BY AUTHORITY

ORDINANCE NO. **4284** COUNCILLOR'S BILL NO. **8**

SERIES OF 2025 INTRODUCED BY COUNCILLORS

Ezeadi, Hott

A BILL
FOR AN ORDINANCE AMENDING TITLE V, CHAPTER 5 OF THE WESTMINSTER MUNICIPAL CODE AND TITLE IX, CHAPTER 2 OF THE WESTMINSTER MUNICIPAL CONCERNING CONTRACTOR'S LICENSE AND RIGHT OF WAY PERMIT REQUIREMENTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-5-5, W.M.C., is hereby AMENDED to read as follows:

5-5-5. Classification and Fees.

(A) The following classes of license and fees are hereby established:

(1) *Class A Contractor.* This license shall entitle the holder to contract for the construction, alteration, or repair of any type or size of structure permitted by this Code. The annual fee shall be $110.00.

(2) *Class B Plumber.* The annual fee for plumbers holding a State of Colorado Master's License shall be $110.00.

(3) *Class C Electrician.* No fee shall be charged for a license of a person holding a state license.

(4) *Class D public way contractor.* This class license shall entitle the holder to contract for work affecting public property or grounds, utility systems (either city-owned or contracting with the City for service of any type) or work within any street right-of-way, utility easement, or other public property. The annual fee for this class license shall be $110.00.

(5) *Class E public way contractor.* This class license shall entitle the holder to contract for work affecting some public property or grounds, or restrictive work within any street right-of-way, utility easement, or other public property. The annual fee for this class license shall be $110.00.

(B) It shall be the duty of every contractor to exhibit its license upon request of the Chief Building Official, his authorized representative, or any law enforcement officer of the City.

Section 2. Section 5-5-6, W.M.C., is hereby AMENDED to read as follows:

5-5-6. License Denial, Non-Renewal, Cancellation, Suspension, or Revocation.

A license may be denied, cancelled, denied renewal, suspended or revoked for any violation of the provisions of this Chapter, for any reason set forth in Chapter 1 of this Title, or as listed below.

(A) The City Manager may suspend or revoke any Class A Contractor, Class B Plumber, or Class C Electrician license for unskillfulness, carelessness, or willful violation of any order for corrective action issued by the Chief Building Official.

(B) The City Manager may suspend or revoke any Class D or Class E public way contractor license for unskillfulness, carelessness, or willful violation of any order for corrective action issued by the City Engineer.

(C) Any violation of the city building codes.

Section 3. Section 5-5-8, W.M.C., is hereby ADDED to read as follows:

5-5-8. Class E Contractors - Permit, Surety and Insurance Required.

(A) It shall be unlawful for any Class E contractor to engage in any work without first obtaining a right-of-way excavation/construction permit from the City.

(B) The Class E public way contractor's license authorized work is limited to minimally impacted construction within the right-of-way including traffic control, surveying, landscaping, driveway cuts, curb ramps, tree trimming, or similar work as approved by the City Engineer.

(C) Before the issuance of a right-of-way excavation/construction permit to a Class E contractor, the contractor shall provide a Surety payable to the City in the amount of $500.00, which Surety shall be conditioned upon faithful compliance with all applicable laws and all terms and conditions of the right-of-way excavation/construction permit and which shall indemnify and hold the City harmless from any liability resulting from the Class E contractor's work. If the Class E contractor's work is done on behalf of the City as principal, and a performance bond is required by the contractor's agreement with the City, then no additional Surety shall be required pursuant to this Section.

(D) The class D public way contractor's license shall supersede the Class E public way contractor's license and its requirements.

