

Dear New Property Owner,

Welcome to the Ley Subdivision! This document contains key information important to the neighborhood. This document includes:

- ❖ **Ley Subdivision Covenants** (revised in 2006), pg 2-7
- ❖ **Neighborhood Committee Contacts**, pg 8
- ❖ **Architectural Control Guidelines Process, Definition, and Committee Members**, pg 9-12
- ❖ **Driveway Access permit**, pg 13
- ❖ **Engineered Septic Requirements**, pg 14-33
- ❖ **Ley Subdivision Electric Map**, pg 34
- ❖ **Dark Skies information on lighting**, pg 35

You can also find more information on our website (leysubdivision.com). If you have any questions not addressed in this document or on the website, please contact me, Eric, the neighborhood Secretary. Thanks!

- *Eric Lezotte*
303-219-0039
elezotte@gmail.com

204983

**AMENDED DECLARATION OF PROTECTIVE COVENANTS IN LEY SUBDIVISION
CUSTER COUNTY, COLORADO**
(Amended the 3rd day of July, 2006)

WHEREAS, the property owners of certain lots or parcels of land in the Northeast Quarter of Section 35, Township 22 South, Range 73 West of the 6th Principal meridian, Custer County, Colorado according to the plat filed April 6, 1971 in the office of the Clerk and Recorder of Custer County, Colorado, under Reception No. 104870, hereinafter referred to as Ley Subdivision, desire to place certain restrictions on said premises for the use and benefit of themselves and their grantees, in order to establish and maintain such premises as a protected community; and

WHEREAS, the purpose of this document is to amend and substitute for:

- 1) The Declaration of Agreement Establishing Protective Covenants in Ley Subdivision, Custer County, Colorado, recorded in the Records for Custer County, December 26, 1972, at Reception Number 107381, Book 167, Page 285, and,
- 2) The Declaration of Protective Covenants for Ley Subdivision, Custer County, Colorado, recorded in the Records for Custer County, May 2, 1980, at Reception Number 123831, Book 177, Page 939-941.

NOW, THEREFORE, for themselves and their grantees, the Owners hereby publish, acknowledge, declare, and agree with, to and for the benefit of, and binding on, all persons who may hereafter have any legal or equitable interest in any of the said tracts, that they own, and hold said above described tracts subject to the following restrictions, covenants and conditions, all of which shall be deemed to run with the land and to inure to the benefit of and be binding upon the owners at any time of any of the said tracts, their heirs, personal representatives, successors and assigns, to-wit:

PART A. SPECIAL AGREEMENTS

1. EASEMENTS: Easements for installation and maintenance of utilities, drainage facilities, roadways, bridle paths, hiking trails and such other purposes incident to the development of the property are reserved as shown on the recorded plat. Such easements will be kept open and readily accessible for service and maintenance of the utility and drainage facilities.
2. NUISANCES: Nothing shall be done or permitted on any tract which may be or become an annoyance or nuisance to reasonable requirements of the neighborhood. No noxious or offensive activities shall be conducted upon any tract.
3. RUBBISH, GARBAGE, AND REFUSE: Rubbish, garbage or other waste shall be kept and disposed of in an orderly manner so that such materials shall not be visible to nor exposed to the owners of other tracts herein. No tract shall be used for dumping of trash, refuse, or waste. No lot shall be used or maintained as a storage area for unlicensed or unserviceable automobiles, or as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
4. POLLUTION: There shall be no discharge of chemicals or potentially toxic materials into the environment. Natural streams of bodies of water will not be polluted.
5. PRESERVATION OF THE ENVIRONMENT: There shall be no changes to the natural features of the property (includes existing plant cover, natural drainage, rough and rock strews areas, etc.) except for the purpose of building. Changes which will enhance soil, water and wildlife is permissible. Any changes which would alter the natural environment should be coordinated with the appropriate State or Federal Agency.
6. PRESERVATION OF WILDLIFE: Any changes which will improve the natural wildlife habitat is encouraged. On the other hand, there shall be no disturbance in any way of animals, birds, or fishes which nest, den, or live upon the land or in the streams which are listed as rare or endangered species by the applicable State or Federal Agency. The application of sound wildlife management principles is earnestly solicited.
7. TEMPORARY RESIDENCES: No structure of temporary character, trailer, basement, tent or accessory building shall be used on any tract as a residence, temporarily or permanently, provided, however, for such use

and location during the construction phase of the permanent dwelling and for short periods for vacation camping and vacation use. Once construction has begun on a permanent dwelling, all construction must be completed within twelve (12) months.

8. LIVESTOCK AND POULTRY: No Animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot, except horses, dogs, cats, or other pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.
9. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES. No building or structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height, a private garage for not more than three (3) cars and a neat appearance barn and/or storage building. No building shall be placed on any lot other than one resulting from new construction on the site. Mobile homes are not permitted. No building shall be constructed nearer than fifty (50) feet to any boundary line of said property. No metal fencing shall be constructed or erected within one hundred (100) feet of any subdivision roadway. All fences in the subdivision must be maintained in good repair. . All buildings and structure s shall be subject to the restrictions and architectural control set forth in Parts D and E set forth below.
10. STREET MAINTENANCE: Should a majority of the lot owners determine that repairs or improvements to any of the subdivision roadways are necessary, a contractor if necessary or a public body, acceptable to a majority of the lot owners shall be employed or authorized to perform such repairs or improvements and the actual cost shall be paid by every lot owner in the subdivision based on the number of lots owned in the subdivision.
11. DWELLING SIZE: No dwelling shall be permitted on any lot with an enclosed and heated floor area of the main structure, exclusive of open porches and garages, of less than fifteen hundred (1500) square feet. All dwellings shall be subject to the restrictions and architectural control set forth in Parts D and E set forth below.
12. SIGNS: No sign of any kind shall be displayed to the public view on any lot except one professionally made and approved by the Architectural Control Committee. A sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction or sales period. These signs must conform to county zoning regulations.
13. DRILLING, MINING: No oil drilling, oil development operations, quarrying or mining operations of any kind shall be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on any lot.
14. COVENANT PERIOD: Unless an instrument, signed by a majority of the Owners of the lots has been recorded, agreeing to change or void said covenants in whole or in part, these covenants are to run with the land and shall be binding on all parties and all persons under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years.
15. VIOLATIONS: In the event of any violations of these covenants or any attempt to violate the same, any person or persons owning property subject to these covenants may bring an action by law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations or recover damages for violation.
16. INVALIDATION: Invalidation of any one of these covenants by judgement or court order shall in no way effect any of the provisions which shall remain in full force.
17. COUNTY, STATE, OR FEDERAL REGULATIONS: All County, State, or Federal regulations pertaining to public health, welfare, and land use must be complied with.

PART B. DEFINITIONS AND DESCRIPTIONS OF AREAS.

1. The word " Declaration" means and refers to this Declaration of Covenants and Restrictions.

2. The word "Association" means and refers to Castilian Creek Property Owners Association, Inc., a Colorado non-profit corporation, a copy of whose Articles of Incorporation are recorded herewith, its successor and assigns.
3. The word "Member" means and refers to any person or legal entity entitled to membership in the Castilian Creek Property Owners Association, Inc., its successors or assigns in accordance with its Articles of Incorporation.
4. The word "Lot" means and refers to a numbered lot shown on the plat of Ley Subdivision including lot 42, the former "Recreation Area" or "Common Area" deemed by court action to be a numbered lot, together with any addition to said lot by reason of any vacation of an adjoining roadway.
5. The words "building site" mean: A lot shown on the recorded plat of Ley Subdivision, or one lot and a fractional part of an adjacent lot, or more than one lot, or a plot or parcel of consisting of fractional parts of any two adjacent lots shown on the recorded plat of Ley Subdivision.
6. The word "Owner" means and refers to the owner, whether one or more persons or entities of any lot or building site, but does include any one having such interest only as a security interest.
7. The word "Committee" means and refers to the Architectural Control Committee established pursuant to Part D.

