 10, 2025

RE: First Reading of an Ordinance Regarding Adopting The 2024 Editions of the International Building Code ("IBC"), International Residential Code ("IRC"), International Mechanical Code ("IMC"), International Fuel Gas Code ("IFGC"), International Property Maintenance Code ("IPMC"), the International Plumbing Code ("IPC"), the International Existing Building Code ("IEBC"), the International Swimming Pool and Spa Code ("ISPSC"), the 2021 edition of the International Energy Conservation Code, the 2018 International Fire Code ("IFC") as adopted by the Telluride Fire Protection District (TFPD), and the 2023 Edition of the National Electric Code, NFPA70, ("NEC"), as adopted by the State of Colorado, (collectively referred to as the "codes").

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends approval of this adoption. Public and contractor informational meetings were held to discuss the changes in the codes on January 28th and 29th, 2025. A full-day class for Town of Mountain Village licensed contractors was held on March 31, 2025, to inform contractors of the changes contained within the 2024 International Building Code, but also to renew their licensing pursuant to section 17.7.9(C)(2) of the Community Development Code should this ordinance be passed.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board reviewed this application at their regular meeting on April 3, 2025, and unanimously recommended approval of the application to the Town Council.

PROPOSED MOTION

Staff recommends approval and has provided the suggested motion below.

APPROVAL

I move to approve an Ordinance on first reading approving an amended CDC Section 17.7, based on the evidence provided in the staff memo of record dated April 10, 2025, and the findings of this meeting, and setting a second reading and public hearing for May 15, 2025.

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING CHAPTER 17.7 OF THE TOWN CODE TO INCORPORATE BY REFERENCE THE 2024 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2023 EDITION OF THE NATIONAL ELECTRIC CODE, NFPA70, AS ADOPTED BY THE STATE OF COLORADO, THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE TELLURIDE FIRE PROTECTION DISTRICT, AMENDING THE 2021 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, AND AMENDING VARIOUS PROVISIONS OF CHAPTER 17.7 OF TOWN CODE.

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, pursuant to C.R.S. § 31-16-202, the Town of Mountain Village (“Town”) is authorized to adopt codes by reference; and

WHEREAS, the Town has adopted by reference prior editions of certain National and International Standard Codes (collectively, “Standard Codes”); and

WHEREAS, the Standard Codes serve as the building regulation codes for the Town as set forth in Chapter 17.7 of the Mountain Village Municipal Code; and

WHEREAS, to comply with state law, and promote the health, safety, and welfare of Town residents, the Town building official has recommended that the Town adopt the versions of the Standard Codes as specified in **Exhibit A**; and

WHEREAS, Town staff has reviewed the Standard Codes in light of the Town’s unique physical setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement of the Standard Codes; and

WHEREAS, on _____, 2025 (FIRST READING), the Town Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the Standard Codes pursuant to C.R.S. § 31-16-203; and

WHEREAS, on _____, 2025 (SECOND READING), the Town Council conducted a duly notice public hearing regarding the adoption of the updated editions of the Standard Codes pursuant to C.R.S. § 31-16-203; and

WHEREAS, the Town Council finds and determines that the interests of the citizens of the Town

will be best served by adopting by reference the Standard Code versions as specified in **Exhibit A**; and

WHEREAS, the Town Council desires to make other clarifying ad hoc amendments to Chapter 17.7 of the Town of Mountain Village Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. **Recitals.** The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. **Adoption.** The Town Council hereby adopts by reference the following codes as specified in **Exhibit A** of this Ordinance: 2024 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Plumbing Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the 2023 edition of the National Electric Code, NFPA70, as adopted by the State of Colorado, the 2018 edition of the International Fire Code as adopted by The Telluride Fire Protection District, and amending the 2021 edition of the International Energy Conservation Code. In lieu of full publication of each of the foregoing, a true and correct copy of each Standard Code shall be available for inspection at the Office of the Town Clerk.

Section 3. **Modification.** The Town Council hereby amends various provisions of Chapter 17.7 as set forth in **Exhibit A** below. Insertions are noted by underlines and deletions are noted by ~~strike-throughs~~.

Section 4. **Repeal.** Any prior Standard Codes adopted by reference that conflict with the codes adopted by this Ordinance are hereby repealed and replaced with the Standard Codes adopted according to **Exhibit A**.

Section 5. **Severability.** Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 6. **Safety Clause.** The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. **Effective Date.** This Ordinance shall be effective fourteen days after final publication pursuant to section 5.9 of the Town Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____, 2025.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this
__ day of ____, 2025.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2025-__ ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E. Gomez "Rick"				

3. After the Council's introduction of the adopting Ordinance, two notices of the public hearing, containing the date, time and location of the public hearing, a statement that copies of the primary codes being considered for adoption are on file with the clerk and are open to public inspection, a description of the purpose and the subject matter of the proposed Ordinance and the code to be adopted, the name and address of the agency promulgating the primary code, and the date of publication of the code were published, with one at least 15 days before the hearing and the other at least 8 days before the hearing, in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, and _____, 2025 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter and C.R.S. § 31-16-203.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E. Gomez "Rick"				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2025.

Susan Johnston, Town Clerk
(SEAL)

Exhibit A

[Copy Paste Code here]

Chapter 17.7

BUILDING REGULATIONS

Sections:

- 17.7.1 General.**
- 17.7.2 Administrative Provisions.**
- 17.7.3 Permits.**
- 17.7.4 Fees.**
- 17.7.5 Inspections.**
- 17.7.6 e-Plans Review and Required Construction Documents.**
- 17.7.7 Certificate of Occupancy.**
- 17.7.8 Building Board of Appeals.**
- 17.7.9 Contractor Licensing Regulations.**
- 17.7.10 International Building Code.**
- 17.7.11 International Residential Code.**
- 17.7.12 International Energy Conservation Code.**
- 17.7.13 International Mechanical Code.**
- 17.7.14 International Fuel Gas Code.**
- 17.7.15 International Property Maintenance Code.**
- 17.7.16 National Electric Code.**
- 17.7.17 International Plumbing Code.**
- 17.7.18 International Existing Building Code.**
- 17.7.19 International Swimming Pool and Spa Code.**
- 17.7.20 Construction Mitigation.**
- 17.7.21 Snow and Ice Removal Regulations.**

17.7.1 General.

A. All property within the Town of Mountain Village shall comply with the Building Regulations as set forth in this chapter.

B. The following administrative provisions shall supplement and unless otherwise provided for, supersede the administration and enforcement section, as noted herein, in each of the following codes as adopted in the Building Regulations: The ~~2018~~ 2024 Editions of the International Building Code ("IBC"), International Residential Code ("IRC")), International Mechanical Code ("IMC"), International Fuel Gas Code ("IFGC"), International Property Maintenance Code ("IPMC"), the International Plumbing Code ("IPC"), the International Existing Building Code ("IEBC"), the International Swimming Pool and Spa Code ("ISPSC"), the 2021 edition of the International Energy Conservation Code, and the 2018 International Fire Code ("IFC") as adopted by the Telluride Fire Protection District (TFPD), and the 2020 2023 Edition of the National Electric Code, NFPA70, ("NEC"), as adopted by the State of Colorado, (collectively referred to as the "codes"). ~~International Plumbing Code ("IPC"), as adopted by the State of Colorado, the International Existing Building Code ("IEBC"), and the International Fire Code ("IFC") as adopted by the Telluride Fire Protection District, (collectively referred to as the "codes").~~ In instances where the State of Colorado or the Telluride Fire Protection District (TFPD) adopts subsequent code updates or amendments to the plumbing, electrical or Fire codes, the Town of Mountain Village also adopts the State Codes or TFPD Codes and exceptions and amendments found with the Building Regulations will survive. Further, the Town of Mountain Village reserves the right to amend and except as needed.

17.7.2 Administrative Provisions.

A. *Referenced Codes and Standards.* The codes shall be considered part of the requirements of the Building Regulations. Local amendments to the codes are set forth in these Building Regulations.

B. *Rules of Construction.* Where conflicting regulations exist between the Building Regulations and one of the adopted codes, the Building Regulations shall apply.

1. Where enforcement of a codes provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.
 2. Where the codes or the Building Regulations specify differing materials, methods of construction or other requirements, the Building Official shall reasonably determine which applicable requirement shall govern.
-

3. Where there is a conflict between the codes' requirements and/or the Building Regulations, the Building Official is authorized to render interpretations and adopt policies and procedures to clarify the application of the Codes' provisions in order to bring the codes into conformance with the Building Regulations. Such interpretations and policies shall not have the effect of waiving requirements specifically provided for in the Building Regulations.

C. *Building Division.* (The following replaces Section R-103.1 of the IRC and IBC, and related sections of the codes)

1. *Administration.* Administration of the Building Regulations falls under the Planning and Development Services Department, Building Division, with the Building Official designated as the code official under these regulations.

2. *Building Official Appointment.* The Building Official shall be appointed by the Planning and Development Services Director or its designee in consultation and with the consent of the Town Manager and consultation with the Human Resources Director.

3. *Deputies.* In accordance with the proscribed procedures of this Town and with the concurrence of the appointing authority, the Building Official shall have the ability to recommend to the Planning and Development Services Director and the Town Manager that the Town appoint inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the Town.

4. In the absence of the Building Official, the Planning and Development Services Director will appoint a designee and/or will otherwise perform the duties of the Building Official.

D. *Building Official Roles and Responsibilities.*

1. *Duties and Powers of the Building Official.* The Building Official is hereby authorized to:

a. Enforce the provisions of the codes and Building Regulations;

b. *Render interpretation of these codes.* Render major interpretations of these codes after consultation with the Planning and Development Services Director and the Town Attorney;

c. Adopt policies and procedures to clarify the application of the codes and Building Regulations and provisions;

-
- i. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the codes.
 - ii. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the adopted codes.
- d. Require that hazardous conditions in violation of the codes be corrected when the Building Official has found that conditions are hazardous to life or property;
 - e. Investigate the cause, origin, and circumstances of any fire, flood, explosion, or any other hazardous condition;
 - f. Require and review plans to ensure compliance with codes when applicable;
 - g. Require that whenever any installation is covered or concealed without first obtaining the required permits and inspection the Building Official shall be authorized to require that such work be exposed for inspection;
 - h. Order the immediate evacuation of any building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants;
 - i. Order any electrical, mechanical or plumbing system or portion thereof, that has become hazardous to life, health, property, or has become unsanitary to be removed or restored to a safe condition;
 - j. A person shall not use or maintain a defective electrical, mechanical or plumbing system after receiving such notice;
 - k. Waive specific requirements of the Building Regulations or permit alternative methods when it is assured that equivalent objectives can be achieved.
2. *Noninterference.* Persons shall not interfere with the Building Official carrying out any duties or functions.
3. *Right of Entry.* When the Building Official or his authorized representative has reasonable cause to believe that a violation of the Building Regulations is likely to exist in a structure or upon a premises and that entry into the structure or upon the premises is necessary to verify the violation, the Building Official or his authorized representative shall
-

first make a reasonable effort to locate the owner or other person having charge or control of the structure, or premises, or portion thereof desired to be inspected, and request consent to enter and inspect. If such person cannot be located or if entry is refused, the Building Official or his authorized representative may seek entry by submitting a sworn affidavit to the proper court of Town, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the structure or premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant if issued by the court. The foregoing provisions of this subsection, notwithstanding, consent to enter or administrative search warrant shall not be required in the following circumstances:

- a. To conduct inspections during regular business hours under an applied for, issued building permit;
 - b. To make observations of the structure or premises in plain view from public property, public rights-of-way, public easements or from portions of the structure or premises which are open or accessible to the public, in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or when conducting inspections or
 - c. In emergency situations in which the Building Official or his authorized representative has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
 4. *Cooperation of Other Officials and Law Officers.* The Building Official may request, and shall receive, the assistance and cooperation of other officials of the Town so far as is required in the discharge of the duties required by the Building Regulations or other pertinent law or ordinance.
 5. *Stop Work Orders.*
 - a. If the Building Official finds that work or activity taking place on or within a project is contrary to the Building Regulations, the CDC, the Municipal Code, an adopted Town ordinance (collectively "Town laws"), or in an unsafe or dangerous manner, such work shall be immediately stopped until the situation is resolved and permission is obtained from the Building Official to continue.
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- b. Stop work orders shall require the payment of fees as set forth in the Town Council fee resolution.
- c. The ~~third~~ issuance of a stop work order due to a violation of the Town laws may result in a suspension or revocation of a Town issued license, including but not limited to the required town issued business license and/or contractor's license as set forth in these Building Regulations. Repeated uncured violations within a short period of time, as determined by the Building Official, may warrant the immediate revocation of all licensing from the Town of Mountain Village. Appeals for these determinations shall be heard by the Board of Appeals under the process described in section 17.7.8.

17.7.3 Permits.

- A. *Permits.* Where a permitted project involves more than one trade, a licensed general contractor shall be required to obtain the permit, supervise and or employ a qualified individual to supervise the project in accordance with Contractor Licensing Regulations. All licensed subcontractors must also be listed on the building permit.
- B. *Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance and may be voided at the Building Official's discretion. The Building Official is authorized to grant, in writing, extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Town encourages only one extension; however, an additional extension may be granted at the discretion of the Building Official for good cause shown. For the purpose of this section, work shall be considered suspended or abandoned if the authorized work is not being diligently pursued and advanced to completion. A permit will expire if an inspection was not requested 180 days from the date of the last inspection date approved by the Building Division.
- C. *Time Limitation of Permit Application.* An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant, in writing, one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
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D. *Validity of Permit.* The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions the Building Regulations or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions the Building Regulations, the CDC or other ordinance of the Town shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of the structure when in violation of the Building Regulations, the CDC, the Municipal Code or of any other ordinances the Town.

E. *Revocation of License or Permit.* The Building Official shall have the authority to revoke any license, permit or approval issued if any violation of the codes is found upon re-inspection. In the case of any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based and or any attempt to defraud or otherwise deliberately or knowingly falsify records, reports, or applications, or other related activity in violation of the Town of Mountain Village Building Regulations, the CDC, the Municipal Code and ordinances shall be cause for suspension or revocation of all related licenses, including but not limited to required Town business licenses or contractor licenses, certificates or permits issued by the Town. In addition, any such violation shall be subject to any other criminal or civil penalties.

F. *Open Permits.* If a contractor has failed to call for final inspection to complete the permit process and 180 days has passed without activity, then the permit may either be revoked or voided or in the judgment of the Building Official the contractor's license may be put on probation and no further permits allowed for this individual or company until this outstanding permit is completed.

17.7.4 Fees.

A. *Building Permit Valuations.* The applicant for a permit shall provide an estimated permit value at the time of work, for which the permit is being issued. Permit valuations shall be based on the use tax valuations set forth in Chapter 3 of the Municipal Code.

1. *Reconciliation to Determine Final Valuation.* At the completion of a project, documentation shall be submitted for review and additional fees may be assessed per section 3.16.030 D of the Municipal code.

B. *Payment of Fees.* A permit shall not be valid until the fees and use taxes described by law have been paid, nor shall an amendment to a permit be released until the additional fee and use taxes, if any, has been paid. Any payment returned as insufficient funds or cancelled credit card transaction shall be considered unpaid and the applicant shall repay the fees in cash or certified funds prior to any work commencing. Failure to repay fees shall result in a stop work order if a project has already commenced.

C. *Plan Review Fees.*

1. When submittal documents are required by the Building Regulations, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review.
2. The plan review fees specified in this section are separate fees from the permit fees and are a document processing fee and are in addition to the permit fees.
3. When submittal documents are incomplete or changed to require additional plan reviews or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate set forth by the CDC, and/or the Planning and Development Services Department Fee Schedule ("Fee Schedule") as applicable.

D. *Investigation Fees for Work Without a Permit.*

1. *Investigation.* Whenever any work for which a permit is required by the Building Regulations has commenced without first obtaining said permit, a special investigation shall be made by the Building Official before a permit may be issued for such work.
 2. *Fee.* An investigation fee, in addition to the permit fee or stop work order fee, may be collected whether or not a permit is then or subsequently issued at the discretion of the Building Official. The investigation fee shall be equal to the amount of the permit fee required by the Building Regulations. The minimum investigation fee shall be set forth in the Fee Schedule.
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3. *Compliance with Building Regulations and Refunds.* The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Building Regulations or from any penalty prescribed by law.

E. *Stop Work Order Fees.* Stop work order fees shall be as set forth in the Fee Schedule and or CDC Section 17.1.18, Violations and Penalties, as deemed appropriate by the Building Official.

F. *Telluride Fire Protection District ("TFPD") Fees.* The Telluride Fire Protection District administration and enforcement fees associate with the International Fire Code (IFC) are set forth by the TFPD.

17.7.5 Inspections.

A. All construction or work for which a permit is required shall be subject to inspection by the Building Official or its designee, and all such construction or work shall remain accessible and exposed for inspection purposes until approved. In addition, certain types of construction shall have continuous inspection as specified in the International Building Code Chapter 16, Structural Tests and Special Inspections. Inspections that take place outside normal hours of operation shall pay a fee as set forth in the fee resolution. To avoid inspection delays the permit holder shall post the inspection card where visible from the street and post the job site address as required by the IFC. The permit holder is responsible for supplying ladders and safe access to the work for inspection.

B. If, due to excessive workload and manpower limitations, the Building Official is unable to perform a requested inspection during scheduled work hours on the working day following the inspection request, the Building Official may approve, in writing, special inspection reports, contractor certifications, or other satisfactory evidence of the work being completed substantially in compliance with the Building Regulations in lieu of the required inspections at their discretion. Prior authorization is required to provide third party inspection reports in lieu of the Town inspections. When approved by the Building Official, trenches, footings or pads inspections of foundation walls and/or grade beams steel reinforcement inspections may be performed by the engineer of record or an approved third-party inspector. The Building Official may approve in writing the allowance for written, signed certifications from the contractor performing the work in lieu of the required inspections for damp-proofing, perimeter drain, insulation, and lath and/or wallboard fastening if all or a portion of the work cannot be

inspected during scheduled work hours on the working day following the day of the inspection request. In addition to the called inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Regulations.

C. A re-inspection fee will be assessed for each inspection or re-inspection when such portion of work for which an inspection is called on is not complete or at time of re-inspection the required correction was not made. This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the Building Regulations, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee resolution. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

D. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has as to allow the Inspector/Building Official to conveniently make the required entries thereon regarding inspection of the work.

E. A site-specific soil and/or geologic investigation is required prior to the issuance of a building permit where any new foundations are to be placed. Such investigation, when required, shall be documented by submittal to the Building Official of an acceptable written report, which is stamped and signed by a soils engineer and/or an engineering geologist within his field of expertise. Said report(s) shall contain specific recommendations regarding the building location and design. The relationships of: (1) site grading, structural integrity, drain designs and (2) geologic hazards or constraints, shall be considered in the report. Reports produced more than 10 years prior to the date of application will be reviewed by the Building Official and may be determined to be unusable for the project.

A geohazard analysis written report shall be prepared and stamped by a licensed engineer when geohazards are found on the property including and not limited to: slopes over 30%, landslide areas, avalanche areas, potential unstable slopes, rockfall hazard, expansive soils or

rock, or floodplain hazard. The Building Official may waive these requirements as warranted, consistent with Section 17.7.11.D.1.(k).

17.7.6 e-Plans Review and Required Construction Documents.

- A. The Building Division shall receive all building permit submittal documents electronically, preferably in pdf format or other electronic plans and submittal requirements in accordance with posted e-Plans process submittal requirement and submitted through the Town permitting website set forth by the Building Official.
- B. When the Building Official issues a permit, the reviewed red lined construction documents shall be issued electronically to the permit applicant.
- C. The ~~permittee~~ Permit holder shall be responsible for providing an official approved plan set on the site of work and shall be open to inspection by the Building Official or his authorized representative. The red-lined job site plan set shall be full size easily legible paper documents.

