

**WELD COUNTY  
CODE ORDINANCE 2019-12**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS, CHAPTER 12 LICENSES AND PERMITS, AND CHAPTER 23 ZONING, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

**WHEREAS**, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 8  
PUBLIC WORKS**

**Add ARTICLE XI- Storm Drainage Criteria**

**Division 1 - General Provisions**

**Sec. 8-11-10. Intent.**

- A. The intent of the Weld County Storm Drainage Criteria is to provide minimum standards to preserve and protect the public health, safety and general welfare in the unincorporated lands of the County, pursuant to authority granted by Part 4 of Article 15 of Title 30, and Article 35 of Title 30, C.R.S.
- B. Adequate stormwater management is necessary to preserve and promote the health, safety, general welfare, and economic well-being of the County. Drainage is a regional issue involving multiple governmental jurisdictions and affecting all property parcels. This makes it especially critical for drainage systems and programs to address both public and private needs. The County should be directly involved to provide coordination and master planning for area-wide drainage facilities.
- C. Drainage plans should adhere to generally accepted engineering principles and practices and shall conform to applicable laws and regulations. Development shall consider the features and functions of the existing drainage system.

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Carly Koppen, Clerk and Recorder, Weld County, CO

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CA(BB), FI(DW/JO),  
ACT(BC/CD), OG(JM),  
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- D. Application of these policies is supported by technical drainage criteria and data. When designed and implemented in a comprehensive manner, drainage facilities can be provided in a manner that will avoid water-related damage to infrastructure, maintain or improve water quality, and enhance the health, safety, and general welfare of the County.

#### **Sec. 8-11-20. Definitions**

For the purpose of this article, the following terms, phrases, and words and their derivations shall have the meanings given herein:

*Control Measures (formerly Best Management Practices/BMPs)*: for the purposes of this Article, temporary or permanent erosion and sediment control methods that have been determined (according to EPA guidance) to be the most effective, practical means of preventing or reducing pollution from nonpoint sources. For the purposes of this Article, control measures address prevention of water pollution and control of dust from construction sites.

*Detention pond*: A flood control feature designed to temporarily store runoff and reduce peak flows. Detention ponds return water to the watershed through an outlet designed to release at a specified rate.

*Municipal Separate Storm Sewer System (MS4)*: An area defined by the Federal Environmental Protection Agency (EPA) in 40 CFR 122 as defined in Chapter 8, Article IX of this code.

*Non-Urbanizing*: An area farther than ¼ mile from municipal boundaries, as amended.

*Retention pond/Stormwater Infiltration facility*: A flood control feature designed to temporarily store runoff and reduce peak flows. Retention ponds return water to the watershed through infiltration into the ground.

*Urbanizing*: An area within ¼ mile from municipal boundaries, as amended.

#### **Sec. 8-11-30. Adoption of storm drainage standards.**

- A. The Urban Drainage and Flood Control District's "Urban Storm Drainage Criteria Manual," (UDFCD Manual) consisting of Volume 1, Volume 2, and Volume 3, as currently published or hereafter amended, is hereby adopted by reference, with the amendments and additions which are set forth herein. All references to "District" or "The District" within the UDFCD Manual shall be replaced with "Weld County". The provisions of this Article shall be known as the "Weld County Storm Drainage Criteria." All facilities for stormwater management on properties located within the unincorporated lands of the County, whether public or private, shall be designed and constructed in accordance with such criteria, unless a master drainage plan specific to the area of the site has been approved by the County. The Weld County Storm Drainage Criteria shall be available on the Weld County Public Works Department's Website.
- B. The criteria and procedures contained in this article are intended to supplement the UDFCD Manual in ways specific to Weld County. In the case of a conflict between the UDFCD Manual and the supplemental criteria and procedures in this article, such supplemental criteria and procedures shall take precedence over the UDFCD Manual.

