

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE NO. 20 (Series of 2020) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 13.18 OF THE EAGLE MUNICIPAL CODE, TO PROVIDE FOR INCREASED MANAGEMENT OF PUBLIC RIGHTS-OF-WAY, on the Town of Eagle's web site, www.townofeagle.org, on the 15th day of September, 2020.

Witness my hand and seal this 15th day of September 2020.



Jenny Rakow
Town Clerk



Ordinance Effective Date:
September 26, 2020

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 20
(Series of 2020)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING CHAPTER 13.18 OF THE EAGLE MUNICIPAL CODE, TO PROVIDE FOR
INCREASED MANAGEMENT OF PUBLIC RIGHTS-OF-WAY

WHEREAS, the Town desires to update Chapter 13.18 to provide increased management of public rights-of-way in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 13.18.030 of the Eagle Municipal Code is hereby amended by the addition of the following terms, to appear in alphabetical order, and with the new definitions replacing any existing definitions:

Appurtenances means transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, junction boxes, handholes substations, system amplifiers, power supplies, pump stations, manholes, valves and valve housings and other devices that are necessary to the function of electric, communications, cable television, water, sewer, storm water, natural gas, broadband, and other utilities and services.

Conduit means a single enclosed raceway for cables, fiber optics, or other wires.

Developer means the person, partnership, corporation, or other legal entity who is improving a parcel of land within the Town and who is legally responsible to the Town for the construction of improvements within a subdivision or as a condition of a building permit or other land use or development authorization.

Emergency means any unforeseen circumstance or occurrence which constitutes a clear and immediate danger to persons or property; any event which may results in an interruption in the provision of service, including without limitation damaged plugged, or leaking water, sewer, gas or storm drain systems, and damaged electrical and communications facilities.

Excavation means any method of installing facilities in a public right-of-way, including without limitation trenching, boring, drilling and potholing.

Facilities means pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing broadband and utility services.

Infrastructure means any public facility, system, or improvement, including without limitation water and sewer mains and appurtenances, storm drains and

structures, streets, alleys, traffic signal poles and appurtenances, conduits, signs, landscape improvements, sidewalks, and public safety equipment.

Landscaping means materials, including without limitation grass, ground cover, shrubs, vines, hedges, or trees and non-living natural materials commonly used in landscape development, as well as attendant irrigation systems.

Major work means any reasonably foreseeable excavation that shall affect the public right-of-way for more than five (5) consecutive days.

Permittee means the holder of a valid permit issued pursuant to this Chapter and other applicable provisions of applicable law for excavation in the right-of-way.

Public right-of-way means any real property or easement in the Town dedicated or conveyed to the Town, the county, the state or the public for vehicular or pedestrian travel, including without limitation sidewalks and pedestrian paths.

Routine maintenance means maintenance of facilities or landscaping in the public right-of-way which does not involve excavation, installation of new facilities, lane closures, sidewalk closures, or damage to any portion of the public right-of-way.

Structure means anything constructed or erected with a fixed location below, on, or above grade, including without limitation foundations, fences, retaining walls, awnings, balconies, and canopies.

Surplus conduits are conduits other than those occupied by permittee or any prior permittee, or unoccupied conduits held by permittee as emergency use spares, or other unoccupied conduits that permittee reasonably expects to use within three (3) years from the date of a request for use.

Section 2. Section 13.18.100(D) of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 13.18.100. Insurance.

* * *

D. Each permittee shall carry and maintain in full effect at all times the following insurance coverage:

1. Commercial general liability insurance, including broad form property damage, completed operations contractual liability, explosion hazard, collapse hazard and underground property damage hazard, with minimum combined limits of one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) general aggregate; and
2. Workers' compensation insurance as required by law.

Section 3. Section 13.18.430 of the Eagle Municipal Code is hereby renumbered as Section 13.18.530.

Section 4. Section 13.18.300 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 13.18.300 Repair and restoration.

All excavations shall be backfilled, surfaced, and restored as set forth in this Chapter, at the permittee's cost. Each permittee shall comply with all engineering regulations, specifications, and design standards adopted by the Town. All restoration shall result in a site condition equal to or better than that which existed prior to constructions. The following standards shall also apply:

1. Pavement cuts and openings shall be filled with compacted select material. Either concrete or asphalt patches shall be placed to at least match the existing street cross section. Select material shall include select fill, road base or controlled density (flowable fill).
2. Select fill shall be placed in an excavation to the density and lift thickness required by Town compaction specifications.
3. Flowable fill backfill material, satisfying design and construction standards adopted by the Town, shall be used to restore all excavations in the paved portion of any public street or alley. For trench excavations in excess of five (5) feet in depth, applicant may utilize granular backfill material in lieu of flowable fill backfill material, provided that all of the following conditions are satisfied:
 - a. Prior to the issuance of a permit, the permittee shall request and receive approval for the use of granular backfill material; and
 - b. The type, gradation, placement, compaction, and testing of the granular backfill material shall meet or exceed all requirements specified in design and construction standards adopted by the Town.
4. In cases where it is impossible to achieve the compaction requirements as set forth in this Chapter, the use of controlled density fill or flash fill material shall be used. When controlled density fill type material is used, steel plates shall be placed to cover the opening for the time required to allow the material to set.
5. Once compacted backfill has been placed, an asphalt cutback shall be made. The cutback shall extend twelve (12) inches minimum on each side of the opening and shall be over undisturbed pavement material with a minimum depth of one and one-half (1½) inches. All edges of the opening shall be neatly cut with an asphalt saw at ninety (90) degrees to traffic and uniformly tacked.
6. The new asphalt shall be placed in lifts of three (3) inches maximum and compacted upon placement. Asphalt depths shall be governed by the existing

cross section of the street but not less than four (4) inches of full deep asphalt shall be used to fill a street cut regardless of the existing cross section. Concrete meeting all construction standards of the Town shall be used to replace concrete pavement wherever it occurs.

Section 5. Chapter 13.18 of the Eagle Municipal Code is hereby amended by the addition of the following new sections:

Section 13.18.430. Public right-of-way use and construction.

A. Meetings. Each permittee shall make reasonable efforts to attend and participate in meetings of the Town, of which permittee is made aware, regarding public right-of-way issues that may impact its facilities, including without limitation planning meetings to anticipate joint excavations.

B. Minimal interference. Work in public rights-of-way shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Facilities shall be constructed and maintained so as not to interfere with other structures or facilities in the public right-of-way. Facilities shall not endanger or interfere with the lives of persons, or hinder or obstruct the free use of the public right-of-way, and shall not obstruct or impede traffic, except as approved under a traffic control plan or as provided in Section 13.18.230.

C. Underground construction and use of poles.

1. When required by applicable law, facilities shall be placed underground at no cost to the Town. Placing facilities underground does not preclude the use of ground-mounted appurtenances.

2. Where all facilities are installed underground at the time of permittee's construction, or when all such facilities are subsequently placed underground, all facilities that by their nature can function underground shall also be placed underground at no expense to the Town unless funding is generally available for such relocation to all users of the public right-of-way. Related equipment, such as pedestals, must be placed in accordance with the Town's applicable requirements. In areas where existing facilities are aerial, a permittee may install aerial facilities.

3. For above ground facilities, a permittee shall utilize existing poles and conduit wherever possible.

4. Should the Town desire to place its own facilities in trenches or bores opened by a permittee, the permittee shall cooperate with the Town, provided that the Town has first notified the permittee that it is interested in sharing the trenches or bores. In such case, the permittee shall allow the Town to place its facilities in the permittee's trenches and bores, provided the Town incurs any incremental increase in cost of the trenching and boring, based on

documentation provided by the permittee detailing the original cost and the incremental cost. The Town shall be responsible for maintaining its respective facilities buried in the permittee's trenches and bores.

D. Use of conduits by the Town. Unless otherwise restricted by tariff, the Town may install or affix and maintain its own facilities for Town purposes in or upon any permittee's conduits, at a charge to be negotiated, to the extent space is reasonably available, and pursuant to all applicable law. For purposes of this subsection, "Town purposes" includes without limitation Town fire, police, traffic, water, telephone, communication, and signal systems.

E. Common users.

1. The public rights-of-way have a finite capacity for containing facilities. Therefore, whenever the Town determines it is impracticable to permit construction of an underground conduit system by any other entity which may at the time have authority to construct or maintain conduits in the public right-of-way, but excluding entities providing services in competition with a permittee, and unless otherwise prohibited by federal or state law or regulations, the Town may require permittee to afford to such entity the right to use a permittee's surplus conduits in common with the permittee, pursuant to the terms and conditions of an agreement between the permittee and the other entity. Nothing herein shall require any permittee to enter into an agreement with such entity if, in such permittee's reasonable determination, such an agreement could compromise the integrity of such permittee's facilities.

2. Facilities shall meet all applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and comply with contracts between permittee and the other common user. A permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay the permittee for any fines, fees, damages or other costs the common user's attachments cause the permittee to incur.

Section 13.18.440. Joint planning and construction.

A. The purpose of this Section is to reduce disruptions, interference and damage to the public rights-of-way by promoting and incentivizing better coordination among permittees making excavations and the Town. Better coordination will minimize the number of excavations being made wherever feasible, and will ensure that excavations are, to the maximum extent possible, combined or performed before, rather than after, the resurfacing of streets.

B. Any permittee owning, operating or installing facilities in a public right-of-way shall meet at least annually, or more often as directed by the Town, with the Public Works Director, at the Public Works Director's request. At such meetings, the permittee shall submit documentation, in a form required by the Public Works

Director, showing the location of permittee's existing, currently proposed, and future facilities in the public rights-of-way, as well as any facilities that will be abandoned or removed (the "infrastructure master plan"). The Public Works Director may create a map, drawing or other documentation, of each permittee's planned major work in the Town; provided, however, that no such document shall identify a particular entity, or the planned major work of that particular entity.

C. Each permittee shall meet with the Public Works Director to discuss its initial infrastructure master plan no later than sixty (60) days after submitting its first permit application. Thereafter, each permittee shall submit annually, on the first regular business day of January, a revised and updated infrastructure master plan in both hard copy and digital format. As used in this subsection, the term "planned major work" means any future excavations planned by the permittee that will affect any public right-of-way for more than five (5) days, provided that permittee shall not be required to identify future major work planned to occur more than one (1) year after the date that permittee's master plan is discussed. Between the annual meetings to discuss planned major work, permittee shall use its best efforts to inform the Public Works Director of any substantial changes in the planned major work discussed at the annual meeting.

D. The Public Works Director shall review the infrastructure master plan and identify conflicts and opportunities for coordination of excavations. Following receipt of the plan, the Public Works Director may electronically post the information so that it can be reviewed by others to maximize coordination of excavation.

E. The Town may disclose information contained in a permittee's infrastructure master plan to any entity planning excavation in the public right-of-way only on a need-to-know basis, to facilitate coordination and to avoid unnecessary excavation. To the maximum extent permissible under the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended, the Town shall not otherwise disclose any information submitted by a permittee that is proprietary, trade secret or is otherwise protected from disclosure, provided that the permittee has identified the record on its face as proprietary, trade secret or otherwise protected from disclosure. The Town shall notify a permittee of any request for inspection of public records that calls for disclosure of any infrastructure master plan on which any information has been identified as proprietary, trade secret or otherwise protected from disclosure.

F. The Public Works Director shall prepare a repaving plan showing the street resurfacing planned by the Town. The repaving plan shall be revised and updated at least annually, and shall be available for public inspection. In addition to any other form of communication, after determining the street resurfacing work that is proposed for each year, the Public Works Director shall post a notice of the proposed work on the Town's website. Prior to applying for a permit, the applicant shall review the Town's repaving plan and shall coordinate, to the extent

practicable, with the utility and street work shown on such plan to minimize damage to, and avoid undue disruption and interference with the public use of such public right-of-way. Without such coordination, future major work within repaved areas may be limited at the discretion of the Public Works Director, to prevent premature disturbance of recently paved surfaces.

G. In performing location of facilities in the public right-of-way in preparation for construction under a permit, each permittee shall compile all information obtained, according to state utility locating rules and parameters, and shall make that information available to the Town in a graphical and verified format acceptable to the Public Works Director. If a permittee fails to provide the location information requested by the Town, the Town may obtain this information and charge permittee the actual costs for obtaining the information.

H. Prior to undertaking any work in the public right-of-way or related landscaping, the Town may notify all permittees of the Town work to be performed. Upon such notification, all permittees shall, within seven (7) days, locate their facilities in the public right-of-way in which the work shall be performed, and provide location documentation in a format acceptable to the Public Works Director.

Section 13.18.450. Joint excavation.

A. When two (2) or more permittees propose major work in the same block within a one-year period, such major work shall be performed by one private entity excavator. For purposes of this subsection, the private entity excavators shall coordinate all permits as a single permit applicant and shall submit one application.

B. When a public entity excavator and a private entity excavator propose major work in the same block within a three (3) year period, the Town may condition permits to maximize coordination and minimize the total period of construction.

C. When an applicant seeks a permit for an excavation, and such excavation has not been identified on a major work plan, an applicant may, in the discretion of the Public Works Director, be required to circulate a description of the proposed excavation to other permittees to determine whether any persons have construction requirements or opportunities for coordinating joint excavations along the proposed route.

1. The persons notified should be provided with the applicant's proposed route plan, the target commencement date and the estimated completion date.

2. Within fourteen (14) days after the notification required by this subsection, any interested person must notify the applicant of their requirements so that the applicant may incorporate these requirements, where reasonable, in

its permit application. The applicant should summarize the responses in its application.

3. If the applicant believes that it is not reasonably feasible to entertain the requests made by others for conditions of joint excavation, the applicant shall notify the Town and the other party within fourteen (14) days, providing reasons why it is infeasible. The parties shall endeavor to resolve any technical or commercial concerns among themselves, and the applicant shall report the results of these efforts in its application.

D. Waiver. An applicant may seek a waiver of the joint excavation requirements as follows:

1. Except in cases of emergencies, within thirty (30) days of receipt of a written request for a waiver, the Public Works Director may grant a waiver of the joint excavation requirements for good cause. In making the decision on the request for waiver, the Public Works Director shall consider the impact of the proposed excavation on the neighborhood, the applicant's need to provide services to a property or area, facilitating the deployment of new technology and improved services, and the public health, safety, welfare, and convenience. The Public Works Director shall indicate in writing the basis for granting any waiver pursuant to this subsection.

2. The Public Works Director may waive the requirements for joint excavation in cases where emergency conditions exist.

3. The Public Works Director may place additional conditions on any permit subject to a waiver, including without limitation the charging of additional fees.

4. The Public Works Director's decision regarding waivers shall be final.

Section 13.18.460. Construction of new streets.

A. Intent. The intent of this Section is to provide for the construction of infrastructure sufficient to allow broadband communications entities desiring to deploy facilities in the future to do so by pulling the same through the conduit and appurtenances installed pursuant to this Section and without additional excavation. This Section is intended to require those constructing streets, including the Town and developers, to provide and install such conduit and appurtenances as may be necessary to accommodate future broadband needs within the public right-of-way without further excavation.

B. Requirements. When a new public street is constructed, whether by the Town, another public entity or a developer, the following shall be required:

1. In all new local streets serving or abutting residential development, a minimum of four (4), two-inch (2") conduit with pull boxes on both sides of every

street crossing/intersection with one pull-box centered mid-block between, or if installations are proposed in public right-of-way with block lengths longer than seven hundred (700) feet, then, at a minimum of five hundred (500) foot intervals or less (and at every ninety (90) degree turn) shall be installed by the party constructing the street; provided, however, that at the discretion of the Public Works Director, the number and size of the conduit and spacing of pull boxes may be modified to address the reasonably known plans or demand for broadband or future technology capacity in these locations.

2. In all new collector or arterial streets serving or abutting residential development, and in all new streets serving or abutting nonresidential development, a minimum of six (6), two-inch (2") conduit with pull boxes on both sides of every street crossing/intersection with one pull-box centered mid-block between, or if installations are proposed in public right-of-way with block lengths longer than seven hundred (700) feet, then, at a minimum of five hundred (500) foot intervals or less (and at every ninety (90) degree turn) shall be installed by the party constructing the street; provided, however, that at the discretion of the Public Works Director, the number and size of the conduit and spacing of pull boxes may be modified to address the reasonably known plans or demand for broadband or future technology capacity in these locations.

3. In addition to installing conduit, the party constructing the street shall be required to install such vaults and other appurtenances as may be necessary to accommodate installation and connection of broadband facilities within the conduit as defined by the Town either before, or during permitting.

4. All construction and installation shall be accomplished according to construction standards adopted by the Town. The construction standards shall be adopted with due consideration given to existing and anticipated technologies and consistent with industry standards.

5. All facilities installed by developers pursuant to this Section shall be conveyed and dedicated to the Town with the dedication and conveyance of the public right-of-way.

6. All installation costs shall be the responsibility of the party constructing the public street.

C. Use of conduit. When conduit becomes available in a newly constructed street or public right-of-way, all broadband service providers or network owners thereafter locating facilities in such street or public right-of-way shall locate their communications lines within such conduit unless it can be demonstrated to the reasonable satisfaction of the Town that such location is not technologically feasible or reasonably practicable. Conduit capacity shall be allocated to broadband service providers or network owners on a first-come, first-served basis; provided, that the Town may reserve capacity within such conduits for its own use; and provided further, that the Public Works Director may adopt additional

rules for conduit allocation in order to ensure that all broadband service providers and network owners have reasonable access to the public right-of-way and that no barriers to entry or competition result from the allocation of conduit space.

D. Fees. The Town reserves the right to charge reasonable fees for the use of conduit installed pursuant to this Section, to the extent consistent with and as limited by federal and state laws. Any such fees shall be established by resolution or ordinance.

Section 13.18.470. Minimizing the impacts of work in the public right-of-way.

A. Relocation and Protection of Utilities. Before beginning excavation in any public right-of-way, permittee shall contact the Utility Notification Center of Colorado ("UNCC") and, to the extent required by C.R.S. § 9-1.5-102, *et seq.*, make inquiries of all ditch companies, utility companies, broadband providers, districts, local government departments, and all other agencies that might have facilities in the area of work to determine possible conflicts. Permittee shall contact the UNCC and request field locations of all facilities in the area pursuant to UNCC requirements. Field locations shall be marked prior to commencing work. Permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the work from damage during construction or settlement subsequent to construction.

B. Noise, dust, debris, hours of work. Each permittee shall conduct work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property, and shall take appropriate measures to reduce noise, dust, and unsightly debris. Work shall be performed in accordance with Section 13.18.270 and at the expense of the permittee.

C. Trash and construction materials. Trash and construction materials shall be contained so that they are not blown off the construction site. Trash shall be removed site often enough so that it does not become a health, fire, or safety hazard. Trash dumpsters and storage of construction materials shall not be placed in the street without prior approval of the Public Works Director.

D. Material on streets and sidewalks. Each permittee shall utilize its best efforts to eliminate the tracking of mud or debris upon any street or sidewalk. Streets and sidewalks shall be cleaned of mud and debris at the end of each day. All equipment tracking mud and debris shall be cleaned at the end of each day or as directed by the Public Works Director.

E. Landscaping. Each permittee, at its own expense, shall protect trees, landscape, and landscape features.

F. Paved surfaces. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles that damage pavement surfaces are not permitted on paved surface unless specific precautions are taken to protect the surface. A permittee shall be responsible for

any damage caused to the pavement by the operation of such equipment and, shall repair such surfaces.

G. Protection of adjacent property. Each permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during its work, and shall be responsible for any damage to public or private property resulting from its work.

H. Preservation of monuments. A permittee shall not disturb any surface monuments, property marks or survey hubs and points found on the line of work unless approved by the Public Works Director. Any monuments, hubs, and points disturbed shall be replaced by a Colorado Registered Land Surveyor at the permittee's expense.

I. Parking. Each permittee shall make provisions for employee and construction vehicle parking so that neighborhood parking is not impacted.

J. Sidewalks. Each permittee shall maintain an adequate and safe unobstructed walkway around a construction site or blocked sidewalk. Each permittee shall clear all snow and ice hazards from public sidewalks at the work site by noon following a snowfall in conformance with Eagle Municipal Code.

K. Sanitary Facilities. Each permittee shall provide necessary sanitary facilities for workers. The location of such facilities shall be approved by the Town in the permit.

Section 13.18.480. Newly constructed or resurfaced streets.

A. Prohibition. No person shall perform an open trench excavation or potholing of utilities in the pavement of any street for a period of three (3) years from the completion of construction or resurfacing of such street, except in compliance with this Section.

B. Application. An application for a permit to excavate in a newly constructed or resurfaced street shall contain the following information:

1. A detailed and dimensional engineering plan that identifies and accurately represents the property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.
2. The street width or alley width including curb and gutter over the total length of each Town block that will be impacted.
3. The location, width, length, and depth of the proposed excavation.
4. The total area of existing street or alley pavement in each individual Town block that will be impacted.
5. A written statement addressing the criteria for approval.

B. Criteria. No permit for excavation in a newly constructed or resurfaced street will be approved unless the Public Works Director finds that all of the following criteria have been met:

1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.

2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.

3. The proposed excavation cannot reasonably be delayed until after the three (3) year period has lapsed.

C. Emergency operations. Those with prior authorization from the Town to perform emergency operations within the public right-of-way shall be exempted from this section. Any person commencing emergency operations shall submit detailed engineering plans, construction methods and remediation plans no later than three (3) working days after initiating the emergency maintenance operation.

D. Public interest exemption. A permittee may apply to the Public Works Director for an exemption when the construction is necessary for the public interest or to provide a public service. If a non-emergency exemption is granted, the Public Works Director may, in their sole discretion, impose additional restoration requirements, including without limitation repaving of a larger area, such as an entire block.

E. Standards. The street shall be restored in accordance with standards adopted by the Town and guaranteed in accordance with Section 13.18.370.

Section 13.18.490. Relocation of facilities.

A. If the Town requests a permittee to relocate its facilities to allow the Town to make any public use of a public right-of-way, or if at any time it becomes necessary to improve, repair, construct or maintain any public right-of-way, or due to traffic conditions, public safety or an undergrounding program, to move a permittee's facilities, either temporarily or permanently, the Town shall notify permittee at least ninety (90) days in advance, except in the case of emergencies.

B. The permittee shall, at no cost to the Town, accomplish the necessary relocation within a reasonable time, but in no event later than three (3) days prior to the date the work will commence. If a permittee fails to accomplish such work, the work may be performed at permittee's expense and permittee shall reimburse the Town or other agency within thirty (30) days after receipt of a written invoice.

C. 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.

D. Notwithstanding the requirements of this Section, a permittee may request additional time to complete a relocation project. The Public Works

Director may grant a reasonable extension if the Public Works Director determines that the extension will not adversely affect the pending project.

Section 13.18.500. Abandonment and removal of facilities.

A. Notification. A permittee that intends to discontinue use of any facilities in a public right-of-way shall notify the Public Works Director in writing, describing the facilities, the date of discontinuance (which shall not be less than thirty (30) days from the date of the notice), and the method of removal and restoration. After thirty (30) days, permittee shall remove and dispose of such facilities as set forth in the notice, as modified by the Public Works Director, and shall complete such removal and disposal within six (6) months, unless additional time is approved by the Public Works Director.

B. Abandonment. At the discretion of the Town, and upon written notice from the Public Works Director, a permittee may abandon facilities in place, provided that the permittee shall remain responsible for such facilities.

C. Conveyance to the Town. At the Town's direction, which shall be provided within thirty (30) days of the notice of abandonment, the permittee shall convey the abandoned facilities to the Town. The consideration for such conveyance shall be the Town's permission to abandon the facilities in place.

Section 13.18.510. Stop work orders.

The Public Works Director may issue a stop work order for:

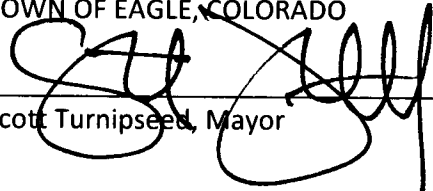
1. Working without a permit except for routine maintenance or emergency repairs to existing facilities.
2. Performing work in violation of any applicable law.
3. Performing any act, which the Town determines constitutes or causes a condition that either endangers life or property.

Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON SEPTEMBER 8, 2020.

TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

ATTEST:



Jenny Rakow, Town Clerk

