

**ORDINANCE NO. 09-13**

**INTRODUCED BY:**

**Councilperson Havercroft**

**Councilperson Coppola**

**AN ORDINANCE OF THE CITY COUNCIL  
OF  
THE CITY OF CASTLE PINES NORTH  
ADOPTING THE DOUGLAS COUNTY ROADWAY DESIGN AND  
CONSTRUCTION STANDARDS, 1990 EDITION, AS AMENDED AND THE  
DOUGLAS COUNTY STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA  
MANUAL, 1986 EDITION, AS AMENDED, PROVIDING PENALTIES FOR  
VIOLATIONS THEREOF, AND DECLARING AN EMERGENCY**

WHEREAS, the City of Castle Pines North (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the City, the City Council desires to enact by ordinance the most recent versions of the following publications: (1) Douglas County Roadway Design and Construction Standards, 1990 Edition, as amended in 1994 and 2003 (the "Roadway Standards"); and (2) the Douglas County Storm Drainage Design and Technical Criteria Manual, 1986 Edition, as amended in July of 2008 (the "Criteria"), as authorized pursuant to Section 31-16-202, C.R.S.; and

WHEREAS, the Roadway Standards and Criteria are jointly referred to in this Ordinance as the "Codes"; and

WHEREAS, the purpose and subject matter of the Road Standards as published by the Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, Colorado 80104, is to provide minimum standards for the design and construction of public and private roads and related infrastructure; and

WHEREAS, the purpose and subject matter of the Douglas County Storm Drainage Design and Technical Criteria Manual as published by the Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, Colorado 80104, is to provide minimum technical criteria for the planning, analysis and design of storm drainage systems; and

WHEREAS, the Codes reference a fee schedule as maintained by the Douglas County Engineer's Office (the "Douglas County Department of Public Works User Fee Manual"); and

WHEREAS, the Douglas County Department of Public Works User Fee Manual is a “secondary code” within the meaning set forth at Section 31-16-201(6), C.R.S.; and

WHEREAS, Section 31-16-201, *et seq.*, C.R.S., as amended, permits the adoption by reference of such codes upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, copies of the Codes are available at the City of Castle Pines North Community Development Office and the office of the City Clerk, 7437 Village Square Drive, Suite 210, Castle Rock, Colorado 80108 for review and inspection by the public between the hours of 8:00 o’clock a.m. and 4:30 o’clock p.m., Monday through Friday, holidays excepted; and

WHEREAS, the City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in that the City will be responsible for reviewing land use and other development applications, including applications involving the installation and construction of, or modifications to, storm drainage systems and roads and related infrastructure located within the municipal boundary of the City on and after September 1, 2009, and that City Council desires to establish clear standards for review and processing of such land use and other development applications; and

WHEREAS, the City of Castle Pines North held a public hearing, with proper notice provided, to consider adoption of the Codes as required by law; and

WHEREAS, the City of Castle Pines North has determined, based on the evidence and testimony presented at the public hearing, that the Codes, as amended herein, will further the health, safety and welfare of the inhabitants of the City .

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:**

**Section 1. Adoption by Reference.** The City Council hereby adopts the following publications by reference:

A. Douglas County – Storm Drainage Design and Technical Criteria Manual, 1986 Edition, as amended, and as published by the Board of County Commissioners of Douglas County, Colorado, 100 Third Street, Castle Rock, Colorado 80104, is hereby adopted by reference as the City of Castle Pines North Storm Drainage Design and Technical Criteria Manual as if fully set out in this Ordinance. The purpose and subject matter of the Criteria concerns is to provide minimum technical criteria for the planning, analysis and design of storm drainage systems within the boundaries of the City

B. Douglas County – Roadway Design and Construction Standards, 1990 Edition, as amended, and as published by the Board of County Commissioners of Douglas County, Colorado, 100 Third Street, Castle Rock, Colorado 80104, is hereby adopted by reference as the City of Castle Pines North Roadway Design and Construction Standards as if fully set out

in this Ordinance. The purpose and subject matter of the Roadway Standards is to provide minimum standards for the design and construction of public and private roads and related infrastructure within the boundaries of the City.

