

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0039  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5  
6 **A BILL**

7 **For an ordinance amending references in the the D.R.M.C to Public Works with**  
8 **the Department of Transportation and Infrastructure as appropriate in**  
9 **conformance with the Charter change approved by the voters at the General**  
10 **Election conducted on November 5, 2019.**  
11

12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** That section 2-52 (d), D.R.M.C. shall be amended by deleting the language stricken  
14 and adding the language underlined, to read as follows:

15 **Sec. 2-52. - Definitions.**

16 (d) *Officer* means any of the following: the mayor, the auditor, the members of city  
17 council, the clerk and recorder, the manager of ~~public works~~ transportation and infrastructure,  
18 the manager of parks and recreation, the manager of finance, the manager of public health and  
19 environment, the manager of general services, the manager of safety, the city attorney, the  
20 manager of human services, the manager of aviation, and the manager of community planning  
21 and development.

22 **Section 2.** That section 2-71 (4), D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24 **Sec. 2-71. - Definitions.**

25 (4) *Officer* means any of the following: the mayor, the auditor, the members of city  
26 council, the manager of ~~public works~~ transportation and infrastructure, the manager of parks  
27 and recreation, the manager of finance, the manager of public health and environment, the  
28 manager of general services, the manager of safety, the city attorney, the manager of human  
29 services, the clerk and recorder, the manager of aviation, the manager of community planning  
30 and development, the mayor's chief of staff, and any person appointed to a position and listed  
31 in section 9.1.1.E.(iii), (iv), (viii), (xiii), (xiv) and (xv) of the city Charter. Certified public  
32 accountants employed by the auditor shall not be considered officers.

33 **Section 3.** That section 2-301 (2), D.R.M.C. shall be amended by deleting the language  
34 stricken and adding the language underlined, to read as follows:

1 **Sec. 2-301. - Definitions.**

2 As used in this article, the following terms have the meanings indicated unless the context  
3 clearly requires a different meaning:

4 (2) *Covered official* means members of the city council, and their appointed advisory  
5 staff members; the mayor, and his or her appointed advisory staff members; the auditor, the  
6 clerk and recorder; members of the water board; the manager of ~~public works~~ transportation  
7 and infrastructure; the manager of parks and recreation; the manager of finance; the manager  
8 of safety; the director of excise and licenses; the manager of general services; the manager of  
9 human services; the manager of aviation; the manager of public health and environment; the  
10 manager of community planning and development; the city attorney; the chief of police; and the  
11 fire chief.

12 **Section 4.** That section 3-1, D.R.M.C. shall be amended by deleting the language stricken  
13 and adding the language underlined, to read as follows:

14 **Sec. 3-1. - Posting on public or private property.**

15 (a) It shall be unlawful to post, paint or attach, or to directly or indirectly cause to be  
16 posted, painted or attached in any manner, any handbill, poster, advertisement or notice of any  
17 kind upon public property except by permission of the manager of ~~public works~~ transportation  
18 and infrastructure pursuant to established rules and regulations, or on private property except  
19 by permission of the owner or authorized agent of the owner of such property.

20 (b) Any handbill or sign found posted, or otherwise affixed upon any public property  
21 contrary to the provisions of this section, or the rules and regulations promulgated hereunder,  
22 may be removed by the police department or the department of ~~public works~~ transportation and  
23 infrastructure.

24 **Section 5.** That section 3-3, D.R.M.C. shall be amended by deleting the language stricken  
25 and adding the language underlined, to read as follows:

26 **Sec. 3-3. - Search lights.**

27 It shall be unlawful for any person to utilize any search light, spotlight or klieg light for  
28 advertising or display purposes or for purposes of attracting attention to particular premises or a  
29 particular business upon public property or the beam or beams therefrom out of doors, except at  
30 an angle of not less than forty-five (45) degrees from the horizontal and then only in such  
31 manner as will not interfere with traffic or annoy persons in nearby buildings. In any event,  
32 written approval for utilization of any search light, spotlight or klieg light must be obtained from  
33 the manager of ~~public works~~ transportation and infrastructure.

1           **Section 6.** That section 5-16 (g), D.R.M.C. shall be amended by deleting the language  
2 stricken and adding the language underlined, to read as follows:

3           **Sec. 5-16. - Rules and regulations.**

4           (g) The Rules and Regulations for the Management, Operation, Control and Use of the  
5 Denver Municipal Airport System previously adopted by the manager of ~~public works~~  
6 transportation and infrastructure and in effect as of June 30, 1994, or thereafter are hereby  
7 ratified and adopted as Rules and Regulations for the Management, Operation, Control and  
8 Use of the Denver Municipal Airport System of the Manager of Aviation and shall be effective  
9 until such time as the manager of aviation shall adopt successor or amending regulations,  
10 provided that all references in such rules and regulations to the manager of ~~public works~~  
11 transportation and infrastructure shall mean the manager of aviation.

12           **Section 7.** That section 6-55 (a)(6), D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14           **Sec. 6-55. - Causes for denial.**

15           (a) No cabaret license shall be issued when:  
16           (6) The premises for which application has been made or for which renewal of a license  
17 is sought are not approved for the purpose by the departments of public health and  
18 environment, ~~public works~~ transportation and infrastructure, and fire department of the city; or

19           **Section 8.** That section 6-64 (d), D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21           **Sec. 6-64. - Special events cabaret permit.**

22           (d) The director shall investigate each special events cabaret permit application and  
23 either approve or deny such application in accordance with the provisions of section 6-55 of  
24 this article, excluding section 6-55(a)(6), within four (4) days of the filing of the completed  
25 application and appropriate permit fee. Prior approval of the public health and environment,  
26 ~~public works~~ transportation and infrastructure and fire departments of the city shall not be  
27 required for the issuance of a special events cabaret permit; however, it shall be unlawful for  
28 any permit holder to allow any violation of the health, fire or building codes of the city on the  
29 premises.

30           **Section 9.** That section 7-32 (b)(1), D.R.M.C. shall be amended by deleting the language  
31 stricken and adding the language underlined, to read as follows:

32           **Sec. 7-32. - License issuance; grounds for denial.**

33           (b) The director shall issue a license for an amusement facility or a temporary

1 amusement, as applicable, unless the director finds one (1) of the following:

2 (1) The applicant fails to provide the director within thirty (30) days of submitting a  
3 complete application, or within any time extension granted in accordance with subsection (a) of  
4 this section, the written approvals for the application (and for the purposes shown on the  
5 application) by the following, as applicable: 1) the fire department; 2) department of ~~public~~  
6 ~~works~~ transportation and infrastructure (including building inspection division); and 3)  
7 department of public health and environment.

8 **Section 10.** That section 7-73 (4), D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 7-73. - Causes for denial.**

11 No dance hall license or permit to conduct a public dance or ball will be issued when:

12 (4) The premises do not comply with and conform to all ordinances or regulations relating  
13 to requirements of the ~~public-works~~ transportation and infrastructure, fire, and public health and  
14 environment departments;

15 **Section 11.** That section 7-76 (a)(4), D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17 **Sec. 7-76. - Suspension or revocation of public dance hall license or public dance permit.**

18 (a) After notice and an administrative hearing at which the city submits proof by a  
19 preponderance of the evidence, or upon stipulation of the parties, or upon failure of the  
20 licensee to appear at such a hearing after notice has been given, the director may suspend or  
21 revoke the dance hall license or public dance permit of any person or entity who:

22 (4) Fails to maintain the dance hall or the premises on which the public dance is held in  
23 compliance with the requirements of the fire department, ~~public-works~~ transportation and  
24 infrastructure department, building department, zoning department, and public health and  
25 environment department;

26 **Section 12.** That section 7-105 (a)(4), D.R.M.C. shall be amended by deleting the  
27 language stricken and adding the language underlined, to read as follows:

28 **Sec. 7-105. - Causes for denial.**

29 (a) No license under this article shall be issued when:

30 (4) The premises for which application has been made or for which renewal of a license  
31 is sought are not approved for the purpose by the fire, public health and environment and  
32 ~~public-works~~ transportation and infrastructure departments of the city;

33 **Section 13.** That section 7-109 (a)(3), D.R.M.C. shall be amended by deleting the

1 language stricken and adding the language underlined, to read as follows:

2 **Sec. 7-109. - Suspension or revocation of license.**

3 (a) After notice and an administrative hearing at which the city submits proof by a  
4 preponderance of the evidence, or upon stipulation of the parties, or upon failure of the  
5 licensee to appear at such a hearing after notice has been given, the director may suspend or  
6 revoke any license issued under this article who:

7 (3) Fails to maintain the licensed premises in compliance with the requirements of the  
8 fire department, ~~public works~~ transportation and infrastructure department, building  
9 department, zoning department, and public health and environment department;

10 **Section 14.** That sections 8-122 (a) and (c), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12 **Sec. 8-122. - Dead animals.**

13 (a) *Report to city.* Every person having possession, under control, or upon any premises  
14 occupied or controlled by such person any dead animal, not proper for food, and liable to  
15 become noxious or detrimental to the public health, shall, at once, report the same to the  
16 manager of ~~public works~~ transportation and infrastructure; and it shall be the duty of all agents,  
17 employees and servants of the city, including members of the police department, to report to  
18 the manager of ~~public works~~ transportation and infrastructure, without delay, any carcass or  
19 remains of any dead animal which they may find, or as to the existence of which, within the city,  
20 they are informed.

21 (c) *Removal by city:*

22 (1) The manager of ~~public works~~ transportation and infrastructure is hereby authorized  
23 and directed, by and with the advice and consent of the mayor, to contract for the removal of  
24 carcasses of all dead animals lying in the streets, alleys, or other public ways and places of the  
25 city, or on private premises therein.

26 **Section 15.** That section 10-119 (c), D.R.M.C. shall be amended by deleting the language  
27 stricken and adding the language underlined, to read as follows:

28 **Sec. 10-119. - Adoption of maps.**

29 (c) The manager of the department of ~~public works~~ transportation and infrastructure (the  
30 "manager"), with the assistance of the department of public health and environment, the fire  
31 department and other agencies, shall propose for designation by ordinance specific areas as  
32 special construction zones if the manager finds that potential hazards in the area make it  
33 necessary to require special regulation of the use, occupancy and/or construction within the

1 area. Special construction zones may include land fills, dumps, tailings, disposal sites, and any  
2 other specific area found by the manager to be potentially hazardous to health, safety and  
3 welfare. Each proposal for an ordinance shall be made to council by the manager in a report  
4 which shall contain:

5 **Section 16.** That section 10-120, D.R.M.C. shall be amended by deleting the language  
6 stricken and adding the language underlined, to read as follows:

7 **Sec. 10-120. - Issuance of permits.**

8 No license or permits for use, occupancy or construction shall be issued in designated  
9 special construction zones by any agency of the city if the applicant has not complied with the  
10 provisions of the building code relative to special construction zones or if the department of  
11 public health and environment, fire department or the department of ~~public works~~ transportation  
12 and infrastructure finds in writing that the use or the continued use, occupancy or construction of  
13 a building or structure in a special construction zone is dangerous to life or property. The  
14 issuance of a permit shall not constitute approval of the completed building or structure.

15 **Section 17.** That sections 10-175 (a) and (d), D.R.M.C. shall be amended by deleting the  
16 language stricken and adding the language underlined, to read as follows:

17 **Sec. 10-175. - Definitions.**

18 (a) "Abate" means to remove the graffiti by such means, in such a manner, and to such  
19 an extent as the manager of ~~public works~~ transportation and infrastructure reasonably  
20 determines is necessary to remove the graffiti from public view.

21 (d) "Manager" means the manager of ~~public works~~ transportation and infrastructure or  
22 anyone designated by the manager of ~~public works~~ transportation and infrastructure to act in  
23 his or her behalf.

24 **Section 18.** That section 10-316 (a)(1), D.R.M.C. shall be amended by deleting the  
25 language stricken and adding the language underlined, to read as follows:

26 **Sec. 10-316. - Creation and composition; terms; and officers.**

27 (a) *Creation and composition.* There is hereby created a green building technical  
28 advisory committee. The committee shall consist of thirteen (13) members, all appointed by the  
29 mayor, except for the members in subsection (1) below, as follows:

30 (1) A representative from the department of community planning and development's  
31 building permitting and inspections services agency, a representative from the department of  
32 community planning and development department's landmark preservation staff, a  
33 representative from the department of public health and environment, and a representative

1 from the department of ~~public works~~ transportation and infrastructure, each of whom shall be  
2 appointed by their respective executive directors;

3 **Section 19.** That section 12-61 (e)(2), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 12-61. - Comprehensive plan.**

6 (e) *Enforcement:*

7 (2) Through implementation by ~~public works~~ transportation and infrastructure and other  
8 city agencies. Projects for capital improvements involving land acquisition shall be considered  
9 only after review by the manager for compliance with the comprehensive plan.

10 **Section 20.** That section 12-96 (b), D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 12-96. - Notification.**

13 (b) The following agencies of the city shall be responsible for the following notification:

Proposed Action	Responsible City Agency for Notification
Zoning Map Amendment	Zoning and Development Review Services
Residential Care Uses	Zoning and Development Review Services
Power, Gas and Similar Facilities	Zoning and Development Review Services
Home Occupations	Zoning and Development Review Services
Zoning Language Amendment	City Council
Hearings Before the Board of Adjustment – Zoning	Board of Adjustment – Zoning
Nursing Homes in Certain Residential Districts	Zoning and Development Review Services
Clinic or Office, Dental or Medical & Laboratory, Dental or Medical in a R-4 Zone District	Zoning and Development Review Services
Neighborhood Services Uses Over 5,000 square feet in R-4-X Zone	District Zoning and Development Review Services
R-X Zone District Plan	Zoning and Development Review Services

Comprehensive Sign Plan	Zoning and Development Review Services
Planned Building Group	Zoning and Development Review Services
Preliminary Subdivision Plat	Zoning and Development Review Services
Sale of city owned land	Asset Management
Street or Alley Vacation	<del>Public Works</del> <u>Transportation and Infrastructure</u> , Design Engineering
New Application, and/or Major Modification to Premises and/or Transfer of Malt, Vinous or Spiritous Liquor License	Excise and Licenses
New Application, and/or Major Modification to Premises and/or Transfer of a Cabaret License	Excise and Licenses
New Application of Underage Patrons License	Excise and Licenses
New Application or Changes in Applications for Tastings of Malt, Vinous or Spiritous Liquor	Excise and Licenses
Class 15 and 16 Amusement License Application	Excise and Licenses
New License Applications for Rooms for Recreation, Amusement or Social Activities	Excise and Licenses
Restrictions on New Lodging Licenses	Excise and Licenses
Landmark Designation Applications	Landmark Commission
Hearings before the Planning Board	Planning Board
Abatement of Unsafe Buildings, Structures or Utilities: "Repair or Wreck" Hearings	Board of Appeals-Building and Construction Services
Park Land Use: Proposals to Change/Amend	Parks and Recreation
Park Traffic Patterns: Proposals to Change/Amend	Parks and Recreation



Streets: Reconstruction/Widening/Change in Direction/Change to or from one-way to two-way	<u>Public Works Transportation and Infrastructure</u> , Traffic and Transportation Division/Design Engineering Services
Properties Identified and Being Processed through Nuisance Abatement Procedures	Nuisance Abatement Coordinator
Noise Variance Requests	Public Health and Environment
New application, and/or major modification to premises and/or transfer of retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer, or retail marijuana testing facility; or any action for which a public hearing is required by state or city retail marijuana licensing laws.	Excise and Licenses
Application for any type of new business license under the Denver Medical Marijuana Code of the Denver Retail Marijuana Code, in any location in an I-A or I-B industrial zone district as defined by the Denver Zoning Code, or any proposal to change the location of an existing marijuana business license to a new location in such zone districts.	Excise and Licenses

1           **Section 21.** That section 13-44.5 (c), D.R.M.C. shall be amended by deleting the language  
2 stricken and adding the language underlined, to read as follows:

3           **Sec. 13-11.5. - Resolutions.**

4           (c) *Special notice rule for right-of-way approvals.* No resolution approving any action  
5 related to streets, alleys and other public places as set forth in paragraphs (3), (4) and (5) of  
6 subsection (a) of this section shall be filed unless the manager of ~~public works~~ transportation  
7 and infrastructure has provided written notice of the proposed action to the council member  
8 representing the district in which the affected right of way is located. The notice shall be  
9 delivered between fifteen (15) and thirty (30) days in advance of the filing of the resolution.

10           **Section 22.** That section 15-40.5 (c)(1), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12           **Sec. 15-40.5. - Fines for late reports; waiver; appeal.**

13           (c) *Administrative review and appeal of fines.*

1 (1) Any person or committee who disputes the final amount of a penalty imposed against  
 2 that person or committee may petition the clerk and recorder for a hearing concerning such  
 3 determination no later than thirty (30) days after having been notified of any such decision. The  
 4 hearing will be resolved by administrative hearings procedures pursuant to section 56-106(b)—  
 5 (f) with the clerk and recorder or a hearing officer appointed by the clerk to serve as the  
 6 designated official in the stead of the manager of ~~public works~~ transportation and infrastructure.

7 **Section 23.** That section 18-91, D.R.M.C. shall be amended by deleting the language  
 8 stricken and adding the language underlined, to read as follows:

9 **Sec. 18-91. - Salaries.**

10 The career service board having determined limits of the salaries of appointed charter  
 11 officers in accordance with the limitations set forth in section 9.2.3 of the Charter, the council  
 12 hereby fixes the annual salaries as follows:

Officer (Appointed)	Annual Salary
Manager of community development and planning	\$175,950
Manager of the department of aviation	266,143
City attorney	196,650
Manager of the department of safety	168,861
Manager of the department of <del>public works</del> <u>transportation and infrastructure</u>	190,625
Manager of the department of human services	150,715
Manager of the department of parks and recreation	144,168

Manager of the department of general services	144,168
Manager of the department of finance	163,118
Manager of public health and environment	149,040
Director of excise and license	142,000

1           **Section 24.** That section 18-122 (b)(2), D.R.M.C. shall be amended by deleting the  
2 language stricken and adding the language underlined, to read as follows:

3           **Sec. 18-122. - Definitions.**

4           (b) *Officer* means any of the following:

5           (2) Appointed Charter officers; manager of the department of public health and  
6 environment, manager of the department of ~~public works~~ transportation and infrastructure, city  
7 attorney, manager of the department of safety, manager of the department of finance, manager  
8 of the department of parks and recreation, manager of the department of general services,  
9 manager of the department of human services, manager of the department of aviation,  
10 manager of the department of community planning and development, and director of excise  
11 and licenses.

12           **Section 25.** That section 18-402 (4), D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14           **Sec. 18-402. - Definitions.**

15           Terms used in this article or in the plan not defined generally in the Code shall have those  
16 meanings set forth specifically in definitions found in various sections of this division or in the  
17 administrative rules and regulations duly adopted by the board. As used in this division, the  
18 following words and phrases (and their declensional, inflected and conjugated forms) shall have  
19 the meanings in this section ascribed to them, unless it appears from the context that such word  
20 or term shall have been used in another sense:

21           (4) *Appointed official* shall mean any person occupying the following positions: manager  
22 of aviation, manager of ~~public works~~ transportation and infrastructure, manager of public health  
23 and environment, manager of safety, city attorney, manager of finance, manager of parks and

1 recreation, manager of general services, manager of human services, and manager of  
2 community planning and development.

3 **Section 26.** That sections 19-16 (1), (2), and (5), D.R.M.C. shall be amended by deleting  
4 the language stricken and adding the language underlined, to read as follows:

5 **Sec. 19-16. - Safety requirements and methods.**

6 Every person who owns, operates or maintains any clay, sand or gravel pit or hole, or  
7 other similar excavations, shall cause each such excavation to conform with the following basic  
8 requirements in respect to safety and method of excavation:

9 (1) No such excavation shall be made within twenty (20) feet of any street, alley or other  
10 public way or place without there first having been constructed a good sufficient retaining wall  
11 approved by the manager of ~~public works~~ transportation and infrastructure.

12 (2) No such excavation beyond twenty (20) feet of any street, alley or other public way or  
13 place shall be made at an angle greater than thirty (30) degrees from horizontal, provided that  
14 as to clay pits existing on July 28, 1950, the director of excise and licenses may, at the request  
15 of the manager of ~~public works~~ transportation and infrastructure, waive the whole or part of the  
16 requirements of this section when in the director's opinion such waiver will not result in hazard  
17 to health and safety.

18 (5) All such excavations shall be safely guarded by a sturdy fence not less than five (5)  
19 feet in height of design approved by the director of building inspection and of such construction  
20 and in such location as approved by the manager of ~~public works~~ transportation and  
21 infrastructure. Each day's continuance of a violation hereunder shall be deemed a separate  
22 offense.

23 **Section 27.** That section 19-17 (a), D.R.M.C. shall be amended by deleting the language  
24 stricken and adding the language underlined, to read as follows:

25 **Sec. 19-17. - Right of entry.**

26 (a) For purposes of ascertaining violations of this article and for conducting routine  
27 inspection, the right of entry onto any premises where any clay, sand or gravel pit or hole, pits  
28 or holes, or other similar excavation exists during business hours and other times in which  
29 activity is in evidence is hereby granted to the manager of ~~public works~~ transportation and  
30 infrastructure, the director of excise and licenses, and their authorized representatives and all  
31 law enforcement officers to conduct a reasonable inspection or investigation.

32 **Section 28.** That section 19-18, D.R.M.C. shall be amended by deleting the language  
33 stricken and adding the language underlined, to read as follows:

1 **Sec. 19-18. - Erection of safety appliances by manager of transportation and infrastructure.**

2 If any clay, sand or gravel pit or hole, or other similar excavation is not properly protected  
3 in accordance with the requirements of section 19-16, the particular instance of violation is  
4 hereby declared to be a nuisance and may be summarily abated by the manager of ~~public works~~  
5 transportation and infrastructure who shall cause such excavation to conform with such  
6 requirements. The costs of such abatement may be collected by an action at law.

7 **Section 29.** That section 19-29, D.R.M.C. shall be amended by deleting the language  
8 stricken and adding the language underlined, to read as follows:

9 **Sec. 19-29. - Issuance or denial; approval of manager of transportation and infrastructure.**

10 The director of excise and licenses shall submit all applications for licenses under the  
11 terms of this division to the manager of ~~public works~~ transportation and infrastructure who shall  
12 return the application to the director of excise and licenses with an endorsement of approval or  
13 disapproval, and the director of excise and licenses shall issue or deny the license in  
14 accordance with chapter 32.

15 **Section 30.** That section 20-17 (b)(1), D.R.M.C. shall be amended by deleting the  
16 language stricken and adding the language underlined, to read as follows:

17 **Sec. 20-17. - Fund structures.**

18 (b) The following sections, divisions, agencies, funds or departments of the city are  
19 designated as "subsection (2)(d) enterprises" within the definition of Section 20, Article X, of  
20 the Colorado Constitution:

21 (1) Wastewater management division of the department of ~~public works~~ transportation  
22 and infrastructure;

23 **Section 31.** Fund Number 63000 of the Fund Plan, Section 20-18, D.R.M.C., concerning  
24 fleet maintenance and replacement, shall be amended by deleting the language stricken and  
25 adding the language underlined, to read as follows:

26 *Fund Number: 63000*

27 *Name of fund:* Fleet maintenance and replacement internal service fund.

28 *Source of funds:* Reimbursements from city agencies and other users for materials and services  
29 rendered and other monies as may become available by a transfer from other funds.

30 Includes renewal and replacement charges for equipment to various city agencies.

31 *Purpose of expenditures:* Payments of operating costs or expenses and replacement of  
32 equipment as provided by the renewal and replacement charges, and allocations of

1 emergency reserves.

2 *Expending authority:* Manager of ~~public works~~ transportation and infrastructure.

3 **Section 32.** Fund Number 67000 of the Fund Plan, Section 20-18, D.R.M.C., concerning  
4 the asphalt plant, shall be amended by deleting the language stricken and adding the language  
5 underlined, to read as follows:

6 *Fund Number: 67000*

7 *Name of fund:* Asphalt plant.

8 *Source of funds:* Reimbursement from city agencies and other users for materials and services  
9 rendered, and other monies as may become available by a transfer from other funds.

10 *Purpose of expenditures:* Payments of operating costs or expenses related to the asphalt plant  
11 and allocations of emergency reserves. Any "net income" from operations can be  
12 transferred annually to the general fund.

13 *Expending authority:* Manager of ~~public works~~ transportation and infrastructure.

14 **Section 33.** Fund Number 72000 of the Fund Plan, Section 20-18, D.R.M.C., concerning  
15 the wastewater management enterprise fund, shall be amended by deleting the language stricken  
16 and adding the language underlined, to read as follows:

17 *Fund Number: 72000*

18 *Name of fund:* Wastewater management enterprise fund.

19 *Source of funds:* Proceeds from charges imposed to defray all costs of Denver's sanitary and  
20 storm sewage facilities, including the Metropolitan Denver Sewage Disposal District No. 1;  
21 proceeds from fees charged for services furnished by wastewater management; grants  
22 from federal government and state; reimbursements and repayment from other sanitary  
23 sewer districts; funds provided from the urban drainage and flood control district; transfers  
24 from other funds, gifts, donations; interest; receipts or proceeds from such sources as  
25 may be designated by ordinance. Proceeds from the sale of bonds, including revenue  
26 bonds.

27 *Purpose of expenditures:* Cost of the administration, management, operation, and maintenance,  
28 planning and engineering of sanitary and storm sewage facilities; for the payment of the  
29 principal of, interest and premiums due upon, and related expenses of issuing and  
30 servicing bonds, including revenue bonds, issued for such sewage facilities; for the  
31 acquisition of land for such purposes; for payment to the Metropolitan Denver Sewage

1 Disposal District No. 1 for treatment of the sewage of the city and its connectors; for the  
2 acquisition of chattels, used or to be used for the management, operation and control of  
3 wastewater and wastewater facilities; for the acquisition of real property or any interest  
4 therein, the construction, reconstruction, enlargement and replacement of sanitary and  
5 storm sewage system facilities, or other acquisition of buildings or other structures; the  
6 acquisition of equipment that is or will become permanently attached to or a functional  
7 part of real property or any interest therein or of any building or structure, and for other  
8 related operational expenditures.

9 *Expending authority:* Manager of ~~public works~~ transportation and infrastructure.

10 **Section 34.** Fund Number 73000 of the Fund Plan, Section 20-18, D.R.M.C., concerning  
11 the Denver municipal airport system enterprise fund, shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 *Fund Number: 73000*

14 *Name of fund:* Denver Municipal Airport System Enterprise Fund.

15 *Source of funds:* Except as otherwise provided by ordinance: Revenues derived from the use  
16 and operations of Denver Municipal Airport System facilities; proceeds from sale of  
17 revenue bonds and special facilities airport revenue bonds; grants in aid from the United  
18 States Government and advances from airline companies; other funds as provided by  
19 ordinance.

20 *Purpose of expenditures:* Cost of administration, management, operation and maintenance of  
21 airport facilities as provided by ordinance; cost of improvements, extensions and  
22 equipment of airport facilities, including the acquisition of land therefor and as provided by  
23 ordinance; cost of construction, installation and other acquisition of special facilities at the  
24 airport for lease to airline companies, and as provided by the ordinance authorizing the  
25 issuance of bonds thereof and by the lease with the airline companies covering such  
26 facilities; payments of the principal of, interest and premiums due upon, and other  
27 expenses related to the issuance and servicing of airport revenue bonds and airport  
28 special facilities revenue bonds.

29 *Expending authority:* Manager of ~~public works~~ transportation and infrastructure; from and after  
30 June 30, 1994, the manager of the department of aviation.

31 **Section 35.** That section 20-53, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

1 **Sec. 20-53. - Contractors' bonds.**

2 Any person entering into a contract with the city for the construction of any public building  
3 or the prosecution or completion of any public work, or for repairs upon any public building or  
4 public work, shall be required before commencing work, to execute, in addition to all bonds that  
5 may now or hereafter be required of them, a penal bond, with good and sufficient surety, to be  
6 approved by the manager of ~~public works~~ transportation and infrastructure, or in the case of  
7 airport facilities as described in Denver Charter section 2.11.3(A) to be approved by the  
8 manager of aviation, conditioned that such contractor shall promptly make payments of all  
9 amounts lawfully due to all persons supplying or furnishing the contractor, or any subcontractor  
10 with labor and materials, or with labor and materials used or performed in the prosecution of the  
11 work provided for in such contract, and will indemnify the city to the extent of any and all  
12 payments in connection with the carrying out of any such contracts which the city may be  
13 required to make under the law.

14 **Section 36.** That sections 20-56 (a), (b)(2), and (b)(3), D.R.M.C. shall be amended by  
15 deleting the language stricken and adding the language underlined, to read as follows:

16 **Sec. 20-56. - Competitive selection process.**

17 (a) *General:* Contracts for the construction, reconstruction or remodeling of general  
18 public improvements not let by award to the lowest, responsive, qualified bidder, may be let  
19 through an alternative competitive selection process where the manager of ~~public works~~  
20 transportation and infrastructure determines, in the manager's discretion, that the city's best  
21 interests are served by the use of such an alternative competitive selection process. Subject to  
22 any requirements and limitations provided for in this section, the manager of ~~public works~~  
23 transportation and infrastructure shall be responsible for determining and administering the  
24 competitive selection process and project delivery method appropriate for construction of each  
25 such improvement.

26 (b) *Contractor selection:* If not let by award to the lowest, responsive, qualified bidder,  
27 the competitive selection process employed by the department of ~~public works~~ transportation  
28 and infrastructure shall be accomplished by means of a fair, open and free competition. At a  
29 minimum, any competitive selection process shall include the following:

30 (2) A written description of the competitive selection procedure the department of ~~public~~  
31 ~~works~~ transportation and infrastructure will utilize to award a contract for the project work; such  
32 description to include: a recitation of any responsiveness requirements applicable to each  
33 submission, a listing of the significant selection procedure milestones and deadlines impacting



1 submissions, a description of the minimum qualifications required, including all applicable  
2 prequalification rules and regulations, and a discussion of any other requirements necessary to  
3 deliver a complete and responsive submission to the department's solicitation;

4 (3) A written statement of the criteria and other factors to be used by the department of  
5 ~~public works~~ in evaluating each responsive submission; such evaluation factors shall include,  
6 but shall not be limited to: proposed fees (including general conditions and markup), expenses  
7 or cost saving considerations, as appropriate to each project; ability of professional personnel;  
8 past performance on similar projects; ability to meet time and budget requirements; recent,  
9 current, and projected work loads of the firm; and as applicable, the concept of the project. The  
10 statement will also include a brief narrative describing the review, evaluation, selection and, as  
11 applicable, the contract negotiation process; and

12 In undertaking any such competitive selection process for construction services, the  
13 manager of the department of ~~public works~~' transportation and infrastructure's right to reject  
14 any or all submissions is reserved.

15 **Section 37.** That section 20-61 (i), D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17 **Sec. 20-61. - Definitions.**

18 (i) *Supplies:* All personal property, materials, equipment and services in connection  
19 therewith, used by the city or any of its departments, agencies, boards, commissions or  
20 authorities except purchases of supplies, materials, and equipment required to be made in  
21 conformity with the provisions contained in the Charter concerning the department of ~~public~~  
22 ~~works~~ transportation and infrastructure, the department of aviation, the auditor, the clerk and  
23 recorder, the library commission and the board of water commissioners. Further, the word  
24 "supplies" shall include contractual services which are subject to competition but not such  
25 contractual services which are in their nature unique and not subject to competition, such as  
26 professional services. The director of purchasing may define additional terms relevant to  
27 procurement through policy and procedure memoranda or similar means.

28 **Section 38.** That sections 20-77 (b)(3) and (i), D.R.M.C. shall be amended by deleting the  
29 language stricken and adding the language underlined, to read as follows:

30 **Sec. 20-77. - Debarment from city contracting due to certain violations of law.**

31 (b) *Definitions.* As used in this section:

32 (3) *Debarment board* or *board* shall mean a board consisting of the manager of ~~public~~  
33 ~~works~~ transportation and infrastructure, the manager of aviation, the manager of general

1 services, the director of the division of small business opportunities, and the auditor. In the  
2 event any member of the board has a conflict hearing a particular matter, the conflicted  
3 member will delegate his or her duties as a member of the debarment board to another  
4 individual within his or her department or division.

5 (i) *Debarment list.* The debarment board shall maintain a list of any and all contractors  
6 debarred in accordance with this section and shall promptly notify the auditor, the mayor, the  
7 city council, the manager of ~~public works~~ transportation and infrastructure, the manager of  
8 aviation, the manager of parks and recreation, the director of the division of small business  
9 opportunity, and the manager of general services of any additions or deletions to the  
10 debarment list.

11 **Section 39.** That section 20-88, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 20-88. - Administration.**

14 The director of arts and venues Denver ("director") shall be responsible for the  
15 implementation of the public art program. The director shall consult with the manager of ~~public~~  
16 ~~works~~ transportation and infrastructure, manager of aviation, manager of parks and recreation,  
17 director of public office buildings, or heads of other departments or agencies of the city that will  
18 be using and occupying the capital improvement, in administering the public art program for that  
19 capital improvement.

20 **Section 40.** That sections 20-94 (a) and (c), D.R.M.C. shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **Sec. 20-94. - Local public improvement district bonds; revolving fund.**

23 (a) The manager of finance, upon the estimate and order of the manager of ~~public works~~  
24 transportation and infrastructure and with the approval of the mayor, may issue and sell, at not  
25 less than par and accrued interest, sufficient local public improvement bonds of the City and  
26 County of Denver to pay for all local public improvements authorized according to the  
27 procedures set forth in part 6 of article VII of the Charter, including the engineering and clerical  
28 services, advertising, cost of bond issuance, costs of inspection, accrued interest on  
29 outstanding bonds, and any necessary lands taken or damaged.

30 (c) All such bonds shall be issued by the manager of finance upon order of the manager  
31 of ~~public works~~ transportation and infrastructure, without being audited by the auditor or the  
32 audit committee or allowed by council. The bonds shall be issued in accordance with section  
33 20-97, and the manager shall preserve a record of all such bonds issued.

1           **Section 41.** That section 20-97 (a), D.R.M.C. shall be amended by deleting the language  
2 stricken and adding the language underlined, to read as follows:

3           **Sec. 20-97. - Form and procedures for bonds and other securities.**

4           (a) Bonds, other securities and other similar obligations of the City and County of Denver  
5 (collectively referred to in this section as "public securities") may be issued in book entry form,  
6 with or without the delivery of physical securities, any registered form or bearer form, with or  
7 without interest coupons, or in any combination thereof, with or without the right of conversion  
8 to another form, and in any denomination or denominations, with or without the right of  
9 conversion to any other denomination, subject to such conditions for transfer, all as may be  
10 provided in the instrument authorizing the public securities. As used in this section, "the  
11 instrument authorizing the public securities" means the ordinance of the city council, the order  
12 of the manager of ~~public works~~ transportation and infrastructure or the resolution of the board  
13 of water commissioners, or other appropriate action, whichever is applicable, which authorizes  
14 the sale and issuance of such public securities.

15           **Section 42.** That section 20-112 (d), D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17           **Sec. 20-112. - Subcontractors.**

18           (d) All contractors shall promptly render payment to all subcontractors on a contract.  
19 Each contractor shall provide with each invoice to the city on each contract, beginning with the  
20 second invoice partial claim releases from subcontractors in form and content satisfactory to  
21 the city, or shall provide, at the city's sole option, alternative proof of payment to  
22 subcontractors, in form and content approved by the manager of ~~public works~~ transportation  
23 and infrastructure and the director of the city's division of small business opportunity,  
24 evidencing that all subcontractors have been duly paid out of the proceeds of the contractor's  
25 payments from the city under the contract, unless a bona fide dispute, documented in writing  
26 exists between the contractor and the unpaid sub-contractor.

27           **Section 43.** That section 20-113 (a), D.R.M.C. shall be amended by deleting the language  
28 stricken and adding the language underlined, to read as follows:

29           **Sec. 20-113. - Errors and disputes.**

30           (a) *Contractor disputes.* Disputes arising between contractors and the city as a result of  
31 official, design professional, or consultant disapproval of invoices in contracts administered by  
32 the manager of ~~public works~~ transportation and infrastructure shall be resolved through the  
33 procedure set out in D.R.M.C. section 56-106. Disputes arising between contractors and the

1 city that relate to construction projects performed by city agencies other than ~~public works~~  
2 transportation and infrastructure upon assignment to such other agency by the mayor shall be  
3 resolved in accordance with the contract documents or with the dispute resolution mechanisms  
4 in place for the particular assigned contracting agency. Disputes arising between contractors  
5 and the city as a result of the disapproval of invoices in contracts administered by the manager  
6 of general services shall be resolved through the procedure set out in the contract bid  
7 documents or the informal bid procedures, as applicable. Disputes arising between contractors  
8 and the city as a result of the manager of finance's disapproval of approved invoices shall be  
9 resolved through procedures established by the manager of finance by rules and regulation.  
10 Disputes pertaining to prevailing wages shall be resolved pursuant to D.R.M.C. sections 20-  
11 76 through 20-79. Disputes between or among contractors and subcontractors arising out of  
12 the provisions of this article shall be resolved through a private right of action, which is hereby  
13 expressly authorized; provided that, such private right of action is not intended to grant and  
14 shall not grant subcontractor third-party beneficiary status in any contract between the city and  
15 a contractor. The city shall have no authority or obligation to adjudicate, enforce, determine, or  
16 otherwise participate in disputes between or among contractors or subcontractors arising out of  
17 the provisions of this article.

18 **Section 44.** That section 20-201, D.R.M.C. shall be amended by deleting the language  
19 stricken and adding the language underlined, to read as follows:

20 **Sec. 20-201. - General power to create and operate local maintenance districts;**  
21 **appointment of district boards.**

22 Pursuant to the authority of charter § 7.6.2, the City and County of Denver may create  
23 local maintenance districts, conferring special benefits upon real property within such districts  
24 and general benefits to the city and county at large under the provisions of this article IX, for the  
25 continuing care, operation, security, repair, maintenance and replacement of local public  
26 improvements. Any such local maintenance district shall have a board of five (5) members  
27 (hereinafter called the "board"); at least three (3) members of said board shall be owners of real  
28 property within such district or shall be representative of owners of such property or officers of  
29 corporations which are owners of such property; and one (1) member shall be the manager of  
30 ~~public works~~ transportation and infrastructure. The four (4) members of the board who will serve  
31 with the manager of ~~public works~~ transportation and infrastructure shall be appointed by the  
32 mayor at the time of the initiation of the proposed district for a term of three (3) years and may  
33 be removed only for cause upon written charges and after a public hearing conducted by the

1 manager of ~~public works~~ transportation and infrastructure. Activities involving the continuing  
2 care, operation, security, repair, maintenance and replacement of local public improvements  
3 shall be subject to prior review and approval by the manager. Subject to prior written approval by  
4 the manager, the board may, utilizing district assessments, undertake the activities delineated  
5 above either directly or through contractor(s) selected by the board. The administration and/or  
6 contracting of such activities shall not be subject to any other provisions of the Charter,  
7 ordinances, or regulations of the city.

8 **Section 45.** That section 20-202, D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 20-202. - How initiated.**

11 In all cases when the costs of the continuing care, operation, security, repair,  
12 maintenance and replacement of local public improvements are to be assessed wholly or in part  
13 upon the real property, exclusive of improvements thereon, benefited, the district therefor shall  
14 be initiated and proposed by filing a petition therefor with the department of ~~public works~~  
15 transportation and infrastructure; or, in the alternative, the manager of ~~public works~~  
16 transportation and infrastructure (hereinafter called the "manager") without receiving a petition  
17 therefor may in his or her official capacity initiate and propose the establishment of such a  
18 district. Each petition shall include an accurate description of the boundaries of the proposed  
19 district; the zoning; the assessed value for the current year of the real property, exclusive of  
20 improvements thereon; the total area of the proposed district; the area, location and assessed  
21 value for the current year of the real property, exclusive of improvements thereon, of each signer  
22 of the petition sufficient to establish that the petitioners own real property, exclusive of  
23 improvements thereon, representing thirty-five (35) or more percent of the assessed valuation of  
24 the real property, exclusive of improvements thereon, of the proposed district; a general  
25 description of the local public improvements; and the manner and estimated cost of the  
26 continuing care, operation, security, repair, maintenance and replacement of said local public  
27 improvements. All signatures on petitions shall be subscribed and acknowledged in the manner  
28 provided by law for the acknowledgement of deeds of conveyance of real estate; provided,  
29 however, that the signature of any owner or owners may be attached to a petition by agents duly  
30 authorized by a power of attorney accompanying the petition. No petitioner, his or her heirs or  
31 assigns, shall be permitted to withdraw from a petition after the manager has advertised such  
32 local maintenance district for remonstrances. When a petition signed by the owners of real  
33 property representing thirty-five (35) or more percent of the assessed valuation of the real

1 property, exclusive of improvements thereon, within the proposed district has been filed or when  
2 a proposal by the manager for the establishment of such a district has been initiated and  
3 proposed, the manager shall advertise such proposed local maintenance district for  
4 remonstrances.

5 **Section 46.** That section 20-208, D.R.M.C. shall be amended by deleting the language  
6 stricken and adding the language underlined, to read as follows:

7 **Sec. 20-208. - Benefit studies; modification of relative benefits.**

8 The board or the manager may, from time to time, order a benefit study of the district; or,  
9 in the alternative, a petition requesting that such a study be made, signed by the owners of real  
10 property representing thirty-five (35) or more percent of the assessed valuation of the real  
11 property, exclusive of improvements thereon, of the district, may be filed with the department of  
12 ~~public works~~ transportation and infrastructure. Each petition so initiated by property owners shall  
13 include the current assessed value of the said real property, exclusive of improvements thereon,  
14 of each signer of the petition sufficient to establish that the petitioners own real property  
15 representing thirty-five (35) or more percent of the assessed valuation of the real property,  
16 exclusive of improvements thereon, of the district and a justification for the request of a benefit  
17 study. The cost of any benefit study shall be an assessable cost. The manager shall determine,  
18 after considering the benefit study, if modifications or adjustments of the relative benefits  
19 established by ordinance are required; and if the manager determines that modifications are  
20 required, he or she shall cause to be prepared and submitted to council an ordinance modifying  
21 the relative benefits to the real properties, exclusive of improvements thereon, within the local  
22 maintenance district. Such ordinance shall be in the form recommended by the manager, with  
23 the prior advice of the board having been obtained, by the manager's endorsement thereon and  
24 shall not be subject to amendment by council.

25 **Section 47.** That section 20-251, D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 20-251. - Contracts for construction of local public improvements.**

28 In all cases where the cost of local public improvements is to be assessed wholly or in  
29 part upon the property benefited, the improvements shall be constructed by independent  
30 contract or contracts; but other local public improvements may be constructed by day labor  
31 under the direction of the department of ~~public works~~ transportation and infrastructure. All  
32 contracts for local public improvements shall be awarded by the mayor, upon the  
33 recommendation of the department, and the improvements shall be constructed under the

1 direction of the department in accordance with specifications prescribed by the department. All  
2 such contracts shall be let by the department, without any action of the council except in the  
3 passage of the original ordinance authorizing the improvements or contracts. All such contracts  
4 shall be let to the lowest, responsive, qualified bidder, after public advertisement for no less than  
5 three (3) publication days, exclusive of Sundays and holidays, in an official publication. The right  
6 to reject any or all bids is reserved. No such contract shall be made without a bond of its faithful  
7 performance, with sufficient surety or sureties. No other surety than a surety company approved  
8 by the manager of ~~public works~~ transportation and infrastructure and the mayor shall be  
9 accepted. Any other mode of letting such contracts shall be illegal and void. The provisions of  
10 paragraphs 2.3.3(A)(ii), (iii) and (iv) of the Charter shall apply to all contracts for construction or  
11 installation of local public improvements.

12 **Section 48.** That section 20-253, D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14 **Sec. 20-253. - How initiated.**

15 In all cases when the cost of a local public improvement is to be assessed wholly or in  
16 part upon the property benefited, the improvement shall be initiated and proposed by filing a  
17 petition therefor with the department of ~~public works~~ transportation and infrastructure; or the  
18 manager of ~~public works~~ transportation and infrastructure (hereinafter, the "manager"), without  
19 receiving a petition therefor, may initiate and propose such local public improvements.

20 **Section 49.** That section 20-254 (a), D.R.M.C. shall be amended by deleting the language  
21 stricken and adding the language underlined, to read as follows:

22 **Sec. 20-254. - Petitions.**

23 (a) No petitioner, his heirs or assigns, shall be permitted to withdraw from a petition after  
24 such petition has been filed with the department of ~~public works~~ transportation and  
25 infrastructure unless the proposed improvement is not advertised for remonstrances within nine  
26 (9) months from the filing of the petition with the department, and any petitioner who fails to  
27 withdraw prior to advertising shall be deemed to have waived his right to withdraw.

28 **Section 50.** That section 23-2 (22), D.R.M.C. shall be amended by deleting the language  
29 stricken and adding the language underlined, to read as follows:

30 **Sec. 23-2. - Definitions.**

31 (22) *Manager of* ~~public works~~ transportation and infrastructure shall mean the manager  
32 of ~~public works~~ transportation and infrastructure for the City and County of Denver and the  
33 manager's authorized representative.

1           **Section 51.** That section 23-7, D.R.M.C. shall be amended by deleting the language  
2 stricken and adding the language underlined, to read as follows:

3           **Sec. 23-7. - Review of plans.**

4           Detailed plans and specifications shall be submitted to the manager of ~~public works~~  
5 transportation and infrastructure for any newly constructed or extensively remodeled food  
6 establishment, or for any existing structure to be converted for use as a food establishment.  
7 Plans submitted shall include required information on forms provided by the manager of ~~public~~  
8 ~~works~~ transportation and infrastructure to ensure that the food establishment layout, equipment,  
9 and food handling procedures are conducive to providing a safe food product. No construction  
10 work shall commence until such plans and specifications have been reviewed and approved by  
11 the manager of ~~public works~~ transportation and infrastructure for compliance with the rules and  
12 regulations adopted pursuant to this chapter 23 by the board. The manager of ~~public works~~  
13 transportation and infrastructure shall inspect the food establishment following plan approval  
14 and prior to its beginning operation to ensure compliance with the rules and regulations.

15           **Section 52.** That section 23-8, D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17           **Sec. 23-8. - Authorization to institute actions.**

18           Both the manager and the manager of ~~public works~~ transportation and infrastructure are  
19 authorized to institute in courts of proper jurisdiction proceedings for the enforcement of their  
20 respective provisions of this chapter, rules and regulations adopted under the authority of this  
21 chapter or administrative orders and determinations made hereunder.

22           **Section 53.** That section 24-158 (f), D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24           **Sec. 24-158. - Revocation of registration.**

25           Upon the manager's own motion or upon complaint and after investigation and a show  
26 cause hearing at which the registrant shall be afforded an opportunity to be heard, the manager  
27 may suspend or revoke any registration previously allowed for any violation of any of the  
28 following provisions, requirements, or conditions:

29           (f) The registrant has failed to maintain the premises in compliance with the  
30 requirements of the building inspection division of the department of ~~public works~~ transportation  
31 and infrastructure or the fire or public health and environment departments;

32           **Section 54.** That section 24-251 (a) and (b), D.R.M.C. shall be amended by deleting the  
33 language stricken and adding the language underlined, to read as follows:



1 **Sec. 24-251. - Designation of dumping sites.**

2 (a) The manager of ~~public works~~ transportation and infrastructure shall designate the  
3 dumping grounds upon which may be dumped the contents of vaults, privies, cesspools, septic  
4 tanks or grease traps.

5 (b) It shall be unlawful for any person engaged in cleaning vaults, privies, cesspools,  
6 septic tanks or grease traps to dump such material obtained therefrom on any other place or  
7 places in the city other than designated by the manager of ~~public works~~ transportation and  
8 infrastructure.

9 **Section 55.** That section 26-2 (b)(1), D.R.M.C. shall be amended by deleting the language  
10 stricken and adding the language underlined, to read as follows:

11 **Sec. 26-2. - Required licenses and fees.**

12 (b) *Application referrals.*

13 (1) Applications for a license to operate a boarding home, or personal care boarding  
14 home, as provided for in chapter 32 of this Code shall be forwarded to all appropriate city  
15 agencies, including but not limited to the department of public health and environment,  
16 department of zoning administration, department of safety, division of community corrections,  
17 neighborhood inspection services, fire prevention bureau, building inspection division, and the  
18 wastewater division of the department of ~~public works~~ transportation and infrastructure. Such  
19 city agencies shall investigate, inspect, and make recommendations to the director of excise  
20 and licenses as provided for in section 32-10 of this Code. Such agencies may recommend that  
21 conditions which are related to the intent of this article or other ordinances and rules and  
22 regulations and to the protection of the health and safety of the residents and employees of  
23 such home and the residents of the city be included in any license issued by the director of  
24 excise and licenses.

25 **Section 56.** That section 27-23 (3), D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 27-23. - Responsibilities of owners and occupants.**

28 (3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a  
29 clean and sanitary manner by placing it in the rubbish containers required by the rules and  
30 regulations adopted and promulgated pursuant to this chapter and consistent with rules and  
31 regulations of the manager of the department of ~~public works~~ transportation and infrastructure.

32 **Section 57.** That section 27-117 (b), D.R.M.C. shall be amended by deleting the language  
33 stricken and adding the language underlined, to read as follows:

1 **Sec. 27-117. - Administrative review and appeal.**

2 (b) Any person aggrieved by a final administrative action or decision of OED under this  
3 article may appeal by the procedure described in D.R.M.C. section 56-106 with the director of  
4 the office of economic development to serve as the designated official in the stead of the  
5 manager of ~~public works~~ transportation and infrastructure.

6 **Section 58.** That section 28-42, D.R.M.C. shall be amended by deleting the language  
7 stricken and adding the language underlined, to read as follows:

8 **Sec. 28-42. - Definitions.**

9 As used in this division, the following words and phrases shall have the following  
10 meanings unless otherwise clearly indicated by the context:

11 *Covered contract:* Any contract for which bidding is required in order for the city to make  
12 an award and not exempted by rules and regulations adopted by the manager.

13 *Director:* The director of the office of contract compliance.

14 *Manager:* The manager of ~~public works~~ transportation and infrastructure.

15 **Section 59.** That section 28-44 (3), D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17 **Sec. 28-44. - Compliance review.**

18 The director shall have power to review the employment practices of contractors during  
19 the performance of every covered contract and of subcontractors during the performance of  
20 every subcontract awarded thereunder in order to obtain information relating to compliance or  
21 noncompliance with the affirmative action and equal employment opportunity requirements as  
22 follows:

23 (3) After giving notice and holding a hearing and upon determining that a contractor  
24 awarded any covered contract or a subcontractor awarded any subcontract thereunder has  
25 failed to comply with the affirmative action and equal employment opportunity requirements,  
26 the manager may impose such sanctions as the manager deems appropriate, including but not  
27 limited to suspending or terminating the contract involved or any portion thereof, which  
28 suspension or termination shall be considered a default under section A2.3-1(4) of the Charter,  
29 and causing to be removed from the list of eligible prequalified contractors the names of  
30 contractors and subcontractors found by the manager to be in noncompliance with the  
31 affirmative action and equal employment opportunity requirements of any such contract or  
32 subcontract awarded thereunder until such time as the manager is satisfied that such  
33 contractors or subcontractors are in compliance with the affirmative action and equal

1 employment opportunity requirements. In making such determination, the manager of ~~public~~  
2 ~~works~~ transportation and infrastructure shall be guided by those procedures and powers of  
3 C.R.S. 24-4-101 et seq. as amended from time to time, relating only to adjudication, provided  
4 that he may by rules and regulations adopt different procedures and powers. The provisions in  
5 such article relating to rulemaking shall not apply.

6 **Section 60.** That section 28-52, D.R.M.C. shall be amended by deleting the language  
7 stricken and adding the language underlined, to read as follows:

8 **Sec. 28-52. - Purpose and scope.**

9 The purpose of this division 3 is to enable the city, through the departments and agencies  
10 of the city, including the departments of ~~public works~~ transportation and infrastructure, aviation  
11 and general services and other user departments, and the DSBO, to undertake specific activities  
12 to prevent discrimination and its effects against business enterprises that have been certified as  
13 MBEs and/or WBEs in the areas of construction, reconstruction and remodeling, and  
14 professional design and construction services, in the execution by the above departments of  
15 their duties pursuant to the Charter and ordinances of the City and County of Denver. The  
16 director and the user departments are hereby expressly delegated the necessary powers to  
17 effectuate the purpose of this division 3 and to undertake such additional studies or inquiries as  
18 they may deem appropriate.

19 **Section 61.** That section 28-202, D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 28-202. - Purpose and scope.**

22 The purpose of this article VII is to enable the city, through the department of ~~public works~~  
23 transportation and infrastructure, Aviation and general services, and the division of small  
24 business opportunity ("DSBO"), to undertake specific activities to promote use of small business  
25 enterprises ("SBEs") and emerging business enterprises ("EBEs"), in construction and  
26 professional design and construction services contracts and in concession agreements, in the  
27 execution by the above user departments of their duties pursuant to the Charter of the City and  
28 County of Denver. The director of the DSBO and the department heads of the user departments  
29 are expressly delegated the necessary powers and 3.1 rule-making authority to effectuate the  
30 purpose of this article VII, and to undertake such additional studies or inquiries as they may  
31 deem appropriate.

32 **Section 62.** That section 30-6 (6.5), D.R.M.C. shall be amended by deleting the language  
33 stricken and adding the language underlined, to read as follows:

1 **Sec. 30-6. - Procedure to authorize erection, construction, reconstruction, alterations to, or**  
2 **demolition of structures.**

3 (6.5) *Action on requests for curb cut and revocable permits.* Upon receipt of an  
4 application for a curb cut permit or a revocable permit, the manager of ~~public works~~  
5 transportation and infrastructure shall determine if the work to be done will be located in a  
6 district for preservation or adjacent to a structure for preservation. If the work is so located, the  
7 manager shall forward said application to the commission for review. The commission shall  
8 determine if the work would negatively affect the district for preservation or structure for  
9 preservation and make its recommendation, in writing, to the manager of ~~public works~~  
10 transportation and infrastructure. The commission shall base its review on adopted standards,  
11 policies and guidelines. If recommending that the work not be done or that the work be  
12 modified, the commission shall state which standards, policies and guidelines formed the basis  
13 for its recommendation. The manager shall consider the commission's recommendations in  
14 determining whether to approve the application, but may overrule the commission if the  
15 manager finds there are valid public safety or other concerns that override the historic  
16 preservation considerations.

17 **Section 63.** That section 32-65 (a), D.R.M.C. shall be amended by deleting the language  
18 stricken and adding the language underlined, to read as follows:

19 **Sec. 32-65. - Same—Sidewalk and driveway.**

20 (a) The amount of the annual license fee for laying, constructing or reconstructing  
21 sidewalks or driveways in the public right-of-way shall be determined by the manager of ~~public~~  
22 works transportation and infrastructure. Applications for licenses under division 7 of article XVII  
23 of chapter 49 shall be made in accordance with the general licensing provisions of article I of  
24 this chapter and shall be accompanied by an application fee in an amount determined by the  
25 manager of ~~public works~~ transportation and infrastructure; provided, however, that no  
26 application fee shall be required on application for renewal of an existing license.

27 **Section 64.** That section 36-6 (b)(11), D.R.M.C. shall be amended by deleting the  
28 language stricken and adding the language underlined, to read as follows:

29 **Sec. 36-6. - Restrictions and measurements of noise between source and receiving**  
30 **premises (Table A).**

31 (b) Table A exemptions: The maximum permissible sound pressure levels as specified in  
32 subsection (a) and Table A shall not apply to sounds emitted from:

- 33 (11) Snow removal equipment operated on any residential, commercial, or industrial

1 premises, including adjoining sidewalks, between the hours of 5:00 a.m. and 11:00 p.m. during  
2 any snowfall or during a declared snow emergency under the Rules and Regulations of the  
3 Manager of the Department of ~~Public Works~~ Transportation and Infrastructure regarding Snow  
4 and Ice Removal from Sidewalks; snow removal equipment operated during the time periods  
5 after the end of snowfall and after the end of a declared snow emergency as set forth in those  
6 rules; and snow removal equipment operated by or on behalf of the City.

7 **Section 65.** That section 39-88 (1)(a), D.R.M.C. shall be amended by deleting the  
8 language stricken and adding the language underlined, to read as follows:

9 **Sec. 39-88. - Film permits.**

10 (1) Upon receipt of an application for a film operations permit, the following actions are  
11 taken:

12 (a) The mayor or designee shall notify and coordinate specific details with affected city  
13 department(s) including, but not limited to, the permitting division of the department of ~~public~~  
14 ~~works~~ transportation and infrastructure and parks and recreation, the Denver Police  
15 Department, and the Denver Fire Department. Notification for significant productions will also  
16 include council members within whose district the proposed filming will take place and  
17 neighborhood organizations within whose district the proposed filming will take place, and

18 **Section 66.** That section 39-171 (3), D.R.M.C. shall be amended by deleting the language  
19 stricken and adding the language underlined, to read as follows:

20 **Sec. 39-171. - Definitions.**

21 The following words and phrases, when used in this article, shall have the meanings  
22 respectively ascribed to them:

23 (3) *Official channel of the South Platte River.* This area is identified by name on the  
24 quarter section maps of the South Platte River on file in the office of the city engineer within the  
25 department of ~~public works~~ transportation and infrastructure.

26 **Section 67.** That section 42-23, D.R.M.C. shall be amended by deleting the language  
27 stricken and adding the language underlined, to read as follows:

28 **Sec. 42-23. - Excavations in streets.**

29 It shall be the duty of every member of the classified service of the police department on  
30 observing or being informed of the opening of or excavating in, any street or avenue to require  
31 the person making such opening or excavation to exhibit the authority or permission therefor;  
32 and if none has been given by the proper officer, or if the exhibition thereof be refused, such  
33 officer shall, without delay, report the same to the manager of ~~public works~~ transportation and

1 infrastructure.

2 **Section 68.** That section 45-102 (1), D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 45-102. - Application.**

5 A person desiring to do business in the City and County of Denver as a secondhand  
6 dealer shall make application therefor to the director of excise and licenses, in writing, on forms  
7 provided by the director of excise and licenses. The applicant shall further:

8 (1) Provide proof of approval from the zoning administration, the fire department and the  
9 ~~public works~~ transportation and infrastructure department to the director of excise and licenses.

10 **Section 69.** That section 45-152 (1), D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 45-152. - Application.**

13 A person desiring to do business in the City and County of Denver as an automobile parts  
14 recycler shall make application therefor to the director of excise and licenses, in writing, on  
15 forms provided by the director of excise and licenses. The applicant shall further:

16 (1) Provide proof of approval from the zoning administrator, the fire department and the  
17 ~~public works~~ transportation and infrastructure department to the director of excise and licenses.

18 **Section 70.** That section 48-18, D.R.M.C. shall be amended by deleting the language  
19 stricken and adding the language underlined, to read as follows:

20 **Sec. 48-18. - Collection and disposition.**

21 In order to protect the health of the inhabitants of the city, household garbage is hereby  
22 condemned and appropriated, as the property of the city, and shall be collected, removed and  
23 disposed of by the city as the manager of ~~public works~~ transportation and infrastructure may,  
24 from time to time, direct.

25 **Section 71.** That section 48-19, D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 48-19. - Containers.**

28 Owners, tenants, residents and keepers of places where household garbage is produced  
29 or accumulates shall drain the garbage, wrap it in paper or place it in paper sacks, then deposit  
30 the same in a closed, watertight container of a type approved by the manager of ~~public works~~  
31 transportation and infrastructure of not more than forty-gallon capacity. The container, provided  
32 at the expense of the owner, tenant or keeper, shall be placed in an area designated by the  
33 manager, accessible to vehicular traffic, where the container may be conveniently emptied and

1 the garbage removed by the garbage collector.

2 **Section 72.** That section 48-20, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 48-20. - Rules and regulations.**

5 The manager of ~~public works~~ transportation and infrastructure shall be empowered to  
6 prescribe such rules and regulations as the manager may deem proper not inconsistent with the  
7 Charter and ordinances, to govern the manner and time for the collection, removal and  
8 disposition of household garbage. It shall be unlawful for any person to violate a rule or  
9 regulation adopted by the manager pursuant to this section.

10 **Section 73.** That section 48-34, D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 48-34. - Rules and regulations.**

13 The manager of ~~public works~~ transportation and infrastructure shall be empowered to  
14 prescribe such rules and regulations as the manager may deem proper not inconsistent with the  
15 Charter and ordinances, to govern the manner and time for the collection, removal and  
16 disposition of commercial garbage. It shall be unlawful for any person to violate a rule or  
17 regulation adopted by the manager pursuant to this section.

18 **Section 74.** That sections 48-41 (4) and (17), D.R.M.C. shall be amended by deleting the  
19 language stricken and adding the language underlined, to read as follows:

20 **Sec. 48-41. - Definitions.**

21 The following words and phrases, when used in this article, shall have the meanings  
22 respectively ascribed to them:

23 (4) *Compost material* means yard rubbish, household garbage, municipal facility kitchen  
24 garbage, as well as paper products that are acceptable to the manager of ~~public works~~  
25 transportation and infrastructure.

26 (17) *Trash container* shall mean a container prescribed for trash disposal and recycling  
27 by rules and regulations of the manager of ~~public works~~ transportation and infrastructure.

28 **Section 75.** That section 48-42 (a), D.R.M.C. shall be amended by deleting the language  
29 stricken and adding the language underlined, to read as follows:

30 **Sec. 48-42. - Collections.**

31 (a) Collections of household rubbish, yard rubbish and cold ashes shall be made in  
32 accordance with the plan of the manager of ~~public works~~ transportation and infrastructure from

1 categories of dwelling units designated by regulations promulgated under authority of this  
2 article.

3 **Section 76.** That section 48-43 (a), (d), (e), and (h), D.R.M.C. shall be amended by  
4 deleting the language stricken and adding the language underlined, to read as follows:

5 **Sec. 48-43. - Improper accumulation and storage; abatement.**

6 (a) The manager of public health and environment, the manager of ~~public works~~  
7 transportation and infrastructure, the manager of community planning and development, the  
8 manager of aviation, the director of development services, or any of the authorized  
9 representatives of them or any of them, may order the owner, occupant or agent of the owner  
10 of any premises upon which there is an accumulation or storage of any trash to remove the  
11 same within a reasonable time if such accumulation is:

12 (d) For purposes of ascertaining violations of this section and investigating complaints  
13 made hereunder, whenever reasonable cause for investigation appears, the right of entry onto  
14 any premises at any reasonable time to conduct a reasonable inspection or investigation is  
15 hereby granted to the manager of public health and environment, the manager of ~~public works~~  
16 transportation and infrastructure, the manager of community planning and development, the  
17 manager of aviation, the director of development services, and the authorized representatives  
18 of them or any of them.

19 (e) If any order lawfully issued pursuant to subsection (a) is not complied within such  
20 reasonable time as is specified therein, the manager of public health and environment, the  
21 manager of ~~public works~~ transportation and infrastructure, the manager of community planning  
22 and development, the manager of aviation, the director of development services, or the  
23 authorized representatives of any of them may, after notice to persons of record interest in the  
24 property, order the particular instance of improper accumulation or storage of trash removed by  
25 the city and the persons of record interest shall be responsible for the costs and expenses of  
26 removal. The procedures outlined in subsection (h) for the collection of the costs and expenses  
27 thereof shall apply additionally to the penalty by this Code provided.

28 (h) If the owner, occupant or agent of the owner shall fail within thirty (30) days after  
29 billing to pay the costs and expenses of the removal of the improper accumulation or storage of  
30 trash by the city, a lien may be assessed against the property for such costs. To initiate such a  
31 lien, the manager of public health and environment, the manager of ~~public works~~ transportation  
32 and infrastructure, the manager of community planning and development, the manager of  
33 aviation, the director of development services, or the authorized representatives of any of them



1 shall certify a statement thereof to the manager of finance who shall record a notice of such  
2 lien with the clerk and recorder. An action or other process provided by law may be maintained  
3 by the city to recover or collect any amounts, including interest and administrative costs, owing  
4 under this provision.

5 **Section 77.** That section 48-44, D.R.M.C. shall be amended by deleting the language  
6 stricken and adding the language underlined, to read as follows:

7 **Sec. 48-44. - Illegal dumping.**

8 (a) It shall be unlawful for any person, in disposing of or removing any trash to dump,  
9 litter, deposit or cause to be deposited on any public or private property other than those  
10 premises lawfully designated for waste storage, treatment or disposal; provided, however, that  
11 it shall be lawful to deposit bits of waste paper and the like in trash containers maintained  
12 throughout the city by the manager of ~~public works~~ transportation and infrastructure and any  
13 authorized representatives.

14 (b) It shall be unlawful to dump, litter, deposit or cause to be deposited any trash except  
15 in accordance with the rules and regulations promulgated by the manager of ~~public works~~  
16 transportation and infrastructure.

17 (c) The manager of ~~public works~~ transportation and infrastructure shall have the  
18 authority to prescribe rules and regulations to implement and enforce this chapter, including,  
19 but not limited to, the following:

20 **Section 78.** That section 48-44.5 (a) and (b), D.R.M.C. shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **Sec. 48-44.5. - Unlawful disposal of trash in certain containers.**

23 (a) It shall be unlawful for any person who is not a resident of the city to deposit any  
24 trash in city-owned trash containers which are designated by the department of ~~public works~~  
25 transportation and infrastructure for residential use only.

26 (b) It shall be unlawful for any resident of Denver to deposit any trash in city-owned trash  
27 containers in violation of the rules and regulations of the manager of ~~public works~~  
28 transportation and infrastructure.

29 **Section 79.** That section 48-45 (a), D.R.M.C. shall be amended by deleting the language  
30 stricken and adding the language underlined, to read as follows:

31 **Sec. 48-45. - Rules and regulations.**

32 (a) The manager of ~~public works~~ transportation and infrastructure is authorized to issue

1 from time to time such rules and regulations as are necessary to prescribe the categories of  
2 dwelling units from which collections of household rubbish, yard rubbish, cold ashes, compost  
3 material, and any one (1) or more thereof, shall be made, and the methods of preparation and  
4 storage of household rubbish, yard rubbish, cold ashes, and compost material. It shall be  
5 unlawful for any person to violate a rule or regulation adopted by the manager pursuant to this  
6 section.

7 **Section 80.** That section 48-46 (a), (b), and (c), D.R.M.C. shall be amended by deleting  
8 the language stricken and adding the language underlined, to read as follows:

9 **Sec. 48-46. - Enforcement.**

10 (a) The manager of public health and environment, the manager of ~~public works~~  
11 transportation and infrastructure, the manager of community planning and development, the  
12 manager of aviation, and the director of development services, or any of the authorized  
13 representatives of them or any of them, are hereby empowered to enforce the provisions of this  
14 article, including, but not limited to, the power to issue legal process to enforce this article.

15 (b) Charges of violations of the provisions of this article may be filed by the manager of  
16 public health and environment, the manager of ~~public works~~ transportation and infrastructure,  
17 the manager of community planning and development, the manager of aviation, the director of  
18 development services, or any other law enforcement officer of the city in the county court.

19 (c) The authorized representatives of the manager of ~~public works~~ transportation and  
20 infrastructure, the manager of community planning and development, the manager of aviation,  
21 the director of development services, or any of them, are "enforcement officials" who may issue  
22 an administrative citation for violation of this article or any order issued pursuant to this article  
23 in accordance with article XII of chapter 2 of the Code and any implementing regulations.

24 **Section 81.** That section 48-47 (a), D.R.M.C. shall be amended by deleting the language  
25 stricken and adding the language underlined, to read as follows:

26 **Sec. 48-47. - Penalties.**

27 (a) Each manager and director authorized to enforce the provisions of this article shall  
28 coordinate with the manager of ~~public works~~ transportation and infrastructure to establish  
29 policies to assist in the assessment of civil penalties for administrative citations issued for  
30 illegal dumping or unlawful disposal.

31 **Section 82.** That section 48-65, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

1 **Sec. 48-65. - Rules and regulations.**

2 The manager of ~~public works~~ transportation and infrastructure or the director of excise  
3 and licenses shall be empowered to prescribe such rules and regulations as the manager or  
4 director may deem proper and not inconsistent with the Charter and ordinances, to govern the  
5 licensing and operation of solid waste haulers.

6 **Section 83.** That section 49-40 (a) and (b), D.R.M.C. shall be amended by deleting the  
7 language stricken and adding the language underlined, to read as follows:

8 **Sec. 49-40. - Schedule of fees.**

9 (a) The manager of ~~public works~~ transportation and infrastructure shall charge a fee for  
10 all surveys, inspections or other engineering services performed by the city engineer for private  
11 persons, including improvement districts, and for all surveys and all such services performed  
12 for other governmental agencies except those agencies of the city financed from the general  
13 fund. Payment by other governmental agencies or agencies of the city not financed from the  
14 general fund may be in the form of `non-cash credits' to be applied to federal funding grants or  
15 in other forms approved by the manager of ~~public works~~ transportation and infrastructure.

16 (b) The manager of ~~public works~~ transportation and infrastructure shall, from time to  
17 time, compute the anticipated actual cost of such engineering surveys, inspections and other  
18 services, based upon all factors included into the current cost of the making thereof and, on the  
19 basis of such computations, shall promulgate a schedule of fees for the anticipated actual cost  
20 of making such engineering surveys, inspections and other engineering services.

21 **Section 84.** That section 49-82, D.R.M.C. shall be amended by deleting the language  
22 stricken and adding the language underlined, to read as follows:

23 **Sec. 49-82. - Streets required.**

24 The manager of ~~public works~~ transportation and infrastructure shall determine the need  
25 for public streets to, adjacent to, or within land areas to be developed or redeveloped and shall  
26 require the dedication and construction of such needed public streets.

27 **Section 85.** That section 49-83, D.R.M.C. shall be amended by deleting the language  
28 stricken and adding the language underlined, to read as follows:

29 **Sec. 49-83. - Standards.**

30 The manager of ~~public works~~ transportation and infrastructure shall adopt standards for  
31 right-of-way, for construction and for lighting of different classes of streets, and shall apply such  
32 standards to a land area to be developed or redeveloped. The manager of ~~public works~~

1 transportation and infrastructure may modify such standards where unusual conditions indicate  
2 that such modification will provide an adequate and safe street.

3 **Section 86.** That section 49-84, D.R.M.C. shall be amended by deleting the language  
4 stricken and adding the language underlined, to read as follows:

5 **Sec. 49-84. - Responsibility.**

6 (a) The owner of a land area to be developed or redeveloped shall provide the right-of-  
7 way for all streets required by the manager of ~~public works~~ transportation and infrastructure,  
8 not to exceed sixty (60) feet in width for a street adjacent to the land area and not to exceed  
9 one hundred twenty (120) feet in width for a street within the land area.

10 (b) The owner of a land area to be developed or redeveloped shall provide the  
11 sidewalks, curb and gutter, and pavement for all streets required by the manager of ~~public~~  
12 ~~works~~ transportation and infrastructure, but the pavement width not to exceed twenty-two (22)  
13 feet in width for a street adjacent to the land area and not to exceed forty-four (44) feet in width  
14 for a street within the land area, both dimensions measured from the face of the curb.

15 (c) The fact that a street has been previously constructed in whole or in part shall not  
16 prohibit the manager of ~~public works~~ transportation and infrastructure from requiring additional  
17 right-of-way or pavement or requiring the curb and gutter or sidewalk to be placed in a different  
18 location if necessary to meet the standards in effect at the time a land area is developed or  
19 redeveloped.

20 (d) The owner of a land area to be developed or redeveloped shall participate in the cost  
21 of street lighting along all streets required by the manager of ~~public works~~ transportation and  
22 infrastructure, except for streets on which the lighting is not required by the standards adopted  
23 by the manager of ~~public works~~ transportation and infrastructure.

24 (e) Nothing in the limitations described in this section nor in the standards adopted by  
25 the manager of ~~public works~~ transportation and infrastructure shall preclude the provision of  
26 wider rights-of-way, sidewalks or pavement or more street lights at the option of the owner of  
27 the land area to be developed or redeveloped or at the cost of the city.

28 **Section 87.** That section 49-85, D.R.M.C. shall be amended by deleting the language  
29 stricken and adding the language underlined, to read as follows:

30 **Sec. 49-85. - Enforcement.**

31 (a) The manager of ~~public works~~ transportation and infrastructure is authorized to  
32 withhold issuance of a building permit, an address or any other required permit until

1 arrangements have been made to the manager's satisfaction that the required street rights-of-  
2 way, street construction and street lighting will be provided by the owner of the land to be  
3 developed or redeveloped.

4 (b) If the owner of the land to be developed or redeveloped fails to perform in  
5 accordance with the arrangements made, the manager of ~~public works~~ transportation and  
6 infrastructure shall serve notice upon the person having a record interest in the abutting land as  
7 to the amount of such costs and expenses, that the manager will at a time and place specified  
8 in the notice hold a hearing when and where such persons shall be required to show cause why  
9 such amount should not be paid and a lien not placed against the property; provided, that  
10 among other things, due cause may consist of a showing that the person having a record  
11 interest in the abutting land, acquired such interest on the representation that the value of the  
12 land reflected the installation of the improvements required by this article.

13 (c) If the person fails to show cause as provided, such amount shall constitute a lien  
14 against the property abutting the applicable thoroughfare. The manager of ~~public works~~  
15 transportation and infrastructure shall thereafter pay the cost and expenses from any  
16 appropriation made available for that purpose and shall certify a statement thereof to the  
17 manager of finance who shall record a notice of such lien with the clerk and recorder. The  
18 manager of finance shall assess and charge the same against the property involved, and  
19 collect the same due, plus interest thereon, in the manner as are delinquent real property  
20 taxes. If the lien remains unsatisfied, the manager of finance shall sell the property involved in  
21 the manner prescribed for sales of property for delinquent property taxes. The lien created  
22 hereby shall be superior and prior to all other liens, regardless of their dates of recordation,  
23 except liens for general taxes and special assessments. In addition to the remedies set forth  
24 herein, an action or other process provided by law may be maintained by the city to recover or  
25 collect any amounts, including interest, owing under this provision.

26 **Section 88.** That section 49-111 (a) and (b), D.R.M.C. shall be amended by deleting the  
27 language stricken and adding the language underlined, to read as follows:

28 **Sec. 49-111. - Permit for sidewalk, driveway or curb cut construction.**

29 (a) No person shall construct, reconstruct or repair sidewalks, driveways, curbs, gutters  
30 or curb cuts on the public right-of-way without first obtaining a permit to do so from the  
31 manager of ~~public works~~ transportation and infrastructure.

32 (b) The fee for a permit under this section shall be set by the manager of ~~public works~~  
33 transportation and infrastructure, which fee schedule shall be posted for public inspection in the

1 office of the city engineer.

2 **Section 89.** That section 49-112, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 49-112. - Construction materials.**

5 All sidewalks constructed on the public right-of-way in the city shall be constructed of the  
6 size, in the location and according to the specifications as contained in the rules and regulations  
7 pertaining to sidewalk construction as promulgated by the manager of ~~public works~~  
8 transportation and infrastructure under authority of this section.

9 **Section 90.** That section 49-113, D.R.M.C. shall be amended by deleting the language  
10 stricken and adding the language underlined, to read as follows:

11 **Sec. 49-113. - Location.**

12 All sidewalks hereafter constructed or reconstructed shall be located to conform with the  
13 rules and regulations promulgated by the manager of ~~public works~~ transportation and  
14 infrastructure under the authority of this division and of the Charter.

15 **Section 91.** That section 49-114 (b) and (c), D.R.M.C. shall be amended by deleting the  
16 language stricken and adding the language underlined, to read as follows:

17 **Sec. 49-114. - Extension beyond prescribed limits or conversion to private use of sidewalks.**

18 (b) When trees are located within a concrete sidewalk area, all planting spaces shall be  
19 designed in a manner as deemed necessary for the public safety by the manager of ~~public~~  
20 ~~works~~ transportation and infrastructure in consultation with the city forester.

21 (c) No person shall construct or reconstruct a loading platform upon city property without  
22 first obtaining a permit to do so from the manager of ~~public works~~ transportation and  
23 infrastructure.

24 **Section 92.** That section 49-116 (a) and (b), D.R.M.C. shall be amended by deleting the  
25 language stricken and adding the language underlined, to read as follows:

26 **Sec. 49-116. - Construction order.**

27 (a) The manager of ~~public works~~ transportation and infrastructure may order the  
28 construction or reconstruction of sidewalks otherwise than in local improvement districts  
29 whenever in the manager's opinion it shall be proper because sufficient sidewalks have been  
30 laid in the vicinity to make it reasonable that intervening areas should be provided with  
31 sidewalks, or existing sidewalks should be reconstructed.

32 (b) In all such cases, the manager of ~~public works~~ transportation and infrastructure shall

1 notify the owner or agent in charge of the premises to construct or reconstruct such sidewalks  
2 within thirty (30) days from the date of the service of the notice in accordance with plans and  
3 specifications to be determined upon by the manager and stated in the notice. Such notice  
4 shall be in writing and served in person upon the owner or agent in charge of the premises, if  
5 found within the city, and if not, it may be served by registered or certified United States mail,  
6 addressed to the owner and deliverable to addressee only, with return receipt requested, or by  
7 publication for ten (10) days in some daily newspaper published in the city.

8 **Section 93.** That section 49-118, D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 49-118. - Change of the grade of a sidewalk.**

11 Whenever there has been a change in the official grade of any sidewalk, the manager of  
12 ~~public works~~ transportation and infrastructure may cause to be served upon the owner or agent  
13 in charge of the premises abutting upon such sidewalk a notice as set forth in section 49-120(b)  
14 to construct or reconstruct such sidewalk upon the official grade.

15 **Section 94.** That section 49-119, D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17 **Sec. 49-119. - Sidewalk repairs on hazardous walks.**

18 When the manager of ~~public works~~ transportation and infrastructure determines that a  
19 sidewalk's condition is such that it presents a hazard to members of the public, then a notice to  
20 repair the sidewalk, as set forth in section 49-120(b), shall be sent to the owner or agent in  
21 charge of the abutting property.

22 **Section 95.** That section 49-121, D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24 **Sec. 49-121. - Access and ease of movement for handicapped persons.**

25 The manager of ~~public works~~ transportation and infrastructure shall require that all new  
26 streets and any existing streets which are reconstructed shall provide for the safe and  
27 convenient movement of handicapped persons, including those in wheelchairs, across all curbs  
28 at all crosswalks and at all intersection corners.

29 **Section 96.** That section 49-122, D.R.M.C. shall be amended by deleting the language  
30 stricken and adding the language underlined, to read as follows:

31 **Sec. 49-122. - City may construct, reconstruct, or repair a sidewalk.**

32 If a person or entity to whom notice is directed pursuant to section 49-118 or 49-119 fails

1 to comply within the time specified in the notice, the manager of ~~public works~~ transportation and  
2 infrastructure or his designated representative may, in his discretion, order the construction,  
3 reconstruction, or repair of the sidewalk by or on behalf of the city, and the procedures outlined  
4 in division 3 of this article VI for collection of costs and expenses thereof shall apply in addition  
5 to the penalties provided by this Code.

6 **Section 97.** That section 49-131 (a) and (b), D.R.M.C. shall be amended by deleting the  
7 language stricken and adding the language underlined, to read as follows:

8 **Sec. 49-131. - Recovery of cost and expenses.**

9 (a) When work has been performed pursuant to section 49-122, the manager of ~~public~~  
10 ~~works~~ transportation and infrastructure or his designated representative shall bill any or all  
11 owners, occupants, lessees or holders of legal or equitable interest of or in the property known  
12 to the manager of ~~public works~~ transportation and infrastructure or his designated  
13 representative for the costs and expenses as determined by the manager of ~~public works~~  
14 transportation and infrastructure or his designated representative.

15 (b) If the owner, occupant, lessee or holder of legal or equitable interest of or in the  
16 property shall fail within thirty (30) days after billing to pay the costs and expenses of work by  
17 the city, a lien may be assessed against the property. The manager of ~~public works~~, to initiate  
18 such lien, shall certify a statement thereof to the manager of finance, who shall record a notice  
19 of such lien with the clerk and recorder. The manager of finance shall assess and charge the  
20 same against the property involved, and collect the same due, plus interest thereon, in the  
21 manner as are delinquent real property taxes. If the lien remains unsatisfied, the manager of  
22 finance shall sell the property involved in the manner prescribed for sales of property for  
23 delinquent property taxes. The lien created hereby shall be superior and prior to all other liens,  
24 regardless of their dates of recordation, except liens for general taxes and special  
25 assessments. In addition to the remedies set forth herein, an action or other process provided  
26 by law may be maintained by the city to recover or collect any amounts, including interest,  
27 owing under this provision.

28 **Section 98.** That section 49-134, D.R.M.C. shall be amended by deleting the language  
29 stricken and adding the language underlined, to read as follows:

30 **Sec. 49-134. - Manager of transportation and infrastructure furnishes manager of finance**  
31 **list of certificates.**

32 It shall be the duty of the manager of ~~public works~~ transportation and infrastructure to  
33 furnish to the manager of finance, from time to time, a list of all outstanding sidewalk certificates,



1 showing date of issue thereof, description of property affected thereby, to whom issued, and the  
2 amount for which the same was issued.

3 **Section 99.** That section 49-141, D.R.M.C. shall be amended by deleting the language  
4 stricken and adding the language underlined, to read as follows:

5 **Sec. 49-141. - Necessity.**

6 The manager of ~~public works~~ transportation and infrastructure is hereby authorized to  
7 determine the necessity for the location and width of curb cuts, taking into consideration the  
8 location of the property affected; the extent of vehicular and pedestrian traffic along the same;  
9 the demand and the necessity for parking spaces; the means of ingress and egress to and from  
10 the property; and generally the health, safety and welfare of the public.

11 **Section 100.** That section 49-142, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 49-142. - When manager may require alteration of curb.**

14 Where the use, convenience and necessity of the public require, the manager of ~~public~~  
15 ~~works~~ transportation and infrastructure is hereby authorized to order the owners or agents of the  
16 property adjacent to which curb cuts are maintained to repair, alter, construct or reconstruct, or  
17 close or replace the curb or to change the width and location thereof, and is further authorized to  
18 make such rules and regulations in respect thereof as the manager deems fit and proper under  
19 the circumstances.

20 **Section 101.** That section 49-143 (a), D.R.M.C. shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **Sec. 49-143. - Notification for curb alteration.**

23 (a) In all cases under section 49-142, the manager of ~~public works~~ transportation and  
24 infrastructure shall notify the owner or agent of the property to repair, alter, construct or  
25 reconstruct, or close or replace the curb, or to change the width or location thereof in  
26 accordance with the rules and regulations, plans and specifications of the manager within thirty  
27 (30) days from the date of the notice.