17.7.7 Certificate of Occupancy.

- A. *Use and Occupancy.* No building or structure shall be used or occupied, and no permitted change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy ("CO") therefor as provided herein.
- B. *Occupancy.*
 - 1. *Certificate of Occupancy.* A CO shall be issued by the Building Official as set forth in the codes upon completion of the project and compliance with the Building Regulations, the CDC, and other applicable Town laws.
 - a. A CO may be withheld by the Building Official for projects that make the structure uninhabitable during the course of construction.
 - 2. *Temporary Occupancy.* The Building Official is hereby authorized and may elect to issue a temporary certificate of occupancy ("TCO") before the completion of the entire work

covered by the permit; provided, that such structure (or portion thereof as in the instance of a multifamily or mixed use building) shall be occupied safely, there will be no danger to the public, and the applicable provisions of the Building Regulations and CDC are met. As policy, TCOs are the exception to the rule and are only approved for unforeseen circumstances or acts of God. The Building Official, in conjunction with the Planning Division staff, shall set a time period during which the TCO is valid, but never longer than 180 days. The full CO must be obtained prior to the expiration of the TCO. If the conditions of the TCO are not met and a CO is not obtained by the applicable deadline, the right to occupy immediately ceases, and the premises shall be vacated. If the conditions of the TCO have not been met by the set expiration date, the CO may be issued if all life safety related inspections are addressed, and a bond is posted in the amount of one hundred twenty five percent (125%) of the cost of completion in order to ensure completion if approved by the Planning Director and the Building Official.

~~3. *Certificate of Compliance.* A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents. A certificate of compliance shall be issued in lieu of a CO when such work permitted is not designed for occupancy.~~

~~4. *Completion Certificate.* A completion certificate is issued at project completion involving additions, remodels or repair from flood, fire or natural disasters.~~

17.7.8 Building Board of Appeals.

A. *Name.* The name of this board shall be the Town of Mountain Village Building Board of Appeals (the "Board of Appeals").

B. *Authority.* The authority of the Board of Appeals is strictly limited to hearing and deciding appeals of administrative orders, decisions or determinations made by the Town of Mountain Village ("Town") Building Official ("Building Official") relative to the application and interpretation of all duly adopted Building Codes and Regulations (collectively the "Building Regulations"). The Building Official shall be an ex officio member of and shall act as secretary but shall have no vote on any matter. The Board of Appeals bylaws for conducting its business are hereby created by Town of Mountain Village Town Council ("Town Council"). The Board of Appeals shall

render all decisions in writing with findings in accordance with the adopted bylaws and Building Regulations.

C. *Appeal Procedures.* All appeals of decisions of the Building Official shall be filed in accordance with the applicable Building Regulation and shall be made in writing within seven (7) calendar days of the decision of the Building Official. Failure to file a written appeal within seven calendar days shall preclude the Board of Appeals from hearing any appeal and the decision of the Building Official shall stand as the final administrative decision of the Town.

D. *Appointments and Terms of Office.* The Board of Appeals shall be appointed by the Town Council and shall hold office at its pleasure. Appointments shall serve until they either (a) resign; (b) are no longer qualified; (c) are removed by the Town Council or (d) the Town Council elects to make new appointments to the Board of Appeals. Any member may be removed with or without cause by a majority vote of the Town Council. Any vacancy shall be filled by the Town Council. The Board of Appeals shall consist of five regular members and two alternates. Advertising for appointments will be consistent with the Town Council adopted policy.

E. *Attendance.* To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no current member shall miss more than three meetings in any twelve-month period upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the member shall be deemed to have resigned, and the Town Council shall appoint a replacement.

F. *Qualifications.* The Board of Appeals shall strive to consist of a minimum of one Colorado licensed electrical contractor, one Colorado licensed plumbing contractor. Preference is given to applicants who have the following types of professional experience: an ICC certified general contractor; certified architect; construction project manager; design professional or engineer. Qualifications include a minimum of five (5) years professional experience in their respective fields.

G. *Officers.* The Board of Appeals shall annually elect a chair from its number who shall preside over all hearings and proceedings. ~~The elected chair shall not serve successive terms.~~ A vice-chair elected annually by the Board of Appeals shall assume the chair's duties in the chair's absence.

H. *Quorum and Voting.* Quorum shall consist of three members, and a decision of a majority of the members shall control. Any absent member may join in a decision after he or she has considered the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction.

I. *Duties.*

1. *Chair.* The chair shall preside at all meetings and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned to him or her from time to time by the Task Force. The Chair shall see to the execution of resolutions, procedures and policies approved by the Task Force.

2. *Vice Chair.* In the absence or disability of the Chair, the Vice Chair shall have all powers of and shall be subject to all restrictions upon the Chair. The Vice Chair shall perform such duties as shall from time to time be assigned by the Task Force.

3. *Secretary.* Secretarial duties will be maintained by the Town staff. Secretary responsibilities are as follows 1) to keep minutes of Board meetings and to keep records of the Board.

J. *Meetings.* The Board of Appeals shall hold an initial organization meeting as called by the chair. Further meetings shall be held as necessary in order to timely hear appeals as called by the Chair or the Building Official.

K. *Rules of Order.* Unless otherwise specified in these bylaws, the Board of Appeals will follow procedures outline in Robert's Rules of Order, Newly Revised.

L. *Meeting Notices.* The appointed staff member shall furnish advance notice of all meetings. Staff shall deliver, by the close of business the Friday before the next meeting, minutes of the previous meetings and copies of material to be studied or acted upon, including an agenda, and other items necessary for discussion. Meeting notices may be delivered via email. Meeting notices are also posted at town approved posting areas and on the Town's website consistent with town adopted public meeting posting location requirements.

M. *Agenda.* The appointed staff shall prepare the agenda with input from the Chair, and copies distributed in advance of the meeting. Other items of the agenda shall include but not be limited to disposition of minutes of the previous meeting, which may be distributed and approved via email by the board members due to the potential for long periods between

meetings. The minutes and agenda shall be delivered to Board members as needed no later than 7 days in advance of the meeting.

N. *Open to the Public.* All meetings shall be open to the public, except for executive session as authorized in the Colorado Open Meetings law, C.R.S. 24-6-402.

17.7.9 Contractor Licensing Regulations.

A. *Adoption of Contractor Licensing Regulations.* The Town hereby adopts the following standards as the Contractor Licensing Regulations. The purpose of adopting the Contractor Licensing Regulations is to establish regulations that govern and regulate the contracting community in Mountain Village, with the following primary purposes:

1. Ensure that construction trades produce ~~high quality code compliant~~ buildings and structures;
2. Ensure safe and energy efficient buildings and structures that are built in accordance with the Town adopted International Code Council series of codes and the National Electrical Code;
3. ~~To assist in protecting~~ Protect property owners and developers from fraudulent, corrupt and under qualified contractors; and
4. ~~Create~~ Manage a pool ~~a list of trained and qualified licensed~~ contractors to provide a high level of building service for property owners and developers.

B. *Applicability.* The scope of this regulation excludes State of Colorado Plumbing and Electrical Contractors that are licensed and regulated through the State of Colorado. Every business, sole proprietor, corporation, building company or individual performing or providing construction related services that is required to obtain a permit by the Building Regulations shall be required to obtain and maintain the required contractor certifications and Town building licenses as set forth in ~~the~~ these Contractor Licensing Regulations.

C. *Required Contractor Certifications and Building License.*

1. The following trades are required to obtain an International Code Council ("ICC") Certification for the Building Official to issue a Town building license to such contractor.

Only licensed contractors shall be eligible to submit for and obtain a permit as required by the Building Regulations.

- a. General Contractor (A) Exam to issue permits for structures covered under the IBC;
- b. General Contractor (B) Exam for light commercial and residential permits issued under the IBC and IRC;
- c. Residential General Contractor (C) Exam for one-and two-family dwellings permits issued under the IRC;
- d. Master Mechanical Exam for all types of mechanical permits; and
- e. Roofing Contractor Exam for all roofing contractors or subcontractors or roofing permits.

It is the general contractor's and its firm's responsibility to ensure it is obtaining the correct ICC certification prior to applying for any permit. The Building Official may provide guidance on which certification is needed.

2. *General Contractor.* The following general contractor requirements shall be met:

- a. The general contractor shall be required to be certified and licensed as set forth herein.
 - b. Each company must have at least one license holder with the currently adopted ICC Certification that matches their trade. The license holder shall be an employee or owner of the contracting firm. In the case of an employee or owner (license holder) leaving employment, it is the contractor's responsibility to notify the Building Official within five working days. A one-month grace period to locate a new license holder will be provided. Licensing will be revoked if a contractor does not maintain the license holder. License sharing with other companies is strictly prohibited and will result in all Licensing with the Town of Mountain Village to be revoked. License sharing will be presumed if anyone other than a direct employee or owner of the licensed general contractor company requests inspections, supervises field personnel or is in any other way involved in the day-to day operations of the permitted construction site.
 - c. All trades are required to have the current corresponding building code book on site as adopted by the Town which regulates that trade.
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d. The Town building license shall be renewed after the Town adopts the updated ICC codes by either re-taking the applicable ICC test on the current code(s); or achieving .8 hours (equivalent to an eight (8) hour class) of continuing education credit, ("CEU") for each code referenced in the Town building license. Previously licensed individuals who are current with their license at the time the new codes are adopted have three (3) months ~~one (1) year~~ from the new code adoption date to obtain the required CEU's to update their Contractors License.

e. Anyone that has been convicted of a felony for a crime of moral turpitude may not apply for or maintain a general contractors license with the Town of Mountain Village. Appeals for these determinations shall be heard by the Board of Appeals under the process described in section 17.7.8.

3. *Required Town Business Licenses.* All contractors and sub-contractors are required to have an active business license with the Town.

4. *Owner-Builder.* Homeowner-Builders that are conducting the building activities themselves and subcontracting out small portions of the work are exempt from obtaining a Town building license.

a. An owner-builder shall sign and understand the Town approved Homeowner Contractor Affidavit prior to obtaining a building permit and shall be present for all requested inspections.

b. An owner-builder is a person that will inhabit the Single-Family dwelling as their primary residence for two (2) or more years after issuance of a CO. The home may not be for sale or lease. The Town approved homeowner permit affidavit shall include a certification of the same and such affidavit shall be recorded in the records of the clerk and recorder's office for San Miguel County, Colorado. The owner-builder shall be on site on a regular and consistent basis (minimum of twice a week) in order to supervise the project and shall be present for all inspections, required under these Building Regulations. No inspections shall occur without the owner-builder on site.

c. Contractors and owner-builders shall not use this section to circumvent the contractor licensing regulations.

5. *Revoking of Building and or Business License.* Notwithstanding any other provision of the CDC, the Town may revoke a town building, and/or general town business license due to two or more violations of the Building Regulations. Upon a first and second offense, the Building Official shall notify the offending business and/or individual in writing of the violation. On the third offense, within a two-year period, the Building Official may permanently or temporarily revoke the Town building and/or general business license. Egregious violations may warrant the immediate revocation of all licensing from the Town of Mountain Village. Appeals for these determinations shall be heard by the Board of Appeals under the process described in section 17.7.8.

6. *Insurance requirements of contractors:* Each Contractor, tree removal service or landscaping business, doing business in the Town shall have the following minimum insurance coverage:

\$~~12~~2,000,000 in Employers Liability

\$~~25~~2,000,000 General Liability

\$~~12~~2,000,000 Each Occurrence the Town must be listed as an additional insured on the certificate of issuance if Town property is to be used or impacted by the project as determined by the Building Official.

17.7.10 International Building Code.

A. *Adoption.* The Town of Mountain Village ("Town") hereby adopts and incorporates herein by reference the International Building Code ("IBC"), ~~2018~~ 2024 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions and Modifications.* The IBC 2018 Edition is hereby amended as follows:

1. *Section 101.* Section 101 of the 2018 IBC is hereby amended as follows:

a. Section 101.1, Title.

"These regulations shall be known as the "Town of Mountain Village Building Code" and may be cited as such and will be referred to herein as "this code" or "the IBC""

2. Section 103.1 Creation of Agency. The Planning and Development Services Department, Building Division is hereby created and the official in charge thereof shall be known as the *building official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

~~4. Section A 107.2.5 Exterior balconies and elevated walking surfaces. Delete in its entirety.~~

5. Section 110.3 Required Inspections: This section shall be supplemented by adding any required inspections not listed in the IBC with all required inspections posted and requested by the Town of Mountain Village Building Official.

6. Section 113 Board of Appeals: Delete and replace with section 17.1.8 of the Building Regulations.

7. Section 114 Violations: Delete in entirety and replace with the Town of Mountain Village adopted Building Regulations, CDC Section 17.1.18 Violations and Penalties, Section 17.7.9.D Revoking of Building and or Business License, and the Fee Schedule.

8. *Definitions*. Section 202. Section 202 of the IBC is amended by inserting the following definitions:

a. General Contractor: The general contractor shall be the main firm or person that contracts with the property owner or developer to undertake a project covered by the Building Regulations that is responsible for all work on each job site and oversees the subcontracting trades. The General Contractor acts as the agent of the owner, signs all required applications and forms with the Town and grants access for building inspections."

b. "High Rise Building. Amend by replacing with "A building with an occupied floor located more than 65 feet above the lowest level of fire department vehicle access."

c. Qualified Individual: An individual who has passed the International Code Council test which covers the applicable currently adopted code or has achieved ongoing training updates to the currently adopted codes in the form of a minimum of 8 classroom hours or 8 CEU's to update their license in accordance with the Contractor Licensing Regulations.

- d. Plan Review Fee: The plan review fee is a document preparation fee applicable to all permits.
- e. Detached: A structure separated from another structure by separate foundation and exterior siding material by a minimum of six feet (6') or applicable code required exterior wall separations, whichever is most restrictive."

9. *Roofing.*

"Section 1507.4.3 Metal sheet roof coverings installed over structural decking shall comply with 1507.4.3. The materials used for metal sheet roof coverings shall be amended by deleting: "naturally corrosion resistant or provided with corrosion resistance in accordance with the standards and minimum thicknesses shown in Table 1507.4.3 (2)."

Table 1507.4.3(1) Metal Roof Coverings: Aged metal roofing and flashing shall be allowed with no corrosion protection."

Section 1507.5.7 Flashing: Roof valley flashing shall be amended by deleting "corrosion resistant metal".

10. *Section 1601 General.* Insert Section 1601.2 is hereby adopted by inserting the following local climatic design conditions:

- a. Ground snow load is ~~430 lbs. min standard plus elevation per SEAC Guide~~ variable. Use <https://ascehazardtool.org/> to determine ground snow load.
- b. Wind speed is ~~90 MPH 3 sec. wind gust exposure C-variable.~~ Use <https://ascehazardtool.org/> to determine wind speed.
- c. Climate zone 6B
- d. Seismic design class C, unless sufficient evidence is provided to support another category.
- e. Frost line depth is 48 inches
- f. Weathering is severe
- g. Termites are slight to moderate, decay is slight
- h. Winter design temp is -15 degrees F
- i. Mean annual temperature is 40 deg. F

~~11. Section 1603. Section 1603 is hereby deleted.~~

11. *Appendix A, Employee Qualifications.* Section A101 is hereby amended as follows:

12. *Section Appendix F, Rodent Proofing.* Appendix F is a reference standard hereby adopted into the 2018 IBC.

17.7.11 International Residential Code.

A. *Adoption.* The Town of Mountain Village ("Town") hereby adopts and incorporates herein by reference the International Residential Code for One- and Two-Family Dwellings, ~~2018~~ 2024 Edition, ("IRC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

1. The ~~2018~~ 2024 IPC, IMC, IFGC, IFC, and the currently adopted NEC shall also apply to construction covered by the IRC.

B. *Amendments, Additions and Modifications.* The IRC ~~2018~~ 2024 edition is hereby amended as follows:

1. *Section R101.* Section R101 of the 2018 IRC is amended as follows:

"Section 101.1, Title. ~~These regulations shall be known as the "Town of Mountain Village Building Code"~~ These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Town of Mountain Village and may be cited as such and will be referred to herein as "this code" or as the "IRC".

"Section 101.4.6.1, Energy. The provisions of the 2018 IRC shall apply to all matters governing the design and construction of buildings for energy efficiency. The "local energy savings measures" shall be applicable to building or activities covered under the IRC. If a prescriptive method of compliance is chosen, then the prescriptive requirements of the 2018 IRC must be followed. If there are conflicts between the codes, the more stringent provision will prevail

"Section R IO1.4.1, Appendages and Projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be protected by one of the following methods: Constructed with either noncombustible materials, heavy timber as specified in the (2018 IBC section 2304.11) or exterior grade ignition resistant materials as specified in the (2018 IBC section 2303.2). Or constructed so that all exposed structural members are enclosed

with an approved one hour assembly by the Building Official, or constructed in coordination with the Planning Department upon approval of a wildfire mitigation plan addressing defensible space criteria provided in CDC Section 17.6.1(A) – Fire Mitigation and Forestry Management. All appendages and projections regardless of method of construction shall provide a cleanable ground surface, as applicable. The fire mitigation approach will require a planning department sign off on the inspection record, prior to the framing inspection.

2. Section 103.1, ~~Creation of Enforcement~~ Code Compliance Agency. Section 103.1 is hereby amended to read:

~~"Section 103.1, Creation of Enforcement Agency. The Planning and Development Services Department, Building Division, is hereby charged with enforcing the IRC, with the Building Official acting as the code official." is hereby created and the official in charge thereof shall be known as the *building official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

3. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
4. ~~Chapter 14, Part 8 Chapters 34-43, Electrical. Delete chapters 34-43 in their entirety.~~
5. ~~M1901.2, Cooking Appliances. Delete in entirety.~~
6. ~~1901.3, Prohibited Location. Delete in entirety.~~
5. Insert Section R109.1.6 Inspections and Testing.

"Section 107.2 Required inspections and testing: This section shall be supplemented by adding with all required inspections posted and requested by the Town of Mountain Village Building Official. Some of which are:

DWV pressure test may be by a 10' head of water or with 5 pounds of air pressure for 15 minutes.

Gas pipe shall be tested with 15 pounds of air pressure for 20 minutes.

Water service line shall be tested with working pressure or 60 lbs. of air for 20 minutes.

Hydronic heat tubing shall be tested with 60 lbs. of air.

6. Delete Section R112 Board of Appeals : See section 17.1.8 of the Building Regulations.

7. Chapter 2 Definitions: Replace or add the definitions below with the following:

a. "Fire separation distance: The distance measured from the exterior building face to one of the following:

1. The closest lot line.

2. To the centerline of a street, alley, or public way. Adjacent zoned Active or Passive Open Space parcels will be interpreted as a public way for the purposes of determining fire separation distance."

3. The required fire separation between two buildings as determined by the fire code as exercised by minimum distance between buildings on the same lot OR executing "no build" easements as necessary when on separate lots.

b. "General Contractor": The general contractor shall be the main firm or person that contracts with the property owner or developer to undertake a project covered by the Building Regulations that is responsible for all work on each job site and oversees the subcontracting trades. The General Contractor acts as the agent of the owner and signs all required applications and forms with the Town with authority to bind the owner to the terms and conditions of such applications and forms.

c. Heavy Timber". Wood Columns shall be sawn or glued laminated and shall not be less than 8" in any dimensions. Wood beams and girders shall be of sawn or glued-laminated timber and shall be not less than 6" nominal in width and not less than 10' nominal in depth."

d. "High Rise Building. Amend by replacing with "A building with an occupied floor located more than 65 feet above the lowest level of fire department vehicle access."

e. "Qualified Individual: An individual who has passed the International Code Council test which covers the applicable currently adopted code or has passed the International Code Council test which covers the applicable currently adopted code and achieved ongoing training updates to the currently adopted codes in the form of a minimum of 87 classroom hours or 87 CEU's to update their license in accordance with the Contractor Licensing Regulations.

f. Plan Review Fee: The plan review fee is a document preparation fee applicable to all permits."

g. Detached: A structure separated from another structure by separate foundation and exterior siding material by a minimum of six feet (6') or applicable code required exterior wall separations, whichever is most restrictive.

~~8. Amend by inserting:~~

~~R302.4.1.1.1 Waste and or linen. A shaft enclosure containing a recycling, or waste or linen chute shall not be used for any other purpose and shall be 1-hour fire rated with self-closing doors. Where passing through more than 1 floor an NFPA 13d sprinkler head shall be installed at the top of the shaft. Doors into chutes shall be self-closing. Discharge doors shall be self- or automatic-closing upon the actuation of a smoke detector, except that heat-activated closing devices shall be permitted between the shaft and the discharge room.~~

8. R302.7 Under-stair protection. Shall be amended to read,

Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8" gypsum board. "Whenever plumbing or mechanical equipment located below a stairway the minimum headroom below the stair shall be 48" and" the walls and soffits within enclosed usable spaces under stairways shall be protected by 1-hour fire-resistance -rated construction or the current fire-resistance rating of the stairway enclosure.

~~12. R311.7 Stairways. Amend by inserting decorative or portable ladders such as for built in bunk beds are excluded from any requirements.~~

~~13.~~

~~R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.~~

~~Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.~~

9.

~~R313.1.1~~ R309.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with, amend by deleting "Section P2904" ~~amend by inserting "NFPA 13D."~~

10.

~~R313.2~~ Amend section R309.2 to read: One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings where the finished habitable space exceeds 3600 square feet and includes conditioned habitable basement area.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

11.

~~R313.2.1~~ Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with, amend by deleting "P2904" ~~amend by inserting "NFPA 13 D."~~
~~R313.1.1~~ R309.2.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with, amend by deleting "Section P2904" ~~amend by inserting "NFPA 13D."~~

12.

R904.3 Material specifications and physical characteristics. Roof covering material shall conform to the applicable standards listed in this chapter. Amend by inserting, "Metal roofing and all associated metal roofing products shall not be required to be corrosion resistant or listed by any agency in the Town of Mountain Village. Where installed, they shall be a minimum of 22 gauge."

~~18.~~

~~"Table N1102.1.2 shall be amended in Climate Zone 6B under wood framed wall R value.~~

~~19.~~

~~Insert: R 29 cavity insulation shall equal the prescriptive requirement of R5+20.~~

20.—

~~N1103.5.1 Circulation Systems. Heated water circulation systems shall be provided with a means of circulation. The system return pipe shall be a dedicated return pipe or a cold water supply pipe.~~

Delete "Gravity and thermosyphon circulation systems shall be prohibited." And insert "Gravity circulation systems shall be allowed and encouraged."

21.—

~~N1103.5.3 Hot Water Pipe Insulation.~~

~~Exception 3. Piping amend by inserting, "shall not be" located outside the conditioned space excluding properly mixed heating systems mixed with Glycol or approved anti-freeze compound installed in heated flooring.~~

22.—

~~M1502.4.6 Length Identification. Where the exhaust duct equivalent length exceeds 35 feet, the equivalent length of the exhaust duct shall be identified on a permanent label or tag.~~

14.—

~~M1503.3 Exhaust Discharge. Domestic cooking exhaust equipment shall discharge to outdoors through a duct. The duct shall have a smooth interior surface, shall be airtight, shall be equipped with a backdraft damper and shall be independent of all other exhaust systems. Ducts serving domestic cooking equipment shall not terminate in an attic or crawl space or areas inside the building.~~

~~Exception: This exception shall be deleted in entirety. Section M1503.3 Delete the exception in its entirety.~~

13. Chapter 22 Special piping and Storage Systems. Delete in entirety.

14. Section 1805.4.2 Foundation Drain. Amend by inserting: Insert section R401.3.1;

Foundation drains are part of the foundation system. The design professional shall state in a report whether the foundation drain shall be designed and / or inspected by a Colorado registered professional engineer of record.

~~26. Section G2447 Cooking Appliances. Delete section G2447.2 Prohibited Location and Section G2447.3 Domestic Appliances in entirety.~~

15. *Plumbing.*

~~a. Section P2503.5.1, Rough Plumbing. Insert the words "Building Sewer and" Delete the words "for piping other than plastic."~~

~~b. Section P2603.5 Freezing. Delete the words "by insulation or heat or both." Delete the words "12 inches" and insert "48 inches".~~

a. *P2603.5.1 Sewer Depth.* Insert the number "48" regarding burial depth.

~~d. Section P2706.1, Waste Receptors. Add: "Waste Receptors used for condensate disposal are permitted in any readily accessible location."~~

~~e. Section P2903.9.3, Fixture Valves and Access. Add: Wall mounted sinks.~~

b. *Section P2904.1 Dwelling Unit Fire Automatic Sprinkler Systems.* The design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D only. Amend by Inserting, "no P2904 systems shall be allowed in the Town of Mountain Village."

c. *Section P2911 On Site Nonpotable Water Reuse Systems.* Delete in its entirety.

d. *Section P2912 Nonpotable Rainwater Collection and Distribution Systems.* Delete in its entirety.

e. *Section P2913 Reclaimed Water Systems.* Delete in its entirety.

~~j. Section P3001.2 Protection from freezing. Delete the words "by insulation or heat or both."~~

f. *Section P3009 Subsurface Landscape Irrigation Systems.* Delete this section in entirety.

~~I. *Section P3303.1.3 Electrical.* Delete the words "Chapters 34 through 43 and insert the currently adopted NEC". Delete chapters 34-43 in entirety.~~

g. *Chapter 44 Referenced Standards.* Insert Current edition of the "NRCA" National Roofing Contractors Association.

16. *Appendix A. Sizing Capacities of Gas Piping* Appendix A is a reference standard hereby adopted into the ~~2018~~ 2024 IRC.

17. *Appendix C. Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems:* Appendix C is a reference standard hereby adopted into the ~~2018~~ 2024 IRC.

18. *Appendix G. Swimming Pools, Spas and Hot Tubs:* Appendix G is a reference standard hereby adopted into the ~~2018~~ 2024 IRC.

~~31. All other appendices of the IRC not adopted herein are hereby deleted in their entirety.~~

17.7.12 International Energy Conservation Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the energy conservation code of the Town the International Energy Conservation Code, 2021 Edition ("IECC") as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478 and the model electric ready and solar ready code on file at the Town of Mountain Village, 455 Mountain Village Blvd., Suite A, Mountain Village, CO 81435;

B. *Amendments, Additions, and Modifications.* The IECC is hereby amended as follows:

1. *Section C101.* Section C101 of the IECC is hereby amended as follows:

a. *Section C101.1, Title.*

This Code shall be known as the International Energy Conservation Code of the Town of Mountain Village and shall be cited as "this code" or the "IECC" and the Colorado Model Electric Ready and Solar Ready Code.

b. *Section C101.5.2 , Insert: Scope and General Requirements.* Add Section C101.5.2 to read:

Section C101.5.2 Creation of Agency. The Town of Mountain Village Building Department is hereby charged with enforcing the IECC, and the official in charge thereof shall be known as the code official.

- c. *Section C104.2, Fee Schedule.* Delete and replace with: "All fees shall be per the Planning and Development Services Fee Schedule."

~~2. *Section R101.* Section R101 of the IECC is hereby amended as follows:~~

- ~~a. *Section R101.1, Title.*~~

~~This Code shall be known as the International Energy Conservation Code of the Town of Mountain Village and shall be cited as "this code" or the "IECC" and the Colorado Model Electric Ready and Solar Ready Code.~~

- ~~b. *Section R101.5.2, Scope and General Requirements.* Add Section R101.5.2 to read:~~

~~Section R101.5.2 Creation of Agency. The Town of Mountain Village Building Department is hereby charged with enforcing the IECC, and the official in charge thereof shall be known as the code official.~~

- ~~c. *Section R104.2, Fee Schedule.* Delete and replace with: "All fees shall be per the Planning and Development Services Fee Schedule."~~

2. *Section R401.* Section R401 of the IECC is hereby amended as follows:

- a. *Section R401.2, Applications.* Delete and replace with: "Residential Buildings shall comply with Section 401.2.1."

- b. *Section R401.2.1, Prescriptive Compliance Option.* Delete and replace with:

R401.2.1 Local Energy Saving Measures.

a. Scope. The following requirements apply to all new residential construction, remodels, or additions, including without limitation single-family dwellings, multifamily dwellings, and mixed-use developments.

b. Mandatory Requirements. All projects shall comply with the local energy savings measures as set forth herein.

c. HERS Ratings.

i. All new detached single-family or detached condominium dwellings shall achieve one of the following Home Energy Rating System ("HERS") ratings prior to the issuance of a building permit based on the gross floor area of the home. A prescriptive method may be used for homes 3,600 square feet or less with no HERS verification prior to a Certificate of Occupancy. The prescriptive or performance (HERS) method shall be confirmed prior to issuing a building permit. Performance methods must meet the follow HERS ratings outlined below.

(a) 3,601 sq. ft. to 7,000 sq. ft.: HERS rating of 60 or lower.

(b) 7,001 to 13,000 sq. ft.: HERS rating of 55 or lower

(c) 13,001 sq. feet and larger: HERS rating of 50 or below.

A confirmed HERS rating is required at or before CO. Where no exterior snowmelt is included on the project either electrical or gas, the lowest required HERS rating shall be 60.

d. Smart Building Program. (Ordinance [2015-02](#)) The intent of the Smart Building Program ("Program") is to reduce the amount of energy and greenhouse gas emissions produced in the community through the promotion of energy efficient designs and building practices.

i. The following incentives are provided to accomplish the intent of the Program:

(a) Renewable Energy. A renewable energy 20% building permit fee discount shall be provided when (1) there is no exterior energy use; and (2) at least 20% of the estimated energy use is offset by a renewable energy source.

(b) Roof Design. Roofs are designed to function in this climate without the need for snowmelt systems and with snow and ice fall safety measures (protected entries). Roofs free of snowmelt systems are eligible for a 20% building permit fee discount. This would apply to new buildings and additions only (the rebate only applies to the portion of the permit that includes new square footage), and designs that meet this requirement must be approved by the Building Official.

(c) Exterior Energy Use: Buildings designed with no exterior energy use elements other than lighting are eligible for an additional 15% building permit fee discount. When this rebate is awarded, a covenant shall be recorded for the property with the Town, acknowledging the acceptance of the owner's forfeit of right to install any exterior energy use items after obtaining the CO for a period of fifty years. If during this period after CO it is found that exterior energy use items are desired by the owner and installed, the awarded rebate pertaining to exterior energy use shall be returned to Mountain Village per the terms of the agreement.

(d) Interior Energy Use HERS Rating: Buildings designed with a HERS rating below 50 are eligible for a building permit fee discount. The discount calculation begins at a HERS rating of 50. A new building with a HERS rating of 50 would pay 100% of the building permit fee. The building permit fee would be reduced proportionately with the percentage reduction in the HERS rating. For instance, a HERS score of 25 is a 50% reduction in the building permit fee. ~~A HERS score of 53 would result in a 100% building permit fee discount. HERS ratings can be lowered by either on-site or off-site solar photovoltaic systems.~~

These four (4) owner incentives can be used collectively toward a building permit fee discount. Maximum collective building permit fee discount available with the Program efficient home design is 100% of the building permit fee.

ii. Exterior Energy Use. The IECC or accepted performance compliance methods do not address exterior energy use. However, it is the intent of the Program to include all energy use on site in the evaluation of the building's performance regarding energy use. Therefore, the energy required of exterior snowmelt systems, as well as site-built pools and spas must also be offset with renewable energy via the Offset Program (see below).

iii. Program Scope. The Program shall apply to site built outdoor, spas, pools and all exterior energy used for snowmelt.

iv. Snowmelt.

(a) All snowmelt systems on the property shall be offset via the Renewable Energy Mitigation Program (REMP) except for:

(i) Single-family Development: 1,000 square feet of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.

(ii) Multifamily, Mixed Use and Commercial Development:

1,000 sq. ft. plus 50 square feet per dwelling unit of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.

(iii) Attached single-family units reviewed from the IRC (Duplex and Townhomes). 500 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

(iv) Pedestrian routes and plaza areas in the Village Center and other public use areas.

(v) Pool deck areas for multifamily or mixed-use hotbed development sites as envisioned in the Comprehensive Plan.

v. Spas. Factory built spas (hot tubs) that ~~are in compliance~~ comply with the current California Energy Commission requirements in section 1604 of title 20 and have a maximum standby energy use of 205 watts per hour are exempt. Spa energy uses above 205 watts per hour adjusted for local climatic conditions are included in renewable energy mitigation offset requirements. Proof that the site-built spa meets this requirement may be provided by a Town engineering consultant, if needed, and will be at the expense of the owner. The owner of said property shall have the option of providing energy from a Town approved renewable energy system, or making payment in lieu, or a combination of both, in order to offset energy used by exterior energy use equipment with renewable energy sources.

vi. Exterior Pools. Exterior heated swimming pools must prove compliance with the currently adopted Energy Codes. The Council may waive the need to offset exterior pool heating for projects that are envisioned in the Comprehensive Plan or may use a portion of the project revenues to pay for part of or all the energy offset.

~~vii. Heated Garages. Heated garages must prove compliance with the currently adopted Energy Codes. This can be accomplished with a free program known as RES-Check. The garage would be included in the Res-Check calculation with the heated home. The blower door test required as per R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.~~

vii. Exterior Energy Use Calculation. The total exterior energy use that must be offset with renewable energy, or payment made as a payment in-lieu as allowed in these regulations, will be calculated by the Town Building Official using the Build Smart Exterior Energy Calculation Spreadsheet ("Spreadsheet") - TMV Renewable Energy Mitigation Program - Outdoor Energy Use Worksheet (Appendix 17-2). The Spreadsheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions. Alternate and creative engineering solutions to reduce exterior energy use are encouraged and may be accepted as an offset method, when approved by the Building Official. The Spreadsheet will be updated regularly according to market fluctuations and may be amended and adopted by the annual Fee Resolution.

viii. Renewable Energy Credit Calculation. Renewable mitigation offsets may be produced on-site or off-site and must be approved by the Town. On site renewable energy methods receive double credit for offset purposes. For example, if a town approved renewable energy source such as solar, geothermal heat pump, etc. installed on site produces 4KW then it will get credit for offsetting 8KW of exterior energy use. As new technology or other offsite renewable energy projects come on-line, they may also be considered as approved

systems by the Building Official. Where the necessary amount of renewable energy is unattainable on-site, a combination of renewable energy methods may be used.

ix. Payment In-lieu. The Town has the resources and ability to install renewable energy systems on public property or invest in offsite renewable energy systems that will offset exterior energy used in the community. If preferred by the property owner, the Town may accept payment from the owner of the affected property, in lieu of providing energy produced by a Town approved renewable energy system. Or, the Town may accept partial payment in lieu from the affected property owner that provides only partial energy produced by a Town approved on-site or off-site renewable energy mitigation system. The owner shall make payment prior to receiving the building permit. The payment in lieu shall be calculated using the Spreadsheet.

x. Approved Renewable Energy Systems. All renewable energy systems proposed as part of the Build Smart Renewable Mitigation Program must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an on- or off-site system. Review of the system by a Town engineering consultant, if needed, will be at the expense of the owner.

(a) On-site renewable energy systems provided to offset exterior energy use will be required to be maintained and operated for the lifetime of the property, through a written agreement with the property owner and a covenant on the property.

(b) Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement: (1) the system is legally tied to the property using exterior energy use with the inability to transfer to another property; and (2) the Town can easily verify at any time the off-site renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the Town's ability to access renewable energy utility information.

xi. Shut-off Timers. Exterior energy use such as outdoor firepits and exterior gas illumination fixtures shall be required to have timers with a maximum of 60 minutes and shall not have continuously burning pilots.

xii. Appropriation of funds. All REMP payments in lieu received by the Town shall be deposited into a separate account with the Town to be used for energy reducing town projects and programs that benefit the community. Carbon reducing town projects and programs may be considered an appropriate use of REMP funds with Town Manager approval.

xiii. Engineered Heating Systems. All detached single-family dwellings with equipment that meets the requirements for commissioning must have engineered heating systems. Where

mechanical ventilation is required high efficiency energy recovery ventilators or heat recovery units shall be utilized for this purpose.

xiv. Direct Vent Furnace. When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a furnace, the furnace shall be replaced with a direct vent unit that has a minimum 92 percent AFUE.

xv. Direct Vent Boiler. When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a boiler, the boiler shall be a direct vent unit that has a minimum 90 percent AFUE.

h. Fireplaces. Fireplaces located in sleeping areas must have shut off timer with 90 minute maximum or thermostat setting maximum of 80 degrees. Wood burning fireplaces shall meet the Solid Fuel Burning Device Regulations.

~~i. Programmable Thermostats. Programmable thermostats are required for forced air central heating and cooling systems.~~

~~j. Automatic Exhaust Fan Switches. Timers, humidistats or motion sensors are required for bath exhaust fans.~~

~~k. Local Insulation Requirements.~~

~~i. Headers shall be insulated full open depth.~~

~~ii. Framed corners must be capable of being insulated.~~

~~iii. Shaft and knee walls for skylights shall be insulated as exterior walls and provided with adequate backing to support the insulation.~~

i. Range Hood Ducting. Range hoods are required and must be ducted to the exterior.

j. Mechanical Systems Commissioning and Completion Requirements. Engineering and commissioning of the mechanical and hot water heating systems shall be required on all residential where any of the following apply:

k. The equipment input rating exceeds 200,000 btu.

l. The heated water exceeds 210 deg. F

m. The heated water or water glycol storage capacity exceeds 120 gallons. Prior to the approval of the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion of the mechanical system installation to the Building Official.

n. Systems Adjusting and Balancing. HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the product specifications.

o. Air Systems Balancing. Each supply air outlet and zone terminal device shall be equipped with a means for air balancing in accordance with the International Mechanical Code. Discharge dampers are prohibited on constant volume fans and variable volume fans with motors of 10 hp (7.35 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (735 W), fan speed shall be adjusted to meet design flow conditions.

Exception: Fans with fan motor horsepower of 1 hp (735 W) or less.

p. Hydronic Systems. Balancing. Individual hydronic heating and cooling coils /zones shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed, or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure or temperature across the pump or shall have test ports at each side of each pump.

Exceptions: pumps with pump motors of 5 hp (3677 W) or less where throttling results in not greater than 5 percent of the nameplate horsepower draw above that required if the impeller were trimmed.

q. Functional Performance Testing. Functional performance testing shall be in accordance with the requirements of this section.

r. Equipment. Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications so that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all specified modes of control and sequence of operation, including under full-load, part-load and all of the following emergency conditions:

- i. Each mode as described in the sequence of operation.
 - ii. Redundant or automatic backup mode.
 - iii. Performance of alarms.
 - iv. Mode of operation upon a loss of power and restoration of power.
-

- s. Controls. HVAC control systems shall be tested to document that control devices, components, equipment, and systems are calibrated, adjusted and operated in accordance with the approved plans and specifications. Sequences of operation shall be functionally tested to document that they operate in accordance with the approved plans and specifications.
- t. Economizers. Air economizers shall undergo a functional test to determine that they operate in accordance with the manufacturer's specifications.
- u. Acceptance. Buildings, or portions thereof, shall not pass the final mechanical inspection until such time as the code official has received a final commissioning report from the design professional.
- v. System Balancing Report. A written report describing the activities and measurements completed shall be provided.
- w. Final Commissioning Report. A complete report, signed and sealed by the registered design professional, documenting that the mechanical and service water heating systems comply with the International Energy Conservation Code, the approved plans and manufacturer's specifications shall be provided to the Building Official.
- x. Site Built Spas and Pools. Site built pools and Spas shall be insulated equivalent to current California Energy compliant factory built hot tubs and spas or be offset by a Town approved renewable energy source.
- c. *Section R401.2.2, Total Building Performance Option.* Delete in its entirety.
- d. *Section R401.2.3, Energy Rating Index Option.* Delete in its entirety.
- e. *Section R401.2.4, Tropical Climate Region Option.* Delete in its entirety. (Ord. No. 2024-07 §3 (Exh. A)).

