

CHAPTER 11

Streets, Sidewalks and Public Property

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ARTICLE 1

Street Names

Sec. 11-1-10. Street name regulations.

The following requirements shall apply to the naming and changing of names of streets:

(1) All street names and building addresses for new developments within the City shall be consistent with the *Denver Metropolitan Area Grid System* and *A Guide for Naming & Numbering of Streets & Buildings in Arapahoe County, Colorado*, as reprinted December 1, 2000.

(2) The determination of street names and building address numbers shall occur at the time of final subdivision platting. The City's planning staff shall be responsible for determining street names and building address numbers.

(3) Any appeals from the decision of the City's planning staff shall be to the City Council. Variances shall be granted from this policy if the applicant can show that its proposed street name will enhance the convenience and safety of the citizens of the City. Approval of any variance shall be within the sole determination and discretion of the City Council. (Prior code 9.1.1)

Sec. 11-1-20. Change of street names.

Requests to change the name of any existing streets within the City shall be submitted to the City's planning staff. Street name changes shall be in accordance with the regulations governing new street names. The Planning Commission shall make recommendations to the City Council. The City Council shall have the final authority concerning street name changes. (Prior code 9.1.1)

Sec. 11-1-30. Copies of regulations.

Copies of the *Denver Metropolitan Area Grid System* and *A Guide for Naming & Numbering of Streets & Buildings in Arapahoe County, Colorado*, are available for purchase by the general public from the City's planning staff. (Prior code 9.1.1)

Sec. 11-1-40. Amendments.

The *Guide for Naming & Numbering of Streets & Buildings in Arapahoe County, Colorado*, as reprinted December 1, 2000, adopted by this Article, is hereby amended to the extent necessary to apply within the corporate limits of the City. The governing body of the enacting jurisdiction, however referenced, shall refer to the City Council. Commissions, boards and other implementing bodies and personnel shall be deemed to be commissions, boards and implementing bodies and personnel of the City. The regulations adopted by this Article are adopted without provisions that are beyond the jurisdictional or legal authority of the City. (Prior code 9.1.2)

ARTICLE 2

Stormwater Management

Sec. 11-2-10. Adoption.

The *City of Centennial Stormwater Management Manual*, published and promulgated by the City of Centennial, 12503 East Euclid Drive, Suite 200, Centennial, CO 80111 is adopted by reference as if fully set out in this Article. (Ord. 2007-O-01 §1)

Sec. 11-2-20. Amendments.

The Stormwater Management Manual adopted in this Article is hereby amended as follows: Violations of any provisions of this Article shall be enforced in accordance with Section 1-4-10 of this Code. (Ord. 2007-O-01 §2)

ARTICLE 3

Street Access Code

Sec. 11-3-10. Short title.

This Article shall be known as the City of Centennial Street Access Code. (Ord. 2008-O-15 §1)

Sec. 11-3-20. General purpose.

This Street Access Code is necessary to protect the public health, safety and welfare by maintaining the smooth flow of traffic and drainage on City-owned and -maintained streets and highways within the City and to protect the functional level of those streets and highways. (Ord. 2008-O-15 §1)

Sec. 11-3-30. Authority.

Pursuant to Article XX of the Colorado Constitution and Sections 31-15-702 and 43-2-147(1), C.R.S., the City is authorized to regulate vehicular access to or from any public street or highway under its jurisdiction from or to property adjoining any public street or highway in order to protect the public health, safety and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage and to protect the functional level of public highways. (Ord. 2008-O-15 §1)

Sec. 11-3-40. Definitions.

Applicant means a person who has applied or will apply for an access permit in accordance with this Article. Customarily, the applicant shall be the land owner of record of the property to be served by the proposed access, a contract purchaser of the owner of record or a representative of the owner with authority to bind the land owner of record.

City street means any road, street, highway or right-of-way, regardless of name, under the ownership, jurisdiction or control of the City.