28 **Section 102.** That section 49-144 (b), D.R.M.C. shall be amended by deleting the  
29 language stricken and adding the language underlined, to read as follows:

30 **Sec. 49-144. - Failure to comply with notice; work by city.**

31 (b) Whenever the owner shall be in default or shall fail to comply with the notice of the  
32 manager of ~~public works~~ transportation and infrastructure, the manager is hereby authorized to  
33 have the necessary work performed and to recover the cost of the same as provided in section

1 49-131.

2 **Section 103.** That section 49-161, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 49-161. - Rules and regulations.**

5 The manager of ~~public works~~ transportation and infrastructure shall have the authority to  
6 make and promulgate such rules and regulations as the manager finds necessary for the  
7 administration and enforcement of this article not inconsistent with the Charter and ordinances.  
8 It shall be unlawful for any person to violate a rule or regulation adopted by the manager  
9 pursuant to this section.

10 **Section 104.** That section 49-171, D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 49-171. - Required.**

13 It shall be unlawful for any person to design, plan, construct, reconstruct or remodel any  
14 general public improvement, other than airport facilities as described in Denver Charter Section  
15 A16.3-1, not performed by the department of ~~public works~~ transportation and infrastructure or  
16 under contracts let by that department without obtaining a permit as provided in this division.

17 **Section 105.** That the introductory portion to section 49-172, D.R.M.C. shall be amended  
18 by deleting the language stricken and adding the language underlined, to read as follows:

19 **Sec. 49-172. - Application.**

20 The person intending to design, plan, construct, reconstruct or remodel any general public  
21 improvement, other than such airport facilities, shall file a written application with the manager of  
22 ~~public works~~ transportation and infrastructure, signed by the owner of the property involved, or  
23 an authorized agent, and the application must be accompanied by the following:

24 **Section 106.** That the introductory portion to section 49-173, and section 49-173 (c),  
25 D.R.M.C. shall be amended by deleting the language stricken and adding the language  
26 underlined, to read as follows:

27 **Sec. 49-173. - Conditions.**

28 No application for permission to design, plan, construct, reconstruct or remodel any  
29 general public improvement shall be granted by the manager of ~~public works~~ transportation and  
30 infrastructure, except upon the following express conditions:

31 (2) That before any work is commenced, the permittee shall submit plans and  
32 specifications of the proposed work to the manager of ~~public works~~ transportation and

1 infrastructure, and the work shall not be commenced without the approval, in writing, by the  
2 manager of the plans and specifications; such approval shall be contingent upon the payment  
3 by the permittee to the city of a design checking fee, computed on the basis of the city's current  
4 charges for such service;

5 **Section 107.** That the introductory portion to section 49-192, and section 49-192 (a),  
6 D.R.M.C. shall be amended by deleting the language stricken and adding the language  
7 underlined, to read as follows:

8 **Sec. 49-192. - Definitions.**

9 As used in this article and the rules and regulations of the manager of ~~public works~~  
10 transportation and infrastructure, the following words shall have the meanings given to them in  
11 this section except where the context clearly indicates and requires a different meaning. The  
12 words "shall" and "must" are to be construed as mandatory and not directory.

13 (a) *Manager* shall mean the manager of ~~public works~~ transportation and infrastructure or  
14 his or her designee.

15 **Section 108.** That section 49-193 (b)(4) and (e), D.R.M.C. shall be amended by deleting  
16 the language stricken and adding the language underlined, to read as follows:

17 **Sec. 49-193. - Permit required.**

18 (b) The applicant for a permit, other than the city and franchisee, shall be licensed under  
19 this article to perform street cuts. All applicants, before the issuance of the permit, shall submit  
20 the following to the manager:

21 (4) A satisfactory plan of work showing protection of the subject property and adjacent  
22 properties when a ~~public works~~ transportation and infrastructure safety representative  
23 determines such protection is necessary;

24 (e) Emergencies. Excavations may be started by a person authorized to perform street  
25 cuts prior to issuance of a permit when necessary for preservation of life or property, provided  
26 that the person, firm or corporation making such excavation shall apply to the manager for a  
27 permit on the first working day after such excavation is commenced. Even in emergency  
28 situations, notice shall be given immediately to the street closure section and the street  
29 maintenance section of the department of ~~public works~~ transportation and infrastructure.

30 **Section 109.** That section 49-246, D.R.M.C. shall be amended by deleting the language  
31 stricken and adding the language underlined, to read as follows:

32 **Sec. 49-246. - Order of removal.**

1 The manager of ~~public works~~ transportation and infrastructure or the manager's designee  
2 (hereinafter in this article, "manager") is authorized to remove or to order the removal of any  
3 article, vehicle or thing whatsoever encumbering any street, alley, sidewalk, parkway or other  
4 public way or place (any such thing hereinafter in this article to be called an "encumbrance").  
5 The manager may prescribe appropriate methods, specifications, placement and materials for  
6 encumbrances in the public right-of-way.

7 **Section 110.** That section 49-267, D.R.M.C. shall be amended by deleting the language  
8 stricken and adding the language underlined, to read as follows:

9 **Sec. 49-267. - Permit.**

10 (a) It shall be unlawful for any person to place or store any materials or equipment used  
11 in or required for construction or demolition work, or to erect any walkway, barricade, canopy,  
12 railing or fence upon any public property without having first obtained a permit in writing from  
13 the manager of ~~public works~~ transportation and infrastructure.

14 (b) Where such construction or demolition is required to be done under a building permit,  
15 the application for the building permit shall, before the issuance of the building permit, be  
16 submitted to the manager of ~~public works~~ transportation and infrastructure for endorsement of  
17 approval as to the placement or storage of such materials or equipment, and such  
18 endorsement of approval shall be and constitute the permit required hereunder.

19 (c) No building permit shall be issued by the building inspection division until there shall  
20 have been obtained such permit from the manager of ~~public works~~ transportation and  
21 infrastructure.

22 (d) The building inspection division shall enforce the provisions hereof with relation to  
23 the construction and safety of walkways, barricades, canopies, railings or fences, and prior to  
24 the erection thereof under permit of the manager of ~~public works~~ transportation and  
25 infrastructure, plans and specifications therefor shall be filed in the building inspection division.

26 **Section 111.** That section 49-268 (b), (c)(1), (c)(2), and (c)(4), D.R.M.C. shall be amended  
27 by deleting the language stricken and adding the language underlined, to read as follows:

28 **Sec. 49-268. - Places of storage.**

29 (b) *Waiver required.* A waiver of claim against the city for damages on account of such  
30 placement or storage shall be filed in the office of the manager of ~~public works~~ transportation  
31 and infrastructure before such materials or equipment are placed or stored upon public  
32 property.

33 (c) *Indemnity:*

1 (1) Every person to whom permission has been granted by the manager of ~~public works~~  
2 transportation and infrastructure under the terms of this article to utilize public property for the  
3 placement and storage of materials or equipment utilized in construction or demolition work  
4 shall at all times assume full responsibility for such placement and storage.

5 (2) Such permission shall be further conditioned that any person shall, as a  
6 consideration for the use of public property, at all times release, hold harmless and indemnify  
7 the city, the manager of ~~public works~~ transportation and infrastructure, the director of building  
8 inspection and all of their agents and employees from any and all responsibility, liability, loss or  
9 damage resulting to any person or property or caused by or incidental to the placement or  
10 storage as aforesaid.

11 (4) Under conditions of unusual hazard, the manager of ~~public works~~ transportation and  
12 infrastructure may require liability insurance for the protection of persons and property on the  
13 public property.

14 **Section 112.** That section 49-271 (f), D.R.M.C. shall be amended by deleting the language  
15 stricken and adding the language underlined, to read as follows:

16 **Sec. 49-271. - Minimum protection requirements.**

17 (f) *Increased protection.* The manager of ~~public works~~ transportation and infrastructure  
18 may, as a condition of the granting of any permit for the erection of walkways, barricades,  
19 canopies, railings or fences, require heights, widths, distances or specifications greater than  
20 those provided in this section, if reasonably necessary for the protection of the public in the use  
21 of public ways and places.

22 **Section 113.** That section 49-272 (a), D.R.M.C. shall be amended by deleting the  
23 language stricken and adding the language underlined, to read as follows:

24 **Sec. 49-272. - Protection of sidewalk excavations.**

25 (a) When the area or portion thereof occupied by a public sidewalk is to be excavated,  
26 the holder of the building permit shall construct a substantial temporary walkway of a width to  
27 be prescribed by the manager of ~~public works~~ transportation and infrastructure, but not less  
28 than four (4) feet wide, for pedestrian travel over or around the areas to be excavated.

29 **Section 114.** That section 49-273, D.R.M.C. shall be amended by deleting the language  
30 stricken and adding the language underlined, to read as follows:

31 **Sec. 49-273. - Bond for excavations abutting public property.**

32 Before any permit shall be issued for the construction of any building or accessory

1 structure or work incidental thereto involving excavation extending within one (1) foot of the  
2 angle of repose or natural slope of the soil under any public sidewalk, street, alley or other public  
3 property, the owner of the property whereon the proposed construction is located shall submit to  
4 the manager of ~~public works~~ transportation and infrastructure an indemnity bond, written by a  
5 licensed surety company, in an amount approved by the manager and in a form approved by the  
6 city attorney, indemnifying the city against any loss or damage to public property, such as  
7 paving, curbs, sewers, utilities, sidewalks, etc., together with evidence of bodily injury and  
8 property damage, public liability insurance naming the city as a coinsured in the limits and form  
9 approved by the manager of ~~public works~~ transportation and infrastructure and the city attorney.

10 **Section 115.** That section 49-291 (b) and (c), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12 **Sec. 49-291. - Authority.**

13 (b) All contracts therefor shall be awarded by the mayor, upon the recommendation of  
14 the manager of ~~public works~~ transportation and infrastructure.

15 (c) All such improvements shall be constructed by and under the direction of the  
16 manager of ~~public works~~ transportation and infrastructure, in accordance with specifications  
17 prescribed by the manager, provided, however, that the covering or otherwise protecting of any  
18 irrigating ditch, or of any portion thereof, shall first be authorized by the council.

19 **Section 116.** That section 49-294, D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 49-294. - Preparation of estimate by engineer and manager.**

22 (a) Upon the presentation of the petition under this article, the manager of ~~public works~~  
23 transportation and infrastructure shall cause the city engineer to make an estimate (if such  
24 estimate has not been previously made) of the total cost of the covering or otherwise protecting  
25 of the irrigation ditch, or any portion thereof, set out in the petition.

26 (b) The manager of ~~public works~~ transportation and infrastructure shall determine the  
27 rate of interest upon and the number of installments and the time in which the costs shall be  
28 payable, including a reasonable percentage for the cost of collection and other incidentals (and  
29 of interest to the time the first installment falls due); and shall prepare a plan, with one (1) or  
30 more zones, for levying the cost of the improvement on the land to be benefitted.

31 **Section 117.** That section 49-295, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

33 **Sec. 49-295. - Adjustment of assessment if other funds are to be used.**

1 In case any of the funds for the covering or protecting of any ditch are to come in part  
2 from any source other than an assessment upon the property in the special improvement  
3 district, the amount of such funds to come from such other source shall be set out by the  
4 manager of ~~public works~~ transportation and infrastructure in the plan to be prepared by the  
5 manager under the provisions of section 49-294, and such amount shall be deducted from the  
6 total amount to be assessed against the property specially benefitted.

7 **Section 118.** That section 49-296, D.R.M.C. shall be amended by deleting the language  
8 stricken and adding the language underlined, to read as follows:

9 **Sec. 49-296. - Manager authorized to relocate ditch.**

10 Whenever, in the judgment of the manager of ~~public works~~ transportation and  
11 infrastructure, the protecting of any irrigation ditch, in whole or in part, can best be accomplished  
12 by changing the location of such ditch, the manager may provide for such change of location in  
13 the plan to be prepared by the manager under the provisions of section 49-294.

14 **Section 119.** That section 49-321, D.R.M.C. shall be amended by deleting the language  
15 stricken and adding the language underlined, to read as follows:

16 **Sec. 49-321. - Powers of manager; rules and regulations.**

17 The manager of ~~public works~~ transportation and infrastructure shall have and is hereby  
18 invested with power and authority, from time to time, to adopt rules and regulations, and from  
19 time to time, to revise, amend and repeal the same, governing and requiring the use of lights,  
20 signs or other warning devices, and of barricades and similar protective safeguards, to warn and  
21 protect persons and property from danger from any and all types of construction, demolition,  
22 excavation or other work in, or resulting in the obstruction of, any public ways or places or any  
23 part or parts thereof.

24 **Section 120.** That section 49-344 (3), D.R.M.C. shall be amended by deleting the  
25 language stricken and adding the language underlined, to read as follows:

26 **Sec. 49-344. - Balconies and appendages.**

27 (3) Provided they comply with (1) and (2) above, building cornices may extend more than  
28 four feet into the right-of-way if the manager of ~~public works~~ transportation and infrastructure  
29 determines that they do not interfere with the right-of-way or utilities and that they do not  
30 constitute a safety hazard.

31 **Section 121.** That section 49-346, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

33 **Sec. 49-346. - Rules and regulations.**

1 The manager of ~~public works~~ transportation and infrastructure shall be authorized to  
2 adopt rules and regulations in furtherance and consistent with this article. It shall be unlawful for  
3 any person to violate a rule or regulation adopted by the manager pursuant to this section.

4 **Section 122.** That section 49-356, D.R.M.C. shall be amended by deleting the language  
5 stricken and adding the language underlined, to read as follows:

6 **Sec. 49-356. - Required.**

7 No part of any structure or any appendage thereto shall occupy space above, on or under  
8 any street, alley, sidewalk or other public way or place, except by and under the authority of a  
9 permit in writing, granted by the manager of ~~public works~~ transportation and infrastructure.

10 **Section 123.** That section 49-357, D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 49-357. - Bond or insurance.**

13 As a condition of the issuance of any permit under this division, the manager of ~~public~~  
14 ~~works~~ transportation and infrastructure shall require either the posting of a bond in a penal sum  
15 not to exceed fifty thousand dollars (\$50,000.00) with sureties approved by the manager so  
16 conditioned that the person receiving a permit shall hold the city harmless from all loss or  
17 damage to persons or property on account of injury arising from the construction or maintenance  
18 of the permitted structure or appendage, or the filing of evidence of a policy of public liability  
19 insurance in the name of the permittee, with the city as a named insured, with the minimum  
20 limits of coverage of fifty thousand dollars/one hundred thousand dollars  
21 (\$50,000.00/\$100,000.00) for bodily injury and five thousand dollars (\$5,000.00) for property  
22 damage, covering the location of the encroachment on the public property for which the permit is  
23 issued.

24 **Section 124.** That section 49-358, D.R.M.C. shall be amended by deleting the language  
25 stricken and adding the language underlined, to read as follows:

26 **Sec. 49-358. - Prerequisite to issuance of building permit.**

27 No building permit for the construction of any structure or appendage shall be issued by  
28 the building inspection division until there shall have been obtained the permit of the manager of  
29 ~~public works~~ transportation and infrastructure required in this division.

30 **Section 125.** That section 49-359, D.R.M.C. shall be amended by deleting the language  
31 stricken and adding the language underlined, to read as follows:

32 **Sec. 49-359. - Revocation.**

33 The manager of ~~public works~~ transportation and infrastructure is authorized to revoke any



1 permit under this division if such action is deemed by the manager to be necessary to facilitate  
2 the movement of traffic; to provide for public safety; or to provide for the public safety,  
3 convenience or necessity in use of public ways and places.

4 **Section 126.** That section 49-368, D.R.M.C. shall be amended by deleting the language  
5 stricken and adding the language underlined, to read as follows:

6 **Sec. 49-368. - Construction subject to directions of manager of transportation and**  
7 **infrastructure.**

8 The entire construction of vaults, coal holes or other apertures shall be subject to the  
9 directions of the manager of ~~public works~~ transportation and infrastructure.

10 **Section 127.** That section 49-376 (c), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12 **Sec. 49-376. - Prohibited uses.**

13 (c) Inflammable oils may be stored under sidewalks only in strict compliance with a  
14 special permit issued by the manager of ~~public works~~ transportation and infrastructure so to do,  
15 and such storage shall be in conformity with the detailed regulations pertaining to the storage  
16 of oil in this Code.

17 **Section 128.** That section 49-377 (a) and (b), D.R.M.C. shall be amended by deleting the  
18 language stricken and adding the language underlined, to read as follows:

19 **Sec. 49-377. - Manager may order vault construction changed.**

20 (a) Whenever any vault, coal hole or other aperture under any sidewalk is not covered or  
21 secured as provided in this division, or is, in the opinion of the manager of ~~public works~~  
22 transportation and infrastructure, unsafe or obstructive of the public travel, the manager may  
23 order the same to be filled in or placed in a safe condition, whichever shall be satisfactory to  
24 the manager.

25 (b) If the order under subsection (a) is not complied with within a reasonable time, such  
26 time to be governed by the degree of seriousness of the hazard and specified in the order, the  
27 manager of ~~public works~~ transportation and infrastructure may cause such changes to be  
28 made.

29 **Section 129.** That section 49-411 (a), D.R.M.C. shall be amended by deleting the  
30 language stricken and adding the language underlined, to read as follows:

31 **Sec. 49-411. - Approval required.**

32 (a) It shall be unlawful for any person to install any platform scale in any street, alley or

1 public place in the city without the approval of the manager of ~~public works~~ transportation and  
2 infrastructure.

3 **Section 130.** That section 49-413 (a), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 49-413. - Bond requirements.**

6 (a) Before any platform scale is constructed under the provisions of this division, and in  
7 order to maintain any platform scale heretofore constructed, the person in charge of the scale  
8 shall execute to the city a bond in the penal sum of two thousand five hundred dollars  
9 (\$2,500.00), with sureties approved by the manager of ~~public works~~ transportation and  
10 infrastructure.

11 **Section 131.** That section 49-414, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 49-414. - Order of removal.**

14 The manager of ~~public works~~ transportation and infrastructure may order and compel the  
15 removal of any platform scale from any street, alley or public place when it shall appear that  
16 such scale is not being maintained in a safe condition or when it appears that existing traffic  
17 conditions necessitate such removal for the public safety.

18 **Section 132.** That section 49-426 (a), D.R.M.C. shall be amended by deleting the  
19 language stricken and adding the language underlined, to read as follows:

20 **Sec. 49-426. - Permits.**

21 (a) The manager of ~~public works~~ transportation and infrastructure is authorized to issue  
22 permits to the owners of properties abutting on streets in which railroad tracks are maintained  
23 for loading and unloading purposes for the erection and maintenance of loading platforms  
24 entirely or partially within the public property.

25 **Section 133.** That section 49-429 (a) and (c), D.R.M.C. shall be amended by deleting the  
26 language stricken and adding the language underlined, to read as follows:

27 **Sec. 49-429. - Revocation of permit.**

28 (a) The manager of ~~public works~~ transportation and infrastructure is authorized to revoke  
29 any loading platform permits if such action is necessary to facilitate the movement of traffic, to  
30 provide for the public safety, or if the tracks are removed or in disuse.

31 (c) Should any property owner fail to do so within thirty (30) days after service upon the  
32 owner of written notice of such revocation by the manager of ~~public works~~ transportation and  
33 infrastructure, the same may be removed by the manager at the expense of such property

1 owner and such expense shall be recoverable from such owner in a civil action. Such written  
2 notice of revocation shall be served in the manner and as provided by the rules of civil  
3 procedure for courts of record in the state for personal service of process within the state, or by  
4 mailing a copy thereof to such property owner at the owner's address or last known address by  
5 registered or certified mail, return receipt requested, and service shall be deemed complete  
6 upon such mailing; provided, however, that if such owner cannot be found in the city, or if the  
7 owner's address and last known address are unknown, service of such notice may be made on  
8 him by posting a copy of such notice in some conspicuous place on the property on which such  
9 loading dock abuts.

10 **Section 134.** That section 49-436 (a), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12 **Sec. 49-436. - Permanent signs.**

13 (a) Permission may be granted by the manager of ~~public works~~ transportation and  
14 infrastructure for the erection and maintenance on or over public property of permanent signs;  
15 provided, that the manager has received certification from the department of zoning  
16 administration to the effect that such signs are permitted in the zoning district of which the  
17 applicable public property is a part.

18 **Section 135.** That section 49-437 (a), (b)(2), and (d), D.R.M.C. shall be amended by  
19 deleting the language stricken and adding the language underlined, to read as follows:

20 **Sec. 49-437. - Temporary signs.**

21 (a) Permission may be granted by the manager of ~~public works~~ transportation and  
22 infrastructure for the erection, on or over the public property, of temporary display banners or  
23 other cloth decorations or signs for special occasions, including, but not by way of limitation,  
24 religious, charitable, civic and festive occurrences; for conventions, for Christmas decorations;  
25 in celebration of some event of religious, national, state or civic significance; and in honor of a  
26 visit from a person of note. Such sign, when extended over a public street, shall maintain a  
27 minimum clearance of fourteen (14) feet, six (6) inches. No advertising of a commercial nature  
28 shall appear in connection with any such decoration. A sign removal bond in the form of a  
29 certified check in a proper amount corresponding to a schedule on file in the office of the  
30 manager of ~~public works~~ transportation and infrastructure shall be posted before any such  
31 banner or decorations is erected. All such signs, banners or decorations shall be satisfactorily  
32 removed as required by the permit issued therefore; otherwise, the removal bond shall be  
33 forfeited.

1 (b) The manager of ~~public works~~ transportation and infrastructure may grant permission  
2 for the placement on or above the public right-of-way of one (1) or more temporary signs  
3 stating that valet parking services are available at one or more businesses if:

4 (2) The sign is made entirely of cloth, square in shape, two (2) feet by two (2) feet, and  
5 in a shape, form and style approved by the manager of ~~public works~~ transportation and  
6 infrastructure.

7 (d) The manager of ~~public works~~ transportation and infrastructure or his designee  
8 ("manager") may grant permission for the placement of a temporary sign in the public right-of-  
9 way.

10 **Section 136.** That section 49-446, D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 49-446. - Authorized by manager of transportation and infrastructure.**

13 The manager of ~~public works~~ transportation and infrastructure is authorized to cause any  
14 balconies and appendages, marquees, canopies, awnings or hoods, doors and other obstructing  
15 building appurtenances, or permanent projections over public property not in conformance with  
16 the requirements of this article to be removed within six (6) days time after service of notice in  
17 writing to that effect from the manager of ~~public works~~ transportation and infrastructure.

18 **Section 137.** That section 49-448 (a), D.R.M.C. shall be amended by deleting the  
19 language stricken and adding the language underlined, to read as follows:

20 **Sec. 49-448. - Failure to remove; removal by city.**

21 (a) Whenever the owner of any building with an obstructing building appurtenance  
22 encroaching upon any street, sidewalk or public place shall refuse or neglect to remove the  
23 same, after notice as provided in section 49-447, it shall be lawful for the manager of ~~public~~  
24 ~~works~~ transportation and infrastructure to cause the projection or obstruction to be removed or  
25 taken down.

26 **Section 138.** That section 49-461, D.R.M.C. shall be amended by deleting the language  
27 stricken and adding the language underlined, to read as follows:

28 **Sec. 49-461. - Authority.**

29 The manager of ~~public works~~ transportation and infrastructure is authorized to permit the  
30 occupancy of the public right-of-way outside of the roadway for vehicle parking, for bus shelters  
31 and advertising kiosks and for nonpermanent placement of privately-owned street furniture,  
32 according to the provisions described in this article. The manager of ~~public works~~ transportation  
33 and infrastructure is further authorized to adopt such rules and regulations as may be required

1 to implement this article and to assign to a designated representative the responsibility for  
2 administering this article. It shall be unlawful for any person to violate a rule or regulation  
3 adopted by the manager pursuant to this section. Street furniture is defined as any  
4 appurtenance placed on the public right-of-way outside of the roadway, excluding any object  
5 below ground, any building and any object attached to or part of a building.

6 **Section 139.** That section 49-464 (a) and (c), D.R.M.C. shall be amended by deleting the  
7 language stricken and adding the language underlined, to read as follows:

8 **Sec. 49-464. - Violations; removal.**

9 (a) Any person accepting a permit for occupancy of the public right-of-way shall agree to  
10 observe the conditions and limitations of this article. Any violation of the rules and regulations  
11 of the manager of ~~public works~~ transportation and infrastructure or of the conditions and  
12 limitations of this article is a violation hereof.

13 (c) The manager of ~~public works~~ transportation and infrastructure is authorized to  
14 remove at the cost of the owner or person placing the same, any item of street furniture placed  
15 in violation of any provision contained in this article, which cost may be recovered by an action  
16 in any court of competent jurisdiction, and the imposition or collection of such cost shall not be  
17 deemed in lieu or instead of any fine or penalty which may be imposed for a violation of any of  
18 the provisions hereof but shall be in addition thereto.

19 **Section 140.** That section 49-471, D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 49-471. - Eligibility.**

22 The manager of ~~public works~~ transportation and infrastructure may issue to any person  
23 owning or occupying the abutting private property a permit to occupy the public right-of-way  
24 outside of the roadway for the purpose of vehicle parking. In those situations where the public  
25 right-of-way outside of the roadway does not abut any private property, the manager of ~~public~~  
26 ~~works~~ transportation and infrastructure may issue a permit for the purpose of vehicle parking to  
27 any person owning or occupying property in the immediate vicinity.

28 **Section 141.** That section 49-474 (1), D.R.M.C. shall be amended by deleting the  
29 language stricken and adding the language underlined, to read as follows:

30 **Sec. 49-474. - Physical requirements.**

31 Parking of vehicles on the public right-of-way outside of the traveled way may be  
32 permitted where the following conditions are met:

- 33 (1) Parking areas must be paved at the expense of the permittee according to the

1 current standards of the manager of ~~public works~~ transportation and infrastructure. Where  
2 trees exist, a permit must be obtained from the city forester for protection or removal.

3 **Section 142.** That section 49-476 (b), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 49-476. - Permits.**

6 (b) The manager of ~~public works~~ transportation and infrastructure is authorized to  
7 propose to the council, from time to time, rules and regulations relating to the fees for permits,  
8 for parking of vehicles on the public right-of-way outside of the travelled way, issued under this  
9 division; provided, that no such rules and regulations shall be adopted by the manager of ~~public~~  
10 ~~works~~ transportation and infrastructure or take effect, nor shall the fees proposed thereunder  
11 be established, unless the same are approved by ordinance.

12 **Section 143.** That section 49-486, D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14 **Sec. 49-486. - Eligibility.**

15 The manager of ~~public works~~ transportation and infrastructure may issue to any person a  
16 revocable permit to occupy the public right-of-way outside of the roadway for up to five (5) years  
17 for the purpose of placing individual bus benches, kiosks or shelters bearing advertising at bus  
18 stops; however, the manager shall not issue more than one (1) permit for the placement of more  
19 than one (1) kiosk or one (1) shelter at a bus stop to the same individual, company, or another  
20 company owned, operated or controlled by the holder of a permit.

21 **Section 144.** That section 49-489 (a), (d), and (f), D.R.M.C. shall be amended by deleting  
22 the language stricken and adding the language underlined, to read as follows:

23 **Sec. 49-489. - Permits.**

24 (a) Permits issued in accordance with this division are revocable permits which are not  
25 intended and shall not be construed as creating in the permittee any vested right, title or  
26 interest in the permit. Permits may be revoked without cause by the manager of ~~public works~~  
27 transportation and infrastructure upon fifteen (15) days written notification to the permittee.

28 (d) Kiosk and shelter permits issued in accordance with this division shall expire on  
29 August 1st of the applicable year. Renewal permits issued in accordance with this division are  
30 revocable permits. Applications for renewal shall be submitted to the department of ~~public~~  
31 ~~works~~ transportation and infrastructure no later than the first business day of July of the  
32 applicable year, or as per rules and regulations promulgated by the manager of ~~public works~~  
33 transportation and infrastructure. Permittee's failure to submit a renewal application by the first

1 business day of July of the year the permit is scheduled to expire or as per rules and  
2 regulations promulgated by the manager of ~~public works~~ transportation and infrastructure shall  
3 result in the forfeiture of the ability to renew a permit except as otherwise provided by this  
4 division.

