

A BILL FOR AN ORDINANCE

ORDINANCE NO. 14

SERIES OF 2020

INTRODUCED BY: COUNCILMEMBER BARNACLE

AN ORDINANCE AMENDING CHAPTER 11 OF THE GREENWOOD VILLAGE MUNICIPAL CODE

WHEREAS, in 2011, the Greenwood Village City Council adopted by reference and enacted a new municipal code; and

WHEREAS, at that time, a periodic review of each chapter was determined to be in order so that amendments could be made to fix errors and omissions that were discovered as the new code was implemented; and

WHEREAS, Chapter 11 has been reviewed by staff and the city attorney and areas of correction have been identified.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. The following definitions found in Section 11-3-20 of the Greenwood Village Municipal Code are hereby amended to read as follows:

Sec. 11-3-20. – Definitions

Contractor means a person, partnership, corporation or other legal entity licensed with the City which undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate or add to any improvements or facilities in the public right-of-way, or that requires work, workers or equipment to be in the public right-of-way in the process of performing the above-named activities.

Newsrack means a self-service box, container, storage unit or other dispenser installed, used or maintained for the distribution of newspapers or other publications with or without payment.

Public Infrastructure Design and Construction Standards means the document entitled Construction and Excavation Standards for Work in Public Rights-of-Way, as adopted by resolution of the City Council and amended from time to time.

Section 2. Section 11-3-40 of the Greenwood Village Municipal code is hereby amended to read as follows:

Sec. 11-3-40 – Developer installation of infrastructure.

The construction of infrastructure in new developments is the responsibility of the developer. Once public right-of-way improvements have been accepted and dedicated to the City, all work in that public right-of-way shall be subject to this Chapter.

Section 3. Section 11-3-50 of the Greenwood Village Municipal code is hereby amended to read as follows:

Sec. 11-3-50. - Permit required to work in the right-of-way.

(a) No person except an employee or official of the City or a person exempted by contract with the City shall undertake or permit to be undertaken any work in a public right-of-way without first obtaining a permit to work in the right-of-way from the City and paying applicable fees in accordance with the City's right-of-way permit fee schedule. Copies of the permit and associated documents shall be maintained on the work site and available for inspection upon request by any officer or employee of the City.

(b) An applicant shall update a permit application within ten (10) days after any material change occurs. Material changes include but are not limited to working in a different location, increase in the number of street cuts, or need to change permit type in accordance with this section.

(c) Applicants may apply jointly for permits to work in public rights-of-way at the same time and place. Applicants who apply jointly for permits may share in the payment of the permit fees. Applicants must agree among themselves as to the portion each shall pay, and if no agreement is reached, payment in full shall be required of all applicants.

(d) The applicant for a public right-of-way permit and the eventual permittee shall be the owner of the facilities to be installed, maintained or repaired, rather than the contractor performing the work, except in the following circumstances: (1) When the facilities being installed, maintained or repaired are service lines which provide water or sewer service to private property adjacent to the public right-of-way; in which case, the contractor or other person performing the work may be the applicant for the public right-of-way permit. (2) When the work being performed in the public right-of-way is the installation, maintenance or repair of privately-owned landscaping or driveways; in which case, the contractor or other person performing the work may be the applicant for the public right-of-way permit.

(e) No permittee shall perform work in an area larger or at a location different, or for a longer period of time than that specified in the permit. If, after work is commenced under an approved permit, it becomes necessary to perform work in a larger or different area or for a longer period of time than what the permit specifies, the permittee shall notify the City immediately and shall file a supplementary application for the additional work within twenty-four (24) hours.

(f) Permits shall not be transferable or assignable without the prior written approval of the City.

(g) Any person conducting any work within the public right-of-way without having first obtained the required permit shall immediately cease all activity and obtain a permit before work may be resumed, except for emergency operations performed pursuant to Section 11-3-260.

Section 4. Section 11-3-60 of the Greenwood Village Municipal code is hereby deleted in its entirety and reserved for future use.

Section 11-3-60. Reserved.

Section 5. Section 11-3-70 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-70. - Blanket maintenance permits.

(a) A public right-of-way permit shall not be required for routine maintenance in the public right-of-way, as the term *routine maintenance* is defined in [Section 11-3-20](#). However, other maintenance operations within the public right-of-way which involve traffic lane closures or sidewalk closures shall require a public right-of-way permit. To expedite the process for ongoing maintenance operations, owners of facilities within the public right-of-way may, at their sole option and in the alternative to obtaining individual public right-of-way permits, obtain a blanket maintenance permit pursuant to this Section.

(b) A blanket maintenance permit shall be valid from the date of issuance of the permit through December 31 of the same year. Under no circumstances shall a blanket maintenance permit be valid for more than one (1) year.

(c) A blanket maintenance permit shall not, under any circumstances, authorize any pavement disturbance or installation of new facilities. Notwithstanding the foregoing, existing facilities may be removed and replaced with new facilities, if no excavation or pavement disturbance is required.

(d) Any person seeking a blanket maintenance permit shall pay applicable fees and file an application on a form provided by the City.

(e) A blanket maintenance permit shall not require a performance bond, letter of credit or warranty. Work performed pursuant to a blanket maintenance permit shall not be subject to the specific inspections set forth in [Section 11-3-140](#), but may be subject to random inspection by the City to ensure compliance with the terms of the blanket maintenance permit and applicable provisions of the Construction and Excavation Standards.

Section 6. Section 11-3-80 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-80. - City review and approval.

(a) An application for a public right-of-way permit shall be reviewed by the City for completeness within five (5) working days of submission. If the application is not complete, the City shall notify the applicant of all missing information within the five-day time period.

(b) Once an application is deemed complete by the City, the City shall review the application to determine whether the application complies with this Division and the Construction and Excavation Standards. The time for such review shall be as follows:

(1) For a public right-of-way permit which does not include excavation, within five (5) working days.

(2) For a public right-of-way permit which includes excavation but is not a major installation, within ten (10) working days.

(3) For a public right-of-way permit for a major installation, within fifteen (15) working days.

(c) At the conclusion of the review period, the City shall either approve the permit, approve the permit with conditions or deny the permit. If the permit is denied, the City shall send a written notice of denial to the applicant. The notice shall include the reason for denial

(d) The City reserves the right to deny a permit application if the permittee is noncompliant on other permits issued by the City or delinquent in any payment due to the City for prior work in the right-of-way.

Section 7. Section 11-3-90 of the Greenwood Village Municipal Code is hereby deleted in its entirety and reserved for future use:

Section 11-3-90. Reserved.

Section 8. Section 11-3-100 of the Greenwood Village Municipal Code is hereby deleted in its entirety and reserved for future use.

Section 11-3-100. Reserved.

Section 9. Section 11-3-120 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-120. - Performance bonds and letters of credit for excavation work or street cuts in the right-of-way.

(a) Before a public right-of-way permit is issued for excavation work or street cuts, the applicant shall file with the City a bond or letter of credit in favor of the City in an amount equal to the total cost of construction, including labor and materials but excluding the cost of any facilities being installed, or five thousand dollars (\$5,000.00), whichever is greater. The bond or letter of credit shall be executed by the applicant as principal and by at least one (1) surety upon whom service of process may be had in the State. The bond or letter of credit shall be conditioned upon the applicant fully complying with all provisions of City ordinances, resolutions and regulations and upon payment of all judgments and costs rendered against the applicant for any violation of any City resolution, regulation or ordinances or state law arising out of any negligent or wrongful acts of the applicant in the performance of work pursuant to the permit.

(b) The City may bring an action on the bond or letter of credit on its own behalf or on behalf of any person so aggrieved as beneficiary.

(c) The bond or letter of credit shall be approved by the City prior to the issuance of the permit. The City may waive the requirements of any such bond or letter of credit or may permit the applicant to post a bond without surety thereon, upon finding that the applicant has financial stability and assets located in the State to satisfy any claims intended to be protected against by the security required by this Section.

(d) A letter of responsibility, in a form acceptable to the City, shall be accepted from special districts and governmental agencies in lieu of a performance bond or letter of credit.

(e) A blanket bond of sufficient amount to cover all proposed work during the upcoming year may be filed with the City on an annual basis in lieu of the project-specific performance bonds or letters of credit required by Subsection (a) hereof. The form and amount of the blanket bond shall be subject to the prior review and approval of the City. Should the blanket bond be deemed insufficient by the City based on the work to date, the City may require additional, project-specific performance bonds or letters of credit pursuant to Subsection (a) hereof.

(f) The performance bond, blanket bond, letter of credit or letter of responsibility shall remain in force and effect for a minimum of two (2) years after completion and acceptance of the street cut or excavation.

(g) If any provision of this Section conflicts with any provision of a valid, effective franchise agreement between the applicant and the City, the conflicting provision of this Section shall not apply to the franchisee, and the franchisee shall instead honor the provision of the franchise agreement.

(h) If any provision of this Section conflicts with any provision of a valid, effective median maintenance agreement between a special district and the City, the conflicting provision of this Section shall not apply to the special district, and the special district shall instead honor the provision of the median maintenance agreement.

Section 10. Section 11-3-260 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-260. - Reimbursement of City restoration costs.

(a) The City may make any repairs necessary to eliminate any imminent danger to the public health or safety without notice to any permittee, at the responsible permittee's expense.

(b) For any work not performed by a permittee as required by the terms of the right-of-way permit, but not constituting imminent danger to the public health or safety, the City shall provide written notice to the permittee, ordering that the work be corrected within ten (10) days of the date of the notice. If the work is not corrected within the ten-day period, the City may correct the work at the permittee's expense.

(c) Costs of any work performed by the City pursuant to this Section shall be billed to the permittee. The permittee shall also be responsible for any direct costs incurred by the City. The permittee shall pay all such charges within thirty (30) days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the City may, in addition to taking other collection remedies, seek reimbursement through the performance bond or letter of credit. Furthermore, the permittee may be barred from performing any work in the public right-of-way, and under no circumstances will the City issue any further permits of any kind to said permittee, until all outstanding charges (except those outstanding charges that are honestly and reasonably disputed by the permittee and being negotiated in good faith with the City) have been paid in full.

Section 11. Section 11-3-270(a) of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-270. Permit revocation and stop work orders.

(a) A public right-of-way permit may be revoked or suspended by the City for any of the following:

(1) Violation of any condition of the permit or any provision of this Division or the Public Infrastructure Design and Construction Standards, as amended.

(2) Violation of any other City ordinance or state law relating to the work.

(3) Existence of any condition or performance of any act which, in the City's determination, constitutes or causes a condition endangering life or property.

Section 12. Section 11-3-410 of the Greenwood Village Municipal Code is hereby deleted.

Section 13. Section 11-3-420 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-420. - Removal of utility markings required.

All utility markings shall be fully and completely removed or camouflaged from public rights-of-way utilizing a method that is least destructive to the existing improvements, and which method has been approved by the City. The removal shall occur no later than forty-five (45) days after completion of the work. The right-of-way permittee or other persons (not under a City permit) that originally caused the utility markings to be placed shall be solely responsible for removal of the utility marking. For purposes of this section "utility marking" means a mark made of colored or metallic paint or similar material or utilizing any adhesive material of whatever description or a flag or similar removable device or item used by a public utility or its agent in a public right-of-way to mark the existing or future location of pipelines, cables, poles, wires or other similar features.

Section 14. Section 11-3-430 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-3-430 Penalty.

Any person who is convicted of a violation of this Division shall, upon conviction, be punished by a fine not to exceed the maximum fine allowed under Chapter 1, Article 4, of this Code. Each day such violation is committed or continues shall constitute a separate offense. As an additional means of enforcement, and not as an alternative to or substitute for prosecution for violation of this Division, the City may remove any utility markings which are not removed pursuant to this Division and bill the party responsible for such removal the full cost incurred by the City to effect such removal

Section 15. Section 11-4-10 of the Greenwood Village Municipal Code is hereby deleted.

Section 16. Section 11-4-80 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-4-80. - Violation; penalty.

Any owner or operator of a facility who violates this Article shall, upon conviction thereof, be punished in accordance with the provisions set forth in Chapter 1, Article 4, of this Code. Each day of violation shall be a separate offense.

Section 17. The definition of "Alcoholic Beverages" in Section 11-5-20 of the Greenwood Village Municipal Code is hereby deleted.