Permittee means an applicant who has received approval or issuance of an access permit.

Person means an individual, corporation, governmental or quasi-governmental agency or any legally recognized organization.

Street means any road, street, highway or public right-of-way, regardless of name. (Ord. 2008-O-15 §1)

Sec. 11-3-50. Applicability and exemptions.

(a) This Street Access Code shall apply to all owners, lessees, tenants or other users of property proposing access to a City street as defined below, including but not limited to the State and its departments and agencies, political subdivisions of the State, counties, municipalities, special districts, school districts, airport authorities, county library districts, county park or recreation districts, governmental and quasi-governmental authorities and agencies and public utilities. This Street Access Code shall apply notwithstanding any exemption or exception from local land use approvals or requirements as may be otherwise recognized by state law, including but not limited to any provision of Article 23 of Title 31, C.R.S., and specifically including Section 31-23-209, unless such exemption is expressly applicable to home rule municipalities.

Unless otherwise exempted pursuant to this Section, an access permit shall be required for any access to a City street. Access to a City street shall mean and include:

- (1) Any new access to a City street;
- (2) Any relocated access to a City street;
- (3) Any modification of an existing access to a City street in size or shape;
- (4) Any modification of access to accept different or additional turning movements to a City street;
- (5) Any change in the frequency or intensity of use of an existing access to a City street by vehicular traffic as the result of new development, redevelopment or change in use of property adjacent to the City street;
- (6) Any change in the intensity of use of an existing access to a City street as the result of a change in the form, mode or types of vehicles predominately accessing the site (e.g., conversion of property from retail business use with passenger vehicles as the predominate type of vehicle accessing the site to a warehouse and distribution use with trucks as the predominate type of vehicle accessing the site);
- (7) Any change in the intensity of use of an existing access to a City street of property adjacent to a City street resulting from temporary or seasonal uses, such as but not limited to Christmas tree vendors, fireworks stands and food markets; or
- (8) With regard to a street for which the City owns or controls less than the entire width or less than all travel lanes, any change or modification of access within the vicinity that will result in new, different or additional turning movements onto the City-owned or -controlled street segment.

(b) This Street Access Code shall not apply when access to a City street is proposed in connection with a land development application over which the City has final approval authority, including but not limited to applications for annexations, rezonings, development plans and subdivision plats.

(c) This Street Access Code shall not apply to access to a City street from property owned or leased by the City and used for a public municipal purpose.

(d) This Street Access Code shall not apply to access to a City street from property owned or leased by a person obligated to provide public municipal services to the City pursuant to a contract with a term or duration of more than one (1) year.

(e) Notwithstanding the foregoing, the applicability of this Street Access Code shall be subject to any specific rights granted to any landowner under any right-of-way or other agreement between such landowner and the City. (Ord. 2008-O-15 §1)

Sec. 11-3-60. Application approval required prior to access.

(a) It shall be unlawful and a violation of this Article for any person to open, create, establish, continue, construct, use or otherwise permit or provide access to a City street unless a permit is first obtained from the City if required by this Article.

(b) It shall be unlawful and a violation of this Article for any person to violate any term or condition of an approved access permit issued in accordance with this Article.

(c) Any person who violates the requirements of this Article or the terms or conditions of an access permit shall, upon conviction or plead of no contest, be subject to a fine of not less than five hundred dollars (\$500.00) for each violation thereof. Each day of violation shall constitute a separate offense. (Ord. 2008-O-15 §1)

Sec. 11-3-70. Applications and application requirements.

The City Manager, in cooperation with the Public Works Director, shall administratively promulgate applications and forms for administration of this Article deemed reasonably necessary by the City Manager to evaluate a request for access to a City street. Such application forms may require, but need not be limited to, submission by an applicant of designs, plans, drawings, cross sections, studies, models, cost estimates, project schedules and specifications prepared by a registered Colorado professional engineer or other professional acceptable to the City. The City Manager may provide for waivers from submission of application requirements when determined by the Manager that the requirement will not substantially aid in the review and evaluation of an access permit application. (Ord. 2008-O-15 §1)

Sec. 11-3-80. Application for access to a City street; administrative process.

Each application for an access permit submitted in accordance with this Article shall be processed administratively in the following manner:

(1) Preapplication meeting. An applicant seeking access to a City street and subject to this Article shall first contact, schedule and attend a preapplication meeting with representatives of the Public Works Department for a preliminary determination of application requirements. The preapplication meeting will determine the necessary documentation to accompany the access application.

(2) Application submission. Within one hundred eighty (180) days following the preapplication meeting, an applicant shall submit to the City a completed access application in the form required by the City Manager pursuant to Section 11-3-70 above. Such submittal shall include all documentation determined as required at the preapplication meeting. Incomplete applications shall not be processed.

(3) Application fee. An applicant shall provide at the time of submission of an access application a nonrefundable processing fee of at least five hundred dollars (\$500.00) to cover the direct and indirect costs and expenses associated with the City's review and processing of the application. The City Manager may administratively increase such fee annually to ensure recovery of direct and indirect costs and expenses of the City.

(4) Administrative decision. Within thirty (30) days of receipt of a completed access application, the City Manager shall render a decision in writing to:

a. Require additional information from the applicant necessary to fully evaluate the need for and impacts of the requested access;

b. Deny the application for failure to meet the criteria for approval of the access permit provided by Section 11-3-90 below; or

c. Administratively issue an access permit upon a finding that the application and requested access complies with the criteria for approval of the access permit and subject to any conditions of approval as provided by Section 11-3-90 below.

(5) Extension of review and decision. The City Manager may extend the processing time for an access application for not more than an additional thirty (30) days in order to refer the access application to other governmental or quasi-governmental agencies, authorities, special districts, school districts, fire protection districts, homeowner associations or others for review and comment. The absence of any timely response by a referral entity shall not preclude the City Manager, in his or her discretion, from later seeking or considering such comment during the review process. (Ord. 2008-O-15 §1)

Sec. 11-3-90. Criteria for access permit issuance.

The City Manager may issue a permit for access to a City street following administrative evaluation of an access application where the City Manager finds that:

(1) The access application is complete;

(2) All fees for processing have been paid in full;

- (3) The requested access will meet all land use, design and construction standards of the City;
- (4) The design of the requested access will result in minimum impact to the City street system; there shall exist a presumption that a right-in/right-out access will result in minimum impact and is sufficient unless an alternative design for access will clearly and substantially benefit the existing and anticipated traffic patterns and use of the City street system; and
- (5) One (1) or more of the following criteria are satisfied:
 - a. The requested access presents the only physically possible legal access to the site and there exists no other alternatives for access. The cost of obtaining and constructing an alternative access shall not be a factor in determining whether alternative access is physically possible.
 - b. The requested access presents the most rational and logical access given the public health, safety and welfare; provided, however, that neither the relative cost of obtaining and constructing an alternative access nor relative inconvenience resulting from a less visible or more circuitous route shall be a determinative factor.
 - c. If the site is currently accessible from an existing point of access, the requested access will, in the opinion of the City:
 1. Substantially improve the existing level of service upon streets within the vicinity of the property to be served by the proposed access;
 2. Substantially improve traffic flows, turning movements and public safety currently experienced upon City streets within the vicinity of the property to be served by the proposed access; or
 3. Result in direct and substantial benefits to the City, such as but not limited to delivery of necessary or desired new or upgraded transportation system improvements, new or improved signalization or extension of roadways to other properties located within the City.
 - d. The existing or proposed land uses of the property to be served by the requested access will provide a direct and substantial benefit to the citizens of the City.
 - e. The City requested that the property owner annex into the City and the property owner has unconditionally committed by submission of a complete, sufficient and irrevocable petition for annexation of the property to be served by the requested access.
- (6) The City Manager may require as a condition of issuance of an access permit any one (1) or more of the following:
 - a. Execution of a development agreement or other documentation to ensure that the circumstances, assumptions and representations of the applicant upon which permit issuance is based are satisfied and maintained. The City Manager is authorized to execute on behalf of the City any development agreement or other documentation implementing conditions of permit issuance;

b. Posting of a letter of credit or other surety acceptable to the City to guarantee performance of representations or obligations associated with the approval of the permit, such as but not limited to installation of public improvements;

c. Payment of fees or charges to defray impacts resulting from the permitted access to the City streets and street system;

d. Upgrading or improvement of City streets and street system impacted by the proposed access;

e. Limitations on the type and intensity of the use of the property to be served by the access in order to minimize impacts resulting from the access; and/or

f. Submission of an irrevocable annexation petition by the record owner of the property served by the permitted access to the City street. (Ord. 2008-O-15 §1)

Sec. 11-3-100. Access permit; effectiveness.

An access permit issued by the City Manager shall be effective upon conformance of all conditions of approval stated in such permit and when signed by both the City Manager and the applicant. (Ord. 2008-O-15 §1)

Sec. 11-3-110. Access permit; expiration.

An access permit issued by the City Manager shall expire upon the first anniversary of the date of issuance. The City Manager may administratively extend the expiration in writing for not more than two (2) additional one-year periods upon written request of the permittee where the Manager finds that:

(1) The permittee was reasonably delayed in completing development associated with the approved access; and

(2) Vehicular traffic conditions and development of properties within the vicinity have not appreciably changed. (Ord. 2008-O-15 §1)

Sec. 11-3-120. Access permit; revocation.

An access permit issued by the City Manager may be administratively revoked by the City Manager where the Manager finds that:

(1) The permittee failed to comply with any term or condition of the approved access permit, this Street Access Code or this Municipal Code.

(2) The access authorized by the access permit fails to conform to the approved design. (Ord. 2008-O-15 §1)

Sec. 11-3-130. Authority to block unapproved access.

In addition to any other action for enforcement of this Article, the City Manager is authorized to order and cause to be made the closing, through installation of barricades, signage or otherwise, any access to a City street for which a permit is required in accordance with this Article and for which a permit has not been issued, has expired or has been revoked. (Ord. 2008-O-15 §1)

Sec. 11-3-140. Administrative appeal of denial of access permit.

(a) Administrative appeal. Any applicant or permittee aggrieved by any decision of the City Manager made pursuant to this Article may request in writing an administrative appeal to be considered by an appeal panel. An appeal shall be made in writing, delivered to the City Manager with a copy to the City Attorney, within fifteen (15) calendar days from the date of mailing of the Manager's decision addressed to the applicant as such address is shown on the application. Untimely appeals shall not be considered or processed. Where a deadline for appeal falls on a Saturday, Sunday or City-recognized holiday, the appeal deadline shall be the first business day after the deadline date.

(b) Appeal panel. A three-person administrative appeal panel shall be comprised of two (2) members of the City Council and one (1) member of the Planning and Zoning Commission. In the absence of the Mayor, or as the result of conflict of interest, such appointments shall be made by the Mayor Pro Tem.

(c) Appeal documentation. An applicant's request for appeal shall include the following information to be administratively reviewed and considered by the appeal panel:

(1) A written letter of appeal containing specific reasons, grounds and justification cited by the applicant to reverse or modify the City Manager's decision;

(2) A nonrefundable appeal fee of not less than five hundred dollars (\$500.00), which fee may be administratively increased by the City Manager annually to ensure recovery of direct and indirect costs and expenses of the City; and

(3) Any other written documentation deemed relevant to the applicant to support the applicant's appeal.

(d) Manager to promptly act. Upon receipt of a written appeal, the City Manager shall promptly request the Mayor to appoint and schedule an administrative meeting of the appeal panel. The City Manager shall submit to the appeal panel the documentation supporting the Manager's decision concerning the access application.