5 (f) Permits issued pursuant to this division shall not be assigned to any other person,  
6 partnership, association or corporation without the express written approval of the city or as per  
7 rules and regulations promulgated by the manager of ~~public works~~ transportation and  
8 infrastructure.

9 **Section 145.** That section 49-490, D.R.M.C. shall be amended by deleting the language  
10 stricken and adding the language underlined, to read as follows:

11 **Sec. 49-490. - Fees for benches, kiosks and shelters.**

12 The fees for application for bus benches, kiosks and shelters shall be set by rules and  
13 regulations promulgated by the manager of ~~public works~~ transportation and infrastructure. The  
14 manager of ~~public works~~ transportation and infrastructure may require the installation of  
15 additional shelters or city standard benches for each kiosk or shelter with advertising permitted.

16 **Section 146.** That section 49-504 (8), D.R.M.C. shall be amended by deleting the  
17 language stricken and adding the language underlined, to read as follows:

18 **Sec. 49-504. - Definitions.**

19 The following words and phrases, when used in this Division, shall have the meanings  
20 respectively ascribed to them unless the context otherwise clearly indicates:

21 (8) *Manager* means the manager of ~~public works~~ transportation and infrastructure or the  
22 manager's authorized representative.

23 **Section 147.** That section 49-509 (1)(l), D.R.M.C. shall be amended by deleting the  
24 language stricken and adding the language underlined, to read as follows:

25 **Sec. 49-509. - Public safety criteria for placement of news racks.**

26 All news racks placed in whole or in part upon any portion of the right-of-way, or which  
27 project onto or over any part of the right-of-way shall be in accordance with the following  
28 provisions:

29 (1) No news rack or news rack corrals used to contain news racks shall be placed,  
30 installed, used or maintained:

31 (l) On landscaped areas or any location where there is no concrete pad (except,  
32 see section 49-509(3), below, for parkways). A permit from the department of ~~public works~~

1 transportation and infrastructure is required to install a concrete pad;

2 **Section 148.** That section 49-516, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 49-516. - Eligibility.**

5 The manager of ~~public works~~ transportation and infrastructure may issue to any person  
6 owning or occupying the abutting private property a permit to occupy the public right-of-way  
7 outside of the roadway for the purpose of placing planters, such planters being defined as any  
8 nonpermanent container placed for the purpose of containing living or artificial plants.

9 **Section 149.** That section 49-518 (1), D.R.M.C. shall be amended by deleting the  
10 language stricken and adding the language underlined, to read as follows:

11 **Sec. 49-518. - Limitations.**

12 Placing planters on the public right-of-way is subject to the following limitations:

13 (1) The size, design and color of planters shall be subject to the approval of the manager  
14 of ~~public works~~ transportation and infrastructure.

15 **Section 150.** That section 49-521 (b), D.R.M.C. shall be amended by deleting the  
16 language stricken and adding the language underlined, to read as follows:

17 **Sec. 49-521. - Permits.**

18 (b) The manager of ~~public works~~ transportation and infrastructure is authorized to  
19 propose to the council, from time to time, rules and regulations relating to the fees for permits  
20 for planters, issued under this division; provided, that no such rules and regulations shall be  
21 adopted by the manager of ~~public works~~ transportation and infrastructure or take effect, nor  
22 shall the fees proposed thereunder be established, unless the same are approved by  
23 ordinance.

24 **Section 151.** That section 49-531, D.R.M.C. shall be amended by deleting the language  
25 stricken and adding the language underlined, to read as follows:

26 **Sec. 49-531. - Eligibility.**

27 The manager of ~~public works~~ transportation and infrastructure may issue to any person a  
28 permit to occupy the public right-of-way outside of the roadway for the purpose of placing  
29 miscellaneous street furniture, insofar as the manager of ~~public works~~ transportation and  
30 infrastructure determines that such street furniture is in the public interest. Miscellaneous street  
31 furniture shall include, but shall not be limited to, privately-owned guide signs to nonprofit places  
32 of public interest, telephone booths, flagpoles, bicycle or motorcycle storage racks, private  
33 ornamental lighting, etc.; but shall not include street furniture or utility poles otherwise permitted



1 by law.

2 **Section 152.** That section 49-533 (1), D.R.M.C. shall be amended by deleting the  
3 language stricken and adding the language underlined, to read as follows:

4 **Sec. 49-533. - Limitations.**

5 Placing miscellaneous street furniture on the public right-of-way is subject to the following  
6 limitations:

7 (1) The size, design and color of miscellaneous street furniture shall be subject to the  
8 approval of the manager of ~~public works~~ transportation and infrastructure.

9 **Section 153.** That section 49-536 (b), D.R.M.C. shall be amended by deleting the  
10 language stricken and adding the language underlined, to read as follows:

11 **Sec. 49-536. - Permits.**

12 (b) The manager of ~~public works~~ transportation and infrastructure is authorized to  
13 propose to the council, from time to time, rules and regulations relating to the fees for permits  
14 for street furniture, issued under this division; provided, that no such rules and regulations shall  
15 be adopted by the manager of ~~public works~~ transportation and infrastructure or take effect, nor  
16 shall the fees proposed thereunder be established, unless the same are approved by  
17 ordinance.

18 **Section 154.** That section 49-538.1 (3.5), D.R.M.C. shall be amended by deleting the  
19 language stricken and adding the language underlined, to read as follows:

20 **Sec. 49-538.1. - Definitions.**

21 (3.5) *Manager.* The manager of ~~public works~~ transportation and infrastructure or the  
22 manager's designee.

23 **Section 155.** That section 49-538.4, D.R.M.C. shall be amended by deleting the language  
24 stricken and adding the language underlined, to read as follows:

25 **Sec. 49-538.4. - Application for permit.**

26 An application for permit under this division shall be submitted to the manager of ~~public~~  
27 ~~works~~ transportation and infrastructure accompanied by a nonrefundable application fee.  
28 Applications shall include, but not be limited to, the following information:

29 **Section 156.** That section 49-538.12 (3), D.R.M.C. shall be amended by deleting the  
30 language stricken and adding the language underlined, to read as follows:

31 **Sec. 49-538.12. - Vending cluster areas.**

32 (3) In issuing a vending cluster area permit, the manager of ~~public works~~ transportation  
33 and infrastructure shall determine the total number and location of vending sites to be granted

1 within the vending cluster area. The manager shall establish a fee for the vending cluster area  
2 based on the total number of vending sites and the applicant for the vending cluster area  
3 permit shall then submit the fee to the manager.

4 **Section 157.** That section 49-539, D.R.M.C. shall be amended by deleting the language  
5 stricken and adding the language underlined, to read as follows:

6 **Sec. 49-539. - Eligibility.**

7 The manager of ~~public works~~ transportation and infrastructure may issue to any person a  
8 permit to occupy the public right-of-way outside of the roadway for the purpose of placing a  
9 pushcart or other vending device at a location approved by the manager and selling therefrom  
10 food, beverages, food products, including ice cream, frozen milk, frozen dairy or ice confection  
11 products; merchandise, including handcrafted goods and objects, souvenir items, or printed  
12 media, but specifically excluding flowers; or services, including portrait sketching or silhouettes;  
13 provided however, once a permit has been issued and remains in effect for a pushcart or other  
14 vending device at a given location, no other person may be issued such a permit for the same  
15 location.

16 **Section 158.** That section 49-540, D.R.M.C. shall be amended by deleting the language  
17 stricken and adding the language underlined, to read as follows:

18 **Sec. 49-540. - Application for permit.**

19 An application for a permit under this division shall be submitted to the manager of ~~public~~  
20 ~~works~~ transportation and infrastructure. The application shall be accompanied by a  
21 nonrefundable application fee of twenty-five dollars (\$25.00) for a new permit or twenty-five  
22 dollars (\$25.00) for the renewal of an existing permit and shall include the following information:

23 **Section 159.** That the introductory portion to section 49-541 and section 49-541 (2),  
24 D.R.M.C. shall be amended by deleting the language stricken and adding the language  
25 underlined, to read as follows:

26 **Sec. 49-541. - Review and inspection.**

27 Before issuing a permit under this division, the manager of ~~public works~~ transportation  
28 and infrastructure shall refer the permit application, inspect, and obtain or make determinations  
29 as provided below:

30 (2) The manager of ~~public works~~ transportation and infrastructure shall review the  
31 location applied for to determine whether the use of such location for sidewalk vending is  
32 compatible with the public interest in the use of a public right-of-way. In making such  
33 determination the following may be considered, to determine whether the proposed use would

1 result in pedestrian or street congestion: the width of sidewalk; whether or not the applicant has  
2 obtained the written consent of either the owner of the property adjacent to the location, or the  
3 lessee or tenant of the ground level of the property adjacent to the location; whether or not the  
4 applicant has obtained the written consent of the proprietor of a private establishment offering  
5 comparable goods or services within two hundred (200) feet of the location; the proximity and  
6 location of existing street furniture, including but not limited to signposts, lamp posts, parking  
7 meters, bus shelters, benches, telephone booths, planters, newsstands and newspaper  
8 vending devices; and the presence of bus stops, truck loading zones, taxi stands or hotel  
9 zones.

10 **Section 160.** That section 49-542, D.R.M.C. shall be amended by deleting the language  
11 stricken and adding the language underlined, to read as follows:

12 **Sec. 49-542. - Effect of disapproval.**

13 If the planning office disapproves the design of the pushcart or other vending device, or if  
14 the manager of ~~public works~~ transportation and infrastructure disapproves the location proposed  
15 to be used as provided in section 49-541, no permit shall be issued.

16 **Section 161.** That section 49-544 (6), D.R.M.C. shall be amended by deleting the  
17 language stricken and adding the language underlined, to read as follows:

18 **Sec. 49-544. - Requirements for issuance.**

19 (6) In addition to naming the permittee and other information required by the manager of  
20 ~~public works~~ transportation and infrastructure, the permit shall contain the following:

21 **Section 162.** That section 49-545 (14), D.R.M.C. shall be amended by deleting the  
22 language stricken and adding the language underlined, to read as follows:

23 **Sec. 49-545. - Restrictions.**

24 A person to whom a permit has been issued hereunder, and whose permit is valid, may  
25 transport to an approved location and may display goods or demonstrate services utilizing an  
26 approved pushcart or other vending device; provided:

27 (14) That the permittee shall not conduct business at the location designated on his  
28 permit when such location is within an area for which the manager of ~~public works~~  
29 transportation and infrastructure has issued a permit for a street fair, festival or similar event,  
30 under article XVI of this chapter; unless, the holder of the latter permit furnishes permission in  
31 writing.

32 **Section 163.** That section 49-549.1 (a), D.R.M.C. shall be amended by deleting the  
33 language stricken and adding the language underlined, to read as follows:

1 **Sec. 49-549.1. - Eligibility.**

2 (a) The manager of ~~public works~~ transportation and infrastructure or his designated  
3 representative may issue to any person a permit to occupy the public right-of-way outside the  
4 roadway for the purpose of vending flowers at a location within the central business district, as  
5 defined herein, approved by said manager or representative; provided, however, no permit  
6 shall be issued under this division 8 within the area which is covered under the provisions  
7 of division 6.5, 16th Street Mall Vending, of article XIV of this chapter 49.

8 **Section 164.** That the introductory portion to section 49-549.3 and section 49-549.3 (2),  
9 D.R.M.C. shall be amended by deleting the language stricken and adding the language  
10 underlined, to read as follows:

11 **Sec. 49-549.3. - Review and inspection.**

12 Before issuing a permit, the manager of ~~public works~~ transportation and infrastructure or  
13 his representative shall refer the permit application, inspect and obtain or make determinations  
14 as provided below:

15 (2) The manager of ~~public works~~ transportation and infrastructure or his representative  
16 shall review the location applied for, to determine whether the use of such location for sidewalk  
17 vending is compatible with the public interest in the use of a public right-of-way, in making such  
18 determination, the following may be considered, to determine whether the proposed use would  
19 result in pedestrian or street congestion; the width of sidewalk; whether or not the applicant has  
20 obtained the written consent of the owner or owners of the property adjacent to said location, or  
21 the lessee or tenant of the ground level of the property adjacent to said locations; whether or  
22 not the applicant has obtained the written consent of the proprietor of a flower shop within two  
23 hundred (200) feet of said location; the proximity and location of existing street furniture,  
24 including but not limited to signposts, lamp posts, parking meters, bus shelters, benches,  
25 telephone booths, planters, newsstands and newspaper vending devices; and the presence of  
26 bus stops, truck loading zones, taxi stands or hotel zones.

27 **Section 165.** That section 49-549.4, D.R.M.C. shall be amended by deleting the language  
28 stricken and adding the language underlined, to read as follows:

29 **Sec. 49-549.4. - Effect of disapproval.**

30 If the planning office disapproves the design of the container or containers, or if the  
31 manager of ~~public works~~ transportation and infrastructure or his representative disapproves the  
32 location proposed to be used as provided in section 49-549.3, no permit shall be issued.

1           **Section 166.** That section 49-549.5 (a)(2).a and (a)(5), D.R.M.C. shall be amended by  
2 deleting the language stricken and adding the language underlined, to read as follows:

3           **Sec. 49-549.5. - Permit.**

4           (a) *Conditions.* A permit may be issued hereunder, subject to the following requirements:

5           (2) Fees for permits hereunder shall be as follows:

6           a. An application for a permit under this division 8 shall be submitted to the manager of  
7 ~~public works~~ transportation and infrastructure. The application shall be accompanied by a  
8 nonrefundable application fee of twenty-five dollars (\$25.00) for a new permit or twenty-five  
9 dollars (\$25.00) for the renewal of an existing permit.

10           (5) In addition to naming the permittee and other information required by the manager of  
11 ~~public works~~ transportation and infrastructure, the permit shall contain the following:

12           **Section 167.** That section 49-549.6 (14), D.R.M.C. shall be amended by deleting the  
13 language stricken and adding the language underlined, to read as follows:

14           **Sec. 49-549.6. - Restrictions upon operations.**

15           A person to whom a permit has been issued hereunder, and whose permit is valid, may  
16 transport to an approved location and may display flowers, as provided herein; provided:

17           (14) That the permittee shall not conduct business at the location designated on his  
18 permit when such location is within an area for which the manager of ~~public works~~  
19 transportation and infrastructure has issued a permit for a street fair, festival or similar event,  
20 under article XVI hereof, unless, the holder of said latter permit furnishes his permission in  
21 writing.

22           **Section 168.** That section 49-550.1, D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24           **Sec. 49-550.1. - Eligibility.**

25           The manager of ~~public works~~ transportation and infrastructure or his designated  
26 representative may issue to any person a permit to occupy the public right-of-way outside the  
27 roadway for the purpose of vending flowers at a location outside the general business district, as  
28 defined herein, approved by said manager or representative; however, once such a permit has  
29 been issued and remains in effect for a given location, no other person may be issued such a  
30 permit for the same location.

31           **Section 169.** That the introductory portion to section 49-550.3 and section 49.550.3 (2),  
32 D.R.M.C. shall be amended by deleting the language stricken and adding the language  
33 underlined, to read as follows:

1 **Sec. 49-550.3. - Review and inspection.**

2 Before issuing a permit, the manager of ~~public works~~ transportation and infrastructure or  
3 his representative shall refer the permit application, inspect and obtain or make determinations  
4 as provided below:

5 (2) The manager of ~~public works~~ transportation and infrastructure or his representative  
6 shall review the location applied for, to determine whether the use of such location for sidewalk  
7 vending is compatible with the public interest in the use of a public right-of-way. In making such  
8 determination, the following may be considered, to determine whether the proposed use would  
9 result in pedestrian or street congestion: The width of sidewalk; whether or not the applicant  
10 has obtained the written consent of the owner or owners of the property adjacent to said  
11 location, or the lessee or tenant of the ground level of the property adjacent to said location;  
12 whether or not the applicant has obtained the written consent of the proprietor of a flower shop  
13 within two hundred (200) feet of said location; the proximity and location of existing street  
14 furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters,  
15 benches, telephone booths, planters, newsstands and newspaper vending devices; and the  
16 presence of bus stops, truck loading zones, taxi stands or hotel zones.

17 **Section 170.** That section 49-550.4, D.R.M.C. shall be amended by deleting the language  
18 stricken and adding the language underlined, to read as follows:

19 **Sec. 49-550.4. - Effect of disapproval.**

20 If the planning office disapproves the design of the container or containers, or if the  
21 manager of ~~public works~~ transportation and infrastructure or his representative disapproves the  
22 location proposed to be used as provided in section 49-550.3, no permit shall be issued.

23 **Section 171.** That section 49-550.5 (2).a and (5), D.R.M.C. shall be amended by deleting  
24 the language stricken and adding the language underlined, to read as follows:

25 **Sec. 49-550.5. - Permit.**

26 A permit may be issued hereunder, subject to the following requirements:

27 (2) Fees for permits hereunder shall be as follows:

28 a. An application for a permit under this division 9 shall be submitted to the  
29 manager of ~~public works~~ transportation and infrastructure. The application shall be  
30 accompanied by a nonrefundable application fee of twenty-five dollars (\$25.00) for a  
31 new permit.

32 (5) In addition to naming the permittee and other information required by the manager of  
33 ~~public works~~ transportation and infrastructure, the permit shall contain the following:

1           **Section 172.** That section 49-550.6 (14), D.R.M.C. shall be amended by deleting the  
2 language stricken and adding the language underlined, to read as follows:

3           **Sec. 49-550.6. - Restrictions upon operations.**

4           A person to whom a permit has been issued hereunder, and whose permit is valid, may  
5 transport to an approved location and may display flowers, as provided herein; provided:

6           (14) That the permittee shall not conduct business at the location designated on his  
7 permit when such location is within an area for which the manager of ~~public works~~  
8 transportation and infrastructure has issued a permit for a street fair, festival or similar event,  
9 under article XVI hereof; unless, the holder of said latter permit furnishes his permission in  
10 writing.

11           **Section 173.** That section 49-550.12 (5) and (9), D.R.M.C. shall be amended by deleting  
12 the language stricken and adding the language underlined, to read as follows:

13           **Sec. 49-550.12. - Definitions.**

14           The following words and phrases, when used in this division, shall have the meanings  
15 respectively ascribed to them unless the context otherwise clearly indicates:

16           (5) *Department* means the department of ~~public works~~ transportation and infrastructure.

17           (9) *Manager* means the manager of ~~public works~~ transportation and infrastructure or the  
18 manager's authorized representative.

19           **Section 174.** That section 49-550.17 (1)(k), D.R.M.C. shall be amended by deleting the  
20 language stricken and adding the language underlined, to read as follows:

21           **Sec. 49-550.17. - Public safety criteria for placement of express mail drop boxes.**

22           All express mail drop boxes placed in whole or in part upon any portion of the right-of-  
23 way, or which project onto or over any part of the right-of-way shall be in accordance with the  
24 following provisions:

25           (1) No express mail drop box shall be placed, installed, used or maintained:

26           (k) On landscaped areas or any location where there is no concrete pad (except,  
27 see section 49-550.17(3), below, for parkways). A permit from the department of ~~public works~~  
28 transportation and infrastructure is required to install a concrete pad.

29           **Section 175.** That section 49-551 (a), D.R.M.C. shall be amended by deleting the  
30 language stricken and adding the language underlined, to read as follows:

31           **Sec. 49-551. - Cleaning sidewalks.**

32           (a) The owner, occupant or agent of the owner of any building, property, or vacant lot in  
33 the city is required to maintain the sidewalks, the parking and the curbs, i.e., the area from the

1 property line to the gutter, adjoining the building, property or vacant lot in a clean condition and  
2 to remove snow and ice from adjoining sidewalks immediately after every snowfall. The  
3 manager of ~~public works~~ transportation and infrastructure may adopt rules and regulations  
4 necessary for the enforcement of this section. It shall be unlawful to violate the provisions of  
5 this section or any rules and regulations promulgated hereunder.

6 **Section 176.** That section 49-551.1 (a), (b), (d), and (e), D.R.M.C. shall be amended by  
7 deleting the language stricken and adding the language underlined, to read as follows:

8 **Sec. 49-551.1. - Maintenance of improvements in public right-of-way.**

9 (a) It shall be the duty of the owner, occupant or lessee of any real property abutting a  
10 constructed right-of-way to provide for the continuing care, maintenance, repair and  
11 replacement of all improvements installed in any right-of-way area between their property line  
12 and the curb line adjoining their property. The area shall be maintained in accordance with  
13 rules and regulations adopted by the manager of ~~public works~~ transportation and infrastructure.  
14 It shall also be the duty of the owner, occupant or lessee to obtain a permit for such  
15 improvements where required by sections 49-356 through 49-359, permit, of the Revised  
16 Municipal code of the City and County of Denver. No such improvements installed prior to the  
17 enactment of the ordinance from which this section was derived shall be excluded from these  
18 requirements.

19 (b) If such owner, occupant or lessee does not provide for the continuing care,  
20 maintenance, repair and replacement of all such improvements installed or does not obtain the  
21 required permit, the manager of ~~public works~~ transportation and infrastructure or his authorized  
22 representative may cause a written notice to be issued in compliance with subsection (f) hereof  
23 to the owner, occupant or lessee indicating the existence of a violation of subsection (a) hereof  
24 and directing that there be compliance. Such notice shall provide that compliance must be  
25 made within fifteen (15) days of such notice. Such notice shall also indicate that failure to  
26 comply with the notice may result in criminal prosecution, and the work required to be done  
27 may be done by the city at the expense of the party to whom the notice was issued.

28 (d) If the person or entity to whom the notice is directed fails to comply within the  
29 specified time, the manager of ~~public works~~ transportation and infrastructure or his authorized  
30 representative may, in his discretion, order the work to be done by or on behalf of the city, and  
31 the procedures outlined in subsection (e) hereof for collection of the costs and expenses  
32 thereof shall apply in addition to the penalties provided in the Revised Municipal Code.

33 (e) When the work has been ordered to be done by the city pursuant to subsection (d)



1 hereof, the manager of ~~public works~~ transportation and infrastructure or his authorized  
2 representative shall bill any or all owners, occupants or lessees of such property for the costs  
3 and expenses as determined by the manager of ~~public works~~ transportation and infrastructure  
4 or his authorized representative. If such owner, occupant or lessee shall fail within thirty (30)  
5 days after billing to pay the costs and expenses, a lien may be assessed against the property.  
6 The manager of ~~public works~~ transportation and infrastructure, to initiate such lien, shall certify  
7 a statement thereof to the manager of finance, who shall record a notice of such lien with the  
8 clerk and recorder. The manager of finance shall assess and charge the same against the  
9 property involved, and collect the same due, plus interest thereon, in the manner as are  
10 delinquent real property taxes. If the lien remains unsatisfied, the manager of finance shall sell  
11 the property involved in the manner prescribed for sales of property for delinquent property  
12 taxes. The lien created hereby shall be superior and prior to all other liens, regardless of their  
13 dates of recordation, except liens for general taxes and special assessments. In addition to the  
14 remedies set forth herein, an action or other process provided by law may be maintained by the  
15 city to recover or collect any amounts, including interest, owing under this provision.

16 **Section 177.** That section 49-556, D.R.M.C. shall be amended by deleting the language  
17 stricken and adding the language underlined, to read as follows:

18 **Sec. 49-556. - Unlawful to obstruct water in streets.**

19 It shall be unlawful for any person to stop or obstruct the passage of water in any street,  
20 alley, gutter, sewer or culvert in the city except for a concrete and/or asphalt ramp in conjunction  
21 with a Hollywood curb, provided that the ramp does not cause a hazard as determined by the  
22 manager of ~~public works~~ transportation and infrastructure.

23 **Section 178.** That section 49-558, D.R.M.C. shall be amended by deleting the language  
24 stricken and adding the language underlined, to read as follows:

25 **Sec. 49-558. - Enforcement.**

26 (a) The manager of ~~public works~~ transportation and infrastructure is hereby empowered  
27 to enforce the provisions of this article, including, but not limited to, the power to issue legal  
28 process to enforce this article.

29 (b) Charges of violations of the provisions of this article shall be preferred by the  
30 manager of ~~public works~~ transportation and infrastructure or any other law enforcement officer  
31 of the city in the county court.

32 **Section 179.** That section 49-571, D.R.M.C. shall be amended by deleting the language  
33 stricken and adding the language underlined, to read as follows:

1 **Sec. 49-571. - Permit required.**

2 It shall be unlawful for any person to close off, obstruct or encumber any public right-of-  
3 way by displaying goods for sale or by utilizing any structure for the purpose of displaying goods  
4 for sale; provided, however, the manager of ~~public works~~ transportation and infrastructure may,  
5 subject to such reasonable conditions as the manager may impose, issue permits for said  
6 activities. The manager of ~~public works~~ transportation and infrastructure has authority to  
7 promulgate rules and regulations relating to such permits.

8 **Section 180.** That section 49-576, D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 49-576. - Eligibility.**

11 The manager of ~~public works~~ transportation and infrastructure may issue to any person a  
12 permit to occupy the public right-of-way outside of the roadway for the purpose of displaying  
13 goods for sale in connection with a street fair, festival or similar event, when, in the manager's  
14 judgment, such activity would be in the public interest.

15 **Section 181.** That section 49-577 (3) and (5), D.R.M.C. shall be amended by deleting the  
16 language stricken and adding the language underlined, to read as follows:

17 **Sec. 49-577. - Application for permit.**

18 An application for a permit hereunder shall include, but not be limited to the following  
19 information:

20 (3) The period of time the activities are to be conducted under the permit, subject to the  
21 approval of the manager of ~~public works~~ transportation and infrastructure and of the manager  
22 of safety; the manager of public health and environment when food or drink is proposed to be  
23 sold; and the director of excise and licenses when a special state license is required for the  
24 sale of beer, wine or liquor;

25 (5) Such other information as the manager of ~~public works~~ transportation and  
26 infrastructure may require.

27 **Section 182.** That section 49-578.1, D.R.M.C. shall be amended by deleting the language  
28 stricken and adding the language underlined, to read as follows:

29 **Sec. 49-578.1. - Eligibility.**

30 The manager of ~~public works~~ transportation and infrastructure may issue to any person  
31 owning or occupying the abutting private property a permit to occupy the public right-of-way  
32 outside of the roadway for the purpose of displaying goods for sale, when, in the manager's  
33 judgment, such activity would be in the public interest; provided, however, that once a permit

1 has been issued and remains in effect for a sidewalk sale at a given location, no other person  
2 may be issued such a permit for the same location.

3 **Section 183.** That section 49-578.2 (3) and (5), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 49-578.2. - Application for permit.**

6 An application for a permit under this division shall include, but not be limited to, the  
7 following information:

8 (3) The period of time the activities are to be conducted under the permit, subject to the  
9 approval of the manager of ~~public works~~ transportation and infrastructure;

10 (5) Such other information as the manager of ~~public works~~ transportation and  
11 infrastructure may require.

12 **Section 184.** That section 49-578.3 (4), D.R.M.C. shall be amended by deleting the  
13 language stricken and adding the language underlined, to read as follows:

14 **Sec. 49-578.3. - Requirements for issuance.**

15 A permit issued under this division shall be subject to the following requirements:

16 (4) In addition to the permittee's name and such other information as may be required by  
17 the manager of ~~public works~~ transportation and infrastructure, the permit shall contain the  
18 following:

19 **Section 185.** That section 49-578.4 (4), D.R.M.C. shall be amended by deleting the  
20 language stricken and adding the language underlined, to read as follows:

21 **Sec. 49-578.4. - Restrictions.**

22 A person to whom a permit has been issued under this division, and whose permit is  
23 valid, may display goods for sale at an approved location; provided:

24 (4) That the permittee shall not conduct business at the location designated on his/her  
25 permit when such location is within an area for which the manager of ~~public works~~  
26 transportation and infrastructure has issued a permit for a street fair, festival or similar event  
27 under division 2 of this article, unless the holder of the latter permit furnishes permission in  
28 writing;

29 **Section 186.** That section 49-587, D.R.M.C. shall be amended by deleting the language  
30 stricken and adding the language underlined, to read as follows:

31 **Sec. 49-587. - Appointment of personnel.**

32 The director of excise and licenses may, with the approval of the manager of ~~public works~~

1 transportation and infrastructure, appoint any and all necessary aides and assistants for the  
2 proper execution of the duties of the director of excise and licenses as required by this article  
3 and to empower any such assistant to act for the director or as a representative or deputy, and  
4 to carry into effect any rule adopted by the department of excise and licenses pursuant  
5 to chapter 32 of the Revised Municipal Code relating to licensing.

6 **Section 187.** That section 49-598, D.R.M.C. shall be amended by deleting the language  
7 stricken and adding the language underlined, to read as follows:

8 **Sec. 49-598. - Bond.**

9 A bond shall be required under this division with some reliable surety company to be  
10 approved by the manager of ~~public works~~ transportation and infrastructure in the sum of fifty  
11 thousand dollars (\$50,000.00), which bond shall be conditioned to comply with all requirements,  
12 specifications and instructions of the manager of ~~public works~~ transportation and infrastructure  
13 and all of the requirements of the Code and ordinances of the city, pertaining to general  
14 contracting and construction work, including the payment of all fees, penalties or cost of repairs.

15 **Section 188.** That section 49-608, D.R.M.C. shall be amended by deleting the language  
16 stricken and adding the language underlined, to read as follows:

17 **Sec. 49-608. - Bond.**

18 A bond shall be required under this division with some reliable surety company to be  
19 approved by the manager of ~~public works~~ transportation and infrastructure in the sum of twenty  
20 five thousand dollars (\$25,000.00), which bond shall be conditioned to comply with all  
21 requirements, specifications and instructions of the manager of ~~public works~~ transportation and  
22 infrastructure and all of the requirements of the Code and ordinances of the city, pertaining to  
23 the construction of bridges, viaducts, public buildings and any and all public and private  
24 structures, including the payment of all fees, penalties or cost of repairs.

25 **Section 189.** That section 49-618, D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 49-618. - Bond.**

28 A bond shall be required under this division with some reliable surety company to be  
29 approved by the manager of ~~public works~~ transportation and infrastructure and licenses in the  
30 sum of fifty thousand dollars (\$50,000.00), which bond shall be conditioned to comply with all  
31 requirements, specifications and instructions of the manager of ~~public works~~ transportation and  
32 infrastructure and all the requirements of the Code and ordinances of the city, pertaining to  
33 opening, uncovering or laying storm or sanitary sewers in the public way or in city owned

1 property, including the payment of all fees, penalties or cost of repairs.

2 **Section 190.** That section 49-628, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 49-628. - Bond.**

5 A bond shall be required under this division with some reliable surety company to be  
6 approved by the manager of ~~public works~~ transportation and infrastructure in the sum of fifty  
7 thousand dollars (\$50,000.00), which bond shall be conditioned to comply with all requirements,  
8 specifications and instructions of the manager of ~~public works~~ transportation and infrastructure  
9 and all of the requirements of the Code and ordinances of the city, pertaining to the paving of  
10 streets or alleys, including the payment of all fees, penalties or cost of repairs.

11 **Section 191.** That section 49-638, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 49-638. - Bond.**

14 A bond shall be required under this division with some reliable surety company to be  
15 approved by the manager of ~~public works~~ transportation and infrastructure in the sum of ten  
16 thousand dollars (\$10,000.00), which bond shall be conditioned to comply with all requirements,  
17 specifications and instructions of the manager of ~~public works~~ transportation and infrastructure  
18 and all of the requirements of the Code and ordinances of the city, pertaining to the work of  
19 special contractor as set forth above, including the payment of all fees, penalties or cost of  
20 repairs.

21 **Section 192.** That section 49-648, D.R.M.C. shall be amended by deleting the language  
22 stricken and adding the language underlined, to read as follows:

23 **Sec. 49-648. - Bond.**

24 Every person, except a property owner described in section 49-646(2) hereof, shall  
25 provide a bond with a surety company approved by the manager of ~~public works~~ transportation  
26 and infrastructure in the sum of ten thousand dollars (\$10,000.00), which bond shall be  
27 conditioned to comply with all requirements, specifications and instructions of the manager of  
28 ~~public works~~ transportation and infrastructure, and with all requirements of this Code and the  
29 ordinances of the city that pertain to sidewalk construction and reconstruction, including the  
30 payment of all fees, penalties or cost of repairs.

31 **Section 193.** That section 49-649 (e) and (f), D.R.M.C. shall be amended by deleting the  
32 language stricken and adding the language underlined, to read as follows:

33 **Sec. 49-649. - Contractor's guarantee.**

1 (e) *Determination of manager.* The determination of the necessity for repairs shall rest  
2 entirely with the manager of ~~public works~~ transportation and infrastructure or his designated  
3 representative, whose decision upon the matter shall be final and obligatory upon the  
4 contractor, or upon the property owner who performs the work without a contractor.

5 (f) *Reconstruction.* The repairs required under said guarantee may extend to a total  
6 reconstruction of the whole body of the sidewalk or driveway, including the base and the  
7 wearing surface, when in the judgment of the manager of ~~public works~~ transportation and  
8 infrastructure or his designated representative, such total reconstruction is necessary.

9 **Section 194.** That section 49-650, D.R.M.C. shall be amended by deleting the language  
10 stricken and adding the language underlined, to read as follows:

11 **Sec. 49-650. - Notice to reconstruct or repair.**

12 (a) At any time during the period of the guarantee required hereunder, the manager of  
13 ~~public works~~ transportation and infrastructure or his designated representative, after  
14 determining the necessity for repairs, may mail a written notice to the guarantor, directing the  
15 same to make such repairs or reconstruction.

16 (b) If the guarantor fails or refuses to begin the required repairs or reconstruction within  
17 ten (10) days after such notice is mailed, and fails thereafter diligently to prosecute the same to  
18 completion, the manager of ~~public works~~ transportation and infrastructure or his designated  
19 representative may have said work done in any manner and by whomever he deems best.

20 (c) The guarantor shall be responsible for the cost of such work which the manager of  
21 ~~public works~~ transportation and infrastructure or his designated representative has done.

22 **Section 195.** That section 49-652, D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24 **Sec. 49-652. - Revocation of license for failure to reconstruct; re-let of construction.**

25 (a) The manager of ~~public works~~ transportation and infrastructure may recommend  
26 revocation of the license of a contractor who fails or refuses to comply with a written notice  
27 hereunder; and, upon receipt of such recommendation, the director of excise and licenses shall  
28 commence revocation proceedings in accordance with the provisions of article I of chapter 32.

29 (b) In the event of such failure or refusal to comply with such written notice, the manager  
30 of ~~public works~~ transportation and infrastructure or his designated representative may re-let the  
31 work of construction or reconstruction, and the contractor shall be responsible for the cost of  
32 said work.

33 **Section 196.** That section 49-653 (a)(1) and (c), D.R.M.C. shall be amended by deleting

1 the language stricken and adding the language underlined, to read as follows:

2 **Sec. 49-653. - License suspension or revocation for unsatisfactory work; recovery of cost.**

3 (a) The manager of ~~public works~~ transportation and infrastructure may recommend  
4 suspension or revocation of the license of a contractor whose work on a sidewalk or driveway  
5 in the public right-of-way is unsatisfactory for any of the following reasons:

6 (1) Unskillfulness or carelessness, in the judgment of the manager of ~~public works~~  
7 transportation and infrastructure or his designated representative.

8 (c) Upon making such recommendation, the manager of ~~public works~~ transportation and  
9 infrastructure or his designated representative may take action to complete said work in a  
10 satisfactory manner, and to recover the cost of such work, in the manner provided in section  
11 49-652.

12 **Section 197.** That section 50-21, D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14 **Sec. 50-21. - Development review committee created.**

15 The development review committee is hereby created to consist of the director of  
16 planning, the manager of ~~public works~~ transportation and infrastructure, the zoning  
17 administrator, the chief of the fire department, the manager of parks and recreation and the  
18 manager of the water board or their designees.

19 **Section 198.** That section 50-26, D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 50-26. - Rules and regulations.**

22 The planning board and/or manager of ~~public works~~ transportation and infrastructure  
23 and/or manager of parks and recreation shall adopt subdivision rules and regulations  
24 establishing standards and procedures for the examination of plats. The subdivision rules and  
25 regulations shall make due provision for:

26 **Section 199.** That section 50-62 (c), (d), and (e), D.R.M.C. shall be amended by deleting  
27 the language stricken and adding the language underlined, to read as follows:

28 **Sec. 50-62. - Refunds.**

29 (c) The petition for refund must be submitted to the manager of ~~public works~~  
30 transportation and infrastructure or his or her duly designated agent on a form provided by the  
31 city for such purpose.

32 (d) Within one (1) month of the date of receipt of a petition for refund, the manager of  
33 ~~public works~~ transportation and infrastructure or his or her duly designated agent must provide

1 the petitioner, in writing, with a decision on the refund request including the reasons for the  
2 decision. If a refund is due petitioner, the manager of ~~public works~~ transportation and  
3 infrastructure or his or her duly designated agent shall notify the manager of finance and  
4 request that petitioner receive a refund payment with no interest.

5 (e) Petitioner may appeal the determination of the manager of ~~public works~~  
6 transportation and infrastructure as provided in section 56-106(e).

7 **Section 200.** That section 50-63, D.R.M.C. shall be amended by deleting the language  
8 stricken and adding the language underlined, to read as follows:

9 **Sec. 50-63. - Appeals.**

10 Within thirty (30) days of the calculation of the impact fees, an applicant for a building  
11 permit or a property owner may appeal the applicability of the impact fees, or amount of the  
12 impact fees imposed, including the denial of a credit, to the department of ~~public works~~  
13 transportation and infrastructure pursuant to section 56-106(b). The provisions of this article III  
14 shall govern in the event of any inconsistency between this article and section 56-106(b). If the  
15 notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the city  
16 attorney's office in an amount equal to the impact fees due, as calculated herein, a building  
17 permit may be issued pending the appeal. The filing of an appeal shall not stay the collection of  
18 the impact fees due unless a bond or other sufficient surety has been filed.

19 **Section 201.** That section 50-66 (c), D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 50-66. - Miscellaneous provisions.**

22 (c) All action required by this article to be taken on behalf of the city, unless specifically  
23 required by this article to be taken by council, shall be taken by the manager of ~~public works~~  
24 transportation and infrastructure or by the manager's designee.

25 **Section 202.** That section 50-67, D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 50-67. - Rules and regulations.**

28 The manager of ~~public works~~ transportation and infrastructure is hereby authorized to  
29 promulgate rules and regulations to implement this article III in a manner not inconsistent with  
30 the provisions herein.

31 **Section 203.** That section 51-6, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

33 **Sec. 51-6. - Plans and specifications.**



1 Detailed plans and specifications for the construction, remodeling, or modification of any  
2 swimming pool and the operation thereof shall be submitted to the manager of ~~public works~~  
3 transportation and infrastructure. No construction work shall commence until such plans and  
4 specifications have been approved by the manager of ~~public works~~ transportation and  
5 infrastructure with respect to the rules and regulations adopted by the board of public health and  
6 environment.

7 **Section 204.** That section 54-39, D.R.M.C. shall be amended by deleting the language  
8 stricken and adding the language underlined, to read as follows:

9 **Sec. 54-39. - Office established.**

10 The office of the city traffic engineer is hereby established in the department of ~~public~~  
11 ~~works~~ transportation and infrastructure and the city traffic engineer shall be appointed by the  
12 manager of ~~public works~~ transportation and infrastructure.

13 **Section 205.** That section 50-40 (c), D.R.M.C. shall be amended by deleting the language  
14 stricken and adding the language underlined, to read as follows:

15 **Sec. 54-40. - Records.**

16 (c) The records of the manager of ~~public works~~ transportation and infrastructure or  
17 designee shall be prima facie evidence of the existence of such parking meter charges, time  
18 limitations, and days and hours of parking meter operation.

19 **Section 206.** That section 54-41, D.R.M.C. shall be amended by deleting the language  
20 stricken and adding the language underlined, to read as follows:

21 **Sec. 54-41. - Powers generally.**

22 The city traffic engineer shall exercise the powers granted in this chapter, consistent with  
23 the provisions of the Charter relating to the manager of ~~public works~~ transportation and  
24 infrastructure.

25 **Section 207.** That section 54-43 (c), D.R.M.C. shall be amended by deleting the language  
26 stricken and adding the language underlined, to read as follows:

27 **Sec. 54-43. - Powers based on traffic engineering and investigations.**

28 (c) By way of example, but not by way of limitation, the manager of ~~public works~~  
29 transportation and infrastructure or designee shall have power and authority upon the basis of  
30 parking investigations and studies to:

31 **Section 208.** That section 54-105, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

33 **Sec. 54-105. - Display of unauthorized signs, signals or markings.**

1 No persons shall place, maintain or display upon or in view of any highway any  
2 unauthorized sign, signal, marking or device which purports to be or is an imitation of, or  
3 resembles an official traffic-control device, railroad sign or signal, or which attempts to direct the  
4 movement of traffic, or which hides from view or otherwise interferes with the effectiveness of  
5 traffic-control, any official traffic-control device, railroad sign or signal, and no persons shall  
6 place or maintain, nor shall any public authority permit upon any street or highway any traffic  
7 sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit  
8 the erection upon private property adjacent to streets and highways of signs giving useful  
9 directional information and of a type that cannot be mistaken for official signs. Every such  
10 prohibited sign, signal or marking is hereby declared to be a public nuisance, and the manager  
11 of ~~public works~~ transportation and infrastructure is hereby empowered to remove the same or  
12 cause it to be removed without notice to the owner.

13 **Section 209.** That section 54-421, D.R.M.C. shall be amended by deleting the language  
14 stricken and adding the language underlined, to read as follows:

15 **Sec. 54-421. - City business parking exemptions and permits.**

16 (a) Notwithstanding any other provision of this chapter, the manager of ~~public works~~  
17 transportation and infrastructure may determine that the strict enforcement of certain parking  
18 enforcement ordinances or regulations on the parking of certain city-owned or privately owned  
19 motor vehicles operated by certain elected or appointed officials or appointees of the city or by  
20 certain city officers or employees, while engaged in the transaction of city business, could:

- 21 (1) Materially delay or interfere with the prompt and efficient performance of city  
22 business by such officials, appointees, officers or employees;  
23 (2) Produce auto emissions, noise, trash and refuse;  
24 (3) Create a threat to the public health, safety or welfare; or  
25 (4) Otherwise create material inefficiencies in the functioning of the legislative, judicial or  
26 executive branches of city government.

27 Upon determination by the manager of ~~public works~~ transportation and infrastructure that  
28 any of the aforesaid criteria may be alleviated, prevented or minimized by the exemption from  
29 parking enforcement ordinances or regulations as aforesaid, the manager of ~~public works~~  
30 transportation and infrastructure may issue such city business permits, hangtags or other  
31 designated insignia to certain city-owned or privately owned vehicles operated by certain of such  
32 aforesaid persons while engaged in the performance of city business.

33 (b) The manager of ~~public works~~ transportation and infrastructure is authorized to

1 promulgate such rules and regulations as may be necessary to effectuate the purpose of  
2 this section 54-421, consistent with the above-stated criteria.

3 **Section 210.** That section 54-488 (a) and (e), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 54-488. - Parking prohibition during cleaning and other operations.**

6 (a) The manager of ~~public works~~ transportation and infrastructure shall have authority  
7 from time to time to designate or cause to be designated by conspicuous and appropriately  
8 posted signs certain streets upon which parking is temporarily prohibited during street cleaning  
9 and sweeping operations or during repair or maintenance operations. When such temporary  
10 signs are so posted upon any street or portion thereof, the parking or standing of vehicles  
11 thereupon shall be deemed prohibited in accordance with the terms thereof notwithstanding  
12 other permanently affixed notices or signs shall provide otherwise.

13 (e) The manager of ~~public works~~ transportation and infrastructure is hereby empowered  
14 to enforce the provisions of this section, including but not limited to the power to issue legal  
15 process to enforce this section. Charges of violations of the provisions of this section shall be  
16 preferred by the manager of ~~public works~~ transportation and infrastructure or any other law  
17 enforcement officer of the city in the county court.

18 **Section 211.** That section 54-492, D.R.M.C. shall be amended by deleting the language  
19 stricken and adding the language underlined, to read as follows:

20 **Sec. 54-492. - On-street parking permits.**

21 (a) The city traffic engineer, or the traffic engineer's designee, may upon the basis of  
22 traffic engineering or other investigations and studies, issue permits for the parking of motor  
23 vehicles in designated areas, if such permit would:

24 (1) Better manage the use of the public right-of-way, or

25 (2) Restrict the parking of motor vehicles in residential areas for the purpose of  
26 accessing destinations in nearby commercial, industrial or institutional areas when such  
27 parking could:

28 a. Cause hazardous traffic conditions in the residential areas;

29 b. Produce unacceptable levels of auto emissions, noise, trash and refuse;

30 c. Unreasonably burden residents of the area in gaining access to their  
31 residences; or

32 d. Damage the character of those areas as residential districts and diminish the  
33 value of property in those areas.

1 Or,

2 (3) Meet the goals of an approved parking or traffic management plan.

3 Upon such determination the city traffic engineer may post signs pursuant to this chapter  
4 to limit the duration of parking; and upon application, the city traffic engineer or designee shall  
5 issue permits in accordance with rules and regulations promulgated by the manager of ~~public~~  
6 ~~works~~ transportation and infrastructure. Permits issued pursuant to this provision shall not apply  
7 to metered parking spaces, nor supersede any other section of this chapter 54 unless so noted  
8 on the permit.

9 (b) The manager of ~~public works~~ transportation and infrastructure may develop rules and  
10 regulations as necessary for the application of this section. It shall be unlawful to violate the  
11 provisions of this section or any rules and regulations promulgated hereunder. The rules and  
12 regulations may establish eligibility criteria, fees, limits on the number of permits issued and  
13 other requirements as deemed necessary.

14 **Section 212.** That section 54-511 (a) and (c), D.R.M.C. shall be amended by deleting the  
15 language stricken and adding the language underlined, to read as follows:

16 **Sec. 54-511. - Time limits and charges.**

17 (a) The manager of ~~public works~~ transportation and infrastructure or designee, shall, on  
18 the basis of study and investigation, determine and cause to be set upon a parking meter a  
19 time limit, and a charge per increment of time, for the use, as the public convenience and  
20 safety require, of a parking metered space or multi-space section.

21 (c) A vehicle may be parked in a parking metered space or multi-space section without  
22 operation of the parking meter on holidays, during those hours of the day when operation of the  
23 parking meter is not required and on such days as the manager of ~~public works~~ transportation  
24 and infrastructure or designee, on the basis of study and investigation, determines and causes  
25 to be applicable to particular groups or categories of parking meters, as the public convenience  
26 and safety require.

27 **Section 213.** That section 54-517 (a), D.R.M.C. shall be amended by deleting the  
28 language stricken and adding the language underlined, to read as follows:

29 **Sec. 54-517. - Permit fees for sacking or removal of meter heads.**

30 (a) It shall be unlawful for any person to place any sack or covering over, upon or around  
31 any parking meter head, remove any parking meter head, or otherwise indicate or show that  
32 the said meter is inoperative and the regulations of this division suspended during construction,  
33 loading, etc., without first obtaining a permit from the city traffic engineer and the payment of a

1 permit fee or fees to be shown on a schedule promulgated by the manager of ~~public works~~  
2 transportation and infrastructure. Fees shall remain the same whether labor and material for  
3 sacking or removal is provided by the traffic engineer or by the permittee. The traffic engineer  
4 shall determine the limit of number of meters sacked or removed and period of sacking or  
5 removal.

6 **Section 214.** That section 54-791, D.R.M.C. shall be amended by deleting the language  
7 stricken and adding the language underlined, to read as follows:

8 **Sec. 54-791. - Moving of vehicle to lawful position.**

9 (a) The chief of police, the undersheriff, the manager of ~~public works~~ transportation and  
10 infrastructure, or their respective designees, are hereby authorized to remove, or have  
11 removed at their direction, a vehicle found standing upon a street, highway or restricted parking  
12 area in violation of this chapter prohibiting the standing of such vehicle in such place, such  
13 officer is hereby authorized to move such vehicle, or require the driver or other person in  
14 charge of the vehicle to move the same to a legal standing position.

15 (b) When the chief of police, undersheriff, the manager of ~~public works~~ transportation  
16 and infrastructure, or their respective designees moves a vehicle pursuant to this section by  
17 having the vehicle towed, a towing fee to be established by the chief of the police, undersheriff,  
18 the manager of ~~public works~~ transportation and infrastructure, or their respective designees,  
19 based upon the actual costs, not to exceed one hundred fifty dollars (\$150.00). The chief of  
20 police, undersheriff, the manager of ~~public works~~ transportation and infrastructure, or their  
21 respective designees shall publish the new rate in an official publication of the city at least  
22 ninety (90) days before the new rate will become effective. The towing cost assessment for  
23 moving a vehicle pursuant to this section shall be in addition to any fine imposed for any  
24 underlying violation that necessitated moving the vehicle. Towing costs shall be shown on the  
25 face of the citation issued for the underlying violation.

26 **Section 215.** That the introductory portion to section 54-811 and section 54-811 (17) and  
27 (19), D.R.M.C. shall be amended by deleting the language stricken and adding the language  
28 underlined, to read as follows:

29 **Sec. 54-811. - Authority for impoundment; vehicles deemed obstructions to traffic or public**  
30 **nuisances.**

31 The chief of police, the undersheriff and the manager of ~~public works~~ transportation and  
32 infrastructure, and their respective designees, are hereby authorized to remove, or have  
33 removed at their direction, a vehicle or automobile junker from any public or private way or

1 place, under any of the circumstances hereinafter enumerated, the council hereby finding and  
2 determining such vehicles under such circumstances to be obstructions to traffic or public  
3 nuisances. For purposes of this section, an "automobile junker" is defined in section 54-812.

4 (17) When a driver, owner or person in charge of a vehicle has failed to respond to a  
5 notice of illegal parking issued pursuant to sections 54-786(c) or 54-788, and has also failed to  
6 respond to the additional notice sent to the registered owner or has failed to respond to the  
7 pre-seizure notice affixed to the vehicle as provided for under section 54-789; provided that  
8 under the circumstances in this subsection set forth employees of the city, acting in their official  
9 capacity, and officers of the police department may, and they are hereby authorized to  
10 temporarily and for a period of seventy-two (72) hours, immobilize such vehicle by installing on,  
11 or attaching to such vehicle, a device designed to restrict the normal movement of such  
12 vehicle, and if such vehicle is so immobilized, the employee of the city or police officer so  
13 installing or attaching such device shall conspicuously affix to such vehicle a notice, in writing,  
14 on a form provided by the chief of police, advising the owner, driver or person in charge of such  
15 vehicle, that such vehicle has been immobilized by the city for violation of one (1) or more of  
16 the provisions of this chapter, and that release from such immobilization may be obtained at a  
17 designated place; that unless arrangements are made for the release of such vehicle within  
18 seventy-two (72) hours the vehicle will be removed from the streets at the direction of the  
19 employees of the city, acting in their official capacity, or by a police officer, and that removing  
20 or attempting to remove the device before a release is obtained is unlawful, and containing  
21 such information as the chief of police shall deem necessary. It shall be unlawful for any  
22 person to remove or attempt to remove any such device before a release is obtained as herein  
23 provided or to move any such vehicle before the same is released by the police department,  
24 clerk of the county court or any county judge; and where such vehicle has been properly  
25 immobilized in such manner, a fee to be established by the manager of ~~public works~~  
26 transportation and infrastructure based upon the actual costs, not to exceed one hundred  
27 twenty-five dollars (\$125.00). The manager of ~~public works~~ transportation and infrastructure  
28 shall publish the new rate in an official publication of the city at least ninety (90) days before  
29 the new rate will become effective and such fee shall be charged by the police department or  
30 clerk of the county court before releasing such vehicle, and the parking restrictions, if any,  
31 otherwise applicable shall not apply while such vehicle is so immobilized. If the vehicle has  
32 remained immobilized for a period of seventy-two (72) hours and release has not been  
33 obtained, the police officer or employee of the city causing such immobilization shall have the

1 vehicle impounded.

2 (19) When a driver, owner or person in charge of a vehicle has failed to pay the fine or  
3 penalty imposed for a violation of section 54-62, a violation of article VII of this chapter, or a  
4 violation of both section 54-62 and article VII of this chapter, by the date such fine or penalty is  
5 due, employees of the city, acting in their official capacity, and officers of the police department  
6 may, and they are hereby authorized to, temporarily and for a period of seventy-two (72) hours,  
7 immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to  
8 restrict the normal movement of such vehicle. If such vehicle is so immobilized, the employee  
9 of the city or police officer so installing or attaching such device shall conspicuously affix to  
10 such vehicle a notice, in writing, on a form provided by the chief of police, advising the owner,  
11 driver or person in charge of such vehicle, that such vehicle has been immobilized by the city  
12 for violation of one (1) or more of the provisions of this chapter, and that release from such  
13 immobilization may be obtained at a designated place; that unless arrangements are made for  
14 the release of such vehicle within seventy-two (72) hours the vehicle will be removed from the  
15 streets at the direction of the employees of the city, acting in their official capacity, or by a  
16 police officer, and that removing or attempting to remove the device before a release is  
17 obtained is unlawful, and containing such information as the chief of police shall deem  
18 necessary. It shall be unlawful for any person to remove or attempt to remove any such device  
19 before a release is obtained as herein provided or to move any such vehicle before the same is  
20 released by the police department, clerk of the county court or any county judge; and where  
21 such vehicle has been properly immobilized in such manner, a fee to be established by the  
22 manager of ~~public works~~ transportation and infrastructure based upon the actual costs, not to  
23 exceed one hundred twenty-five dollars (\$125.00). The manager of ~~public works~~ transportation  
24 and infrastructure shall publish the new rate in an official publication of the city at least ninety  
25 (90) days before the new rate will become effective and such fee shall be charged by the police  
26 department or clerk of the county court before releasing such vehicle. The parking restrictions,  
27 if any, otherwise applicable shall not apply while such vehicle is so immobilized. If the vehicle  
28 has remained immobilized for a period of seventy-two (72) hours and release has not been  
29 obtained, the police officer or employee of the city causing such immobilization shall have the  
30 vehicle impounded.

31 **Section 216.** That section 54-812, D.R.M.C. shall be amended by deleting the language  
32 stricken and adding the language underlined, to read as follows:

33 **Sec. 54-812. - Removal and disposal of automobile junkers.**

1 (a) The chief of police, the undersheriff and the manager of ~~public works~~ transportation  
2 and infrastructure, and their designees, are hereby authorized to remove, or have removed at  
3 their direction, an automobile junker from any public or private way or place. For purposes of  
4 this section, "automobile junker" means any motor vehicle meeting the following requirements:

5 (b) When an authorized individual removes or has a vehicle removed they shall record  
6 the make of motor vehicle, the serial number, when available, and shall also detail the damage,  
7 missing equipment, or other characteristics which substantiate the finding that the vehicle is an  
8 automobile junker as defined in paragraph (a) above. No person shall willfully leave an  
9 automobile junker on a public or private way or place for a period greater than seventy-two (72)  
10 hours, and such vehicle so left shall be posted by an authorized representative of the police  
11 department, the sheriff department, or the department of ~~public works~~ transportation and  
12 infrastructure with seventy-two-hour notification of impoundment as a nuisance. Such  
13 notification shall include the date and time of the posting of notice, the name and phone  
14 number of the city agency which the owner must call to demonstrate that the vehicle is  
15 operable, and the date and time after which the vehicle may be impounded. If such nuisance is  
16 then not abated as set forth in paragraph (c) below, an authorized representative of the police  
17 department, the sheriff department, or the department of ~~public works~~ transportation and  
18 infrastructure may arrange for impoundment of the automobile junker.

