

ORDINANCE NO. 2022-006

**AN ORDINANCE AMENDING VARIOUS PROVISIONS IN CHAPTER
12.04 OF THE CASTLE ROCK MUNICIPAL CODE**

WHEREAS, the Town Council (the “Town Council”) of the Town of Castle Rock, Colorado (the “Town”) has adopted ordinances related to pavement cuts for utility services; and

WHEREAS, the Castle Rock Municipal Code (the “Code”) had set fees for the excavation of streets which required an update to the Code in order to change the fees; and

WHEREAS, the Town Council now desires to allow such fees to be set administratively in the same manner as other administrative fees set pursuant to the Code; and

WHEREAS, the Town Council, after taking into consideration the recommendations of Town Staff, now desires to adopt certain other amendments to Chapter 12.04 of the Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Legislative Findings. The recitals of this ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment. Section 12.04.020 of the Castle Rock Municipal Code is amended to read as follows:

12.04.020 – ~~Lateral service cut for sewer or water tap~~ PAVEMENT EXCAVATIONS FOR UTILITY SERVICES.

- A. In the event a ~~lateral service must be established for a sewer or water tap whereby a paved street must be cut~~, THAT PUBLIC STREET PAVEMENT, EXCLUDING CONCRETE STREETS, MUST BE EXCAVATED FOR PURPOSES RELATED TO UTILITY INSTALLATION, MAINTENANCE OR REMOVALS, said ~~service~~ UTILITY not having been installed prior to the paving of the street and the Town not being at fault, there shall be a charge for the ~~cutting~~ EXCAVATION of the street ~~in the amount of three hundred fifty dollars (\$350.00) for a sixty foot cut or less. A lateral service cut extending more than sixty (60) feet will incur an additional charge of four dollars (\$4.00) per foot for the length in excess of sixty (60) feet.~~ SUCH CHARGES WILL BE SET ADMINISTRATIVELY BY THE TOWN MANAGER, IN THE SAME MANNER AS OTHER ADMINISTRATIVE FEES SET PURSUANT TO THIS CODE.
- B. The ~~lateral service cut~~ STREET PAVEMENT EXCAVATION charge ~~enumerated~~ AUTHORIZED in subsection A shall additionally be in effect in the event that a ~~lateral service~~ UTILITY must be repaired or replaced, which said ~~lateral service~~ UTILITY belongs to the ~~user~~ OWNER and/or the repair or replacement thereof is the responsibility of the ~~user~~ OWNER.

- C. Any person ~~making a lateral service cut upon any paved street~~ EXCAVATING A PUBLIC STREET FOR UTILITY WORK within the municipal limits of the Town shall additionally be responsible to restore the surface of the street in accordance with ~~the TOWN specifications of the superintendent of public works of the Town, or, in the alternative, pay for the reasonable expense of the restoration to be done by the Town as determined by the superintendent of public works.~~ IN THE EVENT THE PAVEMENT IS NOT RESTORED TO TOWN SPECIFICATIONS, THE TOWN SHALL HAVE THE WORK PERFORMED AND THE PARTY RESPONSIBLE FOR THE EXCAVATION SHALL BE INVOICED FOR THE PAVEMENT RESTORATION WORK, INCLUDING A FIFTEEN PERCENT (15%) MANAGEMENT FEE. In the event such ~~a cut~~ AN EXCAVATION is made across, through or along Town or public property which is not paved street, the person making such ~~a cut~~ AN EXCAVATION shall not be assessed a ~~cut~~ PAVEMENT EXCAVATION charge but must restore the area to original condition.
- D. IF AN ASPHALT STREET IS FIVE (5) YEARS OR MORE AWAY FROM REQUIRING RECONSTRUCTION BASED ON THE TOWN'S PAVEMENT RATING SYSTEM, AND HAS A SEGMENT OF 500 FEET IN LENGTH OR LESS WHICH, REQUIRES PAVEMENT EXCAVATION AREAS EXCEEDING 250 SQUARE FEET OR MULTIPLE REPAIRS AND PATCHING EXCEEDING 250 SQUARE FEET, THE STREET SEGMENT SHALL HAVE A TWO (2) INCH MILL AND OVERLAY FOR THE WIDTH OF THE LANE FROM GUTTER TO STREET CROWN. IF THE EXCAVATIONS ARE ON BOTH SIDES OF THE STREET, THE MILL AND OVERLAY SHALL BE FOR THE ENTIRE WIDTH OF THE STREET FROM CURB TO CURB. THE MILL AND OVERLAY SHALL EXTEND TWENTY (20) FEET BEYOND THE LAST STREET EXCAVATION OR TO A LOGICAL TERMINATION POINT OUTSIDE THE AREA INFLUENCED BY THE EXCAVATION(S).
- E. EXCEPTIONS TO FEES FOR PAVEMENT EXCAVATIONS.
1. RESIDENTIAL HOME OWNERS FOR WORK DONE IN THE PUBLIC RIGHT-OF-WAY FOR SANITARY REPAIRS ARE EXEMPT FROM THE PAVEMENT EXCAVATION FEE.
 2. IF A STREET IS REQUIRED TO BE MILLED AND OVERLAID PURSUANT TO SUBSECTION D IT IS EXEMPT FROM THE PAVEMENT EXCAVATION FEE.
 3. CONCRETE STREETS THAT REQUIRE REPLACEMENT OF A FULL CONCRETE PANEL ARE EXEMPT FROM THE PAVEMENT EXCAVATION FEE.

Section 3. Amendment. Section 12.04.030 of the Castle Rock Municipal Code is amended to read as follows:

12.04.030 – Extension for utility, conduit or pipe.

In the event any user, developer, utility or other person or party finds it necessary to extend a utility, conduit, water pipe, sewer pipe, communication conduit or cable, or for any other reason needs to ~~make a cut~~ EXCAVATE across or along any paved street within the municipal limits of the Town, there shall be a charge of ~~three hundred fifty dollars (\$350.00)~~ for each and every street ~~cut~~ EXCAVATION laterally or parallel, ~~plus four dollars (\$4.00) per foot~~ for the entire excavation made through paved streets. SUCH CHARGES WILL BE SET ADMINISTRATIVELY BY THE TOWN MANAGER, IN THE SAME MANNER AS OTHER ADMINISTRATIVE FEES SET PURSUANT TO THIS CODE. Additionally, the party must restore the surface of the street as ~~enumerated~~ REQUIRED under ~~subsection C of Section 12.04.020~~ SECTIONS 12.04.020.C AND D.

Section 4. Amendment. Section 12.04.040 of the Castle Rock Municipal Code is amended to read as follows:

12.04.040 – Permit Requirements.

- A. No person shall make any ~~trench or cut~~ EXCAVATION as described in this Chapter through Town or public property without first obtaining a proper permit from the ~~Town superintendent of public works~~ DIRECTOR. The ~~superintendent of public works~~ DIRECTOR shall, prior to issuance of the permit, determine the following:
1. The charges to be paid in connection therewith;
 2. The proper location for the ~~trench or cut~~ EXCAVATION;
 3. What inspections are necessary and when they are to be made during the course of construction;
 4. Whether or not the ~~cut~~ EXCAVATION, or any portion thereof, can be avoided by a ~~punch or drill~~ HORIZONTAL DRILLING (A.K.A. BORING), in which case the applicant must ~~punch or drill~~ BORE as determined by the ~~superintendent~~ DIRECTOR.
- B. When the ~~superintendent of public works~~ DIRECTOR has made ~~his or her~~ THE determinations required in subsection A, and when the proper charges have been paid by the applicant, the permit will ~~issue~~ BE ISSUED. If, during any inspection, it is determined by the ~~superintendent of public works~~ DIRECTOR that the engineering or other construction requirements of the permit are not being met, a stop work order shall be issued until the necessary requirements are properly met.
- C. ANY PERMITS THAT INCLUDE EXCAVATING A STREET LESS THAN THREE (3) YEARS OLD, INCLUDING RECONSTRUCTED STREETS, SHALL REQUIRE

APPROVAL BY THE DIRECTOR. SUCH PERMITS MAY BE DENIED BY DIRECTOR OR MAY REQUIRE ADDITIONAL RESTORATION WORK, CHARGES, OR FINANCIAL SURETIES, AS DETERMINED BY THE DIRECTOR ON A CASE-BY-CASE BASIS.

Section 5. Amendment. Section 12.04.060 of the Castle Rock Municipal Code is amended to read as follows:

12.04.060 – Violation.

Any person found in violation of this Chapter may be issued a summons and complaint for appearance in the Municipal Court of the Town by the ~~superintendent of public works~~ DIRECTOR or building inspector of the Town or any other agent thereof.

Section 6. Amendment. Chapter 12.04 of the Castle Rock Municipal Code is hereby amended by the addition of a new section, Section 12.04.070, which section shall read as follows:

12.04.070 – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Director means the Director of Public Works or their designee.

Utility means public or private infrastructure for purposes of, including but not limited to, transmission of water, waste water, storm water, gas, electric, and communications.

Section 7. 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 judgement shall not affect the remaining provisions of this ordinance.

Section 8. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 15th day of February, 2022, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 1st day of March, 2022, by the Town Council of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Daniel Sailer, Director of Public Works