(e) Appeal panel process. The appeal panel shall meet and shall render a decision following an administrative review of the applicant's appeal and the City Manager's decision and supporting documentation. The appeal panel shall endeavor to meet and decide an appeal within thirty (30) calendar days following the timely submission of the request for appeal. Neither the City Manager nor the applicant shall attend the panel review. The panel may request the participation of the City Attorney to serve as the panel's legal advisor and to assist in preparation of the panel's written opinion.

(f) Panel decision. The appeal panel shall consider the appeal to determine if the City Manager's decision concerning the application was reasonable based on the information made available to the appeal panel. For purposes of this Section, *reasonable* shall mean supported or justified by reason or rationale. The appeal panel shall issue a written opinion following review, which opinion shall either:

- (1) Remand the application to the City Manager for further consideration and the re-issuance of the Manager's decision in accordance with the panel's opinion or instruction; or
- (2) Affirm the City Manager's decision as reasonable.

The appeal panel shall not be authorized to direct or order the repayment or reimbursement by the City of any fees, charges or expenses paid or incurred by an applicant. (Ord. 2008-O-15 §1)

ARTICLE 4

Reserved

ARTICLE 5

Reserved

ARTICLE 6

Construction Work in Public Right-of-Way

Sec. 11-6-10. Purpose.

The purpose of this Article is to establish standards and procedures to ensure that persons and entities that engage in construction activities within the public rights-of-way, that impact the free flow of traffic and that cut or excavate public streets which are under the jurisdiction of the City secure property permitting and approvals, have the knowledge, competence and financial resources needed to perform the work and are held accountable for the work for which they are permitted. (Ord. 2008-O-25 §3)

Sec. 11-6-20. Definitions.

As used in this Article, the following words and phrases are defined as follows:

Administrative Regulations means the conditions, standards, rules and requirements for the performance of work in a public right-of-way promulgated by the Director of Public Works as authorized by this Article.

Contractor means any person, corporation, company, agency, government, special district, school district, quasi-governmental agency or entity performing work within a public right-of-way under the jurisdiction of the City. (Ord. 2008-O-25 §3)

Sec. 11-6-30. Applicability and exceptions.

(a) This Article and the administrative regulations promulgated in accordance with this Article shall apply to all persons and entities seeking to work within a public right-of-way under the jurisdiction of the City. Such persons and entities include, but are not limited to, the State and its departments and agencies, counties, municipalities, special districts, school districts, governmental and quasi-governmental agencies and public utilities, notwithstanding any exemption or exception from local approvals or requirements as may be otherwise recognized by state law, including but not limited to any provision of Article 23 of Title 31, C.R.S., and specifically including Section 31-23-209, unless such exemption is expressly applicable to home rule municipalities.

(b) The following work shall not be subject to this Article and may be performed without application for or issuance of a permit in accordance with this Article:

(1) Work performed by the City and its municipal departments.

(2) Contractors performing in accordance with a written agreement with the City to provide for, maintain and repair City roads, streets, highways, traffic control devices or other City property.

(3) Work performed by a contractor under written agreement with the City which expressly provides that a permit need not be obtained for work performed within City rights-of-way. (Ord. 2008-O-25 §3)

Sec. 11-6-40. Permits required.

(a) It shall be unlawful and a violation of this Municipal Code for any person or contractor to engage in construction work in a public right-of-way of the City without having first procured the proper license from the Director of Public Works.

(b) It shall be unlawful and a violation of this Municipal Code for any person or contractor to fail to immediately cease work within a public right-of-way upon receipt or notice of a stop work order or other form of demand issued or made by the City or at the direction of 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. (Ord. 2008-O-25 §3)

Sec. 11-6-50. Form of permit.