19 (c) Owners of vehicles posted pursuant to paragraph (b) above may demonstrate to the  
20 city that the vehicle is, in fact, operable. Within seventy-two (72) hours after posting, the owner  
21 of such a vehicle may call the agency indicated on the notice posted on the vehicle and  
22 schedule a time when the owner can demonstrate to a representative of the city that the  
23 vehicle is operable. If the owner of the vehicle demonstrates that the vehicle is operable, the  
24 owner shall immediately move the vehicle to a legal standing position and the owner may be  
25 cited for violating D.R.M.C. section 54-465. If the owner of the vehicle fails to demonstrate that  
26 the vehicle is operable or fails to move the vehicle to a legal standing position, then an  
27 authorized representative of the police department, the sheriff department, or the department  
28 of ~~public works~~ transportation and infrastructure may impound the vehicle, and the vehicle, if  
29 impounded, shall be held for a minimum of thirty (30) days. The notification procedure  
30 hereinafter provided will be followed. If a claim to a junker is not established to the satisfaction  
31 of the manager of safety, it will be disposed of by auction or otherwise.

32 **Section 217.** That section 55-401, D.R.M.C. shall be amended by deleting the language  
33 stricken and adding the language underlined, to read as follows:



1 **Sec. 55-401. - Permit required.**

2 It shall be unlawful for any person to drive or be permitted to drive a horse drawn carriage  
3 on the streets of the City and County of Denver; provided, however, the manager of ~~public works~~  
4 transportation and infrastructure may issue permits for said activities subject to such reasonable  
5 conditions as the manager may impose. The manager of ~~public works~~ transportation and  
6 infrastructure has authority to promulgate rules and regulations relating to such permits. It shall  
7 be unlawful for any person to violate any provision of this Article XIV and any rules and  
8 regulations promulgated under the authority granted herein.

9 **Section 218.** That section 55-405, D.R.M.C. shall be amended by deleting the language  
10 stricken and adding the language underlined, to read as follows:

11 **Sec. 55-405. - Designated hours and areas of operation.**

12 The manager of ~~public works~~ transportation and infrastructure shall promulgate rules and  
13 regulations establishing the appropriate hours of operation and the acceptable areas and streets  
14 in which horse drawn carriages may be operated. For traffic reasons, the number of horse drawn  
15 carriages operated in any area may be limited. It shall be unlawful for any person to operate a  
16 horse drawn carriage at other times or locations than those permitted.

17 **Section 219.** That section 55-406 (a)(6), D.R.M.C. shall be amended by deleting the  
18 language stricken and adding the language underlined, to read as follows:

19 **Sec. 55-406. - Application.**

20 (a) An application for a permit hereunder shall include the following information:

21 (6) Such other information as the manager of ~~public works~~ transportation and  
22 infrastructure may require.

23 **Section 220.** That section 55-407 (3), D.R.M.C. shall be amended by deleting the  
24 language stricken and adding the language underlined, to read as follows:

25 **Sec. 55-407. - Requirements for issuance.**

26 A permit issued under this division shall be subject to the following requirements:

27 (3) In addition to the permittee's name and such other information required by the  
28 manager of ~~public works~~ transportation and infrastructure, the permit shall contain the  
29 following:

30 **Section 221.** That section 55-408 (a), D.R.M.C. shall be amended by deleting the  
31 language stricken and adding the language underlined, to read as follows:

32 **Sec. 55-408. - Standards of issuance and renewal.**

1 (a) No certificate of approval shall be issued by the department of safety unless it is  
2 found by such department that the driver has demonstrated knowledge of horses, carriages,  
3 and the handling of the combination and provided further that each horse and each operator  
4 has demonstrated each can operate safely by passing a test defined in ~~public works~~  
5 transportation and infrastructure rules and regulations and finally provided that each carriage  
6 has been inspected and found to be safe for operation.

7 **Section 222.** That section 55-410 (5), D.R.M.C. shall be amended by deleting the  
8 language stricken and adding the language underlined, to read as follows:

9 **Sec. 55-410. - Restrictions.**

10 A person to whom a permit has been issued hereunder is subject to the following  
11 restrictions:

12 (5) Permittee shall immediately notify the manager of ~~public works~~ transportation and  
13 infrastructure of any change of address or substantial change in equipment or circumstances.

14 **Section 223.** That section 55-430 (k)(3) and (k)(4), D.R.M.C. shall be amended by deleting  
15 the language stricken and adding the language underlined, to read as follows:

16 **Sec. 55-430. - Unlawful acts in connection with valet parking.**

17 If there are three (3) violations of any of the following provisions at any valet location  
18 within any one-year period that valet location license shall be revoked. It shall be unlawful for  
19 any person or entity:

20 (k) To place any temporary valet parking sign on any part of the public right-of-way at or  
21 near any valet client business, unless:

22 (3) The temporary valet parking sign is used, displayed, constructed, and attached at the  
23 place and in the manner approved by the manager of ~~public works~~ transportation and  
24 infrastructure and as shown in the valet parking plan approved as part of the valet operator's  
25 license;

26 (4) There is a revocable permit in full force and effect for such sign and the manager of  
27 ~~public works~~ transportation and infrastructure has approved use of the temporary valet parking  
28 sign; and

29 **Section 224.** That section 56-31, D.R.M.C. shall be amended by deleting the language  
30 stricken and adding the language underlined, to read as follows:

31 **Sec. 56-31. - Unlawful to choke sewer.**

32 (a) It shall be unlawful for any person to deposit, or throw, or cause to be deposited or

1 thrown, into any vault, sink, cesspool, water closet or sewer, any article or thing whatever that  
2 may cause the same to choke or clog.

3 (b) The manager of ~~public works~~ transportation and infrastructure is hereby empowered  
4 to enforce the provisions of this section, including but not limited to the power to issue legal  
5 process to enforce this section. Charges of violations of the provisions of this section shall be  
6 preferred by the manager of ~~public works~~ transportation and infrastructure or any other law  
7 enforcement officer of the city in the county court.

8 **Section 225.** That section 56-32, D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 56-32. - Variances.**

11 The manager of ~~public works~~ transportation and infrastructure or his designee may  
12 authorize at his sole discretion, upon application in specific cases, such waiver or variance from  
13 the technical requirements of the manager's rules and regulations, subject to terms and  
14 conditions fixed by the manager or designee, as will not be contrary to the purposes of this  
15 article upon a finding of infeasibility or undue hardship and where no significant deleterious  
16 effects to public safety, health, welfare and the environment will be caused by such waiver or  
17 variance.

18 **Section 226.** That section 56-45, D.R.M.C. shall be amended by deleting the language  
19 stricken and adding the language underlined, to read as follows:

20 **Sec. 56-45. - Materials and service line separation.**

21 (a) *Separate trenches.* Except as permitted in subsection (b), the underground water  
22 service pipe and the building sewer shall be not less than ten (10) feet apart horizontally and  
23 shall be separated by undisturbed or compacted earth. Sewer pipe material shall be of a type  
24 approved for such use by the manager of ~~public works~~ transportation and infrastructure. Joints  
25 shall be tight and rootproof.

26 (b) *One trench.* Where approved by the board of water commissioners, the water service  
27 pipe may be placed in the same trench with the building sewer, provided the following  
28 conditions are met:

29 (1) The bottom of the water service pipe shall be at least eighteen (18) inches from the  
30 top of the sewer line at all points.

31 (2) The water service pipe shall be placed on a solid shelf excavated at one (1) side of  
32 the common trench.

33 (3) The materials and joints of the sewer and water service pipes shall possess the

1 strength and durability necessary to prevent the escape of solids, liquids and gases therefrom,  
2 under all known adverse conditions such as corrosion, strains due to settlement, temperature  
3 changes and vibration.

4 When installed in the same trench with the water service pipe, the sewer shall be  
5 constructed using durable materials which are corrosion-resistant and shall be so installed as to  
6 remain watertight and be rootproof. Sewer pipe material shall be of a type approved for such  
7 use by the manager of ~~public works~~ transportation and infrastructure.

8 **Section 227.** That section 56-46, D.R.M.C. shall be amended by deleting the language  
9 stricken and adding the language underlined, to read as follows:

10 **Sec. 56-46. - Sewer pipe rate of fall.**

11 Building sewers shall be installed at a uniform slope not less than that permitted by the  
12 building code of the city. Private sewers shall be installed at uniform slopes as approved by the  
13 manager of ~~public works~~ transportation and infrastructure.

14 **Section 228.** That section 56-47, D.R.M.C. shall be amended by deleting the language  
15 stricken and adding the language underlined, to read as follows:

16 **Sec. 56-47. - Connections to the public sewer.**

17 The junction pieces which have been built into the public sewer during its construction  
18 must be used for connecting all private and building sewers whenever practicable. The manner  
19 and point of connection shall in all cases be approved by the manager of ~~public works~~  
20 transportation and infrastructure. In all cases the trench must be opened an ample width to the  
21 point of connection, and all rubbish removed so as to allow unhindered inspection.

22 **Section 229.** That section 56-49, D.R.M.C. shall be amended by deleting the language  
23 stricken and adding the language underlined, to read as follows:

24 **Sec. 56-49. - Joints.**

25 Methods of constructing joints at pipe connections shall be specified and approved by the  
26 manager of ~~public works~~ transportation and infrastructure.

27 **Section 230.** That section 56-53, D.R.M.C. shall be amended by deleting the language  
28 stricken and adding the language underlined, to read as follows:

29 **Sec. 56-53. - Notice of connection.**

30 Any person holding a permit to lay a private or building sewer must, before making  
31 connection of such private or building sewer with any public sewer, give at least twenty-four (24)  
32 hours' notice, exclusive of Sundays and legal holidays, at the office of the manager of ~~public~~  
33 works transportation and infrastructure, of the time when the person will be ready to begin, and

1 must not proceed with the work of making such connection until the inspector, detailed by the  
2 manager for that purpose, is at the site. If prevented from working at the time set, the person  
3 holding the permit for the work must at once report the fact to the manager, or a duly authorized  
4 inspector, and appoint another time for doing the work.

5 **Section 231.** That section 56-54, D.R.M.C. shall be amended by deleting the language  
6 stricken and adding the language underlined, to read as follows:

7 **Sec. 56-54. - Failure to give proper notice.**

8 Any work done without notice to the manager of ~~public works~~ transportation and  
9 infrastructure or an inspector shall be treated as defective work, and may be uncovered and, if  
10 need be, reconstructed by the manager at the expense of the person to whom the permit was  
11 granted for the work, such expense to be recovered in the proper action at law.

12 **Section 232.** That section 56-56, D.R.M.C. shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14 **Sec. 56-56. - Unlawful to obstruct sewers.**

15 It shall be unlawful to cast or throw or cause to be cast or thrown into the drains or sewers  
16 any substance calculated to cause obstruction, or to dispose of any slop or waste water in such  
17 manner as to cause a nuisance, or to deposit or cause to be deposited any substance such as  
18 garbage, except garbage treated with garbage disposal unit approved by the manager of ~~public~~  
19 ~~works~~ transportation and infrastructure, grease, oil rags, sand, earth, tar or such other  
20 substance as the manager may find necessary to exclude from the drains or sewers.

21 **Section 233.** That section 56-68, D.R.M.C. shall be amended by deleting the language  
22 stricken and adding the language underlined, to read as follows:

23 **Sec. 56-68. - Bond prerequisite to issuance.**

24 The licensee or applicant under this subdivision shall furnish a good and sufficient bond in  
25 the amount of one thousand dollars (\$1,000.00) with a surety to be approved by the director of  
26 excise and licenses in substantially the following form:

27 KNOW ALL MEN BY THESE PRESENTS: That \_\_\_ (principal) \_\_\_ of \_\_\_ (address) \_\_\_ in  
28 the City and County of Denver, State of Colorado and \_\_\_ (surety) \_\_\_ a \_\_\_ (company or  
29 corporation) \_\_\_\_\_, organized and existing under and by virtue of the laws of the State of  
30 \_\_\_\_\_, and duly qualified under the laws of the State of Colorado as a surety company,  
31 are well and firmly bound unto the City and County of Denver, a Municipal Corporation in the  
32 State of Colorado, in the penal sum of one thousand dollars (\$1,000.00), lawful money of the  
33 United States, for the payment of which, well and truly to be made, we and each of us bind

1 ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally,  
2 firmly by these presents.

3 THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

4 WHEREAS, the said principal has been duly licensed as a sewer layer for the year \_\_\_\_\_,  
5 in accordance with the provisions of the article on Private Sewers and Building Sewers of the  
6 Municipal Code of the City and County of Denver, entitled to open, uncover or lay private sewers  
7 or building sewers:

8 NOW, THEREFORE,

9 (a) If the said principal shall faithfully comply with all the terms of the provisions and  
10 requirements of the article on Private Sewers and Building Sewers with respect to the laying,  
11 and maintenance of all types of private sewers and building sewers, and shall pay all fees  
12 lawfully assessed thereunder; and

13 (b) If the said principal shall indemnify, save and keep the city and county and its officials  
14 and employees harmless from any claims, damages, liabilities, losses, actions, suits or  
15 judgments which may be presented, sustained, brought or obtained against the said City and  
16 County of Denver or any of its officials or employees because of the opening up or laying of any  
17 private sewer or building sewer or maintenance of same, or by reason of any accidents caused  
18 by or resulting therefrom;

19 (c) If the said principal shall faithfully satisfy all judgments based on tort liability which are  
20 obtained by reason of the negligence in the opening, covering or laying of any private sewer or  
21 building sewer for which said principal is responsible;

22 Then this obligation shall be void; otherwise it shall be in full force and effect.

23 Provided, further, that this obligation shall be in full force and effect unless and until the  
24 surety herein shall exercise the option to cancel the same by filing at any time with the Director  
25 of Excise and Licenses, the Clerk and the Manager of ~~Public Works~~ Transportation and  
26 Infrastructure of the City and County of Denver a ninety (90) day notice of its desire to be  
27 relieved of liability. However, such cancellation shall not discharge the surety from any liability  
28 already accrued under this obligation or any liability which shall accrue before the expiration of  
29 the ninety (90) day period.

30 **Section 234.** That section 56-76, D.R.M.C. shall be amended by deleting the language  
31 stricken and adding the language underlined, to read as follows:

32 **Sec. 56-76. - Required.**

33 It shall be unlawful for any person to open any sewer or uncover any public or private

1 sewer, or to lay or cause to be laid in any public way or place or on or within any property or  
2 property interest owned by the city any sewer or connection with any public or private sewer  
3 located therein, except in strict pursuance of a permit from the manager of ~~public works~~  
4 transportation and infrastructure. Such permit shall be kept at the situs of the work and exhibited  
5 to any police officer or other law enforcement official who may ask to see it.

6 **Section 235.** That section 56-77, D.R.M.C. shall be amended by deleting the language  
7 stricken and adding the language underlined, to read as follows:

8 **Sec. 56-77. - Application.**

9 All applications for permits for the construction of building and private sewers must be  
10 made in writing and signed by the owner of the property to be drained, or an authorized agent,  
11 and must be accompanied by such plans, drawings, easements, rights-of-way, and other  
12 documentation and information as the manager of ~~public works~~ transportation and infrastructure  
13 may require by rule and regulation.

14 **Section 236.** That section 56-81, D.R.M.C. shall be amended by deleting the language  
15 stricken and adding the language underlined, to read as follows:

16 **Sec. 56-81. - Condition on which permit to be granted.**

17 No permit to construct a private sewer in any public way or place shall be granted, except  
18 upon the express condition that the city may use any private sewer as a carrying line for any and  
19 all sewers it may construct and connect or permit to be constructed or connected. The manager  
20 of ~~public works~~ transportation and infrastructure may permit and allow other property owners to  
21 connect with such private sewer upon the payment to the party constructing such private sewer,  
22 or any successors in interest, such proportionate sum of the cost of the private sewer as the  
23 manager shall adjudge to be just and equitable.

24 **Section 237.** That the introductory portion to section 56-92 and section 56-92 (49), (61)  
25 (63), (78), and (79), D.R.M.C. shall be amended by deleting the language stricken and adding the  
26 language underlined, to read as follows:

27 **Sec. 56-92. - Definitions.**

28 As used in this article and the rules and regulations of the manager of ~~public works~~  
29 transportation and infrastructure, the following words, phrases and forms shall have the  
30 meanings given to them in this section except where the context clearly indicates and requires a  
31 different meaning. The words "shall" and "must" are to be construed as mandatory and not  
32 directory.

33 (49) *Residential equivalent* shall mean a determination by the manager of ~~public works~~

1 transportation and infrastructure as to the number of residential connections that would equal  
2 the sewage discharge from a building or buildings used for purposes other than the living  
3 quarters of a single family.

4 (61) *Single-family* shall mean a determination made by the manager of ~~public works~~  
5 transportation and infrastructure, in conjunction with his determination of residential  
6 equivalents, of the average number of persons comprising a single family. The manager will  
7 use, but not be limited to, data obtained from the United States Census Bureau.

8 (63) *Special permit* shall mean a permit approved by, and received from, the manager of  
9 ~~public works~~ transportation and infrastructure allowing the requesting person to proceed with  
10 an operation otherwise prohibited by this division or by the rules and regulations.

11 (78) *Winter billing period* shall mean a period established by the manager of ~~public~~  
12 ~~works~~ transportation and infrastructure during the winter months of November through April  
13 during which potable water use is determined for billing purposes.

14 (79) *Work permitted* under either a building permit or a permit issued by the manager of  
15 ~~public works~~ transportation and infrastructure by virtue of authority of this division shall mean  
16 that work for which such a permit was required and obtained pursuant to the ordinances, rules  
17 and regulations of the city, and which work shall be readily apparent upon inspection of the  
18 premises.

19 **Section 238.** That section 56-92.5 (e), D.R.M.C. shall be amended by deleting the  
20 language stricken and adding the language underlined, to read as follows:

21 **Sec. 56-92.5. - Sanitary sewer connection fees.**

22 (e) *Miscellaneous.* Multiple water and/or sewer taps, unusual water tap sizes,  
23 exemptions and reductions shall be determined, and any necessary adjustments made, by the  
24 manager of ~~public works~~ transportation and infrastructure in conformity with the rules and  
25 regulations of the wastewater management division and/or the rules and regulations of metro,  
26 as authorized by the service agreement.

27 **Section 239.** That section 56-93 (a)(3), (a)(5), and (b), D.R.M.C. shall be amended by  
28 deleting the language stricken and adding the language underlined, to read as follows:

29 **Sec. 56-93. - Sanitary sewage service charges within the city.**

30 (a) *Rates.* The sanitary sewage service charge for each monthly period which shall be  
31 made to and against, and collected from each and every lot, parcel of land, building or  
32 premises within the legal boundaries and political jurisdiction of the city, and the owners  
33 thereof, which are connected to and discharging or to which, by virtue of such connection, there



1 is available the opportunity to discharge sewage, industrial waste, water, liquid or wastewater  
2 into the sanitary sewerage system of the city shall be the greatest of the amounts computed as  
3 set forth and described in subsections (1) through (4) or in accordance with subsection (5) as  
4 follows:

5 (3) For users whose potable water is metered or measured, whether by the board of  
6 water commissioners or by other methods approved by the manager of ~~public works~~  
7 transportation and infrastructure or both (metered customers), the charge shall be computed by  
8 multiplying the volume of potable water into the premises during the billing period by  
9 \$3.97/thousand gallons effective July 1, 2016; \$4.17/thousand gallons effective January 1,  
10 2017; \$4.34/thousand gallons effective January 1, 2018; \$4.51/thousand gallons effective  
11 January 1, 2109; \$4.69/thousand gallons effective January 1, 2020.

12 (5) For users whose sewage is measured by a meter or method approved by the  
13 manager of ~~public works~~ transportation and infrastructure, the charge shall be computed by  
14 multiplying the volume of sewage during the billing period by \$3.97/thousand gallons effective  
15 July 1, 2016; \$4.17/thousand gallons effective January 1, 2017; \$4.34/thousand gallons  
16 effective January 1, 2018; \$4.51/thousand gallons effective January 1, 2019; \$4.69/thousand  
17 gallons effective January 1, 2020.

18 (b) *Billing periods.* Whenever the manager of ~~public works~~ transportation and  
19 infrastructure shall determine that it is necessary or appropriate, he may designate a sanitary  
20 sewer account to be billed other than monthly. Such a designation may be used for the  
21 convenience of the city or for accounts such as those including an industrial waste surcharge,  
22 water gain factor (well), water loss factor (e.g., evaporation or product usage) or high-volume  
23 water usage. For users who are designated for sanitary sewer billing on a different periodicity,  
24 those who qualify for charges under subsection (a)(1) or (2) of this section shall be charged at  
25 prorated amounts based on the rates shown in those subsections for each billing period.  
26 Otherwise, the charges will be computed as shown in subsections (a)(3), (4) or (5), as  
27 appropriate.

28 **Section 240.** That section 56-96, D.R.M.C. shall be amended by deleting the language  
29 stricken and adding the language underlined, to read as follows:

30 **Sec. 56-96. - Measuring, billing and collecting within the city.**

31 (a) For customers whose sewage charges are computed on the basis of the metered  
32 volume of water into the premises, the manager of ~~public works~~ transportation and  
33 infrastructure shall determine such volume during a winter billing period and apply the rate for

1 sewage charges to that volume for all billing periods; provided, however, that for such  
2 customers whose premises are used for purposes other than residential, unless the premises  
3 are designated for an "other sewer items" (OSI) account, the manager shall apply the rate for  
4 sewage charges to that volume of water into the premises during the period for which the  
5 service is billed.

6 (b) If a lot, parcel of land, building or premises within the legal boundaries of the city  
7 connected to and discharging sewage, industrial wastes, water or liquid into the sanitary  
8 sewerage system of the city is not connected to the water distribution system of the board of  
9 water commissioners but receives either in whole or in part water from wells or any source of  
10 supply other than the board, then such wells or other sources of supply shall be registered with  
11 the manager of ~~public works~~ transportation and infrastructure. If the water from such wells or  
12 other sources of supply is not measured by a water meter, or is measured by a water meter not  
13 acceptable to the manager, then in such case, the owner shall install and maintain at the  
14 owner's expense water meters satisfactory to the manager of the water supply connections,  
15 and the quantity of water which is measured by a single meter or the sum of the quantities  
16 measured by several meters and which subsequently is contributed to the sewer shall be used  
17 to determine the sewerage service charge.

18 (c) Where it can be shown to the satisfaction of the manager of ~~public works~~  
19 transportation and infrastructure that a portion of the water volume as measured by the  
20 aforesaid meters does not enter the sanitary sewerage system of the city, then the manager  
21 will require or permit the installation of additional approved meters at the owner's expense in  
22 such manner as to measure the sanitary sewerage discharge from the lot, parcel of land,  
23 building or premises of such owner, and the quantity of sewage actually entering the sewerage  
24 system as so determined.

25 (d) Charges for sanitary sewerage service within the city shall be computed by the  
26 manager of ~~public works~~ transportation and infrastructure and, in the discretion of the manager,  
27 shall be billed by the manager or transmitted to the board of water commissioners for billing,  
28 payment and collection in the same manner as board charges for water service furnished by  
29 the board. Details of any agreed conjunctive billing, payment and collecting system shall be the  
30 subject of a contractual relationship between the manager and the board.

31 (e) If the owner of any lot, parcel of land, building or premises within the legal  
32 boundaries of the city connected to and discharging sewage, industrial wastes, water or liquid  
33 into the sanitary sewerage system of the city shall neglect, fail or refuse to pay the rates,

1 charges or fees fixed by this division for the connection with and use of the sanitary sewerage  
2 system of the city, the rates, charges or fees due therefor may, by the manager of ~~public works~~  
3 transportation and infrastructure, be periodically certified to the manager of finance who shall  
4 record a notice of such lien with the clerk and recorder. Such rates, charges or fees due  
5 therefor shall become, from and after the date of such recording of the notice in the office of  
6 the clerk and recorder, a continuing lien upon the real property so served by the sewer  
7 connection. The manager of finance shall assess and charge the amounts of rates, charges or  
8 fees due against the property involved, and collect the same, plus interest thereon, in the  
9 manner as are delinquent real property taxes. The lien created hereby shall be superior and  
10 prior to all other liens, regardless of their dates of recordation, except liens for general taxes  
11 and special assessments. In addition to the remedies set forth herein, an action or other  
12 process provided by law may be maintained by the city to recover or collect any amounts,  
13 including interest, owing under this provision. Provided, however, that when the failure to pay  
14 such rates, charges or fees due is the result of incorrect billing by the manager of ~~public works~~  
15 transportation and infrastructure, the owner shall only be billed, with the related certification  
16 and notice, if any, for not more than two (2) years prior to the mailing of a corrected billing.

17 **Section 241.** That section 56-97 (a)(2), D.R.M.C. shall be amended by deleting the  
18 language stricken and adding the language underlined, to read as follows:

19 **Sec. 56-97. - Agreements with connectors outside the city.**

20 (a) The mayor, upon recommendation of the manager of ~~public works~~ transportation and  
21 infrastructure, is hereby authorized and empowered on behalf and in the name of the city, to  
22 make and enter into contracts for the carriage and treatment of sewage with persons, cities,  
23 towns and incorporated sewer districts and sanitation districts outside the geographical limits of  
24 the city, the United States of America and the state and agencies thereof having contractual  
25 arrangements with the city and from time to time to renegotiate existing and future contracts  
26 with respect thereto and enter into agreements supplementing or amending any such existing  
27 or future contract with any such person, city, town or agency, and the manager of ~~public works~~  
28 transportation and infrastructure may allow a connector, by written permit, to use the sanitary  
29 sewerage system of the city; provided, however, that:

30 (2) Such contracts and agreements shall be subject to the rules and regulations  
31 heretofore or hereafter promulgated by the manager of ~~public works~~ transportation and  
32 infrastructure with respect to the carriage and treatment of sewage from beyond the limits of  
33 the city;

1           **Section 242.** That section 56-101 (a), (c)(2), and (c)(3), D.R.M.C. shall be amended by  
2 deleting the language stricken and adding the language underlined, to read as follows:

3           **Sec. 56-101. - Measuring, billing and collecting outside the city.**

4           (a) The manager of ~~public works~~ transportation and infrastructure shall determine the  
5 delivery flow rate characteristics of sanitary sewage flowing into the city sewerage system from  
6 the connector jurisdiction and from all outside connectors including such metering as is  
7 necessary, using acceptable engineering principles and techniques, to determine the actual  
8 volume for billing purposes. Any connector who disputes the volume so measured may have an  
9 administrative hearing before the manager of ~~public works~~ transportation and infrastructure  
10 (who may designate an official of the department of ~~public works~~ transportation and  
11 infrastructure to act in the manager's stead) by request, in writing. The connector shall be  
12 notified in writing, at least seven (7) days in advance, of the time and place of the hearing.  
13 While the hearing shall be administrative, not judicial, in nature, the procedure used during the  
14 hearing shall be such as to provide the connector with due process of law.

15           (c) The charges or rates under existing and future contracts for the carriage and  
16 treatment of sewage from outside the limits of the city, together with other related charges  
17 based on such contracts and imposed by the manager of ~~public works~~ transportation and  
18 infrastructure, are hereby fixed and are hereby assessed against each parcel of property lying  
19 outside of the municipal and territorial limits of the city which is served by the city by the  
20 carriage and treatment of sanitary sewage, whether by direct connection with the sanitary  
21 sewer system of the city or by means of intervening sanitary sewerage systems which connect  
22 therewith, for each year or portion thereof in which such parcel is so served by such carriage  
23 and treatment or by the right to have sanitary sewage so carried and treated.