PART C. MEMBERSHIP

Each owner of a lot or building site in Ley Subdivision and each person on becoming an owner of a building site shall automatically become a member in accordance with the Articles of Incorporation of Castilian Creek Property Owners Association, Inc.

PART D. ARCHITECTURAL CONTROL COMMITTEE

1. Membership – The Architectural Control Committee for Ley Subdivision shall be composed of Owners selected by the Board of Directors of Castilian Creek Property Owners Association.
2. A majority of said committee may designate a representative to act for the committee. In the event of the death or resignation of any said members of the Committee, or his refusal or inability to act, the Board of Directors members shall have full authority to designate a successor.
3. In the event that the CASTILIAN CREEK PROPERTY OWNERS ASSOCIATION INC., fails to appoint the members of the Architectural Control Committee, or is dissolved, or declared defunct, members of said committee shall be selected by election by those who would be entitled to membership in said association if operative at a meeting called upon 30 days notice of date, time and place of said meeting to be held in Custer County, Colorado, signed by at least two owners, published for two consecutive publication in a legal newspaper for said Custer County, Colorado.
4. Address – plans and requests for approval submitted to the Committee shall be sent or delivered to:
P.O. Box 626
Westcliffe, Colorado 81252
Or such other address as the Committee may designate.
5. Approval of Plans – All plans and specifications in connection with the construction of any residence, fence, wall, driveway, or other structure and in connection with any exterior remodeling of any residence or other structure or any alteration of any wall, fence, or driveway shall require the approval in writing of the Committee. Before the construction work begins, two complete sets of plans and specifications including the exterior design, the principal exterior materials to be used, the exterior color scheme, the site plan, the location of the building with respect to topography and finished grade elevations, the location of the driveway, plans for proper drainage of the building with respect to other properties, shall be submitted to the Committee for approval. In passing upon such plans, specifications and other requirements, the Committee may take into consideration whether the proposed residence or other structure and the type and quality of materials of which it is to be built are suitable for the building site upon which the structure is to be erected, the harmony thereof with

the surroundings and the effect of the structure as planned on the outlook from adjacent or neighboring property. The Committee shall have the authority to prohibit the use of certain types of exterior walls and finish and to prohibit or restrict construction of certain types of architecture. Furthermore, no building new or old may be moved onto any building site without submitting plans and specifications as though the building were being initially constructed on such site. No structure of any kind which has not received approval by the Committee and which does not fully comply with such approved plans and specifications shall be erected, constructed, placed, or maintained upon any building site. Approval of such plans and specifications shall be returned to the Owner of the building site upon which the proposed work is to be done. One copy shall be retained by the Committee. No changes or deviations in and from such plans and specifications as approved shall be made without the prior written consent of the Committee. The Architectural Control Committee shall not be responsible for any structural defects in such plans or specifications or in any building or structure erected according to such plans and specifications.

6. Procedure – The Architectural Control Committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within sixty (60) days after the plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants herein requiring approval by the Architectural Control Committee shall be deemed to have been fully complied with, provided all other covenants herein have been properly observed.
7. Members of Committee not liable for damages – The Architectural Control Committee shall not be liable for payment of any damages based on any action or failure to act, nor shall any member thereof be liable for payment of any damages based on any action or failure to act as a member of said committee.
8. Guidelines – The Architectural Control Committee has adopted the following guidelines for the Owner's benefit.
 - a) General house design and appearance shall conform to existing homes in the subdivision.
 - b) House plans submission and approval prior to obtaining permits or beginning site construction will include driveway, well, septic, and foundation.
 - c) The minimum roof pitch is 5/12
 - d) The minimum depth of eaves is sixteen (16) inches.
 - e) The approved roofing material is metal "Propanel" or equivalent.
 - f) It is highly recommended that the engineered trusses used for construction should be capable of withstanding 100+ MPH winds and 60#/ft squared snow loads.
 - g) The framed exterior walls in the main dwelling area shall be 2"x6" studs with R-19 insulation minimum.
 - h) The recommended insulation in floors and ceiling is R-30 or equivalent.
 - i) The approved exterior sidings are : log, whole log, cedar, wood, stucco (earth tones). Masonite, T-111 fiberboard siding, vinyl, aluminum and cement fiberboard siding are not approved.
 - j) An engineered septic is highly recommended due to the high seasonal water levels in this area.
 - k) Metal or steel buildings and /or metal siding on buildings are not allowed.
 - l) Mobile homes, modular homes and off site built manufactured homes are not allowed.
 - m) Solar panels are acceptable if integrated into the main home or garage.
 - n) The minimum enclosed and heated floor area of the main structure, excluding open porches and garages, is fifteen hundred (1500) square feet.
 - o) Utility company style street lights are prohibited; outdoor lighting should be kept to a minimum with lights being hooded; use of motion or light-activated lighting is preferred.

PART E. RESTRICTIONS

1. Restriction of Use – No lot or lots may be used for other than residential use without consent of the Architectural Control Committee.
2. Types of Living Quarters Prohibited – No temporary structure, basement, tent, garage, trailer, or mobile home shall be used on any building site at any time as a residence, either temporary or permanent, except as may be necessary during the construction and authorized by the Architectural Control Committee.

3. Sewage Disposal System – Each developed building site shall have an individual dual sewage system for disposal of waste fully approved as to design, capacity, location and construction by the State Water Pollution Control Commission or such other public agency as may be empowered to grant such approval. If public sewage facilities become available, each developed building site shall be connected to the public system within one year after the service becomes available. No outside toilet shall be placed on any building site except a temporary unit during the period of construction.

PART F. COVENANT FOR ASSESSMENT

1. Each numbered lot, as described in Part B.4., is subject to assessment.
2. Each Owner by virtue of his ownership (whether or not it shall be so expressed in any deed or other conveyance) is deemed to covenant and agree to pay to the Association annual and special assessments or charges, such assessments to be fixed, established, and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a continuing lien upon the property against which each such assessment is made and any improvements placed on such property. Each such assessment, together with such interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due; and, if there is more than one Owner, the obligation shall be joint and several. The personal obligation shall not pass to his successors in title unless expressly assumed by them.
3. Purpose of Assessment: The assessments levied by the Association shall be used exclusively for the purpose of paying any expenses incurred by the Association in connection with the road maintenance, in enforcing the restrictions and covenants set forth in this Declaration, and in providing any other services authorized by the Members.
4. Basis of Assessment: The amount to be assessed each Owner shall be based upon the number of lots being assessed. All such assessments shall be prorated among all the numbered lots in Ley Subdivision.
5. Assessment and Payment Dates: Written notice of assessments shall be sent to every Owner at his address as shown on the records of the Association prior to February 1st of each year; and the assessment shall be payable within 90 days thereafter. Failure of the Board of Directors of the Association to fix any assessment by the assessment date shall not be deemed a waiver, modification or release of the Owner's obligation to pay such assessment when determined. In addition to the annual assessment, the Association may levy a special assessment for unanticipated expenses; and such special assessment shall be payable by Owners within 90 days after written notice of assessment.
6. Effect of Nonpayment of Assessments; Remedies of the Association: Any assessment which is not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of eight (8) per cent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same, and/or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. Notice of the delinquency may be recorded, and the lien of the Association may be foreclosed in the same manner as a statutory mortgage foreclosure under the statutes of the State of Colorado.
7. Subordination of the Lien to Mortgages: The Lien of the assessments provided for herein shall be subordinate to the lien of any mortgage or mortgages recorded prior to the recording of the Association's notice of delinquency. Sale or transfer of any lot or building site shall not affect the assessment lien. However, in the event of foreclosure of any mortgage recorded prior to the recording of the Association's notice of delinquency, the granting of the deed after the period of redemption shall extinguish so much of the lien of such assessments as to payments thereof which became due prior to the conveyance to the purchaser in any such proceeding, but shall not relieve any former Owner of his personal liability thereof. No sale or transfer shall relieve such lot or building site from the liability for assessment becoming due after such conveyance or from the lien thereof.
8. "Mortgage" and "Mortgagee": Wherever the terms 'mortgage" or 'mortgagee' are used in this Declaration, the same shall be deemed respectively to include the security instrument, whether the same is a contract for deed, mortgage, or deed of trust, and beneficiary of said instrument.

