

**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 13-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO ADOPTING A NEW CHAPTER 12, TITLED “DESIGN AND
DEVELOPMENT STANDARDS”; ADOPTING *THE CITY OF CENTRAL
STANDARDS AND SPECIFICATIONS FOR DESIGN AND CONSTRUCTION* BY
REFERENCE; SETTING FORTH IN FULL THE PENALTY PROVISIONS; AND
SETTING FORTH DETAILS IN RELATION THERETO**

WHEREAS, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

WHEREAS, the City Council desires to adopt development and design standards (“Code”) for the design, construction and maintenance of public improvements including streets, drainage, storm water, sidewalks and other such improvements; and

WHEREAS, Section 5.14 of the City’s Home Rule Charter permits the contemplated adoption by reference of such Code in accordance with the ordinance adoption procedures set forth in Section 5.10 of the Charter; and

WHEREAS, the City Council held a public hearing, with proper notice provided, to consider adoption of such Code as required by law; and

WHEREAS, copies of said Code are available in the City Clerk’s Office at City Hall, 141 Nevada Street, City of Central, Colorado for review and inspection by the public; and

WHEREAS, a public hearing was conducted on the date, time and place noticed; and

WHEREAS, the City Council has determined, based on the evidence and testimony presented at the public hearing, that the Code, as may be amended herein, will further the health, safety and welfare of the inhabitants of the City.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,
COLORADO:**

Section 1. The Central City Municipal Code is hereby amended to add a new Chapter 12, titled *The City of Central Standards and Specifications for Design and Construction* to read as follows:

The City of Central Standards and Specifications for Design and Construction

Sec. 12-1. Title; Purpose.

The provisions of the ordinance codified herein shall be known and cited collectively as the “City of Central Standards and Specifications for Design and Construction” or “Design and Development Standards.” The Design and Development Standards set forth minimum design and technical criteria to safeguard life or limb, property and public welfare that apply to all

proposed construction submitted for approval under the provisions of Chapter 16, Zoning, or Chapter 17, Subdivision, of this Code. Unless otherwise noted, the adoption includes all supplements to the code.

Sec. 12-2. Code Adopted.

- (a) The City adopts by reference the following code:
 - (1) City of Central Standards and Specifications for Design and Construction, 2013 Edition, with certain appendices as hereafter set out, as published by the City of Central, 141 Nevada Street, Central City, Colorado 80427.
 - (2) A copy of the City of Central Standards and Specifications for Design and Construction is available on the City's website and at City Hall, 141 Nevada Street, Central City.

Section 2. The following penalty provisions set forth in the Design and Development Standards are expressly adopted to read as follows:

6.1.11 Penalties.

Every person convicted of a violation of any provision of this Chapter shall be subject to the fines and penalties set forth in Section 14.1 of these Standards. Additionally, the violator may be required to replace the graded, excavated, or filled land to its original condition.

12.2 Permit and Regulations

The Right-of-Way use permit must be obtained at least five (5) days prior to any commencement of construction. Applications may be downloaded from the City website at www.centralcitycolorado.us. The Applicant shall submit construction plans, specifications, and a written schedule covering the general sequence and staging of the work to be performed on large scale projects. The Right-of-Way Use Permit may contain stipulations and must be adhered to or the permit shall be revoked.

Work authorized by this permit shall be performed between the hours of seven o'clock (7:00) am and seven o'clock (7:00) pm, Monday through Friday, unless the Applicant obtains written permission from the Operations Director to do the work earlier or later than the stated hours or on a weekend.

Once the Permit is approved, no change shall be allowed to the schedule or plans, without the consent of the City. Permits must be available at the work site, on demand to City personnel at all times. Construction Permits expire at the approved scheduled ending date and must be renewed in advance if the bond is not to default.

Any person conducting work within the Right-of-Way without an approved Right-of-Way Use Permit shall be subject to the fines and penalties set forth in Section 14.1 of these Standards.

14.1 PENALTIES AND FINES

It is unlawful for any person, firm, or corporation to violate any provisions of these Standards, or any amendment thereof. Any person failing to comply with these Standards shall be subject to the fines and penalties as set forth in Section 1-72 of the Municipal Code. The City may seek restitution for expenses of enforcement or damage to public property. In addition, for any violation of these Standards or any condition which may constitute a threat to the public health, safety and welfare or damage to property, the City may:

- A. Issue cease and desist orders to halt a violation of these Standards;
- B. Hold further permits related to platting, construction, expansion, or operation of a use until the violations are corrected, or until the municipal court or other court of appropriate jurisdiction orders that the hold be lifted;
- C. Revoke permits; or
- D. Issue stop work orders to stop any or all construction activities.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 16th day of April, 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 7th day of May, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 18, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 9, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk