

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2018 - 10 B

AN ORDINANCE ADDING A NEW SECTION 11-51 TO THE GREEN MOUNTAIN FALLS MUNICIPAL CODE TO ADDRESS THE INSTALLATION OF IMPROVEMENTS IN PUBLIC RIGHTS-OF-WAY

WHEREAS, the Board of Trustees desires to amend the Town's requirements for installing improvements in Town rights-of-way to minimize the impact to such public areas.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. A new Section 11-51 is hereby added to the Green Mountain Falls Municipal Code to read as follows:

Sec. 11-51. - Location and Relocation of Facilities in Rights-of-Way.

(a) The location of any person's facilities in or under any street, sidewalk, curb, gutter, curbside, alley or other public place shall be subject to the prior approval of the Town, shall be located to maximize the potential use of the right of way, minimize interference with the Town's use and facilities, and conform to requirements of Town standards and specifications.

(b) The Town recognizes that it is within its police power municipality to preserve the physical integrity of its rights-of-way, control the orderly flow of vehicles and pedestrians, and efficiently manage the gas, electric, water, cable, broadband, telephone, and other facilities that are placed within its public rights-of-way. It is the Town's policy to efficiently use public rights of way for a variety of infrastructure and utilities in order to provide public services; advance the Town's goal of increasing opportunities for access to traffic control, communication, and broadband services; limit the frequency of street closures and cutting of public streets; and reduce road degradation caused by repeated boring and trenching of public rights of way. To this end, the Town requires all persons proposing work under this Chapter that involves directional boring or open trenching within a public right of way extending more than 100 feet in length to collocate and install Town conduit simultaneously with the work proposed. The Town will review all permit applications in a competitively neutral manner and make all permit decisions based on substantial evidence. The Town may, upon initial review of the permit application, determine that the proposed work does not demonstrate a need for collocation of Town infrastructure.

(c) For any work that requires collocation of Town conduit, the Town shall, as a condition of the issuance of the permit or continued validity of a permit, require the permittee to install Town conduit with tracer wire and associated infrastructure, as identified by the Town, concurrent with the installation of the permittee's infrastructure. The requirement for the permittee to

install Town conduit with tracer wire and the associated infrastructure shall be completed after the Town has reviewed and approved all estimated costs associated with the co-location of the Town conduit. The permittee shall install the Town conduit with tracer wire adjacent to the permittee's infrastructure and within the same bore or trench alignment. The Town will bear all costs associated with the Town conduit, pull boxes, and all other materials and infrastructure to be installed and the incremental increased costs incurred by the permittee (or its contractor or subcontractor) that are reasonably and directly attributable to the required colocation of Town conduit, materials and infrastructure.

(d) When a colocation of Town conduit is required, this completion inspection shall include physical verification of the installed Town conduit. The permittee may be required to submit signed as-built documentation of the Town's conduit to the Town at the Town's request.

(e) If at any time the Town requests the permittee to relocate its facilities in order to allow the Town to make any use of rights-of-way, or if at any time it shall become necessary or convenient to move or change the permittee's facilities within or adjacent to streets or rights of ways in any manner, either temporarily or permanently, because of a change in the grade or by reason of the improving, repairing, constructing, or maintaining of any street or rights of way, by reason of traffic conditions, public safety, by reason of installation of any type of Town utility facilities or other improvement, or by reason of any program from the undergrounding of such facilities, the Town shall notify the permittee at least ninety (90) days in advance, except in the case of emergencies, of the Town's intention to perform or have such work performed. The permittee shall thereupon, at its sole cost and expense, accomplish the necessary relocation, removal, or change within a reasonable time from the date of the notification, but in no event later than three (3) working days prior to the date the Town has notified the permittee that it intends to commence its work or immediately in the case of emergencies. Upon the permittee's failure to accomplish such work, the Town may perform such work at the permittee's expense and the permittee shall reimburse the Town within thirty (30) days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction by the permittee at the permittee's expense, and revised as-built plans submitted to the Town.

(f) The Town may require the relocation of facilities which are not installed in the approved location or corridor.

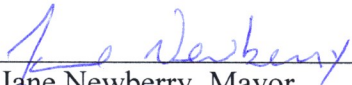
Section 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

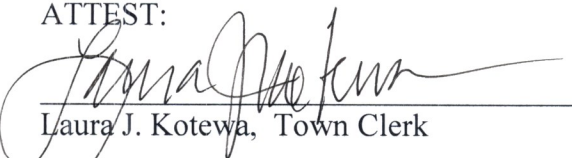
Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the 4th day of December 2018, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the 18 day of December, 2018.


Jane Newberry, Mayor

ATTEST:


Laura J. Kotewa, Town Clerk

APPROVED AS TO FORM:

Jefferson Parker, Town Attorney

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