

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2016-O-12

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO, ADOPTING A NEW ARTICLE 8 OF
CHAPTER 11 OF THE CENTENNIAL MUNICIPAL CODE AND
ADOPTING BY REFERENCE THE CITY OF CENTENNIAL ROADWAY
DESIGN AND CONSTRUCTION STANDARDS MANUAL**

WHEREAS, the City of Centennial, Colorado (the “City”) is authorized pursuant to Article XX of the Colorado Constitution and Article 15 of Title 31 of the Colorado Revised Statutes to regulate and manage the construction, design, use, maintenance, and repair of streets, roads, highways and related appurtenances under its jurisdiction; and

WHEREAS, the regulation and management of the construction, design, use, maintenance, and repair of street, roads, highways and related appurtenances under the City’s jurisdiction is a matter of local concern; and

WHEREAS, the City has previously adopted the Arapahoe County Infrastructure Design and Construction Standards (“Arapahoe County Standards”) to control the design, analysis and construction of roadway facilities within the City; and

WHEREAS, the City Council desires to replace the Arapahoe County Standards by adopting the City of Centennial Roadway Design and Construction Standards Manual 2016 (the “Manual) to establish the minimum criteria for the design, analysis and construction of roadway facilities within the City; and

WHEREAS, the City Council desires to amend Chapter 11 of the Centennial Municipal Code to adopt the Manual by reference in a new Article 8; and

WHEREAS, Section 7.7 of the Home Rule Charter and Section 31-16-202, C.R.S. permit the adoption by reference of regulations upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

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

WHEREAS, copies of the Manual are available at the Centennial Civic Center, 13133 E. Arapahoe Rd., Centennial, Colorado, 80112, City Clerk’s Office, for public review and inspection; 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 Manual will further the health, safety and welfare of the inhabitants of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. Adopt Article 8 of Chapter 11 of the Centennial Municipal Code.
Chapter 11 of the Centennial Municipal Code is modified by the adoption of a new Article 8 to read in full as follows:

ARTICLE 8

ROADWAY DESIGN AND CONSTRUCTION STANDARDS

Section 11-8-10. City of Centennial Roadway Design and Construction Standards Manual adopted.

The City of Centennial Roadway Design and Construction Standards Manual 2016 (“Manual”) is hereby adopted by reference.

Section 11-8-20. Purpose.

The purpose of this Article is to exercise the City of Centennial’s police powers and to establish the minimum design and technical criteria for analysis, design, and construction of roadway facilities within the City, and to ensure that persons and entities that engage in construction of such facilities meet or exceed the minimum criteria identified in the Manual.

Section 11-8-30. Amendments.

The City Council hereby authorizes the Director of Public Works to amend the Manual subject to City Council ratification by ordinance. During such time as an ordinance for ratification by City Council is pending, the City Manager and the Director of Public Works shall have the authority to impose the Manual as modified.

Section 11-8-40. Violations.

- (a) It shall be unlawful and a violation of this Municipal Code for any person or contractor to fail to comply with the standards and conditions described in the Manual without having first obtained written approval from the City in accordance with the Manual.
- (b) It shall be unlawful and a violation of this Municipal Code for any person or contractor to fail to immediately cease work in violation of the Manual upon receipt or notice of a stop work order or other form of demand issued or made by the City except to the extent such order or demand specifies that work may be undertaken to secure the work area or to prevent or warn of unsafe or hazardous conditions.

Section 11-8-50. Penalties.

Any person or entity who violates this Article or the Manual commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than the maximum fine amount authorized in Section 1-4-10 of this Code for each separate violation. Each calendar day that a violation exists shall be a separate offense and violation of this Article and the Regulations.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance or of any of the provisions of the Manual adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the Manual adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 3. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Centennial Municipal Code.

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. Public Hearing and Notice Thereof. Following the introduction of this Ordinance, a public hearing shall be scheduled and notice thereof published as required by Home Rule Charter Section 7.7 and Section 31-16-203, C.R.S.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ___ DAY OF _____, 2016.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2016 and ordered published one time by title only in *The Villager* newspaper on _____, 2016, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 2016, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2016, and ordered published by title only, one time by *The Villager* newspaper on _____, 2016 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

Published in full on the City website (www.centennialco.gov) on July 7, 2016 by Barbara Setterlind, City Clerk