17.7.13 International Mechanical Code.

A. *Adoption.* The Town of Mountain Village ("Town") hereby adopts and incorporates herein by Reference as the mechanical code of the Town of Mountain Village the International Mechanical Code, ~~2018~~ 2024 Edition, ("IMC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions and Modifications.* The IMC 2018 Edition is hereby amended as follows:

1. *Section 101.* Section 101 of the IMC is hereby amended as follows:

"Section 101.1, Title. These regulations shall be known as the Mechanical Code of the Town of Mountain Village, Colorado, hereinafter referred to as "this code" or the "IMC."

2. *Section 101.2 Scope.* Delete the following exception in entirety. "Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the international Residential Code."

3. *Section 103.1, General.* Section 103.1 is hereby amended to read:

Section 103.1, General. "Section 103.1 is hereby amended to read: The Building Division is hereby charged with enforcing the IMC, with the Building Official acting as the code official."

4. *Section 103.2, Appointment.* Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. *Section A103.3, Deputies.* Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

6. *Section 106.* Section 106 of the IMC is hereby amended as follows:

Section 106.3.1, Construction documents. "A Colorado Licensed Professional Mechanical Engineer shall provide stamped drawings for approval to the Building Official. Exceptions may be allowed at the discretion of the Building Official."

Section ~~106.6.2~~ 108.2.1, Fee Schedule. Insert, "All fees shall be per the Planning and Development Services Fee Schedule."

7. ~~Insert Section 107.2~~ 111.2.6, Required inspections and testing. Amend by adding to item a. "Hydronic piping shall be tested at 60 lbs. air pressure. Amend by adding item 3. Sealed combustion. Amend by adding item 4. PVC vent piping both intake and exhaust installations must be pressure tested with air at 5 PSI for 15 minutes."

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8. ~~Section 109112, Means of Appeal.~~ Board of Appeals: Delete and replace with section 17.7.8 of the Building Regulations.
 9. Section 306.2 Appliances in rooms. Delete "30" from the exception and insert "not less than 48" high."
 10. Delete section 307.2.1.1 condensate discharge in its entirety.
 11. Delete section 504.6 Booster fans prohibited in its entirety.
 - ~~10. Section 505.3 Exhaust ducts. Delete exception 1. "Exception 1. In other than groups I-1 and I-2 where installed in accordance with the manufacturer's instructions and where mechanical and or natural ventilation is otherwise provided in accordance with chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors."~~
 - ~~11. Section 805.6 Decorative Shrouds. Amend by inserting, "decorative shrouds shall be 3rd party special inspection approved by the appliance installer that the shroud is used on. The installer shall verify the shroud works properly with the appliance."~~
 - ~~12. Section 917.2 Domestic appliances. Delete this section in entirety. "Cooking appliances installed within dwelling units and within areas where domestic cooking operations occur shall be listed and labeled as household appliances for domestic use."~~
 12. Section 1203.3.4 Solvent-cemented joints. Amend by inserting, An approved "visible" primer.
 13. Section 1208 Test.1208.1 General. Shall be amended to read "Hydronic piping shall be tested at 60 PSI. The duration of each test shall be not less than 15 minutes."
 14. Section 1209.5 Thermal barrier required. Amend by inserting "Where used as snow melt a minimum of R-15 insulation is required beneath and alongside."
 15. *Appendix A Chimney Connector Pass-Through.* Appendix A is a reference standard hereby adopted into the 2018 IMC.
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17.7.14 International Fuel Gas Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the fuel gas code of the Town the International Fuel Gas Code, ~~2021~~2024 Edition ("IFGC") as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions, and Modifications.* The IFGC is hereby amended as follows:

1. *Section 101.* Section 101 of the IFGC is hereby amended as follows:

a. *Section 101.1, Title.*

These regulations shall be known as the Town of Mountain Village Fuel Gas Code, hereinafter referred to as "this code" or the "IFGC."

b. *Section 101.2, Scope.* Delete the following exception in entirety: "Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code."

c. *Section 103.1, General.* Section 103.1 is hereby amended to read:

Section 103.1 Creation of Agency. The Town of Mountain Village Building Department is hereby charged with enforcing the IFGC, and the official in charge thereof shall be known as the code official.

d. *Section 103.2, Appointment.* Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

e. *Section 103.3, Deputies.* Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

f. *Section 109.2, Fee Schedule.* Delete and replace with: "All fees shall be per the Planning and Development Services Fee Schedule."

g. *Section 107.2, Inspections and Testing.* Amend by inserting under item 2, "gas pipe shall be tested with 15 PSI for 20 minutes. A category 3 or 4 appliance exhaust vent shall be tested at 5 PSI for 15 minutes."

h. *Section 113, Means of Appeal.* Board of Appeals: Delete and replace with Section 17.7.8 of the Building Regulations.

i. *Section 406.4.1, Test Pressure.* Amend by inserting:

The test pressure for gas piping shall be 15 PSI air for 20 minutes minimum. Where the design gas pressure inside the building is greater than 5PSI the pipe shall be welded and tested at 60 PSI for 20 minutes. Category 3 and 4 appliance exhaust pipes shall be tested at 5 pounds for 15 minutes.

j. ~~Insert new section:~~

~~Section 409.5.4, Gas Fireplace in Sleeping Room Areas. A timer, or permanent thermostat shall be provided to control the main burner operation, shall have a maximum operating time of 1 hour and a maximum temperature setting of 85 degrees Fahrenheit. The control for the timer or thermostat shall be in the same room as the gas fireplace.~~

k. ~~Insert new section:~~

~~Section 623.3.1, Exhaust Discharge. Domestic cooking exhaust equipment shall discharge to outdoors through a duct. The duct shall have a smooth interior surface, shall be airtight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Ducts serving domestic cooking equipment shall not terminate in an attic or crawl space or areas inside the building.~~

j. *Appendix A, Sizing and Capacities of Gas Piping.* Appendix A is a reference standard hereby adopted into the 2021 IFGC.

k. *Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.* Appendix C is a reference standard hereby adopted into the 2021 IFGC. (Ord. No. 2024-06 §3 (Exh. A)).

17.7.15 International Property Maintenance Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the Property Maintenance Code of the Town, the International Property Maintenance Code ~~2018~~ 2024 Edition, ("IPMC") as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

Amendments, Additions and Modifications. The IPMC is hereby amended as follows:

1. "Section 101.1, Title. These regulations shall be known as the Town of Mountain Village Property Maintenance Code, hereinafter referred to as "this code" or the "IPMC"."

2. Section 103.1, General. Section 103.1 is hereby amended to read:

"Section 103.1, General. The Building Division is hereby charged with enforcing the IPMC, with the Building Official acting as the code official."

3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. Section 505.4. Water Heating Facilities. Delete the words "unless adequate combustion air is provided."

6. Section 505.5 Non-potable water reuse systems. Delete 505.1 and 5.5.5.1 in entirety.

7. *Section 604.1 ~~Electrical~~ Facilities Required.* Amend by inserting, "and the latest adopted edition of the NFPA 70 the National Electrical Code."

8. *Section 111 Means of Appeal.* Board of Appeals: Delete and replace with section 17.7.8 of the Building Regulations.

17.7.16 National Electric Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the Electrical Code of the Town, the ~~2020~~ 2023 National Electrical Code ("NEC") "also known

as NFPA 70 “as published by the National Fire Protection Association Inc, and adopted as the electrical code of the State of Colorado.

B. The NEC shall be reviewed to be re-adopted as the electrical code for the Town of Mountain Village when the State of Colorado adopts such updated versions as the electrical code for the State of Colorado.

C. *Amendments, Additions and Modifications.* “Previous editions and amendments of the National Electrical Code are replaced with the 2020 National Electrical Code which includes” amendments as follows:

1. The Building Division is charged with administering and enforcing the provisions of the NEC.
2. *New Section Fees.* Permit fees shall be based on the Planning and Development Services adopted Fee Schedule and shall supersede and replace any fee schedule adopted by the International Electrical Code or the State of Colorado.

~~3. 200.6 Means of Identifying Grounded Conductors. Amend by inserting:~~

~~a.—~~

~~Sizes 6 AWG or Smaller. An insulated grounded conductor of 6 AWG or smaller shall be identified by one of the following means:~~

~~Amend by deleting items 1-3 and replacing with:~~

~~I. A continuous white outer finish “for 120-volt ground to ungrounded single phase and three phase systems.”~~

~~II. A continuous gray outer finish “for 277-volt ground to ungrounded 3 phase systems.”~~

~~III. Three continuous white “for 120 volts” or gray stripes “for 277 volts” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.~~

~~b. Sizes 4 AWG or Larger. An insulated grounded conductor 4 AWG or larger shall be identified by one of the following means:~~

Amend by deleting items 1-3 and replacing with:

- i. A continuous white outer finish "for 120-volt ground to ungrounded single phase and three phase systems."
- ii. A continuous gray outer finish "for 277-volt ground to ungrounded 3 phase systems."
- iii. Three continuous white "for 120-volt" or gray stripes "for 277-volt" along the conductor's entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

4. ~~210.5 Identification for Branch Circuits.~~ Amend by deleting section (a) and replace with the following text.

- a. Means of Identification. The means of identification shall be by separate color coding, marking tape, tagging, or other approved means. 120 volts to ground shall be color coded Black and Red for single phase and Black, Red, and Blue for 3 phase. 277 volts to ground shall be color coded Brown, Orange, Yellow. The coding shall be top to bottom or left to right.

5. ~~215.12 Identification for Feeders.~~ Amend by deleting section (a) and replace with the following text.

- a. Means of Identification. The means of identification shall be by separate color coding, marking tape, tagging, or other approved means. 120 volts to ground shall be color coded Black and Red for single phase and Black, Red, and Blue for 3 phase. 277 volts to ground shall be color coded Brown, Orange, Yellow. The coding shall be top to bottom or left to right.

3. Section 300.5 C. Underground Cables and Conductors Under Buildings. Insert, "or manmade structures of concrete, wood etc.

7. ~~Section 334.40 (B) Shall be amended by inserting the following:~~

- (B) Devices of Insulating Material. Self-contained switches, self-contained receptacles, and nonmetallic-sheathed cable interconnector devices of insulating material that are listed "specifically for use in the occupancy group and type of construction installed and installed per installation instructions" shall be permitted to be used without boxes in exposed cable wiring and for repair wiring in existing buildings where the cable is concealed.

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4. Section 408.4B Source of Supply. Amend by deleting. "In other than one-or-two – family dwellings." All switchboards, switchgear, and panelboards supplied by feeder(s) in other than one-or-two family- dwellings shall be permanently marked to indicate each device or equipment where the power originates and voltage. The label shall be permanently affixed, of sufficient durability to withstand the environment involved, and not be handwritten.
 5. Section 410.16 Luminaires in Clothes Closets Amend by inserting: Bunk bed, furniture sleeping area locations are required to have completely enclosed light source, with noninterchangeable bulbs."
 6. Section 426.4 Continuous Load. Fixed outdoor electric deicing and snow-melting equipment shall be considered as a continuous load. Amend by inserting: "Overcurrent selection – shall be based on manufacturer installation instructions for minimum overcurrent device required to start-up at 0 degrees F and on developed length of heat tape per zone.
 7. Section 426.13 Amend by inserting the following: The ~~presents~~ presence of outdoor electric deicing and snow-melting equipment shall be evident by the posting of appropriate caution signs or markings where clearly visible, labeling must include manufacturer of deicing equipment, wattage per foot, location on structure, length per zone. Labeling must be in location of over-current devices.
 8. 426.21 Amend by inserting the following: Heating element assemblies shall be secured to the surface being heated by identified manufacturer straps. Exposed deicing cables must be secured within 12 inches of power junction box and every 4' linear feet thereafter.
 - ~~13. 426.50 Amend by inserting the following: Where accessible to the user of the equipment, no more than 8 'AFF and within site of the equipment.~~
 - ~~14. Section 695.1 Scope (A) Covered. Amended by inserting the following:

"(C) NFPA 13 D Residential water pump motors where amended."~~
 9. Section 210.52.C.2 Remove and replace section with "At least one receptacle is required at kitchen islands and peninsulas and installed in accordance with section 210.52.C.3.
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~~15. Section 695.6 (A) Supply Conductors Section (1) Shall be amended by adding the following:~~

~~"Supply Conductors for residential on-site NFPA 13d sprinkler system pumps shall be physically routed outside the building. The conductors' pumps and associated equipment shall be protected from potential damage by fire and protected from physical damage. Raceways where entering the building into the water pump room shall be EMT, IMC, or GRC and installed no higher than 3' above the finished floor. All Boxes shall have threaded hubs. Motor whips shall be flexible metal conduit, liquid tight flexible metal conduit or type MC Cable."~~

17.7.17 International Plumbing Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the plumbing code of the Town the International Plumbing Code, 2021~~2024~~ Edition ("IPC") as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions, and Modifications.* The IPC is hereby amended as follows:

1. *Section 101.* Section 101 of the IPC is hereby amended as follows:

a. *Section 101.1, Title.*

These regulations shall be known as the Town of Mountain Village Plumbing Code, hereinafter referred to as "this code" or the "IPC."

b. *Section 101.2, Scope.* Delete the following exception in entirety:

Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

c. *Section 103.1, General.* Section 103.1 is hereby amended to read:

Section 103.1 Creation of Agency. The Town of Mountain Village Building Department is hereby charged with enforcing the IPC, and the official in charge thereof shall be known as the code official.

d. *Section 103.2, Appointment.* Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

e. *Section 103.3, Deputies.* Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

f. *Section 1098.2, Fee Schedule.* Delete and replace with: "All fees shall be per the Planning and Development Services Fee Schedule."

g. *Section 10711.2, Inspections and Testing.* Amend by inserting under item 2:

Gas pipe shall be tested with 15 PSI for 20 minutes. A category 3 or 4 appliance exhaust vent shall be tested at 5 PSI for 15 minutes.

h. *Section 1132, Means of Appeal.* Board of Appeals: Delete and replace with Section 17.7.8 of the Building Regulations.

i. ~~*Section 305.4.1, Sewer Depth.* Delete and replace with: "Private sewage disposal systems are prohibited in the Town. Building sewers shall be a minimum of 6 feet below grade."~~

i. ~~*Section 312.56, Water Supply System Test.*~~ Amend by deleting the sentence "for piping systems other than plastic"; delete "50 PSI" and insert "60 PSI."

j. *Section 502.5, Clearances for Maintenance and Replacement.* Shall be amended to read:

Appliances shall be provided with access for inspection, service, repair and replacement without disabling the function of a fire-resistance-rated assembly or removing permanent construction, other appliances or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced. A level working space not less than 36" in length, 30 inches in width and 48" in height shall be provided in front of the control side to service an appliance.

~~l. Section 606.2, Location of Shutoff Valves. Amend by inserting:~~

~~1. On the fixture supply to each plumbing fixture other than "wall hung sinks", bathtubs and showers.~~

k. *Section 607.2, Hot or Tempered Water Supply to Fixtures.* Shall be amended to read:

The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 200 feet where minimum of R-3 insulation is installed to insulate the piping. Recirculating system piping and heat-traced piping shall be sources of hot or tempered water.

l. *Appendix E, Sizing of Water Piping.* Adopt entire Appendix E.

m. *Appendix F, Structural Safety.* Adopt entire Appendix F. (Ord. No. 2024-05 §3 (Exh. A)).

17.7.18 International Existing Building Code.

A. *Adoption.* There is hereby adopted and incorporated herein by reference as the Existing Building Code of the Town of Mountain Village, the International Existing Building Code ("IEBC"), ~~2018~~ 2024 Edition, published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions and Modifications.* The International Existing Building Code, ~~2018~~ 2024 Edition is hereby modified as follows:

1. 101. Section 101 of the IEBC is hereby modified to read as follows:

"Section 101.1, Title. these regulations shall be known as the International Existing Building Code of the Town of Mountain Village, hereinafter referred to as "this code" or the "IEBC"

2. "Section 103.1, General. The Planning and Development Services Department, Building Division, is hereby charged with enforcing the IEBC, with the Building Official acting as the code official."

3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.
4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
5. ~~106.2.5 Exterior balconies and elevated walking surfaces. Delete this section in its entirety.~~
6. Section 108, Fees. Section 103.5 is hereby deleted in its entirety due to the administrative provisions set forth herein.
7. ~~Section 109.3.6 Weather-exposed balcony and walking surfaces waterproofing. Delete this section in entirety.~~
8. Section 112 Board of Appeals. Board of Appeals: Delete and replace with section 17.7.8 of the Building Regulations.
9. Section 116. Section 116 of the IEBC is hereby amended to read as follows:

"Section 116.1, ~~Emergency Measures~~ Imminent Danger 116.1. Shall be amended to read, "When the Building Official has reason to believe and upon inspection found failure or collapse of a building that endangers life, or when any building or a part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in proximity of any structure due to explosives, explosive fumes or vapors, or the presents of toxic fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe, No Occupancy Allowed." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same." In the case of the Building Official having reason to believe and upon inspection found there is imminent danger of snow or ice falling from a building in a public area endangering the public, the Building Official will require the building owner remedy the danger within 24 hours of the danger being identified and ask that the public area be coned off in the interim for public safety purposes.

17.7.19 International Swimming Pool and Spa Code.

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the Swimming pool and spa Code of the Town, the International Swimming Pool and Spa Code 2024 Edition, ("ISPSC") as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

Amendments, Additions and Modifications. The ISPSC is hereby amended as follows:

1. "Section 101.1, Title. These regulations shall be known as the Town of Mountain Village International Swimming Pool and Spa Code, hereinafter referred to as "this code" or the "ISPSC"."
2. Section 103.1, General. Section 103.1 is hereby amended to read:
"Section 103.1, General. The Building Division is hereby charged with enforcing the ISPSC, with the Building Official acting as the code official."
3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.
4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

~~A. *Adoption.* The Town hereby adopts and incorporates herein by reference the International Fire Code ("IFC") 2018 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478 as adopted by Resolution from time to time by the San Miguel County Fire Protection District.~~

~~C. *Amendments, Additions and Modifications.* The IFC 2012 Edition is hereby amended as follows:~~

- ~~1. Section 103.1 General. Section 103.1 is hereby amended to read as follows:~~

~~ADD 103.1.1 The term fire code official shall be changed to read Fire Marshal throughout this code.~~

~~"Section 103.1 General. The Telluride Fire Protection District ("TFPD") is hereby appointed by the Town to act as the department of fire prevention. The Building Division may also serve as the department of fire prevention as circumstances warrant." The department of fire prevention shall be under the direction of the fire code official."~~

~~2. Section 103.2 Appointment. Section 103.2 is hereby amended to read as follows:~~

~~"Section 103.2 Appointment. "The fire code official shall be the TFPD appointed Fire Marshal. The Building Official may also act as the fire code official as circumstances warrant."~~

~~3. *Right of Entry*. Section 104.3 is hereby amended to read as follows:~~

~~"104.3 Right of Entry. "Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the Fire Marshal has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the Fire Marshal shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Fire Marshal by this code. If such building or premises is occupied, the Fire Marshal shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Fire Marshal shall first make a reasonable effort to locate the building owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Marshal has recourse to every remedy provided by law to secure entry. Said person who refuses entry is in violation of Section 18-8-106 of the Colorado Revised Statutes."~~

~~4. 104.10.1 Assistance from Other Agencies. Section 104.10.1 is hereby amended to read as follows:~~

~~"104.10.1 Assistance from Other Agencies Police and other enforcement agencies shall have the authority to render necessary assistance in the investigation of fires and the enforcement of this code when requested to do so by the Fire Marshal."~~

~~5. 104.11.2. Obstructing Operations. Section 104.11.2 is hereby amended to read as follows:~~

~~"104.11.2 Obstructing Operations. No person shall obstruct the operations of the fire department in connection with the extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire~~

department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department. Said person shall be in violation of Section ~~18-8-104~~ of the Colorado Revised Statutes."