**Sec. 8-11-40. - Drainage policy.**

- A. Weld County pursues a jurisdictionally unified drainage effort to assure an integrated drainage system and to cooperate with other regional and local planning agencies on drainage matters.
- B. For new development, un-detained discharges to roadside ditches located in the County right-of-way are prohibited.
- C. Except as set forth below, Weld County requires regional and/or on-site detention for all future developments. Temporary or interim detention/retention may be required if the downstream regional facilities have not yet been constructed per the applicable master plan for that location. Stormwater retention facilities are normally not allowed in Weld County but will be considered for special circumstances through the variance process as defined in this article.
- D. Weld County requires detention of runoff from the 1-hour, 100-year, storm falling on the developed site and release of the detained water at the historic runoff rate of the 1-hour, 5-year storm falling on the undeveloped site for urbanizing areas and the historic runoff rate of the 1-hour, 10-year storm falling on the undeveloped site for non-urbanizing areas. Historic is defined as an undeveloped site with a 2.0% imperviousness. If an urbanizing jurisdiction has adopted a different historic runoff rate than that stated in this subsection, then the most restrictive runoff rate shall apply.
- E. Public Works shall review and approve new development in accordance with the storm drainage criteria of this article.
- F. Weld County will not accept any detention or retention pond that does not drain in accordance with state and federal law or causes injury to water rights. Upon evaluation, improvements may be necessary to downstream capacity.
- G. Irrigation ditches shall not be used as outfall points for stormwater runoff from Uses by Special Review, Site Plan Reviews, Subdivisions, or Planned Unit Developments, unless such use is approved, in writing, by the ditch owner(s). Water quality treatment may be required.
- H. An as-built survey of stormwater facilities shall be provided if requested by Public Works.
- I. Exceptions to stormwater detention shall not jeopardize the public health, safety, and welfare of public and private property. No stormwater detention will be required for sites that meet any of the following conditions. Requirements of the Municipal Separate Storm Sewer System (MS4) areas remain applicable. Public Works will confirm if the development qualifies for an exception based upon the information provided by the applicant. Exceptions shall be supported with an approved drainage narrative, which must describe at a minimum:
  - 1. Any existing and proposed improvements to the property.
  - 2. The exception being requested for consideration.
  - 3. Where the water originates if it flows onto the property from an off-site source.
  - 4. Where the water flows as it leaves the property.
  - 5. The direction of flow across the property.

6. Previous drainage problems with the property, if any.
7. The location of any irrigation facilities adjacent to or near the property.
8. Any additional information pertinent to the development.

Exceptions to the stormwater detention shall be limited to the following uses:

1. Use by Right or Accessory Use in the A (Agricultural) Zone District.
2. Zoning Permits for accessory storage, commercial vehicles, home occupations, or manufactured homes in the A (Agricultural) Zone District.
3. A second dwelling permit in the A (Agricultural) Zone District.
4. Towers including, but not limited to, wind and telecommunication towers.
5. Pipelines or transmission lines, excluding laydown yards, metering sites, substations, and any other above ground appurtenances.
6. Gravel pits if the stormwater drains into the gravel pit. Releases from the site shall comply with the Weld County Storm Drainage Criteria, including dewatering. Topographical information shall be provided.
7. Residential developments where all the following conditions exist. This exception shall be supported by calculations signed and stamped by a Colorado Licensed Professional Engineer
  - a) Nine (9) lots or fewer.
  - b) The average lot size is equal to, or greater than, three (3) acres per lot.
  - c) Downstream roadway criteria are not exceeded.
  - d) The total post-development imperviousness for the rural residential development does not exceed ten percent (10%), assuming that all internal roads and driveways are paved, or will eventually be paved.
8. Development of sites where the change of use does not increase the imperviousness of the site.
9. Non-Urbanizing areas where the total pre-existing and post development impervious area produces stormwater runoff of less than, or equal to, 5 cfs for the 1-hour, 100-year, storm event. This exception shall be supported by calculations signed and stamped by a Colorado Licensed Professional Engineer.
10. Parcels with total area less than, or equal to, 1.0 gross acre.
11. An individual parcel with an unobstructed flow path and no other parcel(s) between the Federal Emergency Management Administration (FEMA) regulatory floodplain channel and the project.
12. A parcel greater than 1 gross acre and less than, or equal to, 5 gross acres in size is allowed a onetime exception for a new 2,000 sq. ft. building or equivalent imperviousness.



13. A parcel greater than 5 gross acres in size is allowed a onetime exception for a new 4,500 sq. ft. building or equivalent imperviousness.
14. Concentrated Animal Feeding Operation (CAFO), Animal Feeding Operations (AFO) and Housed Commercial Swine Feeding Operation (HCSFO) which are covered and approved by the Colorado Discharge Permit System (CDPS) regulations. Portions of the site not included or covered by the CDPS permit, shall comply with the Weld County Storm Drainage Criteria.

**Sec. 8-11-50. Rainfall.**

The designer shall use the most appropriate and best available data for the project area in determining the rainfall quantities. The applicant shall utilize local rainfall data from the National Oceanic and Atmospheric Administration (NOAA) unless otherwise approved by Public Works. The use of synthetic rainfall distribution data is not permitted.

