

**CITY OF RIFLE, COLORADO**  
**ORDINANCE NO. 11**  
**SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING  
ARTICLE IV OF CHAPTER 11 OF THE RIFLE MUNICIPAL CODE  
REGARDING RIGHT-OF-WAY EXCAVATION PERMITS.

WHEREAS, Article IV of Chapter 11 of the Rifle Municipal Code (the “Code”) regulates the opening and excavating of the public right-of-way or of public places; and

WHEREAS, City staff have recommended updates to the Code to provide better protection to the City and residents and clarity to contractors working in the City’s right-of-way; and

WHEREAS, the City Council finds and determines that it is in the best interests of the citizens of Rifle to amend Article IV of Chapter 11 of the Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 11-4-30 of the Rifle Municipal Code, “Definitions”, is hereby amended to include the following definition:

*City Manager shall also include his or her designee to administer this Article.*

Section 3. Section 11-4-80 of the Rifle Municipal Code is hereby repealed and reenacted as follows:

**Sec. 11-4-80. Deposit or security bond required.**

- (a) A maintenance bond in an amount equal to the total cost of construction, including labor and materials, or two thousand five hundred dollars (\$2,500.00), whichever is greater. The maintenance bond shall guarantee that the material and equipment are furnished and used, and the workmanship employed in the performance of the work described in the right-of-way permit will be of such character and quality as to ensure it to be free from all defects and in continuous good order and in a condition satisfactory to the City for a period of two (2) years from the date of issuance of the final inspection log, indicating one hundred percent (100%) satisfactory completion of the work. The maintenance bond shall be noncancelable for two (2) full years from the date of issuance of satisfactory completion.
- (b) The applicant may request to substitute a maintenance bond with a letter of credit or cash-in- lieu payment contingent upon approval of the City.
- (c) If the improvements fail within two (2) years of acceptance of the work, and it is not rectified by the permittee in the timeframe specified by the City to the City’s satisfaction, the City shall utilize the permittee’s security to fix the improvements.

- (d) Upon notice to the permittee, for reasonable cause, the City may at any time increase or reduce the amount of the required security or waive the same as conditions warrant.

Section 4. Section 11-4-410 of the Rifle Municipal Code is hereby amended as follows, with underlined text added:

**Sec. 11-4-410. Inspections.**

- (a) The City Manager shall make such inspections as are necessary for the enforcement of this Article.
- (b) The City Manager shall have the authority to promulgate and cause to be enforced such regulations as may be reasonably necessary to enforce and carry out the intent of this Article.
- (c) Quality control of backfill compaction may be monitored by the Public Works Director or Engineer by utilizing standard compaction testing methods.
  - 1. The Public Works Director or Engineer shall have the authority to require the permittee to obtain standard compaction tests during the backfilling process. The soils engineer or testing laboratory shall be approved by the Public Works Director or Engineer.
  - 2. When compaction tests are required by the Public Works Director or Engineer, at least one compaction test shall be taken on each compacted level of backfill per 100 feet or in locations designated by the Public Works Director or Engineer if the project is of a smaller scope than 100 feet.
  - 3. In the event that compaction tests do not meet the backfill standards required by herein, the areas not meeting the minimum density requirements shall be recompacted and retested until density requirements are met.
  - 4. If the permittee fails to perform required compaction tests, the Public Works Director or Engineer shall have the authority to order the permittee to cease backfill operations until such time as the compaction tests are performed.
  - 5. If compaction testing is required, no paving or repaving operations shall occur until the compaction tests have been approved by the Public Works Director or Engineer.

Section 5. The Code is hereby amended with the enactment of a new Subsection 11-4-480 to read as follows:

**Sec. 11-4-480. Warranty of public improvements.**

The warranty of all improvements constructed shall coincide with the term and requirements contained in Appendix B of the issued permit.

Section 6. The Code is hereby amended with the enactment of a new Subsection 11-4-490 to read as follows:

**Sec. 11-4-490. Map of Underground Facilities.**

Every public utility, private utility or person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, telephone, cable television, water or sewer to or from the City, or to or from its inhabitants, or for any other purpose, shall file with the Public Works Director, December 31, 2023, a map or set of maps, each drawn to a scale of not less than one inch to 400 feet, showing the location, size and description of all such installations. The owner agrees upon reasonable notice from the City or any permittee to accurately locate his installations upon the ground as shown on the maps. By March 1 of each year, such public utility, private utility or person shall file with the Public Works Director a corrected map or set of maps showing installations and abandonments during the previous year; provided, however, if no further installations have been made during the previous year, there may be filed with the Public Works Director a written statement to that effect.

Section 7. The following fee referenced in the Code at Appendix A, for RMC Section 11-4-90, are hereby repealed and reenacted to read as follows:

<i>Chapter 11</i>		
11-4-90	Street cut permit: Basic	\$250
	Street cut permit: Horizontal Boring	\$500

Section 8. The Supplemental Conditions presented to the City Council on even date herewith related to the materials and restoration specifics for excavations are hereby approved to be incorporated into the City's Public Works Manual.

INTRODUCED, on May 3, 2023, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on May 17, 2023, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk