

**TOWN OF MORRISON, COLORADO  
BOARD OF TRUSTEES**

**ORDINANCE NO. 491**

**AN ORDINANCE AMENDING THE MORRISON MUNICIPAL CODE CHAPTER 7-5  
REGARDING REQUIREMENTS, TERMS AND CONDITIONS FOR WORK IN  
PUBLIC WAYS**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, the Board of Trustees desires to amend sections of Chapter 7-5 of the Morrison Municipal Code to clarify certain terms and conditions for work in the Town's public ways;

**NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado, that:**

**Section 1.** The following definition in Section 7-5-1 (DEFINITIONS) of the Morrison Code is amended as follows:

WORK IN ~~AT THE~~ PUBLIC WAY: Means, but is not limited to, construction of or within, streets AND OTHER PUBLIC WAYS and all related appurtenances, including, without limitation, curb or gutter, sidewalks, driveway openings, bus shelters, benches or loading pads, street lights or traffic signal devices. It shall also mean INSTALLATION, construction, maintenance, REPLACEMENT, and repair of all underground structures such as pipes, conduits, service, collection or distribution lines, ducts, manholes, vaults, buried cables, wire, or any other similar structureS located below the surface of any public way; and installation, CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND REPAIR of ABOVE GROUND ~~overhead~~ poles, LINES, WIRES, CABLES OR OTHER SIMILAR STRUCTURES AND APPURTENACES used for any purpose.

**Section 2.** Section 7-5-2 (PERMIT REQUIRED: FEES) of the Morrison Code is amended as follows:

7-5-2: PERMIT REQUIRED; FEES:

A. No person shall perform work in a public way of the Town without first obtaining a permit from the Town. Work within a State highway will require both a State and A Town permit.

B. Any person performing work, in a PHYSICAL LOCATION ~~public way~~ intended to be dedicated to the Town AS A PUBLIC WAY upon completion OF THE WORK but not yet accepted by the Town, shall obtain a permit from the Town and permission of the PROPERTY owner.

C. Any person performing work in accordance with a public improvement agreement approved by the Town shall submit a set of plans and specifications approved by the Town with its permit application. No work shall be performed until plans and specifications are approved and a permit issued.

D. Each permit application shall be accompanied by a fee which may include an inspection fee, which fees shall be established, and may be revised from time to time, by resolution of the Board of Trustees.

**Section 3.** Subsections A, B, C, and D of Section 7-5-4 (RELOCATION OF FACILITIES) of the Morrison Code are amended as follows:

7-5-4: RELOCATION OF FACILITIES:

A. Legislative Findings And Declarations: The Board of Trustees finds and declares:

1. The underground relocation ("undergrounding") of overhead lines, wires and cables used for the distribution of electricity or the transmission of telecommunications services, along with the removal of utility poles from ANY PUBLIC WAY ~~Town-owned property~~ serves a wide variety of important public purposes.

2. Undergrounding enhances public safety by: removing obstructions in the public right-of-way, mitigating the risk of vehicular collisions with utility poles; improving the sight lines for vehicular and pedestrian traffic along roadways; and mitigating the risk of hazards associated with negligent or inadvertent contact with overhead lines.

3. Undergrounding enhances the appearance and aesthetics of the Town by: removing unsightly lines and poles from public view; improving scenic vistas in and around Town parks and natural areas, and within the Town's residential and commercial neighborhoods generally; and allowing the Town's tree canopy to flourish without conflict with overhead utility lines.

4. Undergrounding enhances the safety and security of the electric and telecommunications lines themselves by protecting the lines from damage due to inclement weather or accidents, and thus preserves the continuity and reliability of electric and telecommunications services to the public at large.

5. As a home rule municipality, Morrison exercises broad inherent authority to regulate the use of Town streets, alleys, EASEMENTS, parks, and other Town-owned property under the police power.

6. In addition, the Colorado Supreme Court has repeatedly recognized the authority of municipalities to require the relocation of public utilities at the utility's expense in conjunction with Municipal efforts to improve public property.

B. ADDITIONAL Definitions: The following terms are defined for purposes of this chapter:

FACILITIES: Means and includes any and all cables, lines, pipes and appurtenant and supporting equipment and structures located within ANY PUBLIC WAY ~~Town rights of way~~ or Town-owned property, WHEN SUCH ~~and which~~ facilities are not owned by the Town.

PERMITTEE: Means and includes all persons and entities who are the owners OR INSTALLERS of facilities located in ANY PUBLIC WAY OR ANY ~~Town rights of way~~ ~~and~~ Town property under this chapter.

C. Permit Required: Pursuant to section 7-5-2 of this chapter, a permit from the Town is required for the location OR RELOCATION of facilities within Town ~~rights of way~~ or property OR ANY PUBLIC WAY.

D. Relocation Required: The Town may request relocation of facilities under the following conditions:

1. In order to allow the Town to make any public use of OR COMPLETE A PUBLIC PROJECT IN TOWN streets or public ways, or
2. If at any time it shall become necessary because of a change in the grade or by reason of improving, repairing, constructing, maintaining any street or public way or WATER MAIN, SANITARY SEWER, OR storm sewer located therein, or FOR reasonS of traffic conditions, public safety or reason of installation of any type of structure of public improvement by the Town or other public agency or special district, or any general program for the undergrounding of such facilities, to move or change the permittee's facilities within or adjacent to streets or public ways in any manner, either temporarily or permanently.

**Section 4. Severability.** If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will 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 invalid.

**Section 5. Effective Date.** This ordinance shall take effect fifteen (15) days after adoption, and publication as provided by Section 3.14 of the Home Rule Charter.

**INTRODUCED, READ, PASSED AND ADOPTED** this 19th day of May, 2020, by a vote of 7 ayes and 0 nays.

**TOWN OF MORRISON:**

  
Sean Forey (May 21, 2020 13:29 PDT)

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Sean K. Forey, Mayor

**ATTEST:**

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Lyndsey Paavilainen, Town Clerk

# Ordinance 491-Amending Chapter 7-5 vers

Final Audit Report

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