6. ~~105.1.1. Permits Required. Section 105.1.1 is hereby amended to read as follows:~~

~~"105.1.1 Permits Required. Any property owner or authorized agent who intends to conduct an operational business or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the Fire Marshal and obtain the required permits. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein and shall be readily available for inspection by the Fire Marshal."~~

7. ~~105.4.1 Submittals. Section 105.4.1 is hereby amended to read as follows:~~

~~"105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by this code, nationally recognized standards, and the Fire Marshal. The construction documents shall be prepared by a registered design professional where required by the statutes of the State and or the jurisdiction in which the project is to be constructed."~~

8. ~~105.4.2.1 Fire Protection System Shop Drawings. Section 105.4.2.1 is hereby amended to read as follows:~~

~~"105.4.2.1 Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 and the appropriate NFPA standard."~~

9. ~~105.4.2.1 Fire Protection System Shop Drawings. Section 105.4.2 is hereby amended to add a new section 105.4.2.2 as follows:~~

~~105.4.2.2 Fire Alarm and Detection System Shop Drawings. "Shop drawings for the fire alarm and detection system(s) shall be submitted to indicate compliance with this code, the TFPD Fire Alarm Policy, the construction documents, and the appropriate NFPA standard and shall be approved prior to the start of installation. Shop drawings shall contain all information as-~~

required by Section 907 of this code, the TFPD Fire Alarm Policy, and the appropriate NFPA Standard."

10. ~~105.6.3 Aviation Facilities. Section 105.6.3 is hereby deleted in its entirety.~~
 11. ~~105.6.11 Cutting and Welding. Section 105.6.11 is hereby deleted in its entirety.~~
 12. ~~105.6.13 Exhibits and Trade Shows. Section 105.6.13 is hereby deleted in its entirety.~~
 13. ~~105.6.16 Flammable and Combustible Liquids. Section 105.6.16 is hereby amended to delete sections 10 and 11 in their entirety.~~
 14. ~~105.6.23 Hot Work Operations. Section 105.6.23 is hereby amended by deleting section number 3 in its entirety. All other sections remain in effect.~~
 15. ~~105.6.25 Lumber Yards and Woodworking Plants. Section 105.6.25 is hereby deleted in its entirety.~~
 16. ~~105.6.27 LP Gas. Section 105.6.27 is hereby deleted in its entirety.~~
 17. ~~105.6.32 Open Flames and Candles. Section 105.6.32 is hereby deleted in its entirety.~~
 18. ~~105.6.34 Places of Assembly. Section 105.6.34 is hereby deleted in its entirety.~~
 19. ~~105.6.39 Repair Garages and Motor Fuel Dispensing Facilities. Section 105.6.39 is hereby deleted in its entirety.~~
 20. ~~105.6.43 Temporary Membrane Structures and Tents. Section 105.6.43 is hereby deleted in its entirety.~~
 21. ~~105.6.45 Waste Handling. Section 105.6.45 is hereby deleted in its entirety.~~
 22. ~~105.6.46 Wood Products. Section 105.6.46 is hereby deleted in its entirety.~~
 23. ~~105.7.13 Solar Photovoltaic Power Systems. Section 105.7.13 is hereby deleted in its entirety.~~
 24. ~~105.7.16 Temporary Membrane Structures and Tents. Section 105.6.16 is hereby deleted in its entirety.~~
 25. ~~Section 106.2.1 Inspections. Section 106.2.1 is hereby amended to read as follows:~~
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~~"107.2.1 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Fire Marshal when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. A minimum of 24 hours' notice is required for all inspections."~~

~~26. 107.2 Testing and Operation. Section 107.2 is hereby amended to read as follows:~~

~~"107.2 Testing and Operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code, or other nationally recognized standards. The more stringent of the testing or operational requirements shall apply."~~

~~27. 108.1 Board of Appeals Established. Section 108.1 is hereby amended to read as follows:~~

~~"108.1 Board of Appeals Established. In order to hear appeals of orders, decisions or determinations made by the TFPD Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Board of Directors of the TFPD shall act as the board of appeals. The TFPD Fire Marshal shall be an ex officio member of the board of appeals but shall have no vote on any matter before the board. The board shall adopt bylaws and rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Marshal and the Town Building Official.~~

~~108.1.1 Variances to the Provisions for Driveways and Fire Department Access. The board may, at its discretion, grant variances to the provisions of this code as it relates to driveways and fire department access, if in the determination of the Fire Marshal in consultation with the Community Development Department, the variance complies with the intent of the code. Variances may only be requested if the TFPD Fire Marshal determines, in consultation with the Community Development Department, that special conditions exist with the applicant's site conditions."~~

~~28. 108.3 Qualifications. Section 108.3 is hereby deleted in its entirety.~~

~~29. 109.4 Violation Penalties. Section 109.4 is hereby amended to read as follows:~~

~~"109.3 Violations and Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in direct violation of the approved construction documents or directive of the TFPD Fire Marshal,~~

~~Building Official or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$3,000.00, or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."~~

30. ~~111.4 Failure to Comply. Section 109.4 is hereby amended to read as follows:~~

~~"111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$3,000.00 or more than \$10,000.00."~~

31. ~~Section 202 General Definitions. Section 202 is hereby amended to:~~

a. ~~Add a definition of Driveway as follows: "Driveway. Shall provide access to Group R-3 occupancies only and shall meet the requirements of Section 503.7 of this code.~~

b. ~~Amend the definition of Fire Chief as follows: "Fire Chief. The Chief of the department of fire prevention, or its duly authorized representative. A.K.A. Fire Marshal"~~

c. ~~Amend the definition of fire code official as follows: "Fire Code Official. The TFPD Fire Marshal or other designated authority charged with the administration and Enforcement of the code, or a duly authorized representative. In the absence of the TFPD Fire Marshal or a TFPD duly authorized representative, the Building Official may act as the fire code official.~~

d. ~~Amend the definition of high rise building as follows: "High Rise Building. A building with an occupied floor located more than 65 feet (19812mm) above the lowest level of fire department vehicle access."~~

32. ~~307.1.1 Prohibited Open Burning. Section 307.1.1 is hereby amended to read as follows:~~

~~"307.1.1 Prohibited Open Burning. Open Burn Regulations are found at CDC Section 16.6.9 and permitted in limited situation.~~

33. ~~307.2 Permit Required. Section 307.2 is hereby amended to read as follows:~~

~~"307.2 Permit Required. A permit shall be obtained from the Fire Marshal, for areas within incorporated town limits within the TFPD in accordance with Section 105.6 of this code and Ordinance #2012-1 San Miguel County Colorado, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled."~~

34. ~~308.1.4 Open Flame Cooking Devices. Section 308.1.4 is hereby amended to add one additional exception in sections 4 as follows:~~

~~Permanently installed and piped gas grill operating on natural gas that are installed and maintained per manufactures directions."~~

35. ~~314.3 Highly Combustible Goods. Section 314.3 is hereby amended to read as follows:~~

~~"314.3 Highly Combustible Goods. The display of highly combustible goods, including but not limited to fireworks, flammable or combustible liquids, liquefied flammable gasses, oxidizing materials, pyroxylin plastics and agricultural goods, in main exit access aisles, corridors, covered and open malls, or within 5 feet (1524mm) of entrances to exits and exterior exit doors is prohibited when a fire involving such goods would rapidly prevent or obstruct egress. The display and retail sale of fireworks shall comply with State of Colorado Statutes."~~

36. ~~401.3.3 Delayed Notification. Section 401.3.3 is hereby amended to read as follows:~~

~~"401.3.3 Delayed Notification. A person shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department. Said person is in violation of Colorado Revised Statute Section 18-8-111."~~

37. ~~401.5 Making False Report. Section 401.5 is hereby amended to read as follows:~~

~~"401.5, Making False Report. A person shall not give, signal or transmit a false alarm. Said person is in violation of Colorado Revised Statute Section 18-8-111."~~

38. ~~401.8 Interference with Fire Department Operations. Section 401.8 is hereby amended to read as follows:~~

~~"401.8 Interference with Fire Department Operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of a fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation. Said person is in violation of Colorado Revised Statute Section 18-8-104."~~

~~39. 405.2 Frequency. Section 405.2 is hereby amended to read as follows:~~

~~"405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure. Occupancies regulated by the State of Colorado shall comply with the state requirements as a minimum."~~

~~40. 407.1 General. Section 407.1 is hereby amended to read as follows:~~

~~"407.1 General. The provisions of Sections 407.2 through 407.7 shall be applicable where hazardous materials subject to permits under Section 5001.5 are located on the premises or where required by the Fire Marshal or by State or Federal regulations."~~

~~41. 407.6 Hazardous Materials Management Plan. Section 407.6 is hereby amended to read as follows:~~

~~"407.6 Hazardous Materials Management Plan. Where required by this code, State or Federal regulations, each application for a permit shall include a Hazardous Materials Management Plan (HMMP) in accordance with Section 5001.5.1. The Fire Marshal is authorized to accept a similar plan required by other regulations."~~

~~42. 408.3.1 First Emergency Evacuation Drill. Section 408.3.1 is hereby amended to read as follows:~~

~~"408.3.1 First Emergency Evacuation Drill. The first emergency evacuation drill of each school year shall be scheduled and conducted per state regulations or within 10 days of the beginning of classes, whichever is more stringent."~~

~~43. 408.7 Group I-3 Occupancies. Section 408.7 is hereby amended to read as follows:~~

~~"408.7 Group I-3 Occupancies. Group I-3 occupancies shall comply with the requirements of Sections 408.7.1 through 408.7.4 and Sections 401 through 406 or State and or Federal regulations, whichever is more stringent."~~

~~44. 503.1 Where Required. Section 503.1 is hereby amended to read as follows:~~

~~"503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and resolution 88-1 as adopted by the TFPD, and or the regulations of the local jurisdiction, whichever is more stringent."~~

~~503.1.1 Buildings and Facilities. Section 503.1.1, Exception opening sentence only is hereby amended to read as follows:~~

~~45.—~~

~~"503.1.1 Buildings and Facilities. Exception: The Fire Marshal is authorized to increase the dimension of 150 feet (45720mm) to 225 feet (68580 mm) where, with no change to the three criteria."~~

~~46. 503.2.3 Surface. Section 503.2.3 is hereby amended to read as follows:~~

~~503.2.3 Surface. "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all weather driving capabilities. At a minimum fire apparatus access road shall be compacted to withstand a 20-ton point load anywhere along its length and width."~~

~~47. 503.2.4 Turning radius. Section 503.2.4 is hereby amended to read as follows:~~

~~"503.2.4 Turning Radius. The inside turning radii for a fire apparatus access road shall not be less than 32 feet (9753.8mm)."~~

~~48. 503.2.5 Dead Ends. Section 503.2.5 is hereby amended to read as follows:~~

~~"503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (45720mm) in length shall be provided with an approved area for turning around fire apparatus. See Appendix D for approved apparatus turnarounds."~~

49. ~~503.2.7 Grade. Section 503.2.7 is hereby amended to read as follows:~~

~~"503.2.7 Grade. The grade of fire apparatus access roads shall be: Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400 mm) in length may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent shall not be within 500 feet (152400 mm) of each other. Curves with a centerline radius of less than 250 feet (76200 mm) shall not exceed 8 percent grade.~~

~~EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent with the approval of the Fire Marshal, providing all structures served by the fire apparatus access road other than Group U are equipped with a fire sprinkler system meeting the requirements of Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 as determined by the occupancy."~~

50. ~~503.2.8, Angles of Approach and Departure. Section 503.2.8 is hereby amended to read as follows:~~

~~"503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm)."~~

51. ~~503.6 Security Gates. Section 503.6 is hereby amended to read as follows:~~

~~"503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall always be maintained. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. Security gates shall not encroach into the required fire apparatus access road width as stated in Section 503.2.1 and Section D105 for aerial fire apparatus access roads."~~

52. ~~503.7 Driveways. Section 503.7 is hereby d established as a new section to read as follows:~~

~~"503.7 Driveways. Driveways shall be provided and maintained in accordance with Sections 503.7.1 through 503.7.2.~~

~~503.7.1 Driveways for R-3 Occupancies. An approved driveway shall be provided for every structure, or portion of a structure hereafter constructed or moved into or within the jurisdiction. The driveway shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the exterior walls of the first story of a structure as measured by an approved route around the exterior of the structure. A driveway shall serve no more than 3 R-3 structures.~~

~~EXCEPTION: The Fire Marshal is authorized to increase the dimension of 150 feet (45720mm) to 225 feet (68580mm) where:~~

- ~~1. The structure is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.3; and~~
- ~~2. Driveway cannot be designed and installed per Section 503.7 because of the location on property, topography, waterways, nonnegotiable grades or other similar conditions and the structure is equipped throughout with an approved, automatic fire sprinkler system installed in accordance with Section 903.3.1.3.~~

~~503.7.2 Specifications. Driveways shall be installed and arranged in accordance with Sections 503.7.2.1 through 503.7.2.10.~~

~~503.7.2.1 Dimensions. Driveways shall have an unobstructed width of not less than 12 feet (4876.8mm) and an unobstructed height of not less than 13 feet 6 inches (4114.8mm), with shoulders measuring 2 feet (609.6mm) on each side of a 12-foot (3657.6mm) drive surface. The shoulders shall be compacted to withstand a 20-ton load minimum. The shoulders shall pitch at no more than a 2 percent grade from the edge of the normal drive surface.~~

~~503.7.2.1.1 Authority. The Fire Marshal, in consultation with the Community Development Department, shall have the authority to require an increase in the minimum width of driveways where they are inadequate for fire or rescue operations.~~

~~503.7.2.2 Surface. Driveways shall be designed and maintained to support the imposed loads of fire apparatus, 20 tons minimum, and shall be surfaced so as to provide all-weather driving capabilities.~~

~~503.7.2.3 Turning Radius. The inside turning radii of a corner shall not be less than 32 feet (9753.6mm).~~

~~503.7.2.4 Dead end Driveways. Dead end driveways in excess of 150 feet (45720mm) shall be provided with an approved fire apparatus turnaround. See Figure D 103.1 for approved fire apparatus turnarounds.~~

~~503.7.2.5 Driveways in Excess of 200 Feet (60960mm) in Length. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width shall be provided with turnouts in addition to an approved fire apparatus turnaround.~~

~~503.7.2.6 Turnouts. Driveway turnouts shall be an all-weather driving surface at least 10 feet (3048mm) wide and 40 feet (12192mm) long and be compacted to withstand a 20-ton load minimum. Driveway turnouts shall be located as required by the Fire Marshal.~~

~~503.7.2.7 Bridges and Elevated Surfaces. See Section 503.2.6.~~

~~503.7.2.8 Grades. Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400mm) may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent grade shall not be within 500 feet (152400mm) of each other. Curves with a centerline radius of less than 250 feet (76200mm) shall not exceed 8 percent.~~

~~EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent providing all Group R-3 structures are equipped with an approved automatic fire sprinkler system meeting the requirements of Section 903.1.3.~~

~~503.7.2.9 Angles of Approach and Departure. The angles of approach and departure for driveways shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm).~~

~~503.7.2.10 Security Gates. The installation of security gates across a driveway shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall always be maintained operational. Security gates shall not encroach into the required driveway width or height."~~

~~503.7.2.12 Clearance of brush or vegetative growth from fire apparatus access roads. Fire apparatus access roads built in locations with wildland fire hazard rating of high to extreme, as defined in the San Miguel County Community Wildfire Protection Plan, should have nonfire-resistant vegetation within 10 feet (3048 mm) of both sides of the cleared road.~~

~~53. 505.1 Address Identification. Section 505.1 is hereby amended to read as follows:~~

~~505.1 Address Identification. "New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and be approved consistent with the Design Regulations found in the CDC. Where required by the Fire Marshal address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or English~~

alphabetical letters. Numbers shall be a minimum of 6 inches high with a stroke width of 0.5-inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. If local design requirements are more stringent, they shall apply, however in no case shall less stringent requirements apply.

54. ~~507.1 Required Water Supplies. Section 507.1 is hereby amended to read as follows:~~

~~"507.1 Required Water Supplies. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply systems in service at the time of the adoption of this code shall not be required to meet the distance requirement for hydrant spacing contained herein. However, installation of new hydrants on a pre-existing system, whether due to maintenance or expansion of the system, shall meet the distance requirements contained herein."~~

55. ~~508.1.1 Location and Access. Section 508.1.1 is hereby amended to read as follows:~~

~~"508.1.1 Location and Access. The location and accessibility of the fire command center shall be approved by the Fire Marshal."~~

56. ~~510.2 Emergency Responder Radio Coverage in Existing Buildings. Section 510.2 is hereby amended to read as follows:~~

~~"510.2 Emergency Responder Radio Coverage in Existing Buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building, shall be equipped with such coverage when existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with section 510.1 Exception 1."~~

57. ~~603.1 Installation. Section 603.1 is hereby amended to read as follows:~~

~~"603.1 Installation. The installation of nonportable fuel gas appliances shall comply with the International Fuel Gas Code or the appropriate NFPA standard, whichever is more stringent. The installation of all other fuel fired appliances, other than internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners, shall comply with this section, the International Mechanical Code or the appropriate NFPA standard, whichever is more stringent."~~

58. ~~603.1.2 Approval. Section 603.1.2 is hereby amended to read as follows:~~

~~"603.1.2 Approval. The design, construction and installation of fuel-fired appliances shall be in accordance with the International Fuel Gas Code, the International Mechanical Code, or the requirements of the appropriate NFPA standard, whichever is more stringent."~~

59. ~~603.3 Fuel Oil Storage Systems. Section 603.3 is hereby amended to read as follows:~~

~~"603.3 Fuel Oil Storage Systems. Fuel oil storage systems shall be installed in accordance with this code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent. Fuel oil piping systems shall be installed in accordance with the International Mechanical Code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent."~~

60. ~~603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks. Section 603.3.1 is hereby amended to read as follows:~~

~~"603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks. Where connected to a fuel oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498L) shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent."~~

61. ~~603.3.3 Underground Storage of Fuel Oil. Section 603.3.3 is hereby amended to read as follows:~~

~~"603.3.3 Underground Storage of Fuel Oil. The storage of fuel oil in underground storage tanks shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent."~~

62. ~~603.8 Incinerators. Section 603.8 is hereby amended to read as follows:~~

~~"603.8 Incinerators. Commercial, industrial and residential-type incinerators and chimneys shall be constructed in accordance with the International Building Code, the International Fuel gas code and the International Mechanical Code or state and federal EPA regulations, whichever is more stringent."~~

~~63. 604.2.14 High-Rise Buildings. Section 604.2.14 is hereby amended to read as follows:~~

~~"604.2.14 High-Rise Buildings. Standby power, light and emergency systems in high-rise buildings shall comply with the requirements of Sections 604.2.14.1 through 604.2.14.3, and Sections 403.4.8 through Section 403.3.9.1 of the IBC."~~

~~64.—~~

~~605.8.2 Detection Devices. Detection devices shall be connected to an alarm system(s) utilizing listed fire alarm signaling devices capable of generating a sound level of at least 15db above the ambient sound pressure level of the space in which they are installed and providing a distinctive audible and visual alarm.~~

~~65.—~~

~~605.8.3 Power and supervision. Detection and alarm system(s) shall be powered and supervised as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72, and the Telluride Fire Protection District Alarm Policy.~~

~~66.—~~

~~605.8.4 Monitoring and annunciation. Detection and alarm system(s) shall be remotely annunciated at an approved constantly attended location as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72, and the Telluride Fire Protection District Fire Alarm Policy.~~

~~67.—~~

~~607 COMMERCIAL KITCHEN HOODS~~

~~68.—~~

~~607.3.3.2 Grease Accumulation. ADD or NFPA 96, whichever is more stringent~~

~~69.—~~

~~607.3.4 Extinguishing system service. ADD or NFPA 96, whichever is more stringent~~

~~70. Section 607.4 Elevator Key Location. Section 607.4 is hereby amended to read as follows:~~

~~"607.4 Elevator Key Location. Keys for the elevator car doors and fire-fighter service keys shall be kept in a Knox Box key box which shall be located as directed by the Fire Marshal or his designee."~~