Section 18. The Field and Shelter Group Use Table in Section 11-5-40 of the Greenwood Village Municipal Code is hereby changed to read as follows:

<i>Group Size</i>	<i>Event Host Type</i>	
	<i>Resident Event or Special Event</i>	<i>Nonresident Event (Special Events not allowed)</i>
0-50	May use any field or shelter at Castlewood, Silo, Westlands, or William McKinley Carson Parks or fields at Village Greens Park	Same as Resident Event
51-100	May use any field or shelter at William McKinley Carson Park, or Westlands Park Center Pavilion, or any field at Village Greens Park	Same as Resident Event
More than 150	May use William McKinley Carson Park	Not allowed

Section 19. The Single Date Reservation Time Table in section 11-5-40 of the Greenwood Village Municipal Code is hereby changed to read as follows:

<i>Dates</i>	<i>Permitting Begins</i>	
	<i>Residents</i>	<i>Nonresidents</i>
May 1 to August 14	February 1	April 1
August 15 to April 30	May 1	July 1

Section 20. Section 11-5-60, Special Occasion Alcohol Permits, of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-5-60. - Special occasion alcohol permits.

(a) Description. Alcoholic beverages may be allowed in parks with a special occasion alcohol permit issued by the City Manager. This Section does not require a permit for fermented malt beverages or vinous liquors, as those terms are defined in Article 3 of Title 44, C.R.S.

(b) Submittal requirements. An application for a special occasion alcohol permit shall be submitted to the City Manager at least fourteen (14) days prior to the event, and the application shall include the following:

- (1) Completed application;

(2) Application fee as established by City Council resolution;

(3) Refundable security deposit of one hundred dollars (\$100.00);

(4) A copy of the issued group use permit for the event, or a copy of the application for a group use permit for the event, which shall include a map or diagram showing the location of the event and the boundaries for possession and consumption of alcoholic beverages;

(5) A copy of the special event permit issued under the Colorado Liquor Code, if applicable; and

(6) Any other information deemed necessary by the City Manager.

(c) Criteria and issuance. The City Manager shall review the application and shall issue the special occasion alcohol permit if the application meets the following criteria:

(1) The applicant is twenty-one (21) years of age or older as of the date of the application;

(2) The time, location and duration of the event are not likely to significantly interfere with public services or the normal, customary and general use and enjoyment of the park;

(3) The number and concentration of participants at the event are not likely to result in crowds exceeding limitations in the City Fire Code, or other significant inconvenience to the residents of the surrounding neighborhoods; and

(4) Issuance of the permit would not be detrimental to the public safety, health or welfare by reason of the nature of the event, the likelihood that the event would create a public nuisance or result in the consumption of alcoholic beverages by minors, its location within the City, or the failure of the applicant to conduct a past event in compliance with applicable laws and regulations.

(d) Conditions. A special occasion alcohol permit is subject to the following conditions:

(1) Service, possession and consumption of alcoholic beverages shall be limited to clearly defined areas designated by permanent or temporary boundaries that effectively control and restrict ingress and egress by the general public to ensure admittance of only invited guests;

(2) Service, possession and consumption of alcoholic beverages shall be limited to invited attendees of the private special occasion who are confirmed to be of twenty-one (21) years of age or older;

(3) Use of glass containers is prohibited unless the permit specifically states otherwise;

(4) The applicant shall be personally responsible for cleaning, trash disposal and repairs necessary as a result of the event;

(5) The permit is valid for the duration of time stated on the permit application and is not transferable.

(e) Security. The City Manager may consult with the Police Department regarding the need for security and, where appropriate, may require the provision of security at the applicant's expense as a condition to the issuance of a special occasion alcohol permit.

(f) Revocation. The City Manager may summarily revoke a special occasion alcohol permit if any participant in the event violates any provision of this Code during the event.

Section 21. Section (4) of Section 11-5-70, Prohibitions, of the Greenwood Village Municipal Code is hereby amended to read as follows:

(4) Alcoholic beverages (which does not include fermented malt beverages or vinous liquors, as those terms are defined in Article 3 of Title 44, C.R.S. unless in compliance with a special occasion permit issued pursuant to this Article.

Section 22. Section 11-5-90 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-5-90. Violations; penalty.

Violations of this Article shall be governed by Chapter 1, Article 4, of this Code.

Section 23. Section 11-8-20 of the Greenwood Village Municipal Code is hereby deleted.

