

**TOWN OF RED CLIFF, COLORADO
ORDINANCE NO. 1, SERIES 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO,
AMENDING CHAPTERS 16 AND 17 OF THE RED CLIFF MUNICIPAL CODE TO REQUIRE THE
UNDERGROUNDING OF UTILITIES WITHIN THE TOWN.**

WHEREAS, the Town of Red Cliff, Colorado ("Town") is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, the Town, by virtue of its status as a statutory town, may adopt ordinances relative to local municipal matters as may be necessary to effectuate the purposes and intents of the powers granted to municipalities, including land use and development within the Town; and

WHEREAS, the Town Board of Trustees ("Board") has determined that locating underground such lines or wires necessary for the distribution of electrical and communications services to private property improves the aesthetics of the Town; provides for better protection of such facilities from damage due to accidents, inclement weather, and other causes; and better protects the safety and welfare of the Town citizens; and

WHEREAS, the Town Board now desires to amend Chapters 16 and 17 of the Red Cliff Municipal Code to require that electrical and communication distribution lines or wires be installed underground as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Board.
2. Amendment. The following sections are hereby added to the Town of Red Cliff Municipal Code, new language in UPPERCASE. All other sections of Chapters 16 and 17, or portions thereof, not expressly amended herein shall remain unchanged and in full force and effect.

SEC. 16-6-65. UTILITIES.

(A) WHEN A NEW RESIDENTIAL OR COMMERCIAL STRUCTURE IS CONSTRUCTED WITHIN THE TOWN, THE SERVICE OR DISTRIBUTION LINES OR WIRES NECESSARY TO DELIVER ELECTRICAL OR COMMUNICATIONS (E.G., TELEPHONE, INTERNET, BROADBAND, AND CABLE TELEVISION) SERVICES TO THE STRUCTURE SHALL BE INSTALLED UNDERGROUND.

(B) WHEN AN EXISTING RESIDENTIAL OR COMMERCIAL STRUCTURE IS REMODELED SUCH THAT 50% OR MORE OF THE SQUARE FOOTAGE OF SAID STRUCTURE IS REMOVED, ALTERED, OR CHANGED, ALL NEW AND ANY EXISTING DISTRIBUTION OR SERVICE LINES OR WIRES NECESSARY FOR THE DELIVERY OF ELECTRICAL OR COMMUNICATIONS SERVICE TO THE STRUCTURE SHALL BE RELOCATED OR INSTALLED UNDERGROUND.

(C) IN THE EVENT THE USE OF A PARCEL OR LOT WITHIN THE TOWN CHANGES AND SUCH CHANGE NECESSITATES NEW, UPGRADED, OR ADDITIONAL ELECTRICAL OR COMMUNICATIONS SERVICES, ALL NEW AND ANY EXISTING DISTRIBUTION OR SERVICE LINES OR WIRES NECESSARY FOR THE DELIVERY OF SUCH SERVICES TO THE PROPERTY SHALL BE LOCATED UNDERGROUND.

(D) IF IT BECOMES NECESSARY TO INSTALL A NEW OR ADDITIONAL UTILITY POLE TO ACCOMMODATE ELECTRICAL OR COMMUNICATIONS SERVICE TO A PARCEL OR LOT WITHIN THE TOWN, ALL NEW AND ANY EXISTING DISTRIBUTION OR SERVICE LINES OR WIRES NECESSARY TO MAINTAIN SUCH SERVICES SHALL BE LOCATED UNDERGROUND IN LIEU OF THE INSTALLATION OF SAID UTILITY POLE.

(E) UNLESS UNDERGROUNDING IS OTHERWISE REQUIRED BY THIS SECTION 16-6-65 FOR A PARTICULAR PROPERTY, FACILITIES UPGRADES REQUIRED BY AN ELECTRICAL OR COMMUNICATIONS SERVICE PROVIDER SHALL NOT TRIGGER THE UNDERGROUNDING REQUIREMENT.

(F) THE TOWN BOARD OF TRUSTEES MAY EXEMPT A PROPERTY FROM THE UNDERGROUNDING REQUIREMENT SET FORTH IN THIS SECTION 16-6-65, BUT ONLY IN CASES OF EXTREME DIFFICULTY AS DEMONSTRATED BY THE PROPERTY OWNER.

(G) NOTWITHSTANDING THE FOREGOING, PERIPHERAL OVERHEAD ELECTRICAL TRANSMISSION AND DISTRIBUTION FEEDER LINES OR TEMPORARY OR PERIPHERAL OVERHEAD COMMUNICATIONS, DISTANCE, TRUNK, OR FEEDER LINES THAT ARE NECESSARILY APPURTENANT TO THE UNDERGROUND LINES MAY BE LOCATED ABOVE GROUND, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THE TOWN'S FRANCHISE AGREEMENTS.

SEC. 17-8-345. UTILITIES INSTALLATION.

ALL UTILITIES, INCLUDING THOSE LINES AND WIRES NECESSARY FOR THE DISTRIBUTION OF ELECTRICAL AND COMMUNICATIONS (E.G. TELEPHONE, INTERNET, BROADBAND, AND CABLE TELEVISION) SERVICES—BUT EXCEPTING HIGH VOLTAGE TRANSMISSION LINES—SHALL BE INSTALLED UNDERGROUND UNLESS SPECIFICALLY EXEMPTED BY THE TOWN BOARD OF TRUSTEES, WHO MAY GRANT SUCH EXEMPTION ONLY IN CASES OF EXTREME DIFFICULTY AS DEMONSTRATED BY THE PROPERTY OWNER. NOTWITHSTANDING THE FOREGOING, ANY PERIPHERAL OVERHEAD ELECTRICAL TRANSMISSION AND DISTRIBUTION FEEDER LINES OR TEMPORARY OR PERIPHERAL OVERHEAD COMMUNICATIONS, DISTANCE, TRUNK, OR FEEDER LINES THAT ARE NECESSARILY APPURTENANT TO THE UNDERGROUND LINES MAY BE LOCATED ABOVE GROUND, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THE TOWN'S FRANCHISE AGREEMENTS.

3. **Repeal.** Any ordinance of the Town of Red Cliff or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

4. **Severability.** Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

5. Effective Date. Pursuant to C.R.S. § 31-16-105, this Ordinance shall become effective thirty (30) days after publication following final passage hereof.

INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED POSTED IN FULL THIS 17TH DAY OF APRIL, 2018. A public hearing on the SECOND READING of this Ordinance No. 1, Series 2018, will be held at the regular meeting of the Board of Trustees of the Town of Red Cliff on the 1ST day of May, 2018, at 7:00 p.m. in the Town Hall of the Town of Red Cliff.



BOARD OF TRUSTEES OF THE TOWN OF
RED CLIFF, COLORADO

A handwritten signature in blue ink, appearing to read "Anuschka Bales", is written over a horizontal line.

Anuschka Bales, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Barb Smith", is written over a horizontal line.

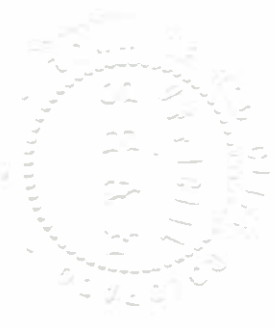
Barb Smith, Town Clerk

ADOPTED AND ORDERED PUBLISHED by a vote of 6 to 0 at a duly noticed public meeting held by the Town of Red Cliff Board of Trustees this 1st day of May, 2018.

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Anuschka Bales, Mayor



ATTEST:

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Barb Smith, Town Clerk