(a) In addition to any other language or provisions deemed necessary or desirable by the Director of Public Works to evidence authorization to commence work in the public right-of-way, each permit shall contain the following language above a signature line for the contractor:

"The holder of this permit agrees to and shall comply with all provisions contained in Chapter 11 of the City of Centennial's Municipal Code and Administrative Regulations promulgated pursuant to such Code. The holder has obtained and reviewed a copy of the Administrative Regulations."

(b) No permit shall be effective unless and until executed by the contractor and bears the approval of the Department of Public Works. (Ord. 2008-O-25 §3)

Sec. 11-6-60. Administrative Regulations authorized.

(a) The Director of Public Works, subject to the approval of the City Manager, shall promulgate and publish Administrative Regulations (including forms, applications, rules, requirements, directives and interpretations) to implement this Article and to establish a permitting and regulatory program for work in a public right-of-way. Such Administrative Regulations shall not be inconsistent with the provisions of this Article. Administrative Regulations promulgated by the Director shall be made available to any requesting party for a reasonable charge not to exceed the actual cost of printing and publication.

(b) The Administrative Regulations and the permitting and regulatory program for work in a public right-of-way shall provide, at a minimum, for the following:

(1) An application sufficient to identify the contractor, contractor contact information, the scope, detailed description, extent of all work and valuation of materials and supplies;

(2) A permit classification program whereby different forms or types of permits may be required to comply with different requirements appropriate to that class of permit;

(3) The obligation that all contractors and subcontractors performing work under a permit be licensed to perform work within the City;

(4) The obligation that all contractors seeking permits post and maintain, during the term of any permit, a minimum twenty-thousand-dollar bond or other form of performance guarantee in a form approved by the City identifying the City as the beneficiary or secured party of the bond or guarantee to protect the City;

(5) Fees and charges to be paid by the contractor for issuance of permits to reasonably recover the direct and indirect costs of the City in managing its rights-of-way and administering this Article and the Administrative Regulations;

(6) Fees and charges to be paid by the contractor for issuance of permits which reasonably address the acceleration of degradation to existing street surfaces caused by and resulting from street cutting and disruption;

(7) Fees and charges to be paid by the contractor for issuance of permits which reasonably recovers or addresses the expense and impact resulting from lane closures and rerouting of vehicles, including disruption in traffic light timing, traffic management, accidents and public inconvenience resulting from activities within the public right-of-way;

(8) Conditions, requirements and standards imposed on permits to enable the City to monitor and manage work within the public right-of-way and protect the safety of the public through appropriate and accepted techniques to close roads and route traffic, including but not limited to establishing hours of permitted operation, inspection and reporting requirements and compliance with accepted or adopted manuals and specifications for traffic control devices and traffic management;

(9) Conditions, requirements and standards imposed on permits to ensure compliance with appropriate and accepted methods of construction, including but not limited to construction techniques, material quantities and quality, trenching and compaction requirements and standards, pavement replacement and surface restoration; and

(10) A process and procedures to enforce compliance with the Administrative Regulations, including but not limited to issuance of stop work orders, demands for compliance, revocation of permits, revocation of licenses and administrative penalties for noncompliance. (Ord. 2008-O-25 §3)

Sec. 11-6-70. Fees, charges and administrative penalties.

The Director of Public Works, with the approval of the City Manager, may administratively establish and impose, and may modify as necessary, fees, charges and administrative penalties necessary to administer this Article and the Administrative Regulations promulgated in accordance with this Article as needed to both recover direct and indirect costs of the City in administering this Article and to ensure ongoing and continued compliance and enforcement of this Article and administrative regulations. A written schedule of fees, charges and penalties shall be conspicuously posted at the location where such permits are processed or issued, and such posted schedule shall be binding for all applications. No modification in fees, charges or penalties shall be made without first posting notice of such modification not less than ten (10) business days prior to the effective date of such modification. Waivers and exemptions from fees, charges and penalties shall be authorized in writing only by the City Manager upon good cause shown. (Ord. 2008-O-25 §3)