(E) Before the issuance of a right-of-way excavation/construction permit, the contractor shall submit satisfactory certificates of either the insurance coverage required under his contract, or insurance in accordance with the following schedule, whichever is greater:

TYPE OF INSURANCE	AMOUNT
(1) Workers' compensation	Statutory—In conformance with the Workers' Compensation Act of Colorado
(2) Employer's liability	$1,000,000.00
This insurance shall protect the contractor against all claims under the workers' compensation laws and employer's liability laws of the State of Colorado.	
(3) Comprehensive automobile liability:	
(a) Bodily injury	$1,000,000.00 - each occurrence
(b) Property damage	$1,000,000.00 - each occurrence
This insurance shall be written in comprehensive form and shall include all motor vehicles licensed for highway use, whether owned, non-owned, or hired, and shall identify the City of Westminster as an additional insured.	
(4) Comprehensive general liability:	
(a) Bodily injury	$1,000,000.00 - each occurrence/$2,000,000.00 aggregate
(b) Property damage	$1,000,000.00 - each occurrence/$2,000,000.00 aggregate

This insurance shall be written in comprehensive general liability form and shall include coverage for subcontractors, and shall identify the City of Westminster as an additional insured. If work undertaken may require blasting, explosive conditions, or underground operations, the comprehensive general liability coverage shall include coverage of blasting, explosion, collapse of buildings, or damage to underground property. The insurance required in this Section shall be continued throughout the period of the contract work and maintenance period.

Section 4. Section 9-2-1, W.M.C., is hereby AMENDED to read as follows:

9-2-1. Permit Required.

(A) Without first having secured a right-of-way permit from the City, it shall be unlawful for any person to:

(1) Dig up, open, excavate, construct in or on or cause to be dug up, opened, excavated or constructed in or on, any street, alley, sidewalk, or other public right-of-way;

(2) Conduct any work within, upon, under or above any portion of any travel lane of a street, alley, sidewalk or other public right-of-way or otherwise obstruct vehicular, bicycle, or pedestrian travel on a street, alley, sidewalk or other public right-of-way; or

(3) Disturb a ditch line or the pavement or shoulder of any roadway.

For the purpose of this Section, the term work includes the installation of micro wireless facilities involving any of the activities described in (1), (2), or (3) above.

(B) The City Engineer shall establish regulations and specifications for work in public rights-of-way for the protection of the rights-of-way and installed infrastructure and the protection of persons, and their property, lawfully using the rights-of-way, and may place conditions on any permit as he or she shall deem necessary. It shall be unlawful for any person to conduct work in public rights-of-way in violation of such regulations and specifications or the terms and conditions of the permit.

(C) Applications for a permit shall indicate the exact location, height, depth, extent, nature, and purpose of the work, including a sketch or site plan as necessary, and the time required for the work. Applicants shall also pay a fee to the City before the issuance of a right-of-way permit. The amount of the fee shall be established on an annual basis by the City Manager upon recommendation of the City Engineer, and shall include:

(1) The fee shall be reasonably related to the costs directly incurred by the City in providing services relating to the granting and administration of the permit, including inspection costs; and

(2) The fee may be graduated, depending upon the scale and location of the project; and

(3) If the proposed work requires construction drawing review, the fees related to such review, as provided in Section 11-1-6, W.M.C..; and

(4) If the proposed work involves cutting the pavement of any street or sidewalk, the fees required by Section 9-2-8, W.M.C..

(D) A separate permit shall be required for each use of the public right-of-way. A permit shall be required at least two working days prior to commencement of the work. The permit shall be kept at the site

of the work and shall be exhibited upon request to any law enforcement officer or the City Engineer or his authorized representative.

(E) The City engineer shall establish a time limit for work to be accomplished under a right-of-way permit.

(F) A right-of-way permit must be obtained by a class D public way contractor with a contract for work affecting public property or grounds, utility systems, or work within any street right-of-way, utility easement, or other public property. A right-of-way permit can be obtained by a Class E public way contractor for limited construction described in Section 5-5-8 (B).

Section 5. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 31st day of March, 2025.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2025.

ATTEST:

_____
City Clerk

_____
Mayor

APPROVED AS TO LEGAL FORM:

_____
City Attorney's Office