~~71. 608.1 Scope. Section 608.1 is hereby amended to read as follows:~~

~~"608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189L) for flooded lead-acid, nickel-cadmium (Ni-Cd) and valve regulated lead-acid (VRLA), or more than 1,000 pounds (454kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or uninterruptable power supplies shall comply with this section, Table 608.1, and all pertinent state and federal regulations whichever is more stringent."~~

~~72. 608.10 Hydrogen Sulfide Detection. Section 608.10 is hereby amended to add a new section as follows:~~

~~"608.10 Hydrogen Sulfide Detection. An approved hydrogen sulfide detection system shall be installed in rooms containing a stationary battery system(s). The detection system shall be annunciated through the automatic fire alarm system and shall also be supervised by an approved central station service."~~

~~70. 806.1.1 Exceptions: Section 806.1.1, Exception 1 is hereby amended to read as follows:~~

~~EXCEPTION: Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2 and the appropriate NFPA standard, and having a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy and the appropriate NFPA standard, shall not be prohibited in Groups A, E, M, R-1 and R-2 occupancies.~~

~~71. 807.1.2 Exceptions: Section 807.1.2, Exception 1, is hereby amended to read as follows:~~

~~EXCEPTION: In auditoriums in Group A, the permissible amount of decorative material meeting the flame propagation criteria of NFPA 701 shall not exceed 75 percent of the aggregate wall area where the building is equipped throughout with an approved automatic sprinkler system meeting the requirements of Section 903.1.1, the appropriate NFPA standard, and has a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy, and the appropriate NFPA standard and where the decorative material is installed in accordance with Section 803.11 of the IBC.~~

~~72. 807.4.3.1 Exceptions: Section 807.4.3.1, Exceptions section, is hereby amended to read as follows:~~

~~EXCEPTION: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 and the appropriate NFPA standard, and the corridor is also protected by an approved smoke detection system installed in accordance with Section 907, the TFPD Alarm Policy and the appropriate NFPA standard.~~

~~EXCEPTION: Storage in metal lockers, provided the minimum egress width is maintained."~~

~~73. 901.1 Scope. Section 901.1 is hereby amended to read as follows:~~

~~"901.1 Scope. The provisions of this chapter shall specify where fire protections systems are required and shall, along with the latest editions of the appropriate NFPA standard, apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. All design, installation testing and maintenance of said systems shall be performed by qualified and if required, by licensed personnel."~~

~~74. 901.2 Construction Documents. Section 901.2 is hereby amended to read as follows:~~

~~"901.2 Construction Documents. Construction documents and calculations, meeting the requirements of this chapter and the appropriate NFPA standard, shall be required for all fire protection systems. Permits shall be issued for the installation, rehabilitation and or modification of any fire protection system. Fees for said permits shall be per the fee resolution. Construction documents shall be submitted for review and approval prior to system installation."~~

~~75. 901.6.2 Records. Section 901.6.2 is hereby amended to read as follows:~~

~~"901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and shall be copied to the Fire Marshal."~~

~~76. 903.2.8 Group R. Section 903.2.8 is hereby amended to read as follows:~~

~~"903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 and the appropriate NFPA standard shall be provided throughout all buildings with Group R fire area to include all Group R-3 occupancies over 3600 gross square feet. This section shall be superseded by Section P2904 of the International Residential Code upon its adoption, however at no time shall a multipurpose fire sprinkler system be accepted."~~

~~77. 903.3.1.1.1 Exempt Locations. Section 903.3.1.1.1 is hereby amended to read as follows:~~

~~"903.3.1.1.1 Exempt locations. If approved by the Fire Marshal, automatic fire sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room or area merely because it is damp, of fire resistance rated construction or contains electrical equipment."~~

~~78. 903.3.1.2.1 Balconies and Decks. Section 903.3.1.2.1 is hereby amended to read as follows:~~

~~"903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a combustibile roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25mm) to 6 inches (152mm) below the structural members and a maximum distance of 14 inches (356mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction."~~

~~79. 903.4 Sprinkler System Supervision and Alarms. Section 903.4, Exceptions section, is hereby amended to read as follows:~~

~~EXCEPTION: Automatic sprinkler systems protection one – and two-family dwellings may have control valves sealed or locked in the open position.~~

~~EXCEPTION: Limited area systems serving fewer than 20 sprinklers may have control valves seals or locked in the open position."~~

~~80. 903.4.1 Monitoring. Section 903.4.1 is hereby amended to read as follows:~~

~~"903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, as defined by NFPA 72, or when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location."~~

~~81.—~~

~~906.1 Where Required. Delete Exception under Section 906.1, first criterion (No. 1) in its entirety.~~

~~Exception: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A;10-B; C. DELETE EXCEPTION ENTIRELY~~

~~82. 907.2 Where Required – New Buildings and structures. Section 907.2 is hereby amended to read as follows, with the Exceptions deleted in their entirety:~~

~~"907.2 Where Required-New Buildings and Structures. An approved fire alarm system installed in accordance with the provisions of this code, NFPA 72, and the TFPD Fire Alarm Policy shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code."~~

~~83. 907.2.1 Group A. Section 907.2.1 Exception is hereby deleted in its entirety.~~

~~84. 907.2.2 Group B: Section 907.2.2 Exception is hereby deleted in its entirety.~~

~~85. 907.2.2.1 Group B Ambulatory Health Care Facilities: Section 907.2.2.1 Exception is hereby deleted in its entirety.~~

~~86. 907.2.3 Group E Exception: Section 907.2.3 Exceptions 1 through 3 are hereby deleted in their entirety.~~

~~87. 907.2.4 Group F. Section 907.2.4 Exception is hereby deleted in its entirety.~~

~~88. 907.2.6.1 Group I-1: Section 907.2.6.1 Exceptions 1 is hereby deleted in its entirety.~~

~~89. 907.2.6.3.3 Automatic Smoke Detection Units. Section 907.2.6.3.3 Exception 3 is hereby deleted in its entirety.~~

~~90. 907.2.7 Group M. Exception: Section 907.2.7 Exception 2 is hereby deleted in its entirety.~~

~~91. 907.2.8.1 Manual Fire Alarm System. Section 907.2.8.2 Exception 2 is hereby deleted in its entirety.~~

~~92. 907.2.8.2 Automatic Smoke Detection System. Section 907.2.8.1 Exception is hereby deleted in its entirety.~~

~~93. 907.2.8.3 Smoke alarms. Section 907.2.8.3 is hereby amended to read as follows:~~

~~"Smoke alarms. Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the guest rooms only while heat detectors shall activate the occupant notification appliances."~~

~~94. 907.2.9.1 Manual Fire Alarm System. Section 907.2.9.1 Exception 2 and 3 are hereby deleted in their entirety.~~

~~95. 907.2.9.2 Smoke Alarms. Section 907.2.9.2 is hereby amended to read as follows:~~

~~"907.2.9.2 Smoke alarms. Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the dwelling unit only, while heat detectors shall automatically activate the occupant notification appliances."~~

~~96. 907.2.9.3 Group R-2 College and University Buildings. Section 907.2.9.3 is hereby amended to read as follows:~~

~~"907.2.9.3 Group R-2 College and University Buildings. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5, The TFPD Fire~~

Alarm Policy, and NFPA 72 shall be installed in Group R-2 college and university buildings in the following locations:

1. ~~Common spaces outside of dwelling and sleeping units.~~
2. ~~Laundry rooms, mechanical equipment rooms, and storage rooms.~~
3. ~~All interior corridors serving sleeping units or dwelling units.~~

~~Required smoke alarms in dwelling units and sleeping units in Group R-2 college and university buildings shall be interconnected with the fire alarm system in accordance with NFPA 72 and the TFPD Fire Alarm Policy."~~

~~97. 907.2.10.1 Manual Fire Alarm System. Section 907.2.10.1 Exception 2 is hereby deleted in its entirety.~~

~~98. 907.2.10.2 Automatic Smoke Detection System. Section 907.2.10.2 Exceptions are hereby deleted in their entirety.~~

~~99. 907.2.10.3 Smoke Alarms. Section 907.2.10.3 is hereby amended to read as follows:~~

~~"907.2.10.3 Smoke alarms. Single and multiple station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~100. 907.2.11 Single and Multiple Station Smoke Alarms. Section 907.2.11 is hereby amended to read as follows:~~

~~"907.2.11 Single and Multiple Station Smoke Alarms. Listed single and multiple station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~101. 907.2.13 High-Rise buildings. Section 907.2.13 is hereby amended to read as follows:~~

~~"907.2.13 High-Rise Buildings. High rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, NFPA 72, and the TFPD Fire Alarm Policy, a fire department communications system in accordance with Section 907.2.13.2, NFPA 72, and the TFPD Fire Alarm Policy, an emergency voice/alarm communications system in accordance with Section 907.5.2.2, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~102. 907.2.13.1 Automatic Smoke Detection. Section 907.2.13 is hereby amended to read as follows:~~

~~"907.2.13.1 Automatic smoke detection. Automatic smoke detection in high rise buildings shall be in accordance with Sections 907.2.13.1.1, 907.2.13.1.1, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~103. 907.2.13.1.1 Area Smoke Detection. Section 907.2.13.1.1 is hereby amended to read as follows:~~

~~"907.2.13.1.1 Area smoke detection. Area smoke detectors shall be provided in accordance with this section, NFPA 72, and the TFPD Fire Alarm Policy. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall activate the emergency voice/alarm communication system in accordance with Section 907.5.2.2. In addition to smoke detectors required by Sections 907.2.1 through 907.2.10, smoke detectors shall be located in each mechanical equipment, electrical, transformer, telephone equipment or similar room."~~

~~104. 907.2.13.2 Fire Department Communication System. Section 907.2.13.2 is hereby amended to read as follows:~~

~~"907.2.13.2 Fire Department Communication System. Where a wired communication system is approved in lieu of an emergency responder radio coverage system in accordance with Section 510, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy and shall operate between a fire command center complying with Section 508, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, areas of refuge, and inside enclosed exit stairways. The fire department communications device shall be provided at each floor level within the enclosed exit stairway."~~

~~105. 907.2.14 Atriums Connecting More than Two Stories. Section 907.2.14 is hereby amended to read as follows:~~

~~"907.2.14 Atriums Connecting More Than Two Stories. A fire alarm system shall be installed in occupancies with an atrium that connects more than two stories, with smoke detection installed throughout the atrium. The system shall be activated in accordance with Section 907.5, NFPA 72, and the TFPD Fire Alarm Policy. Such occupancies in Group A, E, or M shall be provided with an~~

~~emergency voice/alarm communication system complying with the requirements of Section 907.5.5.5, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~106. 907.2.18 Underground Buildings with Smoke Control Systems. Section 907.2.18 is hereby amended to read as follows:~~

~~"907.2.18 Underground Buildings with Smoke Control Systems. Where a smoke control system is installed in an underground building in accordance with the International Building Code, automatic smoke detectors shall be provided in accordance with Section 907.2.12.1, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~107. 907.3 Fire Safety Functions. Section 907.3 is hereby amended to read as follows:~~

~~"907.3 Fire Safety Functions. Automatic fire detectors utilized for the purpose of performing fire safety functions shall be connected to the building's fire alarm control unit where a fire alarm system is required by Section 907.2, NFPA 72 and the TFPD Fire Alarm Policy. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances and shall also notify the monitoring company's signaling service. In buildings not equipped with a fire alarm system, the automatic fire detector shall be powered by normal electrical service and, upon activation, perform the intended functions. The detectors shall be located in accordance with NFPA 72 and the TFPD Fire Alarm Policy."~~

~~108. 907.3.1 Duct Smoke Detectors. Section 907.3.1 is hereby amended to read as follows:~~

~~"907.3.1 Duct Smoke Detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct detectors shall be connected to the building's fire alarm control unit when a fire alarm system is required by Section 907.2, NFPA 72, and the TFPD Fire Alarm Policy. Activation of a duct smoke detector shall initiate a signal to the monitoring company's signaling service and shall perform the intended fire safety functions in accordance with this code and the IMC. Duct smoke detectors shall not be used as a substitute for required open air detection."~~

~~109. 907.3.1 Duct Smoke Detectors. Section 907.4.1 is hereby amended to delete Exception 2 in its entirety.~~

~~110. 907.3.3 Elevator Emergency Operation. Section 907.3.3 is hereby amended to read as follows:~~

~~"907.3.3 Elevator Emergency Operation. Automatic fire detectors installed for elevator emergency operation shall be installed in accordance with ASMA A 17.1, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~111. 907.3.4 Wiring. Section 907.3.4 is hereby amended to read as follows:~~

~~"907.3.4 Wiring. The wiring to the auxiliary devices and equipment used to accomplish the above fire safety functions shall be monitored for integrity in accordance with NFPA 72, and the TFPD Fire Alarm Policy."~~

~~112. 907.4.3.1 Automatic Sprinkler System. Section 907.4.3.1 is hereby deleted in its entirety.~~

~~113. 907.5 Occupant Notification Systems: Section 907.5 Exception is hereby deleted in its entirety.~~

~~114. 907.5.2.1 Audible Alarms: Section 907.5.2.1 Exception is hereby deleted in its entirety.~~

~~115. 907.5.2.2 Emergency Voice/Alarm Communication Systems. Section 907.6.2.2 is hereby amended to read as follows:~~

~~"907.5.2.2 Emergency Voice/Alarm Communication Systems. Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy. The operation of any automatic fire detector, sprinkler water flow device, or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows: 1. Elevator groups, 2. Exit stairways, 3. Each floor, 4. Areas of refuge as defined in Chapter 2."~~

~~116. 907.6 Installation. Section 907.6 is hereby amended to read as follows:~~

~~"907.6.1 Installation. The fire alarm system shall be installed in accordance with Sections 907.6.1 through 907.6.5.2, NFPA 72, and the TFPD Fire Alarm Policy."~~

~~117. 907.6.1 Wiring. Section 907.7.1 is hereby amended to read as follows:~~

~~"907.6.1 Wiring. Wiring shall comply with NFPA 70 and 72 as to wiring size and installation of the wire, and the TFPD Fire Alarm Policy with regard to class/style of wiring to all devices in the system. Wireless protection systems utilizing radio-frequency transmitting devices shall comply with the special requirements for supervision of low power systems in NFPA 72."~~

~~118. 907.6.3 Zones. Section 907.7.3 is hereby amended to read as follows:~~

~~"907.6.3 Zones. Each floor shall be zoned separately, and a zone shall not exceed 22,500 square feet (2092m²). The length of any zone shall not exceed 300 feet (91,440mm) in any direction. Additional requirements for zoning shall be as specified in the TFPD Fire Alarm Policy."~~

~~119. 907.6.5 Monitoring. Section 907.6.5 is hereby amended to read as follows:~~

~~"907.6.5 Monitoring. Fire alarm systems required by this chapter or by the IBC shall be monitored by an approved supervising station in accordance with NFPA 72, and the TFPD Fire Alarm Policy."~~

~~120. 907.6.5, Monitoring. Section 907.7.5 Exception 3 is hereby deleted in its entirety.~~

~~121. 907.7 Acceptance Tests and Completion. Section 907.7 is hereby amended to read as follows:~~

~~"907.7 Acceptance Tests and Completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72, and the TFPD Fire Alarm Policy."~~

~~122. 907.7.2 Record of Completion. Section 907.7.2 is hereby amended to read as follows:~~

~~"907.7.2 Record of Completion. A record of completion in accordance with NFPA72 verifying that the system has been installed and tested in accordance with the approved plans and~~

~~specifications shall be provided to the Fire Marshal and owner or owners representative at final inspection."~~

~~123. 907.8.2 Testing. Section 907.8.2 is hereby amended to read as follows:~~

~~"907.8.2 Testing. Testing shall be performed annually unless required more frequently by NFPA 72. A copy of the test results shall be forwarded to the Fire Marshal's office."~~

~~124. 907.8.3 Smoke Detector Sensitivity. Section 907.8.3 is hereby amended to read as follows:~~

~~"907.8.3 Smoke Detector Sensitivity. Smoke detector sensitivity shall be checked within one year after installation and every alternate year thereafter unless required more frequently by the detector manufacturer or NFPA 72. Where the frequency is extended, records of detector-caused nuisance alarm and subsequent trends of these alarms shall be maintained. In zones or areas where nuisance alarms show an increase over the previous year, calibration tests shall be performed."~~

~~125. 907.8.5 Maintenance, Inspection and Testing. Section 907.9.5 is hereby amended to read as follows:~~

~~"907.8.5 Maintenance, Inspection and Testing. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record of such tests and inspections shall be maintained on the premises. A tag showing, at a minimum, the date of inspection, the company doing the inspection, and contact numbers for the company shall be affixed to the fire alarm control panel after each inspection."~~

~~126. 909.20.1 Schedule. Section 909.20.1 is hereby amended to read as follows:~~

~~"909.20.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and testing shall be established. At a minimum routine testing and maintenance shall be performed annually."~~

~~127.~~

~~912.5 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code, the appropriate NFPA standard, local water department requirements and or state health department requirements, whichever is more stringent.~~

~~128. 913.4 Valve supervision. Section 913.4 is hereby amended to delete method number 2 in its entirety.~~

~~129. 914.2.3 Emergency Voice/Alarm Communication System. Section 914.2.3 is hereby amended to add the following subsection:~~

~~"914.2.3.1 Emergency Responder Radio Coverage. Emergency responder radio coverage shall be provided in accordance with Section 510."~~

~~130. 1024.1 General. Section 1024.1 is hereby amended to read as follows:~~

~~"1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings of Group A, B, E, I, M, R-1, and R-2 occupancies in accordance with Sections 1024.1 through 1024.5."~~

~~131. Chapter 25 Fruit and Crop Ripening. Chapter 25 is deleted in its entirety.~~

~~132. Chapter 27 Semiconductor Fabrication Facilities. Chapter 27 is deleted in its entirety.~~

~~133. Chapter 29 Manufacture of Organic Coatings. Chapter 29 is deleted in its entirety.~~

~~134. Chapter 36 Marinas. Chapter 36 is deleted in its entirety.~~

~~135. Appendix A Board of Appeals. Appendix A is deleted in its entirety since the TFPD establishes its own rules for the Board pursuant to Section 108.1~~

~~136. Appendix D Fire Apparatus Access Roads. Appendix D is hereby amended as follows:~~

~~D103.1 Access Road Width with a Fire Hydrant. Amend to read as follows:~~

~~"D103.1 Access Road Width with a Fire Hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 20 feet (6096 mm, exclusive of the shoulders."~~

Figure D-103.1, Dead End Fire Apparatus Access Road Turnaround. Figure D103.1 is deleted in its entirety and is replaced by the TFPD designs as set forth in Attachment D.