**Sec. 8-11-60. Runoff.**

- A. The Rational Method should not be used to determine runoff for basins larger than 160 acres. In areas located in the southwest portion of Weld County, where areas are larger than 160 acres that have drainage characteristics similar to an urban area, the Colorado Urban Hydrograph Procedure (CUHP) is an acceptable model for determining runoff amounts. The CUHP model can be used for basins from 0 to 3,000 acres. The parameter adjustments provided in the runoff chapter of the UDFCD Manual (Volume 1) should be used when dealing with basins that are larger than 160 acres.
- B. The CUHP model is not applicable in non-urban areas, including those areas in Weld County that are outside of the Denver Metropolitan area. Public Works may accept other methodologies as deemed appropriate by the design engineer.

**Sec. 8-11-70. Street drainage for Use by Special Review, Commercial, Industrial, Planned Unit Development and Residential Subdivisions.**

- A. Design Depth Criteria. The primary design objective is to keep the encroachment of stormwater on the street or road below an acceptable limit for a given flood return period. When stormwater collects on a street and flows down a gutter or swale, the stormwater encroaches into the roadway. If left unchecked, the encroachment will hinder traffic flow and may become hazardous. The maximum encroachment depth over the crown is 6" during the 10-year storm and 18" during the 100-year storm. County Highways and arterial roadways overtopping shall be determined by the Public Works Director or Designee.

B. Inlets.

1. The design guidelines provided in the streets/inlets/storm sewers chapter of the UDFCD Manual (Volume 1) should be used when designing stormwater inlets. The standard inlets permitted for use in Weld County streets/roads are shown in the following table:

Inlet type permitted (CDOT Types)

Curb opening inlet Type R	All street types with 6-inch vertical curb
Grated inlet Type C	All streets with a roadside ditch or swale
Grated inlet Type 13	Alley or private drives with a valley gutter
Combination inlet Type 13	All street types with 6-inch vertical curb

2. In order to account for factors, which decrease the capacity of the inlets—such as debris plugging, pavement overlaying, and variations in design assumptions—the theoretical capacity calculated for inlets is to be reduced by the factors presented in the following table for standard inlets in Weld County.

Condition	Inlet Type	Percent of Theoretical Capacity Allowed
Sump or continuous grade	CDOT Type R	
	5 ft length	88
	10 ft length	92
	15 ft length	95
Continuous grade	Combination Type 13	66
Sump	Grated Type C	50
	Grated Type 13	50
	Combination Type 13	65

C. Pipes.

1. The design guidelines provided in the streets/inlets/storm sewers chapter of the UDFCD Manual (Volume 1) should be used when designing stormwater pipes.

2. The applicant shall contact the Department of Public Works to determine which types of storm sewer pipes are permissible for use in public rights-of-way or public drainage easements.

**Sec. 8-11-80. Major drainage.**

- A. Design Flows. The major drainage system must be able to convey the fully developed flow from a watershed for the 1-hour, 100-year event without significant damage to the system.
- B. Open Channel Design Principles.
  1. Grass-lined open channels conveying less than 50 cfs may reduce the minimum 1.0-foot freeboard requirement to the freeboard required to convey 1.33 times the 100-year design flow. The reduced freeboard may only occur if a 1.0-foot minimum freeboard is not physically possible and a variance request is submitted.
  2. Maximum side slopes may be as steep as 3H:1V. If slopes are greater than 4H:1V the design engineer should address how the channels will be safely maintained.

**Sec. 8-11-90. Culverts in public right-of-way.**

- A. Sizing.
  1. The applicant shall contact the Department of Public Works to determine which types of storm sewer pipes are permissible for use in public rights-of-way or public drainage easements.
  2. Culverts shall be designed to the following maximum headwater to depth HW/D requirements.

Range of Diameter or Height or Rise, Inches	Maximum HW/D
Less than 36 inches	2.0
36 inches to 60 inches	1.7
Larger than 60 inches but less than 84 inches	1.5
84 inches to less than 120 inches	1.2
120 inches or larger	1.0

- B. Materials. Culverts that are to be installed in a public right-of-way that is routinely burned must be made of either concrete or metal. Plastic pipes will not be allowed in public rights-of-way that are subject to weed burning.

**Sec. 8-11-100. Storage.**

- A. Detention Criteria.
  1. Detention ponds shall be sized to store the stormwater runoff generated by the 1-hour, 100-year storm falling on the developed site and release of the detained water at the

historic runoff rate of the 1-hour, 5-year storm falling on the undeveloped site for urbanizing areas and the historic runoff rate of the 1-hour, 10-year storm falling on the undeveloped site for non-urbanizing areas. Historic is defined as an undeveloped site with a 2.0% imperviousness.

2. The detention pond must include volume for the water quality capture volume. Water quality capture volume may be included as a portion of the total 100-year detention pond volume. The water quality capture volume is to be drained over 40 hours.
3. Off-site flows can be routed as follows:
  - a. Over the spillway; or
  - b. Routed around the site.
4. The elevation of the top of the detention pond embankment, except at the spillway, must be a minimum of 1-foot above the 100-year water surface elevation in the detention pond.
5. Outlet works should be sized and structurally designed to release at no more than the 1-hour, 5-year historic release rate in urbanizing areas and 1-hour, 10-year historic release rate in non-urbanizing areas without structural or hydraulic failure. Historic is defined as an undeveloped site with a 2.0% imperviousness. The outlet pipe must contain a minimum of two concrete cutoff walls embedded a minimum of 18 inches into undisturbed earthen soil. The cutoff walls must be a minimum of 8 inches thick. The outlet pipe bedding material must consist of native earthen soil, not granular bedding material, to at least the first downstream manhole or daylight point.
6. Each detention pond shall contain an emergency spillway capable of conveying the peak 100-year storm discharge draining into the detention pond. The invert of the emergency spillway must be equal to, or above, the 100-year water surface elevation. The depth of flow out of the emergency spillway shall be 6 inches or less. The spillway must have effective erosion protection. In order to protect the emergency spillway from catastrophic erosion failure, buried or grouted riprap shall be placed from the emergency spillway downhill to the embankment toe of slope and covered with 6 inches of topsoil, if buried. The riprap must be sized at the time of final engineering design. Grouting of the riprap may be required.
7. In order to prevent damage to publicly-owned infrastructure (roads, roadside ditches), a concrete cutoff wall 8 inches thick, 3 feet deep, and extending a minimum of 5 feet into the embankment on each side of the emergency spillway opening, is required on all privately-maintained detention ponds and required on all regional detention ponds. The concrete cutoff wall permanently defines the emergency spillway opening. The emergency spillway elevation must be tied back into the top of the embankment using a maximum slope of 4:1.
8. The design of the detention facility must provide evidence that the pond will drain in accordance with C.R.S. 37-92-602(8), as amended. A detention pond that can cause injury to water rights or is in violation of State or Federal law will not be accepted.
9. Simplified full spectrum equations are not to be used to calculate the required volume of a detention pond.



**B. Retention Criteria.**

1. Retention facilities are not allowed in Weld County without the issuance of a variance.
2. Retention facilities must be designed to contain 1.5 times the volume of the runoff generated by the 24-hour, 100-year storm, plus 1 foot of freeboard.
3. The design of the retention facility must include an emergency spillway and must show that a spill will not adversely impact downstream properties or residences. The spillway must be designed in accordance with the detention pond spillway requirements.
4. The design of the retention facility must provide evidence that the pond will drain through the bottom (sides slopes cannot be used in calculation) in accordance with C.R.S. 37-92-602(8), as amended. A retention pond that can cause injury to water rights or is in violation of state or federal law will not be accepted.

C. Erosion Protection Design Criteria. Erosion protection for storage facilities needs to be designed to ensure that the sediment does not leave the site or impact downstream properties. It may be necessary to install straw bales, riprap, erosion control logs, erosion control blankets, etc. on the storage facility side slopes to ensure that erosion does not occur until the reseeded vegetation is established. The Control Measures/BMPs outlined in the UDFCD Manual (Volume 3) should be used.

**Sec. 8-11-110. Revegetation.**

- A. Weld County utilizes the information provided in the Revegetation Chapter of the UDFCD Manual (Volume 2), and the Best Management Practices Chapter of the UDFCD Manual (Volume 3). Weld County has highly recommended seed mixes that are applicable to areas of the County. These seed mixes can be found under the Weld County Public Works Website, Weed Management Section. If noxious weeds, as defined by the State of Colorado, exist onsite, the appropriate steps shall be taken before, during, and after work is completed to control their spread.
- B. Seeding and Planting. In addition to the site preparation guidelines outlined in the revegetation chapter of the UDFCD Manual (Volume 2), if mulching with straw, the straw must be free of seeds and weeds.

**Sec. 8-11-120. Stormwater quality.**

- A. A water quality feature is intended to improve water quality from the impacts of site development. A water quality feature can be an existing low spot on the property that currently collects water or an excavated area. The volume required is based upon site size and imperviousness. This depression is intended to allow stormwater runoff from the site to collect and settle out any contaminants prior to flowing offsite to neighboring properties or downstream waterways.
- B. An accepted methodology for a water quality feature design can be found in the UDFCD Manual, Volume 3, Best Management Practices.
- C. For regulations pertaining to MS4 areas, refer to Chapter 8, Article IX of this code.