**Section 2. Amendments to the Storm Drainage Design and Technical Criteria Manual.**

Additions, deletions, and amendments to the Criteria are hereby adopted as follows:

- A. All references to “Douglas County” or “County” shall mean “City of Castle Pines North” or “City,” as applicable.
- B. All references to the “Douglas County Engineer”, “Director of Engineering,” or “County Public Works Director” shall mean the “Public Works Director of the City of Castle Pines North”.
- C. All references to the “Engineering Division,” the “Engineering Division, Douglas County Public Works Department,” the “Douglas County Road & Bridge Division,” or “Douglas County Engineering Inspection” shall mean the “Public Works Department of the City of Castle Pines North.”
- D. All references to the “Board of County Commissioners” shall mean “City Council.”
- E. All references to “Douglas County right-of-way” shall mean “City of Castle Pines North right-of-way.”
- F. All references to “County roads” shall mean “City streets.”
- G. All references to Douglas County Office of the Engineer, and Department of Public Works, located at 3030 North Industrial Way, P.O. Box 1390, Castle Rock, CO 80104, Telephone: 303-660-7490 shall mean City of Castle Pines North, 7437 Village Square Lane, 2<sup>nd</sup> Floor, Castle Pines North, CO 80108, Telephone: 303-705-0200.
- H. All references to “Douglas County Public Works Building” shall mean “City offices.”
- I. All references to “unincorporated Douglas County” shall mean “City of Castle Pines North.”
- J. All references to “Douglas County Director of Community Development” shall mean the “City of Castle Pines North Director of Planning & Zoning.”
- K. All references to “County Floodplain Administrator” shall mean the “City of Castle Pines North Director of Public Works.”
- L. All references to “Douglas County GESC Manual” or “GESC permits” shall mean the “City of Castle Pines North MS4 program” or “Construction Activities Permit.” as applicable.
- M. Chapter 3, Section 3.2.1 shall be deleted in its entirety.

- N. Chapter 3, Section 3.2.2 shall be deleted in its entirety.
- O. Chapter 3, Section 3.2.5 shall be deleted in its entirety.
- P. Chapter 3, Section 3.3.1 shall be deleted in its entirety.

**Section 3. Amendments to the Roadway Design and Construction Standards.** Additions, deletions, and amendments to the Roadway Standards are hereby adopted as follows:

- A. All references to “Douglas County” or “County” shall mean “City of Castle Pines North” or “City,” as applicable.
- B. All references to the “Douglas County Engineer”, “Director of Engineering,” or “County Public Works Director” shall mean the “Public Works Director of the City of Castle Pines North”.
- C. All references to the “Engineering Division,” the “Engineering Division, Douglas County Public Works Department,” the “Douglas County Road & Bridge Division,” or “Douglas County Engineering Inspection” shall mean the “Public Works Department of the City of Castle Pines North.”
- D. All references to the “Board of County Commissioners” or “BCC” shall mean “City Council.”
- E. All references to “Douglas County right-of-way” shall mean “City of Castle Pines North right-of-way.”
- F. All references to “County roads” shall mean “City streets.”
- G. All references to Douglas County Office of the Engineer, and Department of Public Works, located at 3030 North Industrial Way, P.O. Box 1390, Castle Rock, CO 80104, Telephone: 303-660-7490 shall mean City of Castle Pines North, 7437 Village Square Lane, 2<sup>nd</sup> Floor, Castle Pines North, CO 80108, Telephone: 303-705-0200.
- H. All references to “Douglas County Public Works Building” shall mean “City offices.”
- I. All references to “unincorporated Douglas County” shall mean “City of Castle Pines North.”
- J. All references to “Douglas County Director of Community Development” shall mean the “City of Castle Pines North Director of Planning & Zoning.”
- K. All references to “County Floodplain Administrator” shall mean the “City of Castle Pines North Director of Public Works.”



