

ORDINANCE NO. 1603

**AN ORDINANCE REQUIRING THE ISSUANCE OF A
PERMIT FOR THE USE OF CITY FACILITIES OR
INFRASTRUCTURE**

WHEREAS, the City of La Junta maintains infrastructure within its municipal boundaries; and

WHEREAS, from time to time, persons or entities desire to "use" those infrastructure facilities; and

WHEREAS, the City desires to uniformly treat all persons or entities who want to avail themselves of the use of infrastructure of the City;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of La Junta as follows:

SECTION 1: A new Section 13.02.101 is enacted as follows:

Section 13.02.101 "Permit required":

PERMIT APPROVAL REQUIRED: A request for any use of the streets, alleys, poles, sidewalks, or other portions of the same for public use, shall be submitted to the La Junta City Engineering Department for their consideration. If the permit has been approved, the Engineering Department shall submit the final permit application to the City Manager for its official consideration and final action.

SECTION 2: A new Section 13.02.102 is enacted as follows:

Section 13.02.102 "Fee imposed upon application for permit":

- a. Any person or entity desiring any use described in Section 13.02.101 shall pay an application fee of \$100.00.
- b. Said fee shall be non-refundable.

SECTION 3: A new Section 13.02.103 is enacted as follows:

Section 13.02.103 PRE-APPLICATION REQUIREMENTS: Prior to the filing of an application for a permit, the applicant shall contact the City Engineering Department to determine:

1. Zoning requirements.
2. Procedure for filing this permit.
3. Availability of an approved public infrastructure.
4. Comprehensive plan requirements for major streets, land use, parks, easements, schools, and public open spaces.
5. Setback requirements for arterial, collector and local streets.

SECTION 4: A new Section 13.02.104 is enacted as follows:

Section 13.02.104 "Permit application contents":

The permit request must include the following information:

1. Names and addresses of applicant.
2. Description of purpose of the permit.
 - a. Location.
 - b. Characterization of use.
3. Installation and maintenance of facilities in conjunction with the permit.
 - a. Proposed type of access to City facilities.
 - b. Proposed ownership of permitted facilities.
 - c. Proposed protection of permittee's facilities.
 - d. Proposed removal of permittee's facilities.
 - e. Proposed maintenance of permitted equipment.
 - f. Permittee's responsibility for repairs.
 - g. City's right to inspection of installation.

4. Requested duration of service.
 - a. Proposed time of commencement.
 - b. Proposed termination of use of the City facility.
 - c. Action on discontinuance of use of the City facilities.
5. Rate and charges.
 - a. Deposit due upon commencement of action.
 - b. Connection or installation charge.
 - c. Annual fee.
 - d. Manner of payment.
6. Liability.
 - a. Responsibilities of permittee for injury to persons or property.
 - b. Indemnification of the City.
 - c. Insurance requirements.
 - d. Insurance requirements of naming the City as an additional insured.
 - e. Property damage insurance.
7. Rights on default.
 - a. Right of entry.
8. Future assignability of any permit issued.

SECTION 5: A new Section 13.02.105 is enacted as follows:

Section 13.02.105 "Procedure for presentation of pre-permit application review":

- a. The applicant shall submit a written plan in order to receive the pre-permit comments of the City's Engineering Department. The plan may be in a simple format sufficient in content to show the general location of the requested usage; the existing and proposed location of streets, lots, utilities, public service areas, parks; and any significant physical features; and to note any particular site

design problems. A narrative description of existing conditions and development proposals may supplement the plan.

- b. The Engineering Office, with the express approval of the City Manger, shall determine the fee to be assessed to the applicant if the City grants the permit.
- c. The fee shall be determined pursuant to Section 13.02.108.

SECTION 6. A new Section 13.02.106 is enacted as follows:

Section 13.02.106 "Permit":

1. After reaching the preliminary conclusions regarding requirements of the requested permit suggested by the Engineering Department, the applicant shall submit a formal permit application together with required supplementary information to the Engineering Department.
2. The applicant shall submit, with the preliminary permit application, a complete list of the names and mailing addresses of all owners within 500 feet of the proposed permit, to whom notices of a hearing shall be sent as their names may appear upon the records in the county clerk.
3. The Engineering Department shall, within thirty (30) days after the permit has been filed, review the final permit if:
 - a. It is substantially the same as the approved preliminary permit; or
 - b. There has been compliance with all conditions which may have been attached to the approval of the preliminary permit; and

c. It complies with all of the provisions contained in these regulations, the master plan, and of other applicable regulations or law.

d. The request does not place an existing permanent structure in violation of the requirements of the zoning regulations.

4. If the Engineering Department fails to act on the final permit within thirty (30) days after it has been submitted for approval, it shall be deemed to have been approved.
5. Before a final permit can be awarded, the fees required for the issuance of the permit pursuant to Section 13.02.108 shall be submitted to the City Manager.
6. Before a final permit can be awarded, it shall be submitted to the City Manager for his approval and acceptance of the requested use of public facilities.
7. If the City Manager disapproves the final permit, the City Manager shall advise the applicant in writing of the reasons for such disapproval.
8. The City Manager shall either approve or disapprove the final permit within thirty (30) days after it has been submitted to them for final approval. If the governing body fails to act on the final permit within thirty (30) days, it shall be deemed to have been denied.

SECTION 7: A new Section 13.02.107 is enacted as follows:

Section 13.02.107 "Determination of Fee for Permit":

- a. Any person or entity desiring any use described in Section 13.02.101 shall pay an initial application fee of \$100.00 to the City upon submission of the pre-application required pursuant to Section 13.02.102(a).
- b. Said fee shall be non-refundable.

Section 8: A new Section 13.02.108 is enacted as follows:

Section 13.02.108 "Determination of Fee for Permit Application:

- a. The actual fee to be assessed (if the permit is granted by the City) shall be determined by the City Manager. In determining the permit fee, consideration shall be given to set matters as lineal feet of usage, number of poles affected; number of households or businesses affected; and similar types of considerations which will be used by the City to determine the amount to be paid for the permit.

SECTION 9: A new Section 13.02.109 is enacted as follows:

Section 13.02.109 "Appeal of adverse decision concerning any permit application"

An Appeal of an adverse decision must be made to the City Council within forty-five (45) days after the date of the City Manager's notification of an adverse decision.

SECTION 10: The effective date shall be March 1, 2019.

PASSED on first reading this 22nd day of January, 2019.

ADOPTED AND APPROVED as amended this 4th day of February, 2019.

CITY OF LA JUNTA

Jeffri Pruyn, Mayor

ATTEST:

Melanie R. Scofield, City Clerk