**Sec. 8-11-130. Control Measures.**

Weld County uses the Control Measures/BMPs that are outlined in the UDFCD Manual (Volume 3) Best Management Practices.

**Sec. 8-11-140. Maintenance.**

- A. Culverts located outside County-maintained road rights-of-way are not maintained by Weld County. The owners of those culverts are responsible for their maintenance. Culverts that are part of a subdivision drainage plan are maintained by the respective homeowner's association. Those culverts should be maintained and cleaned out annually, per the drainage report maintenance plan, or on an as-needed basis to ensure proper drainage of the subdivision.
- B. To assist owners with maintenance, an operations and maintenance manual for stormwater facilities and associated infrastructure shall be developed and included with the final drainage report. The operations manuals will include instructions on safe and correct operations, repair and maintenance of all installed equipment and facilities and recommended inspection schedules. The operations and maintenance manual shall be distributed to any applicable homeowners' association or business park association (or equivalent).
- C. The property owner/developer, not Weld County, is responsible for site maintenance and revegetation.
- D. Access must be provided to the drainage facilities for long-term maintenance.
- E. Areas designated for stormwater storage, retention, or detention are not to be used for storage of materials, building, or parking, or modified without approval from the Department of Public Works.

**Sec. 8-11-150. Enforcement.**

The County, through its Department of Public Works or other departments so authorized, may enforce this Article XI through methods described below or through other methods adopted by the Board of County Commissioners.

If it appears to County staff that any property is being or is proposed to be excavated, graded, altered, or used in violation of this Article XI, the County Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such violation. In addition, the County may, without seeking relief from any court, refuse to issue any zoning, building, certificate of occupancy, or other County-issued permit until the property is brought into compliance with the requirements of this Article XI. In any case in which the improvements required by this Article XI are included in an Improvements Agreement between the property owner and the County, the County may access and use collateral in accordance with the terms of that agreement for the purpose of ensuring compliance with this Article XI.

**Sec. 8-11-160. Stormwater drainage criteria variances.**

The variance procedure is intended to address cases of hardship. Relief from the provisions of this article may not be granted when the hardship is brought about solely through the actions of the appellant. No relief may be granted when the result of granting the requested relief is



detrimental to the public health, safety, and general welfare or when the relief is contrary to the purpose and intent of this article. In granting any variance, the Department of Public Works may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this article.

The variance request shall be stamped and signed by a professional civil engineer licensed to practice in the State of Colorado. Requests will be reviewed by the Public Works Director or his/her designee. In order to be granted, the variance request must:

- A. Describe the design criteria of the Weld County Code of which a variance is being requested.
- B. Describe the proposed alternative with engineering rationale which supports the intent of the Weld County Code.
- C. Meet the design intent of the Weld County Code.
- D. Demonstrate that granting of the variance will still adequately protect public health, safety, and general welfare.
- E. Demonstrate there are no adverse impacts, from stormwater runoff, to the public rights-of-way and/or off-site properties as a result of the project.

An applicant may appeal the denial of a variance to the Board of County Commissioners pursuant to the provisions of Section 2-4-10 of this Code.

Variance requests, if accepted, are not precedent setting and are based upon specific site constraints.

#### **Add ARTICLE XV - Transport Permits**

##### **Sec. 8-15-10. Intent of Transport Permit Policy.**

Weld County strives to keep its roadways and bridges safe and in a state of good repair and free from unnecessary encumbrances. The Weld County Transport Permit is required for Extra-legal vehicles using Weld County roadways to ensure the operation and movement of Extra-legal Vehicles and Loads occurs in a safe and efficient manner. Weld County Transport Permits issued shall include restrictions or conditions including, but not limited to, establishing routes, enforcing a time of day for travel, and/or requiring Extra-legal Vehicles/Loads to be accompanied by pilot escorts in an effort to protect the health, safety and welfare of the traveling public. This policy shall apply within all unincorporated areas of Weld County as of the effective date of this Article. This policy is enacted pursuant to C.R.S. §42-4-510 and §42-4-511(2)(a); applicants are responsible for complying with the terms of this and other applicable local, state, and federal laws.

##### **Sec. 8-15-20. Purpose.**

The purpose of this Article is to allow for the safe movement of Extra-legal Vehicles and Loads on county roadways and protecting the health, safety, and welfare of the traveling public, maintaining efficient traffic flow, while preserving the integrity of county roadways and bridges.





