

**TOWN OF RED CLIFF, COLORADO  
ORDINANCE 7, SERIES 2015**

**AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 5 OF THE TOWN OF RED CLIFF MUNICIPAL CODE TO REFLECT THE GRANTING OF A NEW NON-EXCLUSIVE UTILITY SERVICE FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO.**

**WHEREAS**, contemporaneously with the consideration and passage of this Ordinance, the Town of Red Cliff (“Town”) has considered and passed Ordinance 6, Series 2015, pursuant to which it has approved the Franchise Agreement Between the Town of Red Cliff Colorado and Public Service Company of Colorado (“Franchise Agreement”) attached to Ordinance 6, Series 2015, and granted the franchise contained and described in the Franchise Agreement to Public Service Company of Colorado

**WHEREAS**, Article 1 of Chapter 5 of the Town of Red Cliff Municipal Code (“Code”), entitled Gas and Electric Franchise, presently consists of a verbatim recitation of the franchise agreement between the Town and Public Service Company of Colorado that went into effect on July 1, 1990 and expires on July 1, 2015, some of which terms and conditions conflict with or are superseded by those set forth in the Franchise Agreement;

**WHEREAS**, it is not appropriate for the Code to reflect and include the terms set forth in the franchise agreement between the Town and Public Service Company of Colorado that expires on July 1, 2015; and,

**WHEREAS**, the Town’s Board of Trustees has determined that it is not necessary for the terms of the Franchise Agreement to be codified in the manner that franchise agreement between the Town and Public Service Company of Colorado that expires on July 1, 2015, are presently codified in Article 1 of Chapter 5 of the Code.

**NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:**

Section 1: Amendment. The Town hereby amends Article 1 of Chapter 5 of the Town of Red Cliff Municipal Code by repealing §§ 5-1-10 through 5-1-520, inclusive, in their entirety and replacing them with a new § 5-1-10 which shall provide in its entirety, the following:

**Sec. 5-1-10. Gas and Electric Franchises.**

The Town shall periodically enter into such gas and electric franchise agreements and grant such gas and electric franchises as the Board of Trustees shall determine are necessary and proper to protect the public health, safety and welfare of the Town of Red Cliff and its inhabitants and as allowed by Colorado statute.

Section 2: Declaration. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary and proper to protect the public health, safety and welfare of the Town of Red Cliff and its inhabitants.

Section 3: Severability. If any section, paragraph, clause, provision or part of this Ordinance is for any reason held to be invalid or unenforceable, the remainder of this Ordinance will continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even

if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance and the application thereof to other persons will not be affected thereby.

Section 4: Effective Date. This Ordinance will become effective thirty (30) days after publication following final passage.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING AND ORDERED POSTED IN FULL THIS 2ND DAY OF JUNE 2015. A public hearing on the SECOND READING of this Ordinance will be held at the regular meeting of the Board of Trustees of the Town of Red Cliff on the 16TH day of JUNE 2015 at 7:00 p.m. in the Town Hall of the Town of Red Cliff.

TOWN OF RED CLIFF, COLORADO



\_\_\_\_\_  
M. Scott Burgess, Mayor

ATTEST:



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Barb Smith, Town Administrator

ADOPTED AND ORDERED PUBLISHED on this 16th day of June 2015.

TOWN OF RED CLIFF, COLORADO



\_\_\_\_\_  
M. Scott Burgess, Mayor

ATTEST:



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Barb Smith, Town Administrator

APPROVED AS TO FORM:



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Michael J. Heaphy, Town Attorney