9. Assessment Certificate: The Association shall, upon request of any Owner, mortgagee or contract purchaser, issue its certificate executed by an officer of the Association or an agent of the Association certifying whether or not assessment with respect to any lot or building site have been paid or if they are in arrears, or, if in arrears, the total amount owing as of the date of the certificate. For the issuance of any such certificate, the Association shall be entitled to collect a fee not to exceed \$1.00 for each lot or building site covered by the certificate; and such certificate shall be conclusive evidence of the status of assessments on the date of such certificate with respect to such lot or building site.

PART G. TERM AND AMENDMENT

The covenants and restrictions of this declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any lot or building site subject to this Declaration. For the purpose of this Part G, "Lot" means a full lot as defined in Part B.4. Any amendments must be recorded in the office of the Clerk and Recorder of Custer County, State of Colorado. No part of the Declaration may be amended in such a manner that it will adversely affect the existing rights of any Owner or mortgagee with respect to unpaid assessment or the lien of any mortgage.

PART H. ENFORCEMENT

1. The Association, or any Owner, shall have the right to enforce by any proceeding at law or in equity, all restrictions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration.
2. Failure by the Association or by any Owner to enforce any covenant or restriction contained in this Declaration at the time of the violation shall in no event be deemed a waiver of the right to do so thereafter.
3. The prevailing party in any action required to enforce these covenants shall receive reimbursement for any and all costs, including reasonable attorneys fees. Any costs which become the liability of an owner shall create a lien against the owner's lot, which may be subject thereafter to the imposition of interest and foreclosure in the same manner as unpaid assessments.

PART I. ZONING

Zoning resolutions, rules and regulations are considered to be a part hereof, and to any extent that these covenants might establish minimum requirements which are less strict than the requirements established by said zoning resolutions, rules and regulations, the latter shall prevail. If any provision of these protective covenants would require or constitute a violation of any present or future zoning laws, ordinances or regulations, such zoning laws, ordinances, or regulations shall be controlling with respect to the provision in question.

PART J. SECTION AND PARAGRAPH HEADINGS

The section and paragraph headings are inserted only as a matter of convenience and for reference and are not to be construed as limiting the meaning of the section or paragraph or used in the interpretation of the section or any part thereof.

PART K. GENDER

The use of any gender shall be applicable to all genders.

PART L. SEVERABILITY

Invalidation of any one of these reservations, restrictions or covenants by judgement or court order shall in no way effect any of the other provisions of this Declaration of Covenants and Restrictions; but all of the remaining reservations, covenants and restrictions shall continue unimpaired and in full force and effect.

Neighborhood Committee Contacts

President, Dennis Haggarty
phone: 415-320-0683
email: dennishag54@gmail.com

Vice President, Michael Reis
email: griznjoy7@gmail.com

Treasurer, Martin Newcomb
phone: 719-783-2092
email: newcombmartin@msn.com

Secretary & Website Maintenance, Eric Lezotte
phone: 303-219-0039
email: elezotte@gmail.com

Architectural Guidelines Process

The Architectural guidelines are essential when building any new road, structure, or improvement on your lot(s). All plans must be submitted for review before construction begins.

Approval requests for plans can be sent to the neighborhood secretary, Eric Lezotte at elezotte@gmail.com, for distribution to the committee members.

Architectural Control Guidelines

(as defined in part D, sections 8 of the neighborhood covenants)

The Architectural Control Committee has adopted the following guidelines for the Owner's benefit.

- A. General house design and appearance shall conform to existing homes in the subdivision.
- B. House plans submission and approval prior to obtaining permits or beginning site construction will include driveway, well, septic, and foundation.
- C. The minimum roof pitch is 5/12
- D. The minimum depth of eaves is sixteen (16) inches.
- E. The approved roofing material is metal "Propanel" or equivalent.
- F. It is highly recommended that the engineered trusses used for construction should be capable of withstanding 100+ MPH winds and 60#/ft squared snow loads.
- G. The framed exterior walls in the main dwelling area shall be 2"x6" studs with R-19 insulation minimum.
- H. The recommended insulation in floors and ceiling is R-30 or equivalent.
- I. The approved exterior sidings are : log, whole log, cedar, wood, stucco (earth tones). Masonite, T-111 fiberboard siding, vinyl, aluminum and cement fiberboard siding are not approved.
- J. An engineered septic is highly recommended due to the high seasonal water levels in this area.
- K. Metal or steel buildings and /or metal siding on buildings are not allowed.
- L. Mobile homes, modular homes and off site built manufactured homes are not allowed.
- M. Solar panels are acceptable if integrated into the main home or garage.
- N. The minimum enclosed and heated floor area of the main structure, excluding open porches and garages, is fifteen hundred (1500) square feet.
- O. Utility company style street lights are prohibited; outdoor lighting should be kept to a minimum with lights being hooded; use of motion or light-activated lighting is preferred.

Architectural Control Guidelines Addendum

(from May 11, 2018)

STATEMENT OF POLICY BY THE CCPOA ARCHITECTURAL CONTROL COMMITTEE (ACC) REGARDING THE USE OF ENGINEERED WOODS ON BUILDING EXTERIORS IN THE LEY SUBDIVISION

May 11, 2018

So-called engineered woods have been around for a half century or so. They are typically used on residential exteriors and have the advantage to the builder of lower cost. Although warranties of 20 to 30 years are typically provided, they are subject to degradation resulting from water penetration, especially at the joints. Careful construction which addresses the joint problem costs extra money and is often ignored by builders, voiding the warranties. Homeowners are thus forced to mitigate the water damage at their own expense, creating an unsightly problem if they are unable to do so in a timely fashion. In recognition of this problem, the latest CCPOA Covenants, dated July 2006, specifically prohibits the use of an early engineered wood, T1-11, in Part D, Section 8, paragraph (i). It is the purpose of the present Statement of Policy to recognize that the spirit and intention of this original prohibition was to include all engineered woods. It will therefore be the policy of the CCPOA ACC to henceforth prohibit the use of any and all engineered woods on the exteriors of all buildings constructed within the Ley Subdivision. The ACC would also like to note that, to date, no existing structures within the subdivision have been built with engineered wood exteriors.