3. Require pilot escorts and/or Law Enforcement to accompany loads with dimensions exceeding maximums.
  4. Establish travel routes.
  5. Excessive loads as identified by Public Works Staff will be required to submit a route assessment including a before and after structure analysis prepared by a State of Colorado licensed Structural Engineer. These loads may require security to cover costs of potential repairs.
  6. Required Security, in the form of a Surety Bond or Letter of Credit, or other payment as approved by the Department for moves that may have the potential to cause damage to roads or structures within the roads. Whether or not covered by a security, the Permit Holder shall reimburse the County for any and all expenses incurred by the County as a result of, or related to, failure by the Permit Holder to perform the transport in compliance with the Weld County Code and other applicable law.
  7. Travel routes may require build outs of turning radii or other road improvements necessary to accommodate movement of the Vehicle/Load. A right-of-way permit may be applicable.
- C. The Applicant shall be responsible for the safe movement of the permitted Extra-legal Vehicle or Load and all terms and conditions of the Rules.
- D. Since many of these routes are connecting from other agencies or counties, the Applicants shall not only adhere to the guidelines stated in this Article, but all other applicable Federal and State of Colorado rules, regulations, and laws pertaining to Transport Permits for the movement of Extra-legal Vehicles.
- E. Exceptions. For communication purposes, and when feasible, the Department requests to be notified in advance or during a transport if any of these exceptions occur. The following are allowable exceptions to the Rules:
1. Emergency moves, as directed by emergency personnel, of an Extra-legal Vehicle or Load are exempt from the requirements of obtaining a Transport Permit when it is necessary to move the Extra-legal Vehicle or Load out of danger and for the protection of the travelling public.
  2. Towing carriers may transport a disabled Extra-legal Vehicle or Load from the point of break down or crash to a place of safe keeping.
  3. Any move of an Extra-legal Vehicle authorized by Local, State, Federal Law Enforcement or Military personnel.

#### **Sec. 8-15-50. Transport Permits Types.**

The following Transport Permits are available as determined by the Department of Public Works for the movement of Extra-legal Vehicles and Loads on roadways under Weld County jurisdiction:

- A. Single Trip Permit: A permit valid for a single one-way trip for Extra-legal Vehicles and Loads that do not exceed Maximum Limits allowed by the Rules.
- B. Special Permit: A permit valid for a single one-way trip issued to Extra-legal Vehicles or Loads that exceed the Maximum Limits allowed by the Rules.

- C. Oil Rig Permit: A permit valid for Extra-legal Vehicles and Loads associated with an Oil Rig Move. All loads pertaining to the specified rig and its location are covered under the issued permit.
- D. Annual Permit: A permit valid for one (1) year from the date of issuance for Vehicles or Loads that do not exceed Maximum Limits allowed by the Rules.
- E. Annual Overweight (OW) Divisible Permit: A permit valid for one year from the date of issuance for Quad Axle and/or Tandem/Triple Axle Divisible Vehicles or Loads.
- F. Fleet Permit: a permit valid for one (1) year from the date of issuance for Applicants with 10 or more Vehicles of which may not exceed Maximum Limits for Annual Permits.

**Sec. 8-15-60. Transport Permits Application Information.**

- A. The Maximum Limits authorized for Annual Extra-legal Vehicles or Loads are as follows:
  - 1. Two hundred thousand (200,000) pounds Gross Vehicle Weight and must meet Federal Bridge Formula requirements for axle loading.
  - 2. Sixteen (16) feet in Width.
  - 3. Sixteen (16) feet in Height.
  - 4. One hundred twenty (120) feet in Length.
  - 5. Twenty-five (25) foot front Overhang.
  - 6. Thirty-five (35) foot rear Overhang.
- B. The Maximum Limits that may be authorized for an Extra-legal Vehicle or Load operating under the Annual Overweight (OW) Divisible Permit are as follows:
  - 1. One hundred ten thousand (110,000) pounds subject to Bridge limitation map. Vehicle must be configured with a Quad Axle grouping.
  - 2. Ninety-seven thousand (97,000) pounds subject to Bridge limitation map. Vehicle must be configured with a Tandem/Triple Axle grouping on trailer.
  - 3. Height, Width, and Length shall not exceed Legal limits and maximums.
- C. Hours of Darkness. An Extra-legal Vehicle or Load more than fourteen (14) feet in Width is prohibited from travelling from Sunset to Sunrise unless authorized as a Provision on the Transport Permit.
- D. Holidays. Refer to Colorado Department of Transportation Rules and Regulations Chapter 4 (404.3).
- E. Convoying. Convoying is not permissible on Weld County roadways unless specified as a special condition on the permit. A minimum distance of one-half mile shall be maintained at all times.
- F. Staging. Vehicle staging/parking on Weld County roadways is not permitted, except at designated pull off areas. Staging on the Weld County Highway is not permitted without permission from the Department.

