

**Town of Basalt
Ordinance No. 03
Series of 2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING CHAPTER 11, ARTICLE III (EXCAVATIONS) OF THE MUNICIPAL CODE TO ENACT AN ADDITIONAL CONDITION THAT MAY BE IMPOSED ON THE WORK PERFORMED UNDER A STREET EXCAVATION PERMIT IN ORDER TO PROMOTE DEPLOYMENT OF TELECOMMUNICATION RESOURCES.

RECITALS

- A. In order to meet growing demand for access to broadband services, more broadband network infrastructure will be necessary;
- B. The installation of additional broadband infrastructure could increase the number of excavations in and disruptions to the Town's streets and rights-of-way;
- C. The Town desires to develop the capacity for future deployment of additional telecommunications resources and simultaneously mitigate the related impacts on the Town's rights-of-way;
- D. The Town has approved an agreement, attached hereto as Exhibit A, with a licensed telecommunications company, Cedar Networks, whereby Cedar Networks will donate conduit to the Town at no cost for deployment as empty conduit ("Shadow Conduit") for future use by telecommunications providers;
- E. The Town Council seeks to revise Chapter 11, Article III of the Municipal Code to facilitate the deployment of Shadow Conduit by affording the Town Manager and Public Works Manager the discretion to require conduit installation as a condition of a permit issued for a street excavation; and
- F. For the foregoing reasons, the Board of Trustees finds and determines that the enactment of the regulations set forth herein is in the interest of the public health, safety, and welfare of the residents of the Town of Basalt.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Basalt, Colorado as follows:

- 1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
- 2. Section 11-58. Compliance with specifications. Section 11-58 contained in Chapter 11, Article III – Excavations of the Basalt Municipal Code is hereby

amended to read as follows, with additions shown in **bold, underlined text** and strike-through language deleted:

Sec. 11-58. Compliance with specifications.

(a) Permits shall be conditioned that all work done under such permits shall be only such work as is allowed by the Town and specified in the ordinance, resolution or contract of the Town Manager, or in the proper application.

(b) **As a condition of work performed under the permit, the Town Manager or Public Works Director may require the installation of empty shadow conduit. The Town Manager/Public Works Director has the discretion to require the installation of such conduit when a permit is issued for the following:**

- a. a pit, trench, hole, opening, digging or excavation across the entire paved width of a roadway;**
- b. a pit, trench, hole, opening, digging or excavation of 100 feet or more parallel to a roadway; or**
- c. any other pit, trench, hole, opening, digging or excavation that provides a similar opportunity to install shadow conduit.**

A permit will not be released and/or the bond(s) or other securities will not be returned until a shape file compatible with ARC GIS noting the location(s) of the shadow conduit is provided to the Town Manager/Public Works Director. Conduit specifications must comply with the Town's Public Works Manual, as may be amended from time to time, and/or be approved by the Town Manager/Public Works Director. The minimum conduit size must be two (2) inches in diameter, and it is within the Town Manager/Public Works Director's discretion to require larger diameters.

3. **Severability.** If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.
4. **Effective Date.** This Ordinance shall be effective 14 days after final publication in accordance with the Town of Basalt Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING AND SECOND READING TO BE HELD ON January 22, 2019 by a vote of 4 to 0 on January 8, 2019.

READ ON SECOND READING AND ADOPTED, by a vote of 5 to 0 on January 22, 2019.

TOWN OF BASALT, COLORADO

By:



Jacques R. Whitsitt, Mayor

Attest:

By:



Pamela Schilling, Town Clerk



First Publication: Thursday, January 17, 2019

Final Publication: Thursday, _____

Effective Date: Thursday, _____