Approved By:

Donald Huebner, Chair, ACC

Susi Ley, Vice Chair, ACC

Steve Bauer, CCOA President and ACC member

John Potts, CCOA Vice President and ACC member

Architectural Control Committee Members

Destry Dorro

email: ddorro@gmail.com

Dennis Haggarty

email: dennishag54@gmail.com

Gene Leslie

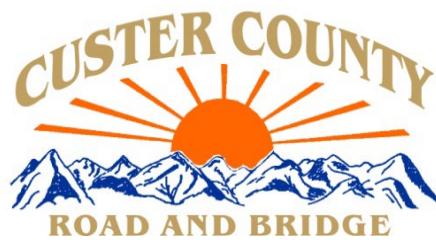
email: livingincasun1@gmail.com

Susi Ley

email: tsnmaley@gmail.com

Joy Reis

email: griznjoy7@gmail.com



213 N 4th Street
P.O. Box 1669
Westcliffe, CO 81252
Off: 719-783-2281 Fax 719-783-0391

DRIVEWAY ACCESS PERMIT

Date of Issue: _____

PERMIT # _____

Name (s) of Landowners: _____ Contact phone# _____

Mailing Address: _____

Legal Description or Address of Property: _____

Comments: _____

THIS PERMIT IS ISSUED FOR THE PURPOSE OF AUTHORIZING THE ABOVE NAMED APPLICANT
TO INSTALL A DRIVEWAY APPROACH WITHIN A PUBLIC RIGHT OF WAY.

FAILURE TO OBTAIN THIS PERMIT BEFORE COMMENCING WORK MAY RESULT IN A PENALTY
FEE OF **\$200.00** ASSESSED THE PROPERTY OWNER

NOTE: TO APPLICANT: C.C R&B MUST BE NOTIFIED UPON COMPLETION

Permit Fee: **\$100.00** Penalty Fee \$ _____ Total Fee \$ _____ Ck# _____

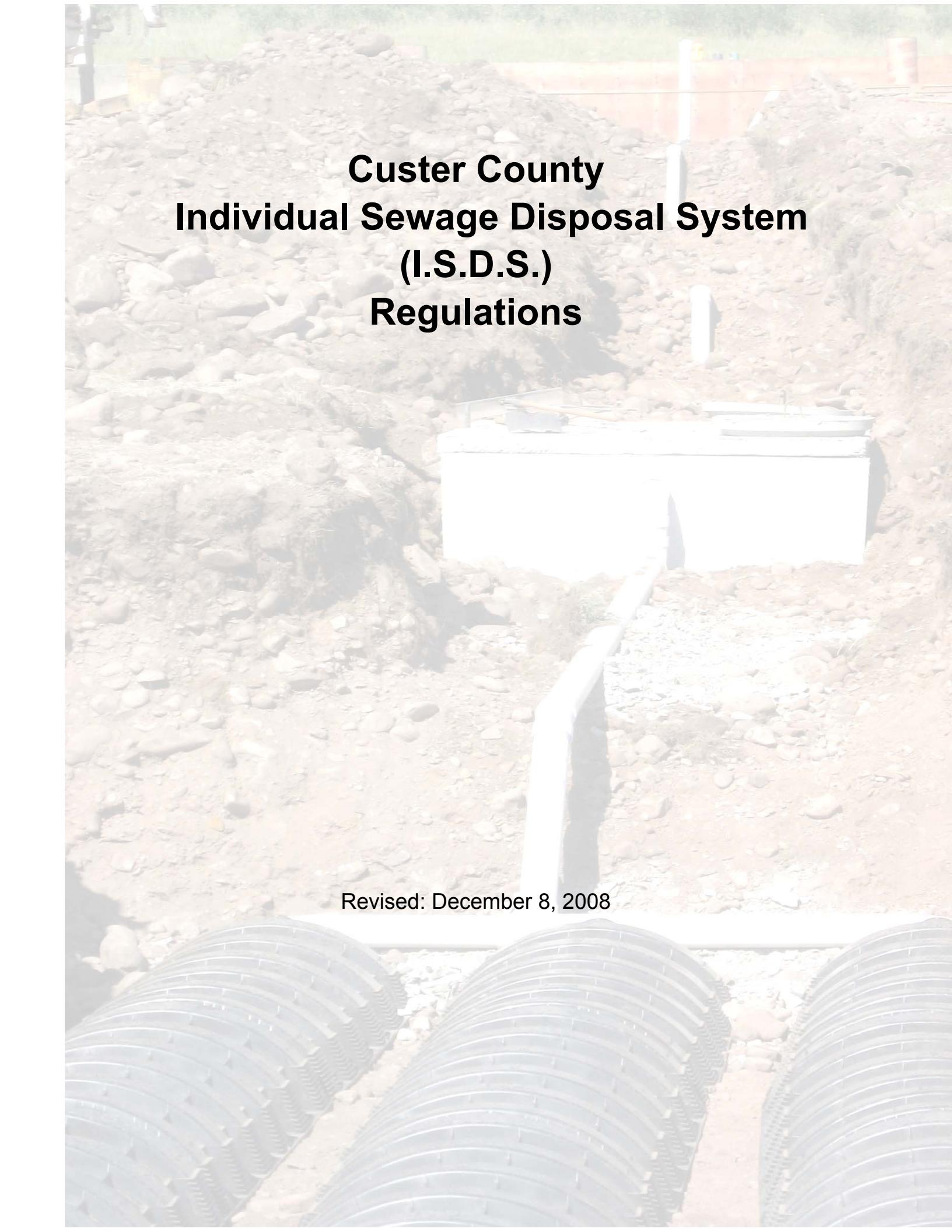
Property Owner or Contractor _____ Contact phone# _____

Agent for C.C. R & B _____

Culvert Size _____ Note: _____

Final Inspection By: _____ Date: _____

Minimum Culverts Requirements: 15" x 30' (Size to be determined by C.C. R & B
Supervisor/Asst Supervisor) **NO** plastic culverts will be allowed in County right away



Custer County Individual Sewage Disposal System (I.S.D.S.) Regulations

Revised: December 8, 2008

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CUSTER COUNTY SEPTIC REGULATIONS

Section 1: Scope, Applicability, and General Provisions

- 1.1 Title:** These regulations shall be known as the Custer County Individual Sewage Disposal System (I.S.D.S.) Regulations or the Custer County Septic Regulations.
- 1.2 Authority:** These regulations have been adopted by the Board of County Commissioners of Custer County acting as a Board of Health under authority contained in Title 25, Article 10, Colorado Revised Statutes 1973, as amended.
- 1.3 Purpose:** These regulations are designed and enacted for the purpose of protecting public health, safety, and welfare; preserving the environment; controlling the causes of disease and infection; controlling the pollution of air, water and land by requiring minimum standards governing the use, location, design, construction, installation, repair, alteration and operation of Individual Sewage Disposal Systems; by providing for the issuance of permits for such activities, by authorizing inspections, by providing for fees and by providing penalties for violations of these regulations.
- 1.4 Policy:** The Board of Health declares that their general policy is to recommend the use of public sewer systems where and whenever feasible, and to limit the installation of Individual Sewage Disposal Systems only to areas in which public systems are not feasible. These regulations shall apply to Individual Sewage Disposal Systems which do not discharge into state waters.
- 1.5 Inclusion:** The requirements of the Colorado Department of Health publication "Guidelines on Individual Sewage Disposal Systems," and future revisions thereto, are made a part of these regulations and shall apply except where the requirements of these regulations are more stringent.
- 1.6 Liability:** The issuance of a septic permit and specifications of terms and conditions therein shall not constitute assumption or create a presumption that the local Board of Health or its employees may be liable for the failure of any system; nor act as a certification that the equipment used in the system or any component thereof used in its operation; or that the system for which the permit was issued insures continuous compliance with the provision of Article 10 of Title 25, C.R.S., the rules and regulations adopted there under or any terms and conditions of a permit.
- 1.7 Inspection and Right of Entry:** Upon written complaint or as a result of an application for a permit or variance having been filed, or for other good cause, such as suspected contamination, the designated Planning and Zoning Office staff, acting as the County Sanitarian, in order to enforce these regulations shall have the authority to enter upon or into property with reasonable notice to assess compliance with these regulations.
- 1.8 Amendments:** Changes to these regulations may be made by resolution of the Board of County Commissioners of Custer County acting as the County Board of Health.

