

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Council Bill No. 24
Ordinance No. 1525
Series 2012

TITLE: AN ORDINANCE AMENDING CHAPTER 21-107 OF THE WHEAT RIDGE CODE OF LAWS TO PERMIT WAIVER OF INSURANCE REQUIREMENTS FOR CERTAIN LONG TERM RIGHT-OF-WAY PERMITS

WHEREAS, Section 15.9 of the Wheat Ridge Home Rule Charter authorizes the Council to permit use of City rights-of-way and other City property; and

WHEREAS, the City of Wheat Ridge, acting through its City Council has authority to enact ordinances governing the use of City rights-of-way; and

WHEREAS, in the exercise of this authority the Council has previously enacted Article III of Chapter 21 of the Wheat Ridge Code of Laws entitled "Permits for Use of Right-of Way"; and

WHEREAS, the Council wishes to amend the Code to permit long-term right-of-way use permits to be issued without requirement of insurance, conditioned upon the permittee indemnifying the City and the permit being recorded.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 21-102 of the Wheat Ridge Code of Laws is amended to read:

Sec. 21-102. - Term of right-of-way use permits.

The term of the permit provided for by this article shall be no longer than five (5) years from the date of issuance, UNLESS THE PERMIT IS TO BE RECORDED AS PROVIDED BY SECTION 21-107(D), IN WHICH CASE THE TERM MAY BE OF ANY LENGTH OR INDEFINITE. The DIRECTOR OF PUBLIC WORKS ~~city engineer~~ shall determine the appropriate term and issue the permit accordingly. Issuance of any permit shall not preclude the city from terminating said permit at any time, without liability to the city, pursuant to the provisions of section 21-104 of this Code and Charter section 15.9.

Section 2. Section 21-107 of the Wheat Ridge Code of Laws is amended by the addition of a new subsection (d) to read:

Sec. 21-107. Insurance requirements.

- (a) . . .
- (d) The requirements of this section may be waived by the director of public works upon the condition that the permittee adequately indemnify the city and that the permit itself be recorded in the real property records of the Jefferson County Clerk & Recorder.

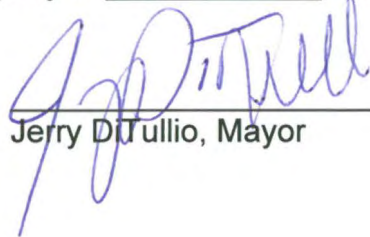
Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 24th day of September, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for Monday, October 8, 2012 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

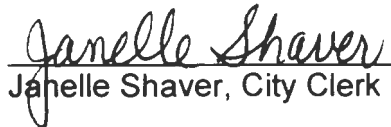
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 8th day of October, 2012.

SIGNED by the Mayor on this 8th day of October, 2012.

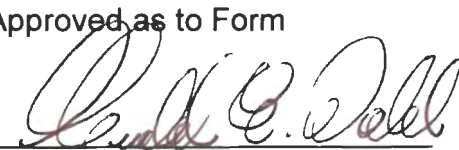


Jerry DiTullio, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: September 27, 2012
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Wheat Ridge Transcript
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