Section 24. Section 11-8-30 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-8-30. - Location.

- (a) Newsracks shall not interfere with the flow of pedestrian traffic.
- (b) No group of newsracks shall be longer than twenty (20) linear feet.
- (c) No newsrack shall be located within three (3) feet of the curb or of any other designated parking space or loading zone.
- (d) A newsrack shall not be located within five (5) feet of a fire hydrant.
- (e) A newsrack shall not be located within five (5) feet of a bus stop sign, and newsracks shall not interfere with access to busses at bus stops.

(f) A newsrack shall not be located within five (5) feet of a crosswalk or street corner.

(g) No newsrack shall be located on a tree grate.

(h) A newsrack shall not be located within three (3) feet of any structure, other than another newsrack.

(i) No newsrack shall intrude into an intersection sight triangle.

Section 25. Section 11-9-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-9-10. - Drainage Criteria Manual adopted.

(a) The Greenwood Village Drainage Criteria Manual, dated October 2003, ("Manual") is hereby adopted by reference, as amended. Three (3) copies of the Manual shall be maintained by the City Clerk's office and available for public inspection during regular business hours.

(b) The purpose of the Manual is to prescribe the minimum design and technical criteria for storm drainage within the City. The Manual: includes requirements for drainage facilities for new development and redevelopment projects; establishes the City's storm drainage policies and floodplain regulations; contains hydrologic criteria and methodology for determining the storm runoff design peak flows and volumes to be used in the preparation of storm drainage studies, plans and facility design; contains environmental protection criteria, including standards for erosion control, non-point source pollution control and wetlands preservation; and adopts as a secondary code the current edition of the Urban Storm Drainage Criteria Manual, published by the Mile High Flood District. The purpose of the Urban Storm Drainage Criteria Manual is to prescribe the minimum design and technical criteria for the analysis and design of storm drainage facilities.

Section 26. Section 11-9-20 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 11-9-20. - Violation and penalty.

(a) It is unlawful for any person to violate any of the provisions of the Greenwood Village Drainage Criteria Manual.

(b) It is declared to be a nuisance for any owner, developer or occupant of any real property within the City to fail to comply with any of the provisions of the Manual.

(c) Upon violation of any provision of the Manual, any person may be subject to the following penalties and enforcement provisions:

(1) Any person who violates any provision of the Manual, upon conviction thereof, shall be fined in accordance with the provisions of Chapter 1, Article 4, of this Code; or

(2) Any person violating any provision of the Manual shall be subject to the provisions of Chapter 7 of this Code.

(d) Each day during which the illegal construction, reconstruction, alteration, maintenance, use or noncompliance with conditions continues shall be deemed a separate offense and shall be punishable as such.

Section 27. Section 11-9-30 of the Greenwood Village Municipal Code is hereby amended to read as follows:


Sec. 11-9-30. - Greenwood Village Construction Site Management Manual adopted.

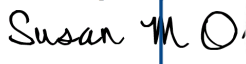
(a) The Greenwood Village Construction Site Management Manual, dated October 2003, is hereby adopted by reference, as amended. Three (3) copies of the Construction Standards shall be maintained in the City Clerk's office and available for public inspection during regular business hours.


(b) The purpose of the Construction Standards is to prescribe the minimum design and technical criteria for construction within the City. The Construction Standards: contain criteria for sitework permits, including standards for flatwork, grading and landscaping permits; and contain environmental protection criteria, including standards for erosion and sediment control plans.

Section 28. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

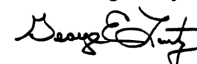
INTRODUCED AND APPROVED ON FIRST READING ON THE 14TH DAY OF SEPTEMBER, 2020, AND ORDERED PUBLISHED IN THE VILLAGER.

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George E. Lantz, Mayor

ATTEST: DocuSigned by: 
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Susan M. Ortiz, MMC
City Clerk



INTRODUCED AND APPROVED ON SECOND READING ON THE 5TH DAY OF OCTOBER, 2020, AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY.

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George E. Lantz, Mayor

DocuSigned by:

ATTEST:

DocuSigned by:

Susan M Ortiz

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Susan M. Ortiz, MMC
City Clerk



EFFECTIVE: October 14, 2020