- L. All references to “Douglas County GESC Manual” or “GESC permits” shall mean the “City of Castle Pines North MS4 program” or “Construction Activities Permit,” as applicable.
- M. Chapter 2, Section 2.1.1 shall remove requirements and delete related references to a “Douglas County Department of Public Works submittal form.”
- N. Chapter 4, Section 4.4.5 shall be amended to read “Storm water from concentrated points of discharge shall *be discouraged from flowing over* sidewalks, *and* shall drain to the roadway by use of chase sections.”
- O. Chapter 8, any reference to County Engineering Division Inspection Department and corresponding phone number (303-660-7490) shall be changed to City Public Works Department and corresponding phone number (303-705-0200).

**Section 4. Enforcement and Penalties.** The following penalties for non-compliance with the Roadway Standards shall apply under this Ordinance:

A. Any failure to cancel a City inspection, as required under Chapter 8 (“Roadway Inspection and Testing Procedures”) will result in a penalty fee levied.

B. For items required under Section 8.3 (“Roadway Subgrade Preparation”) and Section 8.5 (“Aggregate Base Course”), should testing by the City indicate unsatisfactory work, the necessary reworking, compaction or replacement will be required prior to continuation of the paving process.

C. For items required under Section 8.6 (“Cement Treated Aggregate Base Course”), should testing by the City indicate unsatisfactory work, necessary adjustments shall be required to be made to the pavement section to comply with original design strength requirements.

D. For items required under Section 8.7 (“Plant Mix Hot Bituminous Pavement”), should testing by the City indicate unsatisfactory work, removal and replacement or overlay work will be required as determined by the City Public Works Department.

E. For items required under Section 8.8 (“Portland Cement Concrete”), should testing by the City indicate unsatisfactory work, removal and replacement or grinding will be required.

F. For items required under Section 8.9 (“Other Materials”), should dust or contamination of prime or tack coats occur, brooming and reapplication shall be required.

G. In accordance with Section 9.1, if a contractor makes a cut into new pavement which is not an emergency cut, the contractor or owner of the infrastructure shall be liable for additional costs as defined in Chapter 10.

H. In accordance with Section 9.9 (“Maintenance Period”), the applicant shall be responsible for the condition of pavement patches and remedial backfill required as a resolute of any backfilling of any trench in the City right-of-way. The applicant / contractor shall be responsible for all repairs or replacement to meet applicable standards. The applicant / contractor shall also be responsible for all inspection costs of the City, as set forth in the Douglas County Department of Public Works User Fee Manual.

I. Any failure to cancel a City inspection, as required under Chapter 10 (“Permit Procedures and Bonding Requirements”) will result in a penalty fee levied.

J. Section 10.1.9. Failure of an applicant to comply with any of the terms and conditions of a right-of-way permit or access permit shall be sufficient cause for cancellation of the permit and may result in removal of the utilities, approaches, or other facilities by the City and applicant’s expense.

K. Section 10.1.11. If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees thereunder forfeited, unless a written extension of time is obtained from the City Public Works Department.

L. Section 10.2.7. Applicant shall pay required fees and provide insurance and bonding, if required, prior to approval of the permit.

M. Section 10.2.8. Repairs of damage caused to existing facilities as a result of work carried out under a valid permit shall be the responsibilities of the permittee.

N. Section 10.3. No refunds shall be made on any permit fee.

O. Section 10.4.2. Any permit determined to be without an adequate bond as required, shall be subject to immediate revocation by the City.

P. Section 10.7 – Stop Work Orders. Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, who without first having obtained a permit and/or who having made a cut in a public right-of-way which has settled, has failed, or which has not been repaired in conformance with established City standards, shall be subject to a “Stop Work Order” issued by the City whereupon that person, corporation, or utility shall, except for emergency repair work, discontinue all work within public rights-of-way within the City until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the City reimbursed for their expenses. The City of Castle Pines North, may, on its own initiative, make required repairs and bill the responsible contractor. Minimum charge shall be a \$300.00 administrative charge, plus costs for labor, materials and equipment on a portal to portal basis.

Q. Section 10.11 – Fees.

10.11.1 Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. A copy of this fee schedule may be obtained from the Public Works Department of the City of Castle Pines North.

10.11.2 Any person or corporation commencing any work without prior valid written authorization shall be required to pay a penalty fee. The penalty fee shall be three (3) times the permit fee that would have otherwise been collected. The penalty fee includes the normal inspection fee.