~~D 103.2 Grade. Fire apparatus roads shall not exceed 8 percent in grade.~~

~~EXCEPTION: Transitional sections not exceeding 500 feet (152400mm) in length may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent shall not be within 500 feet (152400 mm) of each other. Curves with a centerline radius of less than 250 feet (76200 mm) shall not exceed 8 percent.~~

~~EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent with the approval of the Fire Marshal, providing all structures served by the fire apparatus access road other than Group U are equipped with a fire sprinkler system meeting the requirements of Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 as required.~~

~~D 103.3 Turning Radius. Amend to read as follows:~~

~~"D103.3 Turning radius. The minimum inside turning radius shall be 32 feet (9753.6 mm).~~

~~D103.4 Dead Ends. Amend to read as follows:~~

~~D103.4 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with an approved turnaround in accordance with Figure D103.1~~

~~D103.4.1 Cul-de-sacs. Cul-de-sacs or dead-end roads shall not exceed 600 feet (182,880 mm) in length and shall be provided with a turnaround as shown in Figure 103.1~~

~~EXCEPTION Maximum length may be increased to 1200 feet (365,760 mm) in length provided the width is increased to 26 feet (7925 mm) and that all structures except Group U have fire sprinkler and alarm systems meeting the requirements of Chapter 9 installed. A turnaround in accordance with Figure 103.1 shall be provided.~~

~~D103, Minimum Specifications. Amend to add new subsection 103.7 Cul du Sacs as follows:~~

~~"D104.7 Cul du Sacs. Cul du sacs or dead-end roads shall not exceed 600 feet (182,880 mm) and shall be provided with a turnaround as shown in Figure D103.1."~~

~~EXCEPTION: Maximum length may be increased to 1200 feet (365.760 mm) providing all structures along the road have fire sprinkler and alarm systems meeting the requirements of Chapter 9 installed. A turnaround in accordance with Figure D103 shall be provided."~~

~~D. Geographic Limits.~~

~~1. That the geographic limits referred to in certain sections of the 2012 International Fire Code are hereby established as follows:~~

~~a. Section 5704.2.9.6.1 Storage of class I and class II liquids in above ground tanks outside of buildings is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.~~

~~EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.~~

~~137. Section 5706.2.4.4 Storage of class I and class II liquids in above ground tanks is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.~~

~~EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.~~

~~138. Section 5806.2 Storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.~~

~~EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.~~

~~139. Section 6104.2 The storage of liquefied petroleum gas is restricted for the protection of heavily populated areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.~~

~~EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.~~

17.7.20 Construction Mitigation.

All development within the Town shall comply with the Construction Mitigation Regulations

A. Construction Mitigation Regulations.

1. A construction mitigation plan shall be submitted for development that requires storage, scaffolding, parking, trailers, equipment or other exterior development staging.
 2. When a construction mitigation plan is required, the following plans and information shall be submitted to the Planning and Development Services Department as applicable:
 - a. Site plan showing:
 - i. Perimeter fencing with attached green screening or approved equal;
 - ii. Tree protection for trees to be saved;
 - iii. Limits of disturbance and fencing at such line;
 - iv. Erosion control and water quality protection measures using best management practices consistent with the Grading and Drainage Design Regulations;
 - v. A temporary right-of-way encroachment permit for parking, ~~material staging and/or use as applicable with a restoration agreement and timeline.~~
 - vi. Laydown/storage areas;
 - vii. Parking areas;
 - viii. Crane location and swing radius;
 - ix. Portable toilet location(s);
 - x. Construction trailer location(s);
 - xi. Dumpster and recycling bin locations;
 - xii. Method to protect any surrounding plaza areas caused by heavy vehicles, construction or development;
-

-
- xiii. Bear-proof trash can location; and
 - b. Other information as required by the Planning and Development Services Department.
3. The construction mitigation plan shall be reviewed and approved by the Planning and Development Services Department in consultation with the Police, Public Works and other applicable Town departments.
 4. The general easement shall be protected as approved by the Review Authority, with the goal to avoid locating construction activities in the general easement and the need to respect the neighbors and neighboring properties, especially regarding the placement of dumpsters, portable toilets and other more intensive construction infrastructure.
 5. Construction projects adjacent to rights-of-ways and pedestrian areas including, but not limited to, walkways, hiking and biking trails, plazas, restaurants, etc., shall provide screened fencing ~~or hoarding~~ (with appropriate directional signage) and needed lighting to direct pedestrians away from potential hazards related to the construction site. Pedestrian protection adjacent to the construction site shall be the responsibility of the owner and owner's agent. The Building Official has the right to require additional fencing if deemed necessary to protect public safety or screen construction activity. All public pedestrian protection shall be provided per chapter 33 of the IBC.
 6. Construction staging in accordance with these regulations may occur on an off-premise site provided property owners immediately adjacent to the site are provided written notification prior to the Building Division reviewing or approving the plan. The Planning and Development Services Department may require large-scale, off-site construction staging areas to be reviewed and approved by the DRB with public notice as required by the public hearing noticing requirements. Such large-scale staging areas should be evaluated concurrent with the required development review process for efficiencies and a holistic evaluation and mitigation of impacts.
- B. *Construction Hours and Noise.* Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises and in general are permitted between the hours of seven (7) in the morning and six (6) in the evening Monday through Saturday, excluding the holidays listed below. No construction activity may take place on Sundays, Monday through Saturday before seven (7) in the morning or after six (6) in the evening or the following holidays: New year's Day,
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Memorial Day, The Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, except in case of urgent necessity or an unique situation as determined by the Building Official or its designee Ensuring a secure site and changing out propane tanks for proper heating are permitted during prohibited construction times. All proposed blasting, jack hammering, pile driving, and similar loud construction noises shall be pre-approved by the review authority and scheduled as necessary depending on the site proximity to existing development, anticipated occupancy, surrounding density, and holidays to limit any negative impact. If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, TFPD, local traffic, pedestrians, etc. prior to blasting.

C. *Temporary Structures for Construction Sites.* A small job office or trailer may be located on the site during construction. The location of any job office or trailer will be determined on the construction mitigation plan. The job office shall be removed from the site prior to receiving a CO.

D. *Environmental Controls.* Areas defined on the topographical survey that require preservation methods, i.e., natural landforms, vegetation, streams, ponds, wetlands, shall be identified and preserved by the general contractor or person primarily responsible for the construction. These areas and the methods of preservation will be defined during the Design Review Process or other applicable development application applicable to the project. Erosion control measures shall be taken during construction to ensure soil stabilization, sediment control and timely re-vegetation. The general contractor or person primarily responsible for the construction is responsible for the implementation of all preservation techniques.

E. *Construction Site Maintenance.*

1. *Construction Site Maintenance.* All construction sites in the Town shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

- a. Every lot for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
 - b. The fence or barrier shall remain in place until the Building Official has determined that the property is sufficiently secured to prevent a health or safety risk or danger.
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c. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public health and safety.

2. *Material Storage.* Construction materials shall be stored, maintained and secured to prevent safety risk or danger.

3. *Recycling.*

a. To the extent practicable, the following materials shall be recycled for every construction project that requires a building permit:

- i. Cardboard;
- ii. Glass;
- iii. Newspaper;
- iv. Metal; and
- v. Recyclable plastics.

b. The following permits do not need to provide recycling:

- i. Mechanical permits;
- ii. Electrical permits;
- iii. Plumbing permits;
- iv. Demolition permits; and
- v. Other similar minor permits that do not generate large amounts of waste.

c. The construction mitigation plan shall show a comingled recycle bin for plastics, glass, newspaper and cardboard, with palettes or recycling dumpsters utilized for large quantities of cardboard.

d. Bins, dumpsters or pallets may be used to store recycle metal.

e. These recycling requirements shall not apply to demolition permits.

f. For demolition projects, the developer shall provide a two-week opportunity for public salvage of building materials by placing a 1/8-page display ad in a newspaper of general circulation for two days in a seven-day period. Such public salvage of building materials shall be a one-week period commencing the day after the second ad is run in the newspaper. The developer may require the public salvaging materials to sign a hold harmless agreement to protect them from legal liability or damages.

4. *Waste Disposal.* Accumulated construction debris that is not recycled shall be hauled away and disposed of in accordance with all applicable laws, on regular basis when full.

a. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.

b. Debris from construction sites shall not be disposed of in dumpsters located at any other construction site within the Town without the prior approval of the Building Official.

c. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.

d. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed in dumpsters.

e. All construction sites shall have a person designated to be regularly present at the subject property as having responsibility to assure that no litter or debris leaves the subject property and that all litter and debris is picked up before the end of every construction day.

f. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public sewer. Intentionally placing, depositing, or otherwise disposing of construction debris in any public sewer will result in enforcement as provided.

5. *Portable Toilets.* Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official. Portable toilets shall meet the applicable IPC requirements. Any portable toilet facilities shall be located, to the extent possible, at the rear of the construction site or out of plain view of

any public right-of-way or neighbor. If the portable toilet facility cannot be located at the rear of the construction site and out of plain view of any public right-of-way or neighbor, the toilet facility must be fully screened from any public right-of-way or neighbor.

6. ~~Right-of-Way~~ Lane Closures. A road lane closure permit shall be obtained prior to closing any portion of any sidewalk, street or other public right-of-way. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.

7. *Parking and Site Access*. The parking of construction vehicles or equipment shall not occur in any manner to block access to or through any public sidewalk, or street or rights-of-ways. The parking of construction vehicles on public streets shall be prohibited except as approved as part of a construction mitigation plan. Construction vehicles shall not use private driveways to turnaround. Construction materials shall not be stored on town streets or property unless approved by the Town as a part of the construction mitigation plan, and only after proving that no practicable alternative exists for storage on the development site.

8. *Construction Clean Up of Streets and Sidewalks*. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property because of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

9. *Protection of Public Property*. Every construction site shall be maintained in a manner ~~so~~ as to avoid damage to the public right-of-way, infrastructure or other public property, including but not limited to the village curbs, alleys, streets, crosswalks, sidewalks, signs, streetlights, sprinkler systems, sewers or other public infrastructure. At the discretion of the Planning and Development Services All damage to the public right-of-way, infrastructure or other public property caused during the construction activities by the property owner, its contractors or agents shall be repaired, replaced or otherwise remedied by, and at the sole expense of, the property owner prior to the issuance of a CO.

~~If Town infrastructure cannot be inspected during the winter months, a TCO may be issued until such inspection occurs.~~

10. *Air Quality Protection.* Airborne particles shall be controlled at the subject property always during work by means of a water truck and spraying equipment or other water source capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Such spraying shall be undertaken always as necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.

11. *Permission to Use Adjoining or Intervening Properties.* No permit issued pursuant to this chapter shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right of entry has been secured from the owner of such property and provided to the Building Official.

12. *Vehicle Storage.* Vehicles not being used on-site for construction purposes shall not be left overnight on-site.

13. *Required Utility Locates.* Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth. Failure to have utilities properly located or any action that disturbs existing utilities, if the utilities were properly located, will result in the action contained in Section 20-6-(h) being taken.

F. *Penalties.* In addition to any violations and penalties set forth in the CDC, any violation of the Construction Mitigation Regulations shall result in the following additional actions being taken:

1. 1st Violation. First violation – Documented warning.
 2. 2nd Violation. Second violation – All work must cease until the violation has been cured.
 3. 3rd Violation. Third regulation violation within a 6-month period - A two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
 4. *Stop Work Order Fees and Penalties.* In addition, any stop work order shall result in a fee in the amount set by the Planning and Development Department Fee Schedule. After the
-

third violation in a 12-month period, the Building Official may assess penalties and fees as set for in the CDC at Section 17.1.18 in addition to the those set for in the fee schedule.

17.7.21 Snow and Ice Removal Regulations.

A. *Purposes.* The purposes of the Snow and Ice Removal Regulations are to:

1. Protect the public health, safety and welfare by preventing falling snow and/or ice from the roofs of buildings within, adjacent to, or near plaza areas, public areas around buildings by requiring that the owners of such buildings engage in the installation or supplementation of roof-top snow-shed protection systems and regular snow and/or ice build-up inspection activities, and, if necessary, snow and ice removal activities;
2. Safeguard the Town-owned plazas and overall plaza areas;
3. Establish procedures under which snow and ice removal activities will occur;
- ~~4. Ensure that a building's roof is not unsafe due to snow or icefall hazard as regulated by Section 116 of the IBC;~~
- ~~4. Ensure a building does not become unsafe to due roof snow and ice buildup; and,~~
4. Set forth rules for the enforcement of such requirements.

B. *Purposes.* The purposes of the Snow and Ice Removal Regulations are to:

1. Protect the public health, safety and welfare by preventing falling snow and/or ice from the roofs of buildings within, adjacent to, or near plaza areas, public areas around buildings by requiring that the owners of such buildings engage in the installation or supplementation of roof-top snow-shed protection systems and regular snow and/or ice build-up inspection activities, and, if necessary, snow and ice removal activities;
2. Safeguard the Town-owned plazas and overall plaza areas;
3. Establish procedures under which snow and ice removal activities will occur; and
- ~~4. Ensure that a building's roof is not unsafe due to snow or icefall hazard as regulated by Section 116 of the IBC;~~

~~4. Ensure a building does not become unsafe to due roof snow and ice buildup; and,~~

4. Set forth rules for the enforcement of such requirements.

C. *Applicability.* These Snow and Ice Removal Regulations shall apply to all multifamily or mixed-use buildings.

D. *Roof Snow and Ice Management.* The owner of each building shall ensure that each roof plane of a building does not shed snow or ice onto public area, plaza area sidewalk, or right-of-way. Each roof shall be constructed and maintained as follows:

1. Each roof-plane shall contain a snow and ice retention, snowmelt system and roof drain system designed and stamped by a qualified structural engineer or qualified roofing specialist/professional and approved by the review authority which prevents the roof plane from shedding snow and/or ice to areas below the roof plane; or
2. In the event that a snow and ice retention, snowmelt and roof drain system is not a viable option for preventing snow and ice from shedding into areas below the roof plane, the owner or HOA must demonstration a feasible snow and ice melt mitigation plan that may include heat tape or other heating system that is designed by a qualified engineer or roofing professional, which prevents the roof plane from shedding snow and/or ice to areas below the roof plane.
3. If the Town determines that additional snow fences or other snow maintenance controls are required to protect a public area or a public plaza, the Town will require a building owner to arrange for the installation of the additional snow and ice mitigation measures.

E. *Requirements for Snow Inspection and Removal.* During months that snow accumulates, the owner and any building manager of each building shall ensure that there are regular (not less than weekly) inspections of all eaves and other roof areas of the building that could result in the discharge of snow, and/or ice, and/or roof tiles, to public area, plaza area sidewalk, or right-of-way.

1. Upon identification of an overhead snow/ice safety removal issue because of such inspections, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager shall proceed in accordance with the requirements set forth herein.

2. Upon identification of an overhead snow/ice safety removal issue, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager of the building shall:

a. Immediately cordon off the hazard area and notify the Planning and Development Services Department of the issue.

i. The cordoned off area materials shall use only appropriate fencing and/or Town approved barriers.

ii. If the cordoned off area is an entrance or egress, the building manager shall provide appropriate signage to direct users to alternative entrances or egress areas.

b. Immediately schedule appropriate work crews to remove the identified hazard and ensure that diligent and reasonable efforts are being made to complete the snow removal activity within 24 hours of the identification of the hazard, or within such longer period of time as is necessary for the snow removal in the reasonable judgment of the Building Official or other appropriate Town department, but in no event more than 72 hours.

c. Ensure that all such removal activities are safely completed, including but not limited to ensuring that always during the removal activities there is at least one worker posted at ground level to monitor pedestrian safety.

d. Snow and ice removal workers shall use appropriate safety devices as required by OSHA.

e. Snow and ice removal techniques should not damage the roof of buildings or infrastructure surrounding buildings, such as the use of a heavy hammer directly onto the roofing surface or dropping ice blocks onto electric transformers.

f. To the extent practical, snow removal should be planned for times when there is the least activity in public areas and public plazas. This could include early mornings (7am-9 am) and weekdays when the presence of pedestrians is at a minimum.

3. Landscaped areas below a roof plane that can slide shall be blocked off by fencing installed pursuant to the Design Regulations, with appropriate permanent signage warning of the hazard. All signage shall comply with the Sign Regulations.

F. *Snow and Ice Removal from Town and Private Property.* A building owner, HOA or its property manager shall make arrangements to haul snow and ice removed from a roof or deck onto a plaza area, sidewalk or right-of-way immediately upon the conclusion of removal.

1. Absolutely no snow can be stored for any length of time on public plazas and public areas.
2. A building owner is liable for any damages caused to Town property, private property or pedestrians from snow and ice falling off your roof.
3. A plaza vehicle access permit is required from the Town Plazas and Environmental Service Department for any equipment needed to access the public plazas for snow removal.
4. Snow and ice may not be stored in a planter located on a public plaza or in planters where the required landscaping may be damaged or destroyed.
5. No vehicles over 10,000 pounds will be allowed in a plaza area. The Town shall require that haul trucks are staged at the perimeter of a plaza area to prevent paver damage. The plaza vehicle access permit will identify exact locations where your vehicles are approved for operation.
6. If your snow is not removed from plaza area in a timely manner, the Town Plazas and Environmental Service Department will remove it for you at a cost of \$200 per hour or the then-in – effect rate as adopted in the fee resolution, to be billed directly to the business or property as applicable.

Any damage to Town property (including Plazas, planters, trees, landscaping) or private property resulting from roof snow and ice removal operation is the building owner's responsibility to repair at such owner's sole cost and expense. Care shall be taken to not disturb town property with a snow and ice removal program.

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Agenda Item 11

TO: Mountain Village Town Council
FROM: David McConaughy, Town Attorney
RE: Ski Ticket Tax – Second Reading
DATE: April 18, 2025

Background

At the March Town Council meeting, the Council passed an ordinance on first reading to impose a tax on the sale of lift tickets. Second reading is set for your April 24, 2025, public meeting.

The packet materials include an updated version of the ordinance, a redline showing the changes proposed on second reading, and a separate Resolution to set the ballot language for the June 24, 2025 election. The ordinance and the tax will only become effective if the voters approve the ballot question in June.

Keep in mind that the Resolution will establish the *maximum* tax that may be imposed by the Town. The Town Council has the option to amend the ordinance either now or in the future to reduce the tax rate, to create new exemptions, or to eliminate the tax altogether. As you know, this proposed tax came about due to a failure of negotiations between SMART and TSG over a voluntary fee on lift ticket sales to fund the gondola. If SMART and TSG reach a binding agreement, then Council may consider repealing the tax or amending the ordinance. However, given the election timing, Council needs to proceed now to have the option of imposing this tax to commence on July 1, 2025.

Changes for Second Reading

Changes to the ordinance on second reading include:

- Increasing the tax rate from 4.5% to 5%
- Changing the definitions of “lift ticket” and “season pass” to better reflect our current understanding of how the Epic Pass works and to capture Epic Pass usage when the pass is scanned in Telluride, but not for Epic Pass sales generally
- Adding a catch-all provision in Section 030(C) to close a potential loophole where a ski area operator might try to evade the tax by including a “free” lift ticket as part of a bundled transaction for a hotel stay or other products or services

- Adding a restriction on the use of tax proceeds to gondola transportation and collection of the tax itself
- Adding an exemption for sales to tax-exempt charitable organizations or government entities

The Resolution has been worded to comply with the TABOR amendment of the Colorado Constitution, which makes the language a little cumbersome. The language also includes a “De-Brucing” clause providing that if the tax generates more revenue than anticipated or that exceeds certain constitutional limits, the Town can retain that excess revenue without the need for a TABOR refund. Keep in mind that all such revenue would be allocated to gondola transportation and tax administration regardless of whether or not it exceeds the TABOR limit.

Comments from TSG and Vail Resorts

Following first reading, Town Staff received communications from Vail Resorts (specifically regarding the Epic Pass) and from a Denver lawyer representing TSG. The Denver lawyer’s letter is attached to this memo. We have scheduled a phone call with TSG’s lawyer for early next week, which will be after the packet and this memo are distributed to Council, so we will have an update for you at the meeting.

Both Vail and TSG expressed concerns about the proposed ordinance, but as of this writing we have not received any specific suggestions or proposed amendments to the ordinance to address those concerns. Instead, the general request from both entities was to delay Council action so we can work through their issues or not to proceed at all. As previously mentioned, this ordinance is largely based on a similar ordinance passed by Breckenridge, except that Breckenridge reached an alternative agreement with Vail that avoided any tax on the Epic Pass. We understand that those negotiations took the better part of a year. The next potential date for a TABOR election to authorize the tax would be November 2025, which would mean not capturing all potential tax revenue for the 2025-2026 ski season. Council should consider whether it is willing to delay this action for further discussions with Vail and/or TSG. However, as mentioned above, Council could always amend or repeal the ordinance later even if the voters approve the ballot question in June.

Proposed Action

Council should consider separate motions for the ordinance and resolution. Suggested language appears below.

“I move to approve **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, ADDING CHAPTER 3.06 TO THE TOWN OF MOUNTAIN VILLAGE MUNICIPAL CODE TO IMPOSE A TAX ON SKI TICKETS** on second reading.”

