ORDINANCE NO. 123

AN ORDINANCE PERTAINING TO EXCAVATIONS AND WORK IN THE PUBLIC RIGHT-OF-WAY WITHIN THE TOWN OF NUCLA, STATE OF COLORADO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO, AS FOLLOWS:

SECTION 1: PERMIT REQUIRED: It shall be unlawful for any person to work in, dig up, open, excavate, or to cause the same effect with respect to any drainage ditch, street, alley, sidewalk or in any public right-of-way in the Town of Nucla, Colorado without first having secured a permit therefore from the Town of Nucla.

SECTION 2: EXHIBITION OF PERMIT: Such permit shall be kept at the site of the excavation while the work is in progress and shall be exhibited and upon request to any Town Officer or other authorized representative of the Town of Nucla, Colorado.

SECTION 3: APPLICATION FORM: Application for a permit to work in the public right-of-way shall be made upon a form provided by the Town Clerk and shall recite specifically and illustrate by sketch or plan the exact location, depth, extent, nature and purpose of the work desired to be done. The application shall also state the purpose for which the privilege is requested and the duration of time required for the work.

SECTION 4: ISSUANCE OF PERMITS: The street superintendent or the Town Board shall grant such permits to the following:

(A) Any person possessing by ordinance, resolution or contract of the Board, general or special power to excavate in or perform other works as aforesaid in or upon the drainage ditches, streets, alleys, sidewalks or other public right-of-ways.

(B) Any person filing application as herein provided, which application shall pertain to work which will comply with the requirements of this ordinance.

SECTION 5: CONDITION OF PERMITS, FEES, EXCEPTIONS:

(A) All permits shall be issued according to the provisions of this ordinance and subject to such rules, directions and limitations regarding the time to be required for the work and the manner in which the work is to be performed as the street superintendent or the Town Board may prescribe.

(B) Said permit shall be conditioned upon the requirement that all work done thereunder shall be only such work as is allowed by the Town and specified in the ordinance, resolution, contract by the Board or the application submitted under this ordinance.

(C) Applicants shall pay a fee of $5.00 to the Town before the issuance of such permit.

(D) No permit issued under the provisions hereof shall be for more than one work project for which a definite time limit shall be established by the street superintendent or the Town Board.

(E) It shall be unlawful to obstruct more than the space of one block and one intersection at the same time in any one street or to keep the same blocked for more than two days after the repaving is finished.

SECTION 6: RECORDS OF PERMIT REQUIRED: The Town Clerk shall keep a record of all applications made for work permits and of the permits so issued.

SECTION 7: SAFETY APPLIANCES AND BARRICADE REQUIRED: It shall be unlawful for any person to dig or cause to be dug any hole, drain, ditch or any other excavation in any street, alley, sidewalk or other public place within the Town of Nucla, Colorado, without providing during the night-time, sufficient lights to be placed with a suitable barricade or temporary fence around such hole, drain, ditch or other excavation in order to permit persons, animals and vehicles from sustaining injury. In the day time, the said barricades shall be maintained but warning lights are not required.

SECTION 8: UNLAWFUL TO REMOVE SAFETY APPLICANCES OR BARRICADES: It shall be unlawful to damage, displace, remove or interfere with any barricade, warning lights or any other safety appliance which is lawfully placed around or about any street, alley, sidewalk or other excavations or construction work in the Town.

SECTION 9: BACKFILLS: Backfills and sufficient compaction shall be completed to the extent necessary to prevent settlement or subsidence and according to specifications prescribed by the work permit. In the event of settlement or subsidence within one year of a particular work project or part thereof, the permitee who had performed the work shall be responsible for all repair of costs occasioned thereby.

SECTION 10: PAVED STREET AND ALLEY EXCAVATIONS:

(A) No permit to excavate shall be issued hereunder with respect to paved streets or alleys unless the applicant therefore shall first deposit with the Town Clerk a sum of money to be fixed by the street superintendent or the Town Board sufficient to cover the entire expense of repairing the right-of-way.

(B) If the amount deposited is insufficient, the excavator shall pay to the Town Clerk the deficiency within ten days after notice from the street superintendent or the Town Board.

(C) Pavement and surfacing shall be replaced by the Town at the expense of the applicant.

(D) Excavators in paved or hardtopped surfaces and alleys shall take care to separate and preserve surfacing material from the soil removed from such excavation.

(E) Upon completion of the work, each excavator shall backfill excavations as required by the ordinance.

SECTION 11: CULVERTS: Culverts shall be installed according to specifications prescribed by the work permit.

SECTION 12: HINDERING OR OBSTRUCTING WORK PROHIBITED: It shall be unlawful to hinder or obstruct any paving operations or excavations conducted in conformance to the provisions of this ordinance.

SECTION 13: LIABILITY FOR DAMAGE: Any person who shall undertake work pursuant to a permit issued under the provisions of this ordinance or to perform work under contract with the Town or by virtue of permission obtained from the Board in accordance with the provisions adopted by the said Board, shall be answerable for any damage occasioned to persons, animals or property by reason of carelessness and negligence connected with such work.

SECTION 14: PENALTY: Any person convicted of a violation of this ordinance shall be imprisoned for a period not to exceed 90 days or fined an amount not to exceed $300.00 or both. This provision, however, shall not

prevent the imposition of any civil liability as provided by law.

PASSED this 13th day of August, 1980.

TOWN OF NUCLA:

By John F. de Koevend
Mayor

ATTEST:

Patricia J. Brown
Town Clerk

CERTIFICATE:

I, Patricia Brown, do hereby certify that I am the Town Clerk for the Town of Nucla, Colorado, and the foregoing ordinance designated Ordinance No. 123 was passed by the Board of Trustees for the Town of Nucla, Colorado, on the 13th day of August, 1980 and thereafter published in the Nucla Forum, a legal newspaper, published in the Town of Nucla, Colorado, on the 21st day of August, 1980.

Patricia J. Brown
Patricia Brown, Town Clerk

(SEAL)

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