24           (2) When such rates and charges are not paid in full with respect to any parcel of  
25 property at the offices of the treasury of the city thirty (30) days after having been billed, such  
26 parcels shall be considered delinquent with respect thereto, and the manager of ~~public works~~  
27 transportation and infrastructure shall prepare a list of said delinquent parcels showing the  
28 description there, the amount due, and the year or years for which the delinquent amounts  
29 were levied.

30           (3) Such list shall then be certified by the city clerk as provided by law to the county in  
31 which the property is located, and the manager of ~~public works~~ transportation and infrastructure  
32 shall thereafter refuse to accept payment on account of any delinquency so certified.

33           **Section 243.** That section 56-102 (c), (f), (g)(3), (g)(9), (g)(11), (l), and (n), D.R.M.C. shall

1 be amended by deleting the language stricken and adding the language underlined, to read as  
2 follows:

3 **Sec. 56-102. - Disposal of wastes and use of public sewers.**

4 (c) *Discharge of wastewater in watercourses.* It shall be unlawful for any person to  
5 discharge to any stream or watercourse any domestic or industrial wastewater or other polluted  
6 waters, except where suitable treatment has been provided in accordance with the provisions  
7 of this division or the rules and regulations of the manager of ~~public works~~ transportation and  
8 infrastructure.

9 (f) *Mandatory connection to public sewer.* The owner of any building situated within the  
10 city and abutting on any street or alley in which there is now located or may in the future be  
11 located a public sewer of the city, is hereby required, at his expense, to connect the building  
12 directly with the public sewer designated by the manager of ~~public works~~ transportation and  
13 infrastructure, within ninety (90) days after date of official notice to do so, provided that the  
14 public sewer is within three hundred (300) feet of the nearest point of the property line and the  
15 building is within one thousand (1,000) feet of the public sewer.

16 (g) *Prohibited discharges in sanitary sewer.* It shall be unlawful for any person to  
17 discharge or cause to be discharged into the sanitary sewerage system any of the following:

18 (3) Sewage containing any radioactive substance, garbage, night soil, or septic tank  
19 pumpage, except pursuant to rules and regulations established by the manager of ~~public works~~  
20 transportation and infrastructure;

21 (9) Wastes with phenolic compounds, sulfides, cyanides or compounds capable of  
22 liberating hydrocyanic acid gas in excess of limits established by the manager of ~~public works~~  
23 transportation and infrastructure;

24 (11) Water or wastes containing the discharge of acid iron pickling wastes or plating  
25 solutions unless pretreated to standards established by the manager of ~~public works~~  
26 transportation and infrastructure;

27 (l) *Obstruction of operation.* It shall be unlawful for any person to obstruct, hinder, deny  
28 access to, or in any way prevent, the manager of ~~public works~~ transportation and infrastructure,  
29 or any agent or employee acting under the authority of the manager, from operating,  
30 maintaining, supervising or controlling public sewers wherever situate or located.

31 (n) *Exception by special permit.* Whenever the manager of ~~public works~~ transportation  
32 and infrastructure shall determine that any of the provisions of this section shall be impractical,  
33 unreasonable or unjust in a particular instance, and shall further determine that an exception to

1 such provision would not be detrimental to the sanitary sewerage system of the city or metro,  
2 the manager of ~~public works~~ transportation and infrastructure may grant a special permit,  
3 excepting the individual user from the application of the pertinent provision.

4 **Section 244.** That section 56-102.5 (b)(17), (d), and (g), D.R.M.C. shall be amended by  
5 deleting the language stricken and adding the language underlined, to read as follows:

6 **Sec. 56-102.5. - Industrial pretreatment.**

7 (b) *Definitions.* Unless the context specifically indicates otherwise, the following terms  
8 and phrases, as used in this section only, shall have the meanings hereinafter designated.  
9 Definitions found in other sections of this Revised Municipal Code may be applicable to this  
10 section; however, whenever there shall be any inconsistency or variance between such  
11 definitions and the definitions contained herein, the following definitions shall take control and  
12 precedence over any such conflicting definition for the purposes of this section only:

13 (17) *Manager, department of ~~public works~~ transportation and infrastructure:* The person  
14 designated by the city to supervise the operation of the municipal sanitary sewer system and  
15 administer the service agreement with metro as operator of the POTW and the person charged  
16 with the implementation of this section, or his duly authorized representative.

17 (d) *General discharge prohibitions.* No user shall contribute or cause to be contributed  
18 directly into the city's municipal sanitary sewer system or indirectly any pollutant or wastewater  
19 which alone, or in conjunction with other discharges, will cause interference or result in a pass  
20 through. These general prohibitions apply to all such users, whether or not the user is subject  
21 to national categorical pretreatment standards or requirements. No user may discharge any  
22 substance not in compliance with the rules and regulations of the department of ~~public works~~  
23 transportation and infrastructure.

24 (g) *Specific pollutant limitations.* No person shall discharge wastewater having  
25 characteristics not in full compliance with the rules and regulations of the wastewater  
26 management division of the department of ~~public works~~ transportation and infrastructure of the  
27 city.

28 **Section 245.** That section 56-103 (d) and (e), D.R.M.C. shall be amended by deleting the  
29 language stricken and adding the language underlined, to read as follows:

30 **Sec. 56-103. - Permits and fees.**

31 (d) In all buildings hereafter constructed in which any building sewer is too low to permit  
32 gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted  
33 by artificial means, approved by the manager of ~~public works~~ transportation and infrastructure,

1 and discharged into the public sewer at the expense of the owner.

2 (e) If any work permitted at the premises under either a building permit or a permit  
3 issued by the manager of ~~public works~~ transportation and infrastructure by virtue of authority of  
4 this division is not commenced within one (1) year from the date of issuance, or after partial  
5 completion, such work is discontinued for a period of one (1) year, or the building permit is  
6 canceled by the city; any permit issued by the manager by virtue of authority of this division  
7 shall thereupon be of no force and effect and no work on facilities connected, or to be  
8 connected, with either the sanitary sewerage system or the storm drainage system of the city  
9 shall be performed until a new permit or an extension of the original permit shall have been  
10 issued by the city. A new fee shall be paid upon the issuance of the new permit.

11 **Section 246.** That section 56-104, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 56-104. - Authority of the manager of transportation and infrastructure.**

14 The manager of ~~public works~~ transportation and infrastructure shall have the authority to  
15 classify and reclassify customers for sewer service charges and surcharges; to require  
16 applications for the connection of building sewers to the public sewers; to require the installation  
17 of sanitary sewage flow meters, water meters, inspection chambers or control manholes; to  
18 issue or revoke sewer use permits; to sample the sewage flow of building sewers; to require the  
19 submission of production unit data for sewer service charge billing periods or sewer sampling  
20 periods; to adjust water billing data prior to the calculation of sewer service charges; to establish  
21 strength indexes for industrial waste class customers; to enter upon private and public premises  
22 at reasonable times and hours to inspect sewer facilities and sewage disposal operations and  
23 for sampling, measuring and testing sewage discharge; start to determine residential equivalents  
24 for commercial and industrial establishments; to bill and collect sewer service charges,  
25 surcharges, permit charges and other applicable fees; to adjust inequities in sewer service  
26 charges of all classes; to determine and establish limits of quality and quantity of deleterious  
27 wastes to be discharged into the sanitary sewerage system; to issue orders requiring  
28 compliance of discharge of wastes within established limits of quality and quantity; to make the  
29 design, plans and construction of private sewerage systems subject to review and approval by  
30 the department of ~~public works~~ transportation and infrastructure; to require the installation of  
31 sewage pretreatment facilities; to establish conditions and fees for the discharge of septic tank  
32 pumpage into the sewerage system; and to do any and all other things necessary for the  
33 enforcement and administration of the terms of this division, including, but not limited to, the

1 power to issue legal process to enforce the provisions of this division.

2 **Section 247.** That section 56-105, D.R.M.C. shall be amended by deleting the language  
3 stricken and adding the language underlined, to read as follows:

4 **Sec. 56-105. - Rules and regulations.**

5 The manager of ~~public works~~ transportation and infrastructure shall have the authority to  
6 make and promulgate from time to time such rules and regulations as the manager finds  
7 necessary for the administration and enforcement of this division in addition to and in  
8 conjunction with, the provisions of this division and not inconsistent therewith.

9 **Section 248.** That section 56-106 (a), (c), (d), (e), and (f), D.R.M.C. shall be amended by  
10 deleting the language stricken and adding the language underlined, to read as follows:

11 **Sec. 56-106. - Administrative review and court proceedings.**

12 (a) Any person who disputes the amount of a charge or rate of charge made against his  
13 property or otherwise billed to or alleged to be owing from such person may request a revision  
14 or modification of such charge or rate from the agency or division of the department of ~~public~~  
15 ~~works~~ transportation and infrastructure assessing such charge. Such request shall be made in  
16 writing not later than one (1) year after having been billed for any such charge. Compliance  
17 with the provisions of this subsection shall be a jurisdictional prerequisite to any action brought  
18 under the provisions of this section, and failure of compliance shall forever bar any such action.

19 Such agency or division shall issue a written determination granting or denying such request  
20 in whole or in part, which determination may be appealed pursuant to the remaining provisions  
21 of this section.

22 (c) The manager may hold such hearing himself or in his sole discretion may designate an  
23 officer or employee of the department of ~~public works~~ transportation and infrastructure as a  
24 hearing officer with authority to hold such hearing or such hearings. The manager may also  
25 designate as a hearing officer a person retained for that purpose by contract under Charter  
26 section A2.3-10.

27 (d) Such petition shall be in writing, and the facts and figures submitted shall be submitted  
28 under oath or affirmation either in writing or orally at a hearing scheduled by the manager of  
29 ~~public works~~ transportation and infrastructure or the hearing officer. The hearing, if any, shall  
30 take place in the city, and notice thereof and the proceedings shall otherwise be in accordance  
31 with rules and regulations issued by the manager of ~~public works~~ transportation and  
32 infrastructure. The petitioner shall bear the risk of nonpersuasion, and the standard of proof  
33 shall conform with that in civil, nonjury cases in state district court.



1 (e) Thereupon, the manager of ~~public works~~ transportation and infrastructure or his  
2 designee shall make a final determination. Such final determination shall be considered a final  
3 order of the manager and may be reviewed under Rule 106(a)(4) of the state rules of civil  
4 procedure by the petitioner or by the city. A request for reconsideration of the determination  
5 may be made if filed with the manager of ~~public works~~ transportation and infrastructure within  
6 fifteen (15) days of the date of determination, in which case the manager shall review the  
7 record if the proceedings were conducted by a designated hearing officer, and the  
8 determination shall be considered a final order of the manager upon the date the manager  
9 rules on the request for reconsideration.

10 (f) The district court of the second judicial district of the state shall have original jurisdiction  
11 in proceedings to review all questions of law and fact determined by the manager of ~~public~~  
12 ~~works~~ transportation and infrastructure by order or writ under Rule 106(a)(4) of the state rules  
13 of civil procedure.

14 **Section 249.** That section 56-107 (a), (b), (c), and (d), D.R.M.C. shall be amended by  
15 deleting the language stricken and adding the language underlined, to read as follows:

16 **Sec. 56-107. - Enforcement; violations; penalties.**

17 (a) The violation of the provisions of this division or of the rules and regulations of the  
18 manager of ~~public works~~ transportation and infrastructure issued pursuant to this division by  
19 any person shall be unlawful.

20 (b) Any person who violates any provision of this division or the rules and regulations of  
21 the manager of ~~public works~~ transportation and infrastructure issued pursuant to this division or  
22 the provisions of any permit issued by the manager shall also be subject to a civil penalty of not  
23 more than ten thousand dollars (\$10,000.00) per day for each day during which such violation  
24 occurs.

25 (c) Penalties shall be determined by the manager of ~~public works~~ transportation and  
26 infrastructure after hearing as to propriety and amount thereof. The manager shall consider the  
27 history of provisions violations, the appropriateness of such penalty to the size of the business  
28 of the user charged, whether the user was negligent, the effect on the user's ability to continue  
29 in business, the gravity of the violation, and the demonstrated good faith of the user charged in  
30 attempting to achieve rapid compliance after notification of a violation.

31 (d) Penalties shall be collected by the manager of ~~public works~~ transportation and  
32 infrastructure by action initiated in the district court for collection of such penalty. A stay of any  
33 order of the manager pending judicial review shall not relieve any person from any liability

1 under subsection (b), but the reason for judicial review shall be considered in the determination  
2 of the amount of the penalty.

3 **Section 250.** That section 56-110 (a) and (c), D.R.M.C. shall be amended by deleting the  
4 language stricken and adding the language underlined, to read as follows:

5 **Sec. 56-110. - Master drainage plan.**

6 (a) The manager of ~~public works~~ transportation and infrastructure (hereinafter  
7 sometimes referred to as "manager") shall, as soon as is practicable, formulate and develop a  
8 plan to be known as the master drainage plan of the city. This master drainage plan, which  
9 shall be based on expert engineering studies, shall set forth the location of all drainage  
10 facilities within the city, including those facilities which presently exist and those which are  
11 planned to be constructed in the future.

12 (c) The manager of ~~public works~~ transportation and infrastructure shall make such  
13 additional studies as may be necessary to determine the most cost-effective approach and the  
14 estimated costs of constructing the drainage facilities shown on the master plan which do not  
15 presently exist.

16 **Section 251.** That section 56-111 (c)(1), (c)(3), (d), and (f), D.R.M.C. shall be amended by  
17 deleting the language stricken and adding the language underlined, to read as follows:

18 **Sec. 56-111. - Duties of land developers.**

19 (c) Prior to the issuance by the city of a building permit for any building or structure, the  
20 owner, or building permit applicant on his/her behalf, shall submit a detailed storm drainage  
21 plan to the manager unless a variance from such required submission is requested in writing  
22 and approved. The requested building permit shall not be issued until and unless such storm  
23 drainage plan has been approved. Such plan shall be reviewed with regard for generally  
24 accepted engineering principles and standards.

25 (1) The storm drainage plan submitted to the manager of ~~public works~~ transportation and  
26 infrastructure shall:

27 (3) No storm drainage plan shall be approved by the manager of ~~public works~~  
28 transportation and infrastructure unless it conforms with the rules and regulations of the  
29 manager and the engineering principles and standards of the master drainage plan, and  
30 particularly that portion of the master drainage plan which relates to the drainage basin in  
31 which the land in question is located.

32 (d) The owner or developer shall minimize the stormwater runoff and water quality  
33 impacts from his/her land. The owner or developer shall, at his/her own expense, submit

1 necessary plans, designs and specifications to the manager of ~~public works~~ transportation and  
2 infrastructure for review and approval. When approved by the manager of ~~public works~~  
3 transportation and infrastructure, a building permit shall be issued, subject to the developer's  
4 providing the manager, in a form satisfactory to the city attorney, a bond or other guarantee or  
5 indemnification for the construction of said facilities in accordance with such a schedule  
6 acceptable to the manager.

7 (f) In addition to other obligations described in this section, each developer shall provide,  
8 without cost to the city, easements of sufficient width, which, in the opinion of the manager of  
9 ~~public works~~ transportation and infrastructure, are necessary to ensure access to the  
10 constructed facilities for maintenance and operation purposes.

11 **Section 252.** That section 56-112 (c), D.R.M.C. shall be amended by deleting the  
12 language stricken and adding the language underlined, to read as follows:

13 **Sec. 56-112. - Storm drainage service charge.**

14 (c) The manager of ~~public works~~ transportation and infrastructure shall determine the  
15 number of square feet of impervious surface in or on the real property of each owner or owners  
16 thereof using the definition of impervious surface set forth in this division by any of the following  
17 methods:

18 **Section 253.** That section 56-114 (a), (c), (d), (e), and (f), D.R.M.C. shall be amended by  
19 deleting the language stricken and adding the language underlined, to read as follows:

20 **Sec. 56-114. - Administrative review and court proceedings.**

21 (a) Any person who disputes the amount of any charge or rate of charge made against  
22 his property may request a revision or modification to such charge or rate of charge from the  
23 agency or division of the department of ~~public works~~ transportation and infrastructure assessing  
24 such charge. Such request shall be made in writing not later than one (1) year after having  
25 been billed for any such charge. Said agency or division shall issue a written determination  
26 granting or denying such request, in whole or in part, which determination may be appealed  
27 pursuant to the remaining provisions of this section.

28 (c) The manager may hold such hearing himself or, in his sole discretion, may designate  
29 an officer or employee of the department of ~~public works~~ transportation and infrastructure as a  
30 hearing officer with authority to hold such hearing or such hearings.

31 (d) Such petition shall be in writing and the facts and figures submitted shall be  
32 submitted under oath or affirmation either in writing or orally at a hearing scheduled by the  
33 manager of ~~public works~~ transportation and infrastructure or the hearing officer. The hearing, if

1 any, shall take place in the city and notice thereof and the proceedings shall otherwise be in  
2 accordance with rules and regulations issued by the manager of ~~public works~~ transportation  
3 and infrastructure. The petitioner shall bear the risk of nonpersuasion, and the standard of  
4 proof shall conform with that in civil, nonjury cases in state district court.

5 (e) Thereupon, the manager of ~~public works~~ transportation and infrastructure or his  
6 designee shall make a final determination. Such final determination shall be considered a final  
7 order of the manager and may be reviewed under rule 106(a)(4) of the state rules of civil  
8 procedure.

9 (f) The district court of the second judicial district of the state shall have original  
10 jurisdiction in proceedings to review all questions of law and fact determined by the manager of  
11 ~~public works~~ transportation and infrastructure by order or writ under rule 106(a)(4) of the state  
12 rules of civil procedure.

13 **Section 254.** That section 56-115, D.R.M.C. shall be amended by deleting the language  
14 stricken and adding the language underlined, to read as follows:

15 **Sec. 56-115. - Administration of division by manager of transportation and infrastructure.**

16 The administration of the provisions of this division is hereby vested in and shall be  
17 exercised by the manager of the department of ~~public works~~ transportation and infrastructure  
18 who may, in accordance with article VI of chapter 2, prescribe forms and rules and regulations in  
19 conformity with this division for the ascertainment, computation and collection of the fees and  
20 charges imposed hereunder, and for the proper administration and enforcement hereof. The  
21 manager of ~~public works~~ transportation and infrastructure may delegate the administration of  
22 this division, or any part thereof, subject to the limitations of the Charter and this Code, to duly  
23 qualified deputies and agents of the manager of ~~public works~~ transportation and infrastructure.

24 **Section 255.** That section 56-116, D.R.M.C. shall be amended by deleting the language  
25 stricken and adding the language underlined, to read as follows:

26 **Sec. 56-116. - Notice.**

27 Every decision or determination of the manager of ~~public works~~ transportation and  
28 infrastructure shall be in writing and notice thereof shall be mailed to or served upon the  
29 petitioner within a reasonable time from the date of the manager's action, and all such  
30 determinations, orders and decisions shall become final upon the expiration of thirty (30) days  
31 after notice of such determination or decision shall have been mailed to or personally served  
32 upon the petitioner, unless proceedings are begun within the time for review thereof as herein  
33 provided. Service by certified mail, return receipt requested, shall be conclusive evidence of

1 service for the purpose of this division.

2 **Section 256.** That section 56-117 (d), D.R.M.C. shall be amended by deleting the  
3 language stricken and adding the language underlined, to read as follows:

4 **Sec. 56-117. - Fiscal matters.**

5 (d) The annual budget of the department of ~~public works~~ transportation and  
6 infrastructure shall include a proposed budget for (1) the operation and maintenance of storm  
7 drainage facilities for the ensuing budget year, and (2) the construction of storm drainage  
8 facilities during the same period. There shall also be included in the annual budget a statement  
9 of all amounts presently in the storm drainage fund, and an estimate of anticipated revenues  
10 for the ensuing budget year.

11 **Section 257.** That section 56-118, D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 56-118. - Billing and collection of charges.**

14 (a) The annual storm drainage service charge shall be billed and collected from owners  
15 of property directly by the manager of ~~public works~~ transportation and infrastructure. While bills  
16 for the service charge may be sent to the address of the lot or parcel of real property directed  
17 to "owner or occupant," the obligation to pay promptly the service charges is in no way affected  
18 by the failure of the city to furnish or send a bill or of the owner or occupant of the premises  
19 served to receive a bill for such services. Bills and notices are sent solely as a convenience to  
20 the users.

21 (b) If any owner or owners of any lot, parcel of land or any real property within the legal  
22 boundaries of the city shall neglect, fail or refuse to pay the charges or fees fixed by this  
23 division, the rates, charges or fees due therefor may, by the manager of ~~public works~~  
24 transportation and infrastructure, be periodically certified to the manager of finance who shall  
25 record a notice of such lien with the clerk and recorder. Such rates, charges or fees due  
26 therefor shall become, from and after the date of such recording of the notice in the office of  
27 the clerk and recorder, a continuing lien upon the real property so charged. The manager of  
28 finance shall assess and charge the amounts of the charges or fees due against the property  
29 involved, and collect the same, plus interest thereon, in the manner as are delinquent real  
30 property taxes. The lien created hereby shall be superior and prior to all other liens, regardless  
31 of their dates of recordation, except liens for general taxes and special assessments. In  
32 addition to the remedies set forth herein, an action or other process provided by law may be  
33 maintained by the city to recover or collect any amounts, including interest, owing under this

1 provision. Provided however, that when the failure to pay such rates, charges or fees due is the  
2 result of incorrect billing by the manager of ~~public works~~ transportation and infrastructure, the  
3 owner shall only be billed, with the related certification and notice, if any, for not more than two  
4 (2) years prior to the mailing of a corrected billing.

5 **Section 258.** That section 56-120, D.R.M.C. shall be amended by deleting the language  
6 stricken and adding the language underlined, to read as follows:

7 **Sec. 56-120. - Violations; evasion of collection or payment.**

8 It shall be a violation of this division for any person to fail or refuse to make payment to  
9 the manager of ~~public works~~ transportation and infrastructure of any fees or charges due the  
10 city, or in any manner to evade the collection and payment to such fees and charges, or any part  
11 or parts thereof, imposed by this division or for any person to fail or refuse to pay such fees or  
12 charges or evade the payment thereof, or to aid or abet another in any attempt to evade the  
13 payments of the fees and charges imposed by this division.

14 **Section 259.** That section 56-201, D.R.M.C. shall be amended by deleting the language  
15 stricken and adding the language underlined, to read as follows:

16 **Sec. 56-201. - Definitions.**

- 17 (a) Words, phrases and terms defined herein shall be given the defined meaning.
- 18 (b) Words, phrases and terms not defined herein, but defined in the building code or the  
19 zoning code of the city, shall be construed as defined in such code.
- 20 (c) Words, phrases and terms neither defined herein nor in the building code or the  
21 zoning code of the city, shall be given usual and customary meanings except where the context  
22 clearly indicates a different meaning.
- 23 (d) The word "shall" is mandatory and not permissive; the word "may" is permissive and  
24 not mandatory.

25 *Manager of ~~public works~~ transportation and infrastructure:* Hereinafter called the  
26 manager, he shall be the officer in full charge and control of the department of ~~public works~~  
27 transportation and infrastructure (refer to subsection 56-204(a)).

28 *Regulatory floodplain:* The area of land subject to inundation by the base flood as  
29 delineated by the special flood hazard area (SFHA), any other floodplain maps that have been  
30 adopted by the manager of ~~public works~~ transportation and infrastructure, and areas that have  
31 been removed from the SFHA by a FEMA issued letter of map revision based on fill (LOMR-F).

32 **Section 260.** That section 56-202 (e) and (f)(3), D.R.M.C. shall be amended by deleting  
33 the language stricken and adding the language underlined, to read as follows:

1 **Sec. 56-202. - General provisions.**

2 (e) *Adoption of regulatory floodplain map.*

3 (3) The various individual floodplain maps constituting the official regulatory floodplain  
4 map shall be marked and maintained pursuant to a system of identification established by the  
5 department of ~~public works~~ transportation and infrastructure.

6 (f) *Amendments to official regulatory floodplain map.*

7 (3) All amendments to the official regulatory floodplain map shall be listed in the order in  
8 which they were adopted, in a separate register maintained in and kept current by the  
9 department of ~~public works~~ transportation and infrastructure.

10 **Section 261.** That section 56-204 (a), D.R.M.C. shall be amended by deleting the  
11 language stricken and adding the language underlined, to read as follows:

12 **Sec. 56-204. - Administration.**

13 (a) *Administration of article by manager.* The administration of the provisions of this  
14 article is hereby vested in and shall be exercised by the manager who may, in accordance with  
15 article VI of chapter 2 of the Revised Municipal Code, prescribe forms and rules and  
16 regulations in conformity with this article for the proper administration and enforcement hereof.  
17 The manager may delegate the administration of this article or any part thereof, subject to the  
18 limitations of the Charter and this Code, to duly qualified deputies and agents of the manager  
19 of ~~public works~~ transportation and infrastructure. For the purposes of this article, the manager  
20 shall delegate the administration thereof to the designated floodplain administrator except  
21 subsection 56-202(e)(1), "Adoption of regulatory floodplain map," subsection 56-204(e),  
22 "Variances," and subsection 56-204(f), "Administrative review."

23 **Section 262.** That section 56-300 (6), D.R.M.C. shall be amended by deleting the  
24 language stricken and adding the language underlined, to read as follows:

25 **Sec. 56-300. - Legislative findings and declarations.**

26 The Denver City Council finds and declares:

27 (6) Since 1986, the city has included within its electric utility franchise certain  
28 undergrounding requirements for electric distribution facilities, including the establishment of a  
29 fund for electric undergrounding projects as directed by the manager of ~~public works~~  
30 transportation and infrastructure.

31 **Section 263.** That section 56-301 (1) and (2), D.R.M.C. shall be amended by deleting the  
32 language stricken and adding the language underlined, to read as follows:

33 **Sec. 56-301. - Definitions.**

1 Words and phrases used in this article shall have the following meanings ascribed to  
2 them:

3 (1) *Electric utility franchise* means the franchise granted by the city to the Public Service  
4 Company of Colorado, d/b/a Xcel Energy by Ordinance No. 342, Series of 2006 and any  
5 subsequent franchise granted by the city to the company or the company's successor in  
6 interest which provides for the underground conversion of overhead electric distribution  
7 facilities upon request of the city's manager of the department of ~~public works~~ transportation  
8 and infrastructure.

9 (2) *Manager* means the manager or executive director of the department of ~~public works~~  
10 transportation and infrastructure.

11 **Section 264.** That section 57-23 (c), D.R.M.C. shall be amended by deleting the language  
12 stricken and adding the language underlined, to read as follows:

13 **Sec. 57-23. - Obstruction of public property.**

14 (c) The responsible party shall maintain all trees to provide for clear and safe use of the  
15 public right-of-way in accordance with applicable department of ~~public works~~ transportation and  
16 infrastructure rules and regulations.

17 **Section 265. Effective date.** This bill is effective upon passage.  
18

19 **BALANCE OF PAGE INTENTIONALLY LEFT BLANK**



1 COMMITTEE APPROVAL DATE: January 14, 2020 by Consent  
2 MAYOR-COUNCIL DATE: January 21, 2020  
3 PASSED BY THE COUNCIL \_\_\_\_\_ 2020

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2020


6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ 2020; \_\_\_\_\_ 2020

11 PREPARED BY: Jill L. Ferguson, Assistant City Attorney DATE: January 23, 2020

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
15 3.2.6 of the Charter.  
16

17 Kristin M. Bronson, Denver City Attorney

18   
19 BY: \_\_\_\_\_, Assistant City Attorney DATE: Jan 27, 2020