BY AUTHORITY

ORDINANCE NO._____ COUNCIL BILL NO. CB16-0224

SERIES OF 2016 COMMITTEE OF REFERENCE:

BUSINESS DEVELOPMENT

A B I L L

For an Ordinance amending Chapter 5 of the Denver Revised Municipal Code - AIRPORT AND AIRCRAFT, Article II. - OPERATION OF DENVER MUNICIPAL AIRPORT SYSTEM, Sec. 5-18. - Private designing, planning, construction, reconstruction and remodeling.

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

Section 1. That Chapter 5 – AIRPORT AND AIRCRAFT, Article II. - OPERATION OF DENVER MUNICIPAL AIRPORT SYSTEM, Sec. 5-18. – Private designing, planning, construction, reconstruction and remodeling of the Denver Revised Municipal Code be and is hereby amended by adding the underlined language and deleting the stricken language to read and be read as follows:

(a) *Rules and regulations.* The manager of aviation shall have the authority to make and promulgate such rules and regulations as the manager finds necessary for the administration and enforcement of this section not inconsistent with the Charter and ordinances.

(b) Capital improvements. ~~*Permit required.*~~ It shall be unlawful for any person to design, plan, construct, reconstruct or remodel any airport facilities~~, as described in Denver Charter Section A16.3-1,~~ not performed by the department of aviation or under contracts let by that department without obtaining a permit as provided in the rules and regulations of the manager of aviation and in accordance with the City and County of Denver, standard specifications for construction, general contract conditions, as amended from time to time.~~this section.~~

~~(c) *Application.* The person intending to design, plