

TOWN OF GRANBY

Board of Trustees

MEETING DATE: NOVEMBER 12, 2019

- Consent Agenda**
- Resolution or Ordinance**
- Citizen Requests**
- Public Hearing**
- Committee/Staff Reports:**
- TOWN CLERK**
- FINANCE DIRECTOR**
- BUILDINGS AND STREETS**
- ECONOMIC DEVELOPMENT**
- PUBLIC SAFETY**
- RECREATION**
- WATER DEPARTMENTS**
- MAYOR**
- TOWN MANAGER**
- TOWN ATTORNEY**
- Other**
- Executive Session**
- Workshops**

TIME OF AGENDA ITEM: 8:00 PM

Agenda Request No. 6

**MEETING TO BE HELD AT:
Town Hall, Zero Jasper Avenue
Granby, CO 80446**

**(6) DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. _____, AN ORDINANCE AMENDING EXCAVATION PERMITTING REQUIREMENTS TO CLARIFY CERTAIN RIGHTS AND RESPONSIBILITIES CONCERNING EXCAVATION IN AND OFF ROADS NOT MAINTAINED BY THE TOWN
8:00 PM**

**TOWN OF GRANBY
BOARD OF TRUSTEES
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING EXCAVATION PERMITTING REQUIREMENTS TO
CLARIFY CERTAIN RIGHTS AND RESPONSIBILITIES CONCERNING
EXCAVATION IN AND OFF ROADS NOT MAINTAINED BY THE TOWN**

WHEREAS, the Board of Trustees of the Town of Granby, Colorado, pursuant to Colorado statute is vested with the authority of administering the affairs of the Town of Granby, Colorado; and

WHEREAS, the Town is not responsible for maintenance of certain public roads within the Town and other entities are responsible for the maintenance of such public roads; and

WHEREAS, the Town desires to clarify its obligations related to excavations on public roads not maintained by the Town; and

WHEREAS, to that effect the Town staff suggested adding, an additional section 12.05.130 to the Granby Municipal Code to clarify that the Town is not responsible for permitting excavations in or under any street, sidewalk, curb, gutter, curbside, alley or other public place which is not maintained by the Town; and

WHEREAS, the Board of Trustees, finds it in the best interest of the citizens of the Town of Granby to update the Granby Municipal Code sections as suggested by the Town staff.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO, THAT:

1. Article 12.05.130 is hereby added to the Granby Municipal Code to read in its entirety as follows:

12.05.130 Permit exceptions.

No permit is required from the Town to excavate, cut, open or trench in or under any street, sidewalk, curb, gutter, curbside, alley or other public place that the Town is not obligated to maintain. Where a person desires to excavate, cut, open or trench in or under any street, sidewalk, curb, gutter, curbside, alley or other public place that the Town is not obligated to maintain, the person shall follow the rules, regulations, and permit requirements of the entity or entities responsible for maintaining such street, sidewalk, curb, gutter, curbside, alley or other public place.

2. **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 Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.

3. **Repeal.** Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that 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 taking effect of this Ordinance. Except as specifically amended by this ordinance, all other provisions of the Granby Town Code shall remain in full force and effect.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY THIS 12th DAY OF NOVEMBER, 2019.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRANBY, COLORADO**

Deborah K. Hess, CMC
Town Clerk

By: _____
Paul Chavoustie
Mayor