- 1.9 Jurisdiction:** These rules and regulations are promulgated by the County Board of Health under the authority of C.R.S. 25-1-507 (5) and 25-10-104 and as amended.
- 1.10 Severability:** Should any section, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part declared to be invalid.
- 1.11 Saving Clause:** The repeal of any regulation adopted hereunder shall not deny any right, action or cause of action, which arose under existing regulations.

Section 2: Definitions

The following are supplemental definitions to the Colorado “Guidelines for Individual Sewage Disposal Systems”:

Bathroom: Consists of a toilet and/or shower/bathtub and may contain one or more sinks.

Bedroom: For the purposes of these regulations in determining the size of a septic system, a bedroom shall be a room with certain features, which includes but is not limited to the following:

1. Rooms designated den, study, hobby room etc. with a clothes closet.
2. A method to close off the room to assure privacy;
3. A minimum of One Hundred (100) square feet in size.
4. A loft may be considered a bedroom.

Black Water: Liquid and solid human body waste and the carriage water generated through toilet usage.

BOCC: Board of Custer County Commissioners

Board of Health: Colorado State Board of Health (CSBH) and Health Department (BOCC) Custer County Public Health Nursing Service (CCPHNS)

Closet: Is a small enclosed space used for hanging clothes.

County Sanitarian: Custer County Planning and Zoning (CCPZ)

County Authorized Percolation Technician: An individual who has met the criteria as outlined in these regulations and has been approved by the Board of County Commissioners acting as the Custer County Board of Health.

County Use Tax: Tax due on building materials purchased without paying any local sales tax. Usually this applies to materials purchased outside the County that are delivered to property within Custer County on which County tax has not been collected.

Engineer Designed Septic System: An Individual Sewage Disposal System designed by a Colorado licensed engineer.

Gray Water: Domestic wastewater composed of liquid waste from sinks, lavatories, tubs, showers, and clothes or dish washers. This excludes black water.

Homeowner: The recorded property owner.

Individual Sewage Disposal System (I.S.D.S.) Variance: Permission to deviate from a standard or engineer designed septic system with an alternative system. (Examples include, but are not limited to chemical/portable toilet, composting toilet).

Leach Field: Wastewater disposal field or absorption field and adjacent soils for the treatment of septic effluent by means of absorption and evaporation

Section 3: Administrative

3.1 General permitting process for a septic system:

- A. Prior to the construction, installation or repair of any individual sewage disposal system in Custer County a homeowner or agent must obtain and complete a permit application.
- B. Acquire an acceptable percolation (perc) test performed by an authorized County Percolation Technician, Registered Engineer or Geologist. Perc test results shall include a plot plan..
- C. The following information will be required with the permit application:
 1. Source and type of water supply;
 2. Plot plan showing the location of the proposed system in relation to: lot lines, existing or proposed well(s), bodies of water,, water carrying features existing or proposed structures;
 3. Copy of the proposed floor plan with indication of the number of bedrooms identified. Rooms not identified that meet the definition of a bedroom shall be counted as a bedroom. Any changes of use of a room shall be reported to the Planning and Zoning Office, in order, to insure that the septic system is sized correctly for the structure;
 4. If conditions dictate an engineer design, a system plan with an original stamp and signature shall be submitted along with the permit application.
 5. Directions to the property.
- D. Submit the completed application, additional documentation and fee to the Planning and Zoning Office.
- E. Applications will be reviewed, processed, and accepted or rejected by office staff.
- F. The Planning and Zoning Office will send the permit to the named septic contractor once it is approved. Upon approval, the contractor may start

- installation.
- G. The permit is valid for two (2) years from the approval date.
 - H. After the entire system is installed, **but not backfilled**, the applicant or septic contractor must contact the Planning and Zoning Office and the design Engineer (if applicable) to arrange an inspection.
 - I. The applicant or septic contractor must show proof that they paid the use tax and pay any County Use Tax due before the permit is closed.
 - J. A septic contractor's license will not be renewed if project has been inspected and passed but contractor has not signed the septic permit and paid use tax if due.

3.2 Engineer designed septic permit requirements:

- A. Criteria as outlined in Section 6.1 shall determine the necessity for an engineer to design the system.
- B. The general permitting process as outlined in Section 3.1 will be followed.

3.3 Permit Fees:

- A. Fees are established by the Board of County Commissioners published in the Custer County Planning and Zoning Fee Schedule.
- B. The permit fee is non-refundable.
- C. Misrepresentation on an application may cause a permit to be voided and may require a new application.

3.4 Invalidated Permits:

- A. Expiration: Permits for systems which are not complete within two (2) years of approval become invalid. A new application shall be required.
- B. Change of property ownership: Any change in ownership of a property shall invalidate any permit issued for systems not yet complete.
- C. Change of use: Any change of the intended use of a proposed septic system shall invalidate the permit.

3.5 Septic System Prohibitions:

- A. Septic Permits are not valid for excavation of foundations or building sites. Any excavation performed without the appropriate Zoning Permit will subject the land owner to post-construction fees.
- B. Prior to issuance of a permit to construct or remodel a habitable building or structure, which is not serviced by a sewage treatment district, an individual sewage disposal system will be required.
- C. A septic system, which does not comply with the provisions in Section 5.2.D.2 Of these regulations regarding minimum separation between the highest level of the groundwater and the bottom of an absorption system, shall not be allowed unless the design mitigates the groundwater contamination.
- D. Only one dwelling, commercial, business, institutional, or industrial unit shall be connected to the same individual sewage disposal system, unless

- E. such system is designed by an engineer and/or approved by the county.
 - F. It is illegal for anyone to occupy any type of structure without an approved septic system installed and in service.
 - F. It is illegal for anyone to allow a sewage disposal system to contaminate surface or groundwater.
 - G. Construction, alteration, repair or use of an outhouse/pit privy, cesspool and silt trench is prohibited.
 - H. Systems which recycle treated wastewater for potable purposes will not be allowed unless they consistently meet all of the sanitation and maximum contaminant level requirements of rules, regulations and standards of the Colorado Department of Health and the Custer County Board of Health.

Section 4: Site Requirements:

4.1 Site Requirements:

- A. A plot plan will be required as described in Section 3.1.C.2. The information will be verified by the County Sanitarian during all required inspections.
 - B. The percolation site will be verified by the County Sanitarian during the all required inspections.

Section 5: Installation Requirements

5.1 General Requirements:

- A. Sanitation Requirement: The owner of any structure and/or property where people live, work or congregate shall insure that there are adequate and convenient sanitary facilities. Sewage disposal systems must be maintained in good working order. Under no condition shall sewage or effluents be permitted to be discharged upon the surface of the ground or into waters of the state, unless the sewage or effluent meets the water quality standards of the Colorado Water Quality Control Commission.
 - B. Reliability: Individual Sewage Disposal Systems shall be designed and constructed such that each component shall function correctly when installed and operated under normal operating conditions and not be adversely affected by erosion, vibration, shock, climatic conditions, and usual household chemical usage. Design shall prevent the creation of

- nuisances and public health hazards, and shall provide for efficient operation and maintenance. Over dug areas shall be properly compacted.
- C. Pipe Requirements:
 - 1. All lines used in Individual Sewage Disposal Systems shall be constructed of compatible pipe, bonding agent and fittings.
 - 2. The minimum standard of all building sewer and effluent lines shall be 4 inch ID schedule 40 or equivalent size type PVC.
 - 3. All piping shall be at least four (4) inches in diameter and properly bedded prior to back-fill, unless otherwise specified in an engineer system
 - 4. No Sanitary Tees are allowed to be used in constructing the baffles or manifold system.
 - D. Dimensions of the plot plan must be verifiable on site during the inspection process.
 - E. Any tree whose drip-line extends over the leach field must be removed.

5.2 Component Requirements:

- A. Building Sewer requirements:
 - 1. The grade of the building sewer will be a minimum of 2% (that is, $\frac{1}{4}$ inch drop per foot). The ten (10) feet immediately preceding the septic tank shall be 2% or $\frac{1}{4}$ inch per foot.
 - 2. The ten (10) feet of pipe preceding the tank must be a continuous stick and not contain any connections.
 - 3. Bends in the building sewer shall be limited to forty-five (45) degrees or less. Long sweep ninety (90) degrees can be used or double 45 degree fittings in a long sweep configuration.
 - 4. A clean-out shall be installed in all building sewer lines. The first clean-out shall be within ten (10) feet of the structure including decks, and subsequent clean-outs will be spaced no more than a hundred (100) feet thereafter.
- B. Septic tank requirements:
 - 1. The minimum size for a septic tank shall be one thousand (1000) gallons for two (2) or less bedrooms and shall increase 250 gallons for every additional bedroom.
 - 2. Tanks, including risers and lids, must be constructed and installed so as to withstand earth and hydrostatic pressures when full or empty.
 - 3. Installation of a septic tank will be no closer than Ten (10) feet from the structure.
 - 4. Septic tank design must be pre-approved.
 - 5. The manhole covers of the septic tank are to be marked in such a manner that the markers are visible after the project is backfilled. Example: nylon rope tied to the septic tank lids or permanent stake.
 - a. Contractor must provide an as-built site plan of the under ground elements of the finished ISDS to the homeowner upon completion.
 - 6. Where pipes enter or exit the tank, seals shall be watertight.
 - 7. Plastic tanks must be pre-approved by the Sanitarian.
 - 8. When backfilling, the septic tank lids should not be more than twelve (12)

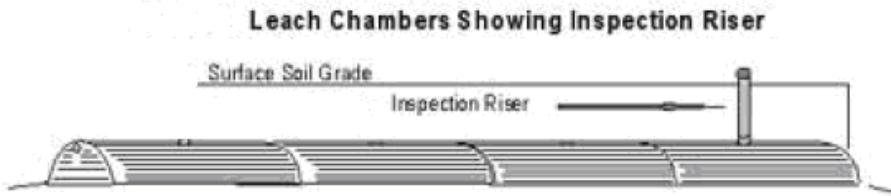
or less than six (6) inches below the surface. Risers may be used. If risers recess into the septic tank only 1 (one) lid will be required. Flat risers that sit on top and over the septic tank lid that are not recessed will require 2 (two) lids. One at the tank and one at the top of the riser.

C. Effluent line requirements:

1. The first ten feet of the effluent line out of the tank shall be not less than 3% (3/8 inch per foot), well bedded and supported. The remainder of the effluent line shall be not less than 1% (1/4 inch per foot).

D. Leach field requirements:

1. The minimum leach field size will be designed for two (2) bedrooms and a laundry washing machine and shall be not less than three hundred (300) square feet based on a pipe and gravel system.
2. A minimum of four (4) feet of percable material is required below the bottom of the leach field. In order to ensure four (4) feet above seasonal water level or bedrock a mound system may be required.
3. All chambers will be installed per manufactures recommendations using a minimum of four (4) screws on each end plate. The screws shall be placed in such a manner as to hold the top and the bottom of the end plates in place.
4. All pipes entering or exiting a chamber must be secured with at least two (2) screws.
5. Splash plates are required on the inlet to a chambered system. Splash plates must be made of rigid plastic or other flat non-degrading material and must be securely attached beneath each inlet pipe. End plates with built-in splash plates are preferred.
6. All effluent points of distribution must be level and have equal distribution.
7. Each run cannot be over one hundred (100) feet in length and each run must be level.
8. The final grade shall be such that any surface water drainage will be directed away from the leach field.
9. Any bed or trench requiring more than four (4) feet of fill over the chambers will require venting.
10. Inspection riser shall be installed in the last leaching chamber in a bed or in the last leaching chamber in every trench. Risers will be installed so as to maintain a separation of at least 2 inches from the bottom of an absorption trench or otherwise allow the free infiltration of sewage effluent. See example below.



Inspection Riser must be installed in the last Leach Chamber in each Absorption Trench or Leach Chamber farthest from inlet in an Absorption Bed.

Section 6: Engineer Design Systems

6.1 Engineer Design Requirements:

- A. The system must be designed by a Colorado Registered Engineer. If any of the following conditions exist:
1. The percolation rate is outside the range of 5-60 minutes per inch drop of water.
 2. Ground slope exceeds 30% through any portion of the proposed system.
 3. The distance from the surface of the ground to bedrock is less than eight (8) feet at perc site. The distance to the highest level of groundwater is less than eight (8) feet from the surface at the perc site.
 4. The sewage disposal system is intended to provide service for more than one individual dwelling unit.
 5. Multiple systems or their components are located closer than five hundred (500) feet apart on the same property.
 6. The lot size is less than one (1) acre.
 7. The system proposed is other than a standard septic system or approved alternative.
 8. The leach bed is on imported material.
 9. The design flow of the effluent will exceed 2000 gallons per day.
 10. It is a commercial system intended for commercial use.
 11. Failed system is being repaired.

Section 7: Individual Sewage Disposal System (I.S.D.S.) Variances

If a standard septic system can not be installed, property owner must apply for a variance. A variance will be required for chemical/portable toilets, incinerating toilets, composting toilets, Vault and approved alternative systems. Property owner must prove that a standard system cannot be installed practically on the property. (See sec 7.2.B.4)

7.1 Individual Sewage Disposal System Variance Requirements:

- A. If a variance is desired, an appropriate application request must be submitted to the Planning and Zoning Office along with details of the proposed system and justification for the proposed variance. The county shall have the option to hold a public hearing before the variance request is acted upon
- B. Variances will be granted only when both black-water and gray-water issues are resolved.
- C. Variance for chemical/portable toilet systems will not be granted for more than 2 years.

7.2 General permit process for Variances:

- A. Obtain and complete the appropriate variance permit application.
- B. The following information will be required with the application:
 1. Source and type of water supply;
 2. Sketch showing the location of the proposed system in relation to: lot lines, existing and proposed well(s), bodies of water, water carrying features and existing and proposed structures;
 3. Copy of the proposed floor plan with indication of the number of bedrooms labeled. Any changes of use of a room shall be reported to the Planning and Zoning Office in order to insure that the septic system is sized correctly for the structure;
 4. Documentation that a standard system or vault can not be installed on property.
 5. Proof of acceptance and approval per Section 8.1.A.
- C. Submit the completed application, documentation and fee.
- D. Applications will be reviewed, processed, and accepted or rejected by office staff and or Custer County Board of Commissioners.
- E. The applicant will be notified of the decision.
- F. After the system is installed, the applicant or septic contractor must notify the Planning and Zoning Office and the design engineer, if applicable, to arrange an inspection to verify a satisfactory installation.
- G. The applicant or septic contractor must show proof that the County Use Tax was paid. No permit will be closed until all county use tax is paid.
- H. The Licensed septic contractor must be present during the septic inspection and pay any use tax due at that time.

Section 8: Alternative Systems

8.1 General Requirements:

- A. Any alternative system requires a variance. See (Sec. 7.2)
- B. Design criteria and construction standards for alternative systems shall be sufficient to exclude flies and rodents from access to human excreta, prevent nuisances and health hazards, provide for cleanliness of such facilities, and prevent water pollution.

8.2 Vault System:

- A. Vault systems may be permitted under the following conditions:
 - 1. Where a complete I.S.D.S. is not feasible.
 - 2. Where there is not enough land available for a leach field.
 - 3. In temporary installations which are to be in operation for less than one (1) continuous year.
- B. Vault Standards
 - 1. Vaults shall have a minimum 1500 gallon effective capacity and shall meet the same installation and construction standards that apply to septic tanks, except that no effluent outlet shall be provided.
 - 2. It shall be fly tight and have an alarm/indicator system, either visual or audible, that is in a conspicuous location and alerts the homeowner before the vault is in need of pumping.
 - 3. Vaults shall be located in an area which is readily accessible for routine pumping during all seasons of the year.
 - 4. Records of septage pumping must be maintained by the property owner.
 - 5. If a superstructure is attached, it shall afford privacy and be fly and vermin proof.

8.3 Chemical/Portable Toilet:

- A. A Chemical/Portable Toilets may be approved under the following conditions:
 - 1. Only during construction, under emergency circumstances, or for

- occasional camping.
- 2. Variance for chemical/portable toilet systems will not be granted for more than 2 years without an action of the BOCC.
- 3. No contamination of ground or surface water will occur.
- 4. The superstructure surrounding a chemical/portable toilet shall afford privacy and be fly and vermin proof.

8.4 Incinerating/Composting Toilets:

- A. Incinerating or composting toilets may be approved under the following conditions:
 - 1. The gray water issue is addressed according to State requirements.
 - 2. Variance for incinerating/composting toilets will not be granted for more than 2 years without an action of the BOCC.
- B. Standards:
 - 1. Must be installed in accordance with manufacture instructions.
 - 2. Must meet all applicable federal, state and local air pollution requirements.
 - 3. Must be inspected by a Custer County P&Z office Sanitarian immediately after installation.

Section 9: Septic Inspections

9.1 Notification for Inspection:

After the construction but prior to covering the ISDS, the septic contractor or homeowner shall arrange for an inspection by the Planning and Zoning Office. The Licensed septic contractor and or homeowner must pay any use tax due at that time. If the contractor is not present final approval will not be granted until all use tax is paid and form is signed.

9.2 Engineer designed systems:

Engineer designed systems should have the engineer present at the time of the inspection by the P&Z Office. The installing contractor has the responsibility of coordinating this inspection. The engineer's signature on the septic permit verifies the system was installed according to design.

9.3 General Inspection Requirements:

- A. All components including piping must be visible during inspection.
- B. The lids must be off the tank manholes exposing the inside of the tank.
- C. The date and size of the tank information shall be exposed.

- D. In the event the system is covered by snow or dirt, the system must be cleared prior to inspection.
- E. Screws on chambers must be visible during inspection.

9.4 Inspection stages:

- A. Prior to the system being placed into service, and before any components are covered, the system contractor shall provide the Planning and Zoning Office with notice that the work has been completed. The inspection will determine if all work has been performed in accordance with the permit requirements and determine compliance of the system with Article 10, Title 25, C.R.S. and the regulations adopted herein.
- B. Upon final inspection of the system, if the Custer County Sanitarian finds it installed in accordance with these regulations, final approval will be granted for covering the exposed system and the permit completed after proof of use tax has been paid or use tax obligations are met. If the system has been designed by or constructed under the supervision of a Colorado Registered Engineer, the engineer shall certify in writing that construction and installation of the system has been completed in accordance with the engineering specifications, the terms of the permit and these regulations.
- C. Final grading of the septic system will be inspected at the Compliance Inspection.

9.5 Re-Inspections:

- A. If the septic system fails any inspection stage, a re-inspection must be initiated by the installing contractor or homeowner after the deficiency has been corrected.
- B. A fee for the re-inspection will be collected by the Planning and Zoning Office before the re-inspection is completed.

Section 10: County Authorization and Licensing

10.1 Authorized County Perc Technician:

- A. To be authorized as a County Perc Technician by the BOCC, the applicant must:
 1. Train under a Colorado registered engineer.
 2. Submit a letter from the supervising engineer stating the applicant is sufficiently trained to perform soil percolation tests.
 3. Provide documentation of the procedure used to perform perc tests.
 4. Submit names, locations, and results of the soil percolation tests performed under the direct supervision of the engineer.
- B. Upon review, the Board of County Commissioner will approve or deny the

- request to be authorized as a County Perc Technician.
- C. Custer County reserves the right to revoke the authorization of County Perc Technician after a public hearing has taken place.

10.2 Licensed Septic Contractors:

- A. General requirements:
1. Individual Sewage Disposal Systems will be installed by a contractor licensed by Custer County P&Z or by his employees acting under the direct supervision of the licensed contractor. Homeowners may be allowed to install their own system. See Section 10.3.
 2. Installation of systems that are designed by a registered engineer must be installed by a County licensed contractor.
 3. Installation of sewage disposal systems by contractors or their employees must be signed off by the license holder.
 4. Installation, renovation or repair of any individual sewage disposal system shall be in compliance with these regulations.
 5. A septic permit must be approved and signed by P&Z before construction begins. Septic Permits are not valid for excavation of building sites or foundations.
- B. Septic Contractor Licensing:
1. Submit completed application and fee to the Planning and Zoning Office.
 2. Applications will be reviewed, processed, and accepted or rejected by office staff.
 3. Contractors desiring to become licensed in Custer County must pass a Contractor Test.
 4. Once the individual has passed the Contractor Test, a temporary license will be issued. After the individual has passed his first inspection, a license may be issued. The temporary license will be valid for one year and is not renewable.
 5. There will be an initial fee for a septic contractor's license, and an annual renewal fee. A license that lapses because of failure to renew or is revoked shall be subject to the fee and procedures established for new licenses.
 6. The BOCC may modify the qualification standards for Contractor's licenses.
- C. License revocation: A contractor's license may be revoked for cause by Custer County Board of Health.
- D. Septic Re-Inspection: If a septic system installation fails inspection due to the negligence of the septic contractor, the septic contractor will be liable to pay the Septic Re-Inspect Fee. This fee is found on the Custer County Planning and Zoning Fee Schedule. If the septic system contractor continues to fail inspections the septic contractor will be subjected to their license being revoked.

10.3 Homeowner Installation:

- A. Homeowners desiring to install their own septic systems must pass a Contractors Test given by the Planning and Zoning Office.
- B. A homeowner license is only valid for the homeowner's current system and address and not valid for any other installation.
- C. Homeowner licenses are not valid for speculation homes or engineered design systems.
- D. Homeowner installations are subject to all required inspections and fees.

10.4 Licensed System Cleaners (also referred to as Septic Pumpers):

- A. No person shall engage in the cleaning of sewage disposal systems or the transportation of septage to a disposal site, unless his business holds a valid Custer County Systems Cleaner License. Employees of valid licensed systems cleaner may operate under his license.
- B. Standards of Performance for System Cleaner:
 - 1. Prior to the issuance of a license, a Planning and Zoning Staff Member will require that the applicant demonstrate adequate knowledge of the regulations.
 - 2. Each business must have at least one licensed system cleaner. The license stays with the individual and not the business. If a licensed system cleaner leaves, it is the responsibility of the business to ensure that another individual is licensed. The business must cease all cleaning of sewage disposal systems and transportation of septage until this requirement has been met.
 - 3. Licenses for each qualified individual will be valid for one year and must be renewed annually.
 - 4. A system cleaner's license may be revoked at a public hearing held by the BOCC.
 - 5. A license holder will dispose of the collected septage only at a site authorized by the Planning and Zoning Office.
 - 6. A license holder must maintain his pumper truck and equipment to ensure that no spillage of septage occurs during transportation and that his employees are not subject to undue health hazards. Hauling shall be accomplished by the use of an enclosed tank.
 - 7. The Board of Health will set fees and may modify qualification standards for Septic Cleaner's Licenses.
 - 8. A Septic Cleaner must provide documentation to the P&Z office describing where the sewage is being disposed of.