R. Section 10.12.4 – Revocation of License. If it is found that work performed under the permit obtained by a licensed person is repeatedly substandard according to the requirements and specifications of the City, the City may call a hearing to determine if the license holder should:

- a. retain his license;
- b. be given a probationary period; or
- c. have his license revoked.

A person's license cannot be revoked unless the Public Works Director of the City of Castle Pines North determines that allowing the licensed person to continue to obtain permits and perform work on public property would be detrimental to the health, safety and welfare of the general public.

S. Section 13.7 – Unpermitted Access. Any access, driveway, or curb-cut which is constructed within Public Right-of-Way without an access permit issued by the City shall be subject to a "Stop Work" order and shall be removed immediately. Failure to remove the unpermitted access may result in the removal of said access by the City (the cost for removal shall be charged to the property owner from which the access originates). Failure to obey the "Stop Work" order may result in the prosecution of the violators.

T. Additional Remedies. Any remedies provided for in this Ordinance shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

**Section 5. Fees.**

Any fees provided for or by the Codes, as adopted in this Ordinance, including but not limited to the fees set forth in the Douglas County Department of Public Works User Fee Manual, may be amended, modified, increased or deleted at any time, and from time to time, by resolution of the City Council.

**Section 6. Copies of Codes on File.**

At least one copy of each of the Codes and of the Douglas County Department of Public Works User Fee Manual, as certified by the Mayor and the City Clerk to be true copies of the same, shall be kept on file in the office of the City Clerk and available for public inspection and for purchase. In addition, one copy of each of the Codes and of the Douglas County Department of Public Works User Fee Manual may be kept in the office of the chief enforcement officer, being the Public Works Director of the City of Castle Pines North.

**Section 7. Liability.**

The adoption of this Ordinance and the Codes provided for herein shall not create any duty to any person with regard to the enforcement or non-enforcement of said Codes. No person shall have any civil liability or remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Ordinance or the Codes. Nothing in this Ordinance or in said Codes shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, C.R.S., or to waive any immunities or limitations on liability otherwise available to the City, or its officers, employees or agents.

**Section 8. Publication of Notice of Hearing.**

Notice of the public hearing scheduled on adoption of this Ordinance shall be published once at least fifteen days preceding the hearing, and once at least eight days preceding the hearing, in accordance with the applicable provisions of Section 31-16-203, C.R.S.

**Section 9. Severability.**

Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes 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 codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

**Section 10. Repeal of Previous Ordinances.**

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 11. Emergency Declared.**

The City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in that the City will be responsible for reviewing land use and other development applications, including applications involving the installation and construction of, or modifications to, storm drainage systems and roads and related infrastructure located within the municipal boundary of the City on and after September 1, 2009, and that City Council desires to establish clear standards for review and processing of such land use and other development applications on and after said date.

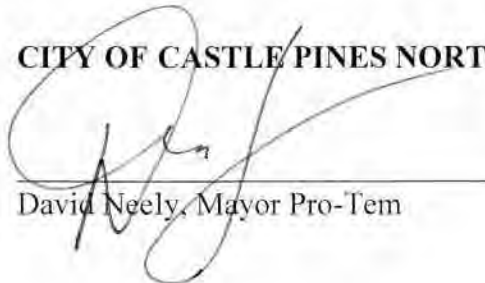
**Section 12. Effective Date.**

This Ordinance shall become effective immediately upon adoption following second reading.

**INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 27<sup>th</sup> day of August, 2009.**

**READ, AND PASSED, AND ADOPTED ON SECOND READING AS AN EMERGENCY ORDINANCE, FOLLOWING PUBLIC HEARING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 10<sup>th</sup> day of September, 2009.**

**CITY OF CASTLE PINES NORTH:**

  
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David Neely, Mayor Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Janie Berry, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Linda C. Michow, City Attorney

**CERTIFICATION OF PUBLICATION**

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on August 27, 2009; was published in full in the *Douglas County News-Press*; and was finally passed and adopted by the City Council on September 10, 2009 following a public hearing duly noticed in accordance with Section 31-16-203, C.R.S.



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Jamie Berry, City Clerk