**Sec. 8-15-70. Transport Permit Application Process.**

- A. Applicant must apply to the Department of Public Works to obtain a Transport Permit.
- B. Submittal Requirements. Applicant must submit a complete application form, required submittals, and fee to the Department for review. Required submittals may include, but are not limited to:
  - 1. Route survey.
  - 2. Pilot escort information.
  - 3. Traffic control plan.
  - 4. Professional Engineer's analysis report for structures.
  - 5. Copies of Permits or Permissions from related agencies or municipalities included within the submitted route.
  - 6. Public notification.
  - 7. Public Utility clearance letter.
  - 8. Certificate of Authentication (for Mobile Homes only).
  - 9. Right-of-Way Use Permit.
  - 10. Transport Fee.
- C. Review Process. The application and submittals filed by the applicant for a Transport Permit shall be reviewed by the Department of Public Works. The application may also be reviewed by other departments or agencies to verify compliance with any applicable laws. If an application is determined to be incomplete, the Department of Public Works shall provide notice to the applicant, along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected in a future resubmittal. An application which is determined to be incomplete may or may not retain its same processing cycle.
- D. Permit Issuance. If the Department finds all requirements and regulations set forth in this Article have been satisfied, and all fees have been secured, a Transport Permit will be issued.
- E. Changes to an Approved Permit. An approved Transport Permit shall not be changed, modified, or altered without written consent from the Department of Public Works.
- F. Permit Expiration.
  - 1. Single-trip Permits and Special Transport Permits expire within three (3) days from the approved move date. If a longer time period than three (3) days is granted, the Permit will expire accordingly based on the move date.
  - 2. Oil Rig Permits expire ten (10) days from the date of issuance.
  - 3. Annual Permits expire one (1) year from date of issuance.
- G. Permit extension. An applicant may request an extension of time for a Single-trip, Special Transport, or Oil Rig Permit if the move is unable to begin due to good cause. There shall be an extension fee assessed to cover administrative costs.

**Sec. 8-15-80. Applicant's general responsibilities.**

- A. Applicant is responsible for all compliance with Rules as set in this Article, Permit, and Permit Provisions.
- B. Applicant is responsible for maintaining compliance with all Federal and State Highway Commercial Vehicle rules.
- C. Applicant is responsible for obtaining all necessary Permits and Permissions from all Authorities, property owners, other jurisdictions, or other affected parties located within the intended haul route boundaries.
- D. Applicant shall have an original, copy, or verifiable electronic copy of the Transport Permit available when operating on Weld County roadways.
- E. Indemnification. The Permit Holder, its agents, employees, subcontractors, contractors and assigns hereby agrees to hold Weld County, Colorado, the agencies thereof and their officers and employees harmless from any and all loss and damage or any claims which may arise out of, or be connected with, the Special Transport Permit, excluding any such loss and damage or any claims (including consequential damages) which may be caused solely by the negligence of the County, the agencies thereof or its officers and employees.
- F. Insurance. The Permit Holder shall secure and maintain insurance policies that will protect them, their subcontractors and the County from claims for bodily injury, death or property damage which may arise from the transport conducted pursuant to this permit. Weld County must be named as an "Additional Named Insured" upon said insurance policies.
- G. Utility Locates. The Permit Holder shall be responsible for utility locates at least forty-eight (48) hours in advance of the transport, for utilities that may be affected during transport. The Permit Holder is responsible for any damages to existing utilities or structures.

**Sec. 8-15-90. County Authority.**

A Special Transport Permit is considered to be a license for use of the County roadways. The Department shall have the authority to suspend and/or terminate the move, wholly or in part, because of the failure of the Permit Holder to properly execute the move in accordance with this Article. Weld County, notwithstanding the issuance of any Permit in the County roadways, reserves the right to make any changes, additions, or required rerouting of any special transport vehicles on county roadways at any time, without compensating the owner.

**Sec. 8-15-100. Transport Permit Fee.**

All required fees shall be paid, in full, at the time of the Permit application submission unless other arrangements are made. The fee for Transport Permits shall be determined by resolution or ordinance of the Board of County Commissioners and shall be shown on the Transport Permit applications.

**Sec. 8-15-110. Appeal of Denial of a Transport Permit.**

If an application for a Transport Permit is denied or revoked by the Department, or if the applicant objects to any of the terms or conditions of a permit thereby placed by the Department, the applicant has the right to appeal the decision to the Board of County Commissioners, in writing, utilizing the appeal procedures set forth in Section 2-4-10 of the Weld County Code.



#### **Sec. 8-15-120. Permit Suspension or Revocation.**

The Department may deny, revoke, or suspend the Transport Permit in order to protect the public health, safety, welfare, and ensure the safe function of county roadways and bridges. Weld County reserves its right to revoke any Transport Permit without a refund of fees whenever a Permit is issued in error on the basis of incorrect information supplied by the applicant, or whenever the Applicant is in violation of any rules or provisions of this Article.

If the Department determines the Applicant has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the Permit, the Department shall notify the Applicant of their suspension or revocation by either a phone call or in writing.

Within twenty-four (24) hours of receiving the notification of the suspension, the Applicant shall contact the Department of Public Works with a plan of correction which must be accepted by the Department. Failure by the Applicant to contact the Department to remedy violations shall result in immediate revocation of the Permit and termination of the move. If a Permit is revoked, the Applicant will be required to re-apply and will be charged for any applicable fees.

#### **Sec. 8-15-130. Enforcement.**

- A. Violations and penalties. The County, through the Department of Public Works or other Departments so authorized, may enforce this Article through methods available in the law, included in this Article, or through other methods adopted by the Board of County Commissioners.
- B. Criminal penalties.
  - 1. Whenever the Department, through one (1) of its employees, has personal knowledge of any violation of this Article, it shall give written notice to the violator to correct such violation within seven (7) days after the date of such notice. Should the violator fail to correct the violation, the Department may request that the Sheriff's Office issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in court at a definite time and place stated therein to answer and defend the charge. One (1) copy of said summons and complaint shall be served upon the violator by the Sheriff's Office in the manner provided by law for the service of a criminal summons. One (1) copy each shall be retained by the Sheriff's Office and Department and one (1) copy shall be transmitted to the Clerk of the Court. The County may remove any obstruction or work not conforming to this Article during the pendency of the enforcement action.
  - 2. It is the responsibility of the County Attorney to enforce the provisions of this Section. In the event the Board of County Commissioners deems it appropriate, the Board of County Commissioners may appoint the District Attorney to perform such enforcement duties in lieu of the County Attorney.
  - 3. Any arresting law enforcement officer shall follow the penalty assessment procedure provided in C.R.S. §16-2-201, for any violation of this Article.
- C. Equitable relief in civil action. In the case of any violation of this Article, the County Attorney, in addition to the other remedies provided by law, ordinance, or resolution, may institute an

injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

- D. Civil penalties. In addition to any of the penalties set forth above, any person, firm, or corporation violating any such regulation, provision, or amendment thereof, or any provision of this Article, may be subject to the imposition, by order of the County Court, of a civil penalty in an amount of not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00). It is within the discretion of the County Attorney to determine whether to pursue the civil penalties set forth in this Article, the remedies set forth above, or both. Each day after the issuance of the order of the County Court, during which such unlawful activity continues, shall be deemed a separate violation and shall, in accordance with the subsequent provisions of this Section, be the subject of a continuing penalty in an amount not to exceed fifty dollars (\$50.00) for each such day. In no event shall civil penalties, imposed pursuant to this Subsection, constitute a lien against real property.

## **CHAPTER 12 LICENSES AND PERMITS**

### **ARTICLE V - Repealed and Reserved.**

**Delete Appendix 12-A.**

## **CHAPTER 23 ZONING**

### **ARTICLE XII - Repealed and Reserved.**

**BE IT FURTHER ORDAINED** by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

**BE IT FURTHER ORDAINED** by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.



The above and foregoing Ordinance Number 2019-12 was, on motion duly made and seconded, adopted by the following vote on the 22nd day of July, A.D., 2019.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: *Cather G. Steink*  
Weld County Clerk to the Board  
BY: *Cheryl A. [Signature]*  
Deputy Clerk to the Board



*Barbara Kirkmeyer*  
Barbara Kirkmeyer, Chair

*Mike Freeman*  
Mike Freeman, Pro-Tem

*S.P. Conway*  
Sean P. Conway

*Scott K. James*  
Scott K. James

*Steve Moreno*  
Steve Moreno

APPROVED AS TO FORM:  
*[Signature]*  
County Attorney

Date of signature: 7/26/19



Publication: June 5, 2019  
June 7, 2019


First Reading: June 12, 2019  
Publication: June 19, 2019, in the Greeley Tribune

Second Reading: July 1, 2019  
Publication: July 10, 2019, in the Greeley Tribune

Final Reading: July 22, 2019  
Publication: July 31, 2019, in the Greeley Tribune

Effective: August 5, 2019

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Carly Koppes, Clerk and Recorder, Weld County, CO  


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