Section 11: Appeals and Variances

11.1 Notice of Denial or Disapproval:

Notice of the denial of a permit, disapproval of the system plans, or failure of the system at any phase or final inspection shall be given to the applicant and contractor as soon as practicable.

11.2 Appeals to the Custer County Board of Health:

Any person who is denied a permit, whose plan for an individual sewage system is disapproved, or whose system failed the final inspection may appeal to the BOCC.

11.3 Granting of Variances (other than I.S.D.S. Variances):

Upon finding that the strict enforcement of these regulations would cause undue hardship to the applicant and further finding that a variance would not be injurious to public health, the Director of Planning and Zoning may authorize the issuance of a variance or refer the request to the Custer County Board of Health. The burden of proof is upon the applicant to show that the variance will not injure adjacent properties, will not conflict with the purposes of these regulations, and will not adversely affect the health of any person.

If the variance is denied by the Director, the decision may be appealed to the BOCC. A variance can only be granted from those Custer County requirements which are more stringent than the Colorado Department of Health Guidelines.

11.4 Time of Appeal:

Appeals must be filed within thirty (30) days from the date of denial with the Planning and Zoning Office.

A denial shall become final upon the expiration of time for filing an appeal, or when final action is taken upon appeal, whichever is later.

Section 12: Enforcement

12.1 Authority to Administer and Enforce:

Whenever the term local Board of Health, local Health Department, Health Officer or County Sanitarian is used in these regulations, said terms shall also include the Colorado Department of Public Health and Environment or its designated authority for the purpose of administering and enforcing the provisions of these guidelines.

12.2 Primary Enforcement Responsibilities:

- A. The primary responsibility for enforcement of the provisions of Article 10 of title 25, C.R.S. and the regulations adopted under said section shall lie with the local Health Department, Board of Health, Health Officer or County Sanitarian.
- B. Misrepresentation on an application will cause a permit to be cancelled and will require new application.
- C. Written Complaints: whenever the Planning and Zoning Office, through the investigative process of a written complaint or through personal knowledge, finds a violation of this resolution, they shall notify, in writing, the person responsible for the violations and the landowner of record, if different, and order them to make the necessary corrections within a reasonable period of time. That time is not to exceed five (5) days for eminent health hazards or thirty (30) days for problems that do not constitute an eminent hazard.

12.3 Cease and Desist Orders (Refer to Section IV. N of the State Guidelines):

- A. The BOCC may issue an order to cease and desist from the use of any system which is found by the Health Officer or designated representative not to be functioning in compliance with Article 10 of Title 25, C.R.S. Section 25-10-106 (I) (j), and the owner or occupant has not brought the system into compliance or eliminated the health hazard within a defined period of time, not to exceed five (5) days for eminent health hazards or thirty (30) days for problems that do not constitute an eminent hazard.
- B. A cease and desist order issued by the Health Officer may be reviewed in the district court of the county wherein the system is located and upon a petition filed not later than ten (10) days after the order is issued.

12.4 Violations:

- A. Whenever the Health Officer or designated representative determines that there has been a violation of any provision of these regulations, notice shall be given of such violation to the responsible person or persons and to the owner of record. Such notice shall be in writing, describe the violation(s), and provide a time for correction. Such notice may also be pursued as a class one (1) petty offense, as defined in C.R.S. Section 25-10-113 by the Board of Health.
- B. Service of such notice shall be by registered or certified mail, with return receipt requested.
- C. If one or more persons cannot be found or served after a diligent effort, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case the Health Officer shall include in the record a statement as to why the posting was necessary.

- D. If satisfactory corrections are not completed in the time provided for correction, a cease and desist order may be sought by the Planning and Zoning Office. A new application for repair or modification of a sewage disposal system must be approved and all work completed, before the cease and desist order is lifted.
- E. Upon a finding by the Board of Health, under the guidelines of the C.R.S., monetary daily penalties may be assessed for each day of violation.

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Ley Subdivision

Text

Sangre De Cristo Electric: 719-395-2412
Call Before You Dig
Underground Utility Locate 800-922-1987

DARK SKY LIGHTING

What is the dark-sky movement?

It's a campaign to help reduce the amount of light pollution. Light pollution is mostly caused by the overuse of poorly designed lighting fixtures.

Light Pollution Affects Nature and Mankind.

Every year thousands of night-migrating and hunting birds are killed because of artificial light at night. It can also affect plant and animal reproduction ability, disrupt breeding and growth patterns, and endangers aquatic environments by increasing harmful algae blooms.

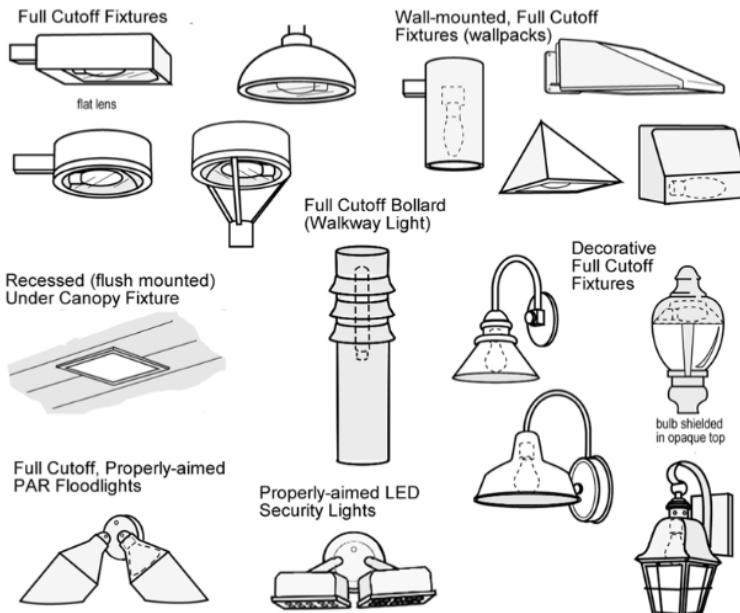
Excess light also affects humans by disrupting our circadian rhythm (the biological clock that is evolutionarily set to a 24-hour cycle of light and dark) by directly influencing our mental and physical health. Disruptions in this rhythm, linked to excess light at the time when our bodies need darkness for rest and recovery and can lead to chronic disorders and afflictions. Night light is also related to driving safety related to excess glare on roads.

Ways You Can Help Lower Light Pollution:

1. Install Shielded Lights.

Select outdoor lighting fixtures with the light pointing down toward the ground or a style that has a shield that focuses the light downward. Avoid up lighting. These types of fixtures minimize glare and light trespass. Good outdoor lighting is not overly bright in relation to the surrounding area. See illustrated guide to the acceptable vs unacceptable types of light

fixtures: <https://imgur.com/a/x84vg>



2. **Reduce Light Waste.** Turn off lights in office buildings and homes when not in use. Only use the right amount of light needed.
3. **Install dimmers, motion sensors, and timers** to reduce average illumination levels.
4. **Switch to LED lighting or reduce wattage on outdoor bulbs.** Use "warm" or filtered LEDs with a color temperature of 3000K and below to minimize blue emission. Reduce the wattage on your outdoor bulbs, for example from 110 to 50 watts.

Efficient dark sky lighting not only protects the environment and conserves our energy resources, but it will save you money in the long run. IDA's Fixture Seal of Approval program certifies environmentally-friendly lighting products.

See darksky.org for more information.