If that motion passes, then:

“I move to approve A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO FIXING A BALLOT TITLE AND QUESTION FOR THE REGULAR ELECTION ON JUNE 24, 2025, AND SETTING FORTH OTHER DETAILS RELATING THERETO”

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO, ADDING CHAPTER 3.06 TO THE TOWN OF MOUNTAIN VILLAGE
MUNICIPAL CODE TO IMPOSE A TAX ON SKI TICKETS**

WHEREAS, pursuant to Resolution No. ____, Series of 2025, the Town of Mountain Village Town Council (“Council”) submitted a ballot question to the eligible electors of the Town of Mountain Village (“Town”) requesting authorization of a tax on ski lift tickets at the regular municipal election held on June 24, 2025; and

WHEREAS, Article VIII, Section 8.4 of the Town’s Home Rule Charter authorizes the Town to levy and collect taxes for municipal purposes, subject to the requirements of the Colorado Constitution for voter approval; and

WHEREAS, subject to the approval of a majority of voters at the election to be held on June 24, 2025, the Town Council desires to add a new chapter to the Town Municipal Code to implement the tax and to provide definitions, procedures, and penalties relating thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. A new Chapter 3.06 of the Town of Mountain Village Municipal Code is hereby enacted as follows:

Chapter 3.06. Ski Ticket Tax

3.06.010 Purpose; Agreements Authorized

A. The purpose of this chapter is to impose an excise tax of ~~four and one-half~~five percent (~~4.5~~5%) on the price paid for each single and multiday ski lift ticket purchased either within the town or elsewhere only for use at a ski area which has one (1) or more ski lifts located in whole or in part within the town during the annual period between November 1 and April 30. Admission to such a ski area pursuant to such a single or multiday ski lift ticket is a taxable privilege. It is the further purpose of this chapter to require a ski area operator to collect such lift ticket tax for the town, all as provided in this chapter.

B. The town is authorized to enter into one (1) or more agreements with any ski area operator related to the ski area operator's collection of such lift ticket tax for the town.

3.06.020 Definitions

A. The following words and phrases, when used in this chapter, shall have the following meanings:

DESIGNATED REVENUES: All revenues collected by the town pursuant to this chapter.

FINANCE DIRECTOR: The Finance Director of the town, or such person's designee.

LIFT TICKET: A right to use a ski lift at a ski area. A lift ticket shall include, without limitation, the right to use a ski lift at a ski area for ~~a single day~~ one or more days by scanning a pass issued by (1) a ski area operator or (2) a partner of a ski area operator, provided that each day of use where such a right to ski generates a ~~separate~~ transaction between the ski area operator and the issuer of such a pass.

LOCAL SKI AREA: A ski area which has one (1) or more ski lifts located in whole or in part within the town.

RECORDS: Any books, accounts, papers, memoranda, or other records of a ski area operator for a local ski area, regardless of their form or format, that are or may be relevant to determining the amount of the tax due from such ski area operator.

SEASON PASS: All lift ticket products that provide access to a local ski area for the majority of the ski season, but not including ~~the single day~~ transactions connected with a third party pass defined as a lift ticket, above.

SKI AREA: The area accessed by ski lifts designated and under the control of a single ski area operator.

SKI AREA OPERATOR: Any business entity having operational responsibility from time to time for a local ski area.

TAX: The tax payable to the town pursuant to this chapter.

TAXABLE LIFT TICKET: A lift ticket purchased at any time during the calendar year for use only at a local ski area during the annual period between November 1 and the following April 30.

3.06.030 Imposition of Tax

A. On and after one (1) minute after twelve o'clock (12:01) A.M., August 1, 2025, there is levied and there shall be paid by each purchaser of a taxable lift ticket an excise tax as described in this chapter. Such tax is due and shall be paid for the exercise of a taxable privilege.

B. The amount of the tax hereby levied is ~~four and one half~~ five percent (~~4.5~~5%) of the actual purchase price of each taxable lift ticket, whether purchased within the town or elsewhere; provided, that a tax derived from calculations resulting in a fraction of a cent being a part of the tax shall be increased or rounded to the next whole cent.

C. To the extent that a taxable lift ticket may be sold as part of a bundled transaction including other products or services, the tax shall be calculated based on the standard retail sale price of the lift ticket charged by the Ski Area Operator to the general public. Subject to the exemptions set forth below in Section 3.06.050, it is the intent of this Chapter to tax the retail value of the lift ticket component of any transaction regardless of how the Ski Area Operator may choose to allocate such price within a given transaction for services and products.

3.06.040 Use of Tax Revenues

A.

A. The revenues generated from the tax provided by this Chapter shall be used by the Town only for expenses related to Gondola transportation and for expenses related to the administration and collection of this tax.

3.06.050 Exemptions; ~~Rebates;~~ Burden of Proof

A. The tax imposed by this chapter does not apply to:

1. Season passes;
2. Any passes or lift tickets sold for summer activities; ~~or~~
3. Any other items or activities besides those lift tickets intended for ski lift use solely at a local ski area between November 1 and April 30~~;~~ and
4. Sales of lift tickets to government entities or tax-exempt charitable organizations as defined in Section 501(c)(3) of the United States Internal Revenue Code.

B. The burden of proving that any transaction is not subject to the tax implemented by this chapter shall be upon the person making such assertion.

C.

3.06.060 Payment of Tax to Ski Area Operator

The tax imposed by this chapter shall be paid by the purchaser of the taxable lift ticket to the ski area operator that sold the taxable lift ticket.

3.06.070 Collection of Tax by Ski Area Operator

A. The tax imposed by this chapter shall be collected from the purchaser of the taxable lift ticket by the ski area operator that sold the taxable lift ticket. In collecting the tax the ski area operator acts as a collection agent for the town. Each ski area operator shall be liable and responsible for the collection of the tax as provided in this chapter.

B. The tax imposed by this chapter shall be added to the purchase price, charge, or other consideration paid for the taxable privilege of admission to a local ski area arising from the purchase of a taxable lift ticket.

C. A credit shall be allowed against the amount due to the town under this chapter for any tax that would be due for an unused single-day taxable lift ticket, or any unused portion of a multiday taxable lift ticket, the purchase price of which has been refunded by the ski area operator to the purchaser of the taxable lift ticket.

D. Nothing in this chapter shall be read as limiting in any way or at any time a ski area operator's sole and absolute discretion to alter the terms, conditions, or price of any lift ticket, to create a new type of lift ticket, or to add or remove access to one (1) or more ski areas located outside of the town without regard to any resulting change to the applicability of the tax to such a lift ticket; provided, however, that any such ski area operator shall remain responsible for the collection and remittance of the tax on any and all taxable lift tickets.

3.06.080 Remittance of Collected Tax

A. Each ski area operator shall file a return each month with the finance director on or before the twentieth day of each month for the preceding month and remit to the finance director all tax collected by such ski area operator during the preceding month.

B. The finance director may, upon request of the ski area operator or other taxpayer, accept returns at such intervals as will, in the opinion of the finance director, better suit the convenience of the ski area operator or other taxpayer and will not jeopardize the collection of the tax, including an annual tax return. If any ski area operator or other taxpayer who has been granted permission to file reports and pay tax on other than a monthly basis shall become delinquent, then authorization for such alternative method of reporting may be revoked by the finance director or his or her authorized agent, and immediately following notice of revocation, the ski area operator or other taxpayer will be required to file reports and pay tax, interest, and penalties on a monthly basis for all unreported or unpaid tax in the same manner required by law under conditions that would prevail as if the ski area operator or other taxpayer had never been granted the alternate method of reporting and paying the tax.

C. The tax return and tax remitted to the finance director shall be made in such manner and upon such forms as the finance director may prescribe.

3.06.090 Preservation of Returns and Other Records; Confidentiality

A. Returns filed pursuant to this chapter shall be preserved for a period of three (3) years from the date of filing with the finance director, after which time the finance director may order them destroyed.

B. Municipal Code Section 3.04.130, concerning confidentiality of tax returns and information, applies to tax returns and information provided to the town pursuant to this chapter~~;~~

3.06.100 Records and Accounts to be Kept

Each ski area operator shall keep and preserve suitable records of all sales of taxable lift tickets sold, and such other books or accounts as may be necessary to determine the amount of tax for the collection or remittance of which the ski area operator is liable and responsible hereunder. It is the duty of each ski area operator to keep and preserve all such books, invoices, and other records for a period of three (3) years following the date the taxes were due to the town. Such items shall be open for investigation by the finance director. When a ski area operator fails or refuses to file a return the tax may be assessed by the finance director and collected without regard to the statute of limitations.

3.06.110 Audit, Investigation, Collection, and Enforcement Procedures

Except for those provisions that by their terms cannot apply, the procedures for audit, investigation, and enforcement of the town's sales tax as provided in chapter 3.04 of this title shall apply to the audit, investigation, and enforcement of the tax imposed by this chapter.

3.06.120 Tax in Addition to all Other Taxes

The tax imposed by this chapter shall be in addition to all other taxes imposed by law.

3.06.130 Administration by Finance Director; Rules and Regulations

The administration of all provisions of this chapter is vested in and shall be exercised by the finance director, who shall prescribe forms and formulate and promulgate reasonable rules and regulations in conformity with this chapter for the making of returns, the ascertainment, assessment, and collection of taxes imposed, and the proper administration and enforcement thereof.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

Section 5. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Effective Subject to Election. This Ordinance shall become effective only if the ballot measure imposing the tax is approved by a majority of the voters at the regular election on June 24, 2025.

Section 7. Public Hearing. A public hearing on this Ordinance was held on the 24th day of April, ~~2024~~2025, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 8. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 20th day of March, 2025.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 24th day of April, 2025.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2025-__ ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 20, 2025, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E. Gomez "Rick"				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2025 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on April 24, 2025. At the public hearing, the Ordinance was considered, read by title, and approved ~~without~~with amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar E. Gomez "Rick"				

5. The Ordinance as amended on second reading was republished as required by the Charter on _____, 2025.
6. ~~5-~~The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2025.

Susan Johnston, Town Clerk
(SEAL)

ALAN D. SWEETBAUM
ANDREW S. MILLER
JOSHUA T. KELTNER
MARK L. KAPLAN
MICHAEL F. FOSTER
RYAN HULL

Of Counsel:
JONATHAN C. OSTER
RICHARD P. MANCZAK



www.sweetbaumlaw.com

Alan D. Sweetbaum
asweetbaum@sweetbaumlaw.com

April 14, 2025

Via email to: pwisor@mtnvillage.org

Paul Wisor
Town Manager
Town of Mountain Village
455 Mountain Village Boulevard, Suite A
Mountain Village, CO 81435

Re: Lift Tax
Our File No.: T257.002

Dear Mr. Wisor:

I have been retained to represent TSG Ski & Golf LLC (TSG) with respect to the Town's proposed lift tax ordinance. In your email to Mr. Horning dated April 4, 2025, you stated that you needed my client's input regarding the Ordinance by April 15. This letter is TSG's response to your email.

TSG believes that Ballot Measure 3A was passed because the entities that wanted it (Town of Mountain Village, TMVOA and SMART) convinced the community that a new gondola was needed. Adequate proof was not provided that a new gondola is needed. The community should demand, and the Town of Mountain Village owes to the community, an explanation of why the current gondola needs to be replaced. The life expectancy and the annual cost of maintenance for the existing gondola need to be compared to the cost of a new gondola. As you know, Ballot Measure 3A passed by a very small margin. The Town should be sensitive to all people who voted against the Ordinance.

TSG also believes that the adoption of the Ordinance and a public vote on a new lift tax is premature until Ballot Measure 3A goes into effect and the time for all challenges has passed. We would point out that TSG's proposed agreement with SMART was only to be effective when 3A went into effect. Section 5 of the proposed SMART agreement with TSG stated that the agreement would automatically terminate if 3A failed to go into effect for any reason. In fact, we understand

that the ordinance is currently being challenged in court. Before the Ordinance is enacted, at a minimum, the court needs to make a final determination on this challenge.

TSG also believes that the proposed Ordinance is overly broad and does not contain appropriate exclusions. Specifically, we have the following comments:

1. TSG was informed that the Ordinance is supposed to be based on an ordinance adopted by Breckenridge. However, the Town's proposed Ordinance is significantly different in that it does not exclude the Epic Pass. The Epic Pass is a Vail Resorts product, not a TSG product. TSG does not sell it and has no way to agree to allow the Town to tax it. We have confirmed that Vail Associates is reviewing this issue and believes it should be properly excluded from the Ordinance. We can provide more information on this if you would like.
2. The Ordinance does not exclude complimentary passes for nonprofits and tax-exempt entities. As you may know, TSG provides hundreds of complimentary passes to nonprofits and tax-exempt entities, such as Telluride Ski & Snowboard Club and the Telluride Adaptive Sports Program. We hope the Town does not intend to charge these entities a tax on complimentary tickets which are used for volunteers. The Ordinance needs to include an exclusion for nonprofit tax-exempt entities.
3. TSG partners with many out-of-state retail ski shops. This is done with the intent of bringing out-of-state visitors to Telluride. The Ordinance does not address the interstate tax issues which this implicates. Such out of state ticket sales should be excluded.
4. The Ordinance places the burden on proving tax-exempt status on TSG. In effect, this would place the burden on individuals buying tickets at the ticket window to prove tax-exempt status and for TSG employees at the ticket windows to determine whether a customer should pay or not pay the tax. This is neither fair nor reasonable and simply not workable.
5. The Ordinance provides for the Town to charge a fee for some unspecified service. We do not believe that this is appropriate. We request the Town be transparent in terms of exactly what this fee will cover and how much it will be.
6. The Ordinance contains a provision entitled "Remittance of Collected Tax." As we understand it, in this provision, the Town is requiring TSG to file monthly returns with the Finance Director. This is a significant and unnecessary burden. TSG also does not believe that an annual audit is necessary, as annual audits are expensive and time-consuming.

Please feel free to call if you have any questions or comments.

Very truly yours,

Alan Sweetbaum

Alan Sweetbaum

ADS|pvc

cc: Stephanie Solomon

Chuck Horning

Phyllis Pierce



San Miguel County Board of Commissioners

Anne Brown | Lance Waring | Galena Gleason

April 17, 2025

Telluride Mountain Village Town Council - council@mtnvillage.org

RE: BOCC Support for Ordinance Imposing an Excise Tax on Ski Lift Tickets

The San Miguel County Board of Commissioners writes to support the Town of Mountain Village Council's approval on second reading of an ordinance adding Chapter 3.06 to the Town's Municipal Code to impose a tax on ski lift tickets. It is our understanding that if passed on April 24, 2025, this ordinance will appear on the June 24, 2025 general election ballot, seeking approval by Mountain Village voters.

We can all agree it is unfortunate that the regional community, and the Mountain Village Town Council in particular, finds itself in this position, where the only apparent means of ensuring Telluride Ski & Golf (TSG) gondola users pay a portion of gondola costs is to impose this tax. We had all been hopeful that TSG's owner, Chuck Horning, would follow through on his commitment to sign the funding agreement between TSG and the San Miguel Authority for Regional Transportation (SMART) that had been agreed upon in principle for months. Missing countless deadlines and extensions, Mr. Horning returned three different versions of the contract to SMART, each one unilaterally altered to his benefit. This leaves the community with no choice but to seek an alternate solution in this ski lift ticket tax.

On some level, it is shocking that Mr. Horning has not signed the negotiated agreement, given that the negotiated 4.5% fee would not even have been paid by TSG itself. Rather, it would have been added on top of the cost of certain lift tickets, paid by the skiers/riders, and merely passed through from TSG to SMART. This in itself was a disappointment for many in the community, who had presumed TSG would contribute some of the company's own resources to help fund this piece of infrastructure so critical to both its winter and summer operations.

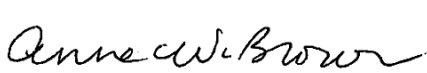
Mr. Horning's failure to execute the gondola funding agreement is another example of his unwillingness to act as a good faith partner with local governments and the community as a whole. Voters who supported Ballot Measure 3A in November 2024 had been assured by TSG that the company would impose a 4.5% fee on ski lift tickets and contribute these funds to SMART. No doubt, assurance of contributions by all benefiting parties was important to those who voted in favor of imposing increased property, lodging and sales taxes on the region. Having stepped up and passed this three-part contribution, the community now rightly feels cheated by Mr. Horning, who has not followed through with his commitment to merely pass through lift ticket fees assessed on skiers/riders to SMART.

The BOCC's support of the ski lift ticket ordinance is specifically based on our understanding that it will:

- Impose a 5% excise tax on all single and multi-day lift tickets to be used at any ski area operating at least one lift within Town of Mountain Village boundaries, regardless of where the ticket is purchased.
- Be in effect annually and in perpetuity, November 1 to April 30.
- Avoid an additional tax on locals by excluding season passes and/or providing rebates to residents of the 81435 (Telluride area), 81423 (Norwood area), 81426 (Ophir area), 81430 (Placerville area), 81332 (Rico area) and 81432 (Ridgway area) zip codes.
- Create and utilize for tax collections a distinct fund to be periodically and wholly transferred to SMART to support its operations, as was intended by the original SMART-TSG agreement.

In closing, the BOCC thanks the Town of Mountain Village for conceiving of, developing, imposing, collecting and transferring to SMART this excise tax for the benefit of our whole community, including TSG customers and other visitors to the region. We are grateful for your vision and your leadership in this and other matters, and support your passing of the ski lift tax ordinance.

Warm regards,



Anne Brown, Chair
District 1



Lance Waring
District 2



Galena Gleason
District 3

CC: Chuck Horning, Telluride Ski & Golf - chuck@telski.com
David Averill, Executive Director of SMART - david.averill@smarttelluride.com
Susan Johnston, Town of Mountain Village Clerk - SJohnston@mtnvillage.org

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO FIXING A BALLOT TITLE AND QUESTION FOR THE REGULAR ELECTION ON JUNE 24, 2025, AND SETTING FORTH OTHER DETAILS RELATING THERETO

Resolution No. 2025-0424-__

Recitals:

WHEREAS, The Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, by Ordinance No. 2025-__, the Town Council approved amendments to the Mountain Village Municipal Code to add a new chapter imposing a tax on ski lift tickets, subject to approval by the voters at the regular election scheduled for June 24, 2025 as required by the TABOR amendment to the Colorado Constitution; and

WHEREAS, by this Resolution the Town Council desires to set the ballot language for the voters to consider tax that would be imposed by Ordinance No. 2025-__ and to address other details as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this resolution.

Section 2. Ballot Language. The following ballot title and issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the regular election scheduled for June 24, 2025:

TOWN OF MOUNTAIN VILLAGE

5% EXCISE TAX ON SKI LIFT TICKETS EXEMPTING LOCAL SEASON PASSES

SHALL TOWN OF MOUNTAIN VILLAGE TAXES BE INCREASED BY APPROXIMATELY \$2,500,000 ANNUALLY (ESTIMATED FIRST FULL YEAR DOLLAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY ENACTING A 5% TAX ON THE PURCHASE PRICE OF SKI LIFT TICKETS FOR USE BETWEEN NOVEMBER 1 AND APRIL 30 OF THE FOLLOWING YEAR, COMMENCING ON JULY 1, 2025, FOR THE DEDICATED PURPOSE OF FUNDING GONDOLA OPERATIONS AND FOR ADMINISTRATION AND COLLECTION OF THE TAX, AND SHALL THE TAX REVENUES FROM SUCH NEW TAX (REGARDLESS OF WHETHER SUCH REVENUES IN ANY YEAR AFTER THE FIRST FULL FISCAL YEAR EXCEED THE ESTIMATED DOLLAR AMOUNT STATED ABOVE), AND ALL INVESTMENT INCOME ON ALL SUCH TAX REVENUES, CONSTITUTE VOTER-APPROVED REVENUE

CHANGES THAT MAY BE COLLECTED AND SPENT NOTWITHSTANDING THE LIMITATIONS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 3. Election Official. The Town Clerk is hereby appointed as the designated election official for purposes of performing acts required or permitted by law in connection with the general election set for June 24, 2025.

Section 4. Further Action. If a majority of the votes cast approve the question above, the Town Council shall be authorized to proceed with such necessary actions to implement the provisions of the questions consistent with this Resolution and Ordinance No. 2025-_____.

Section 5. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Town Council's intention that the various provisions hereof are severable.

Section 6. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED this _____ day of April, 2025.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home-rule municipality**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: _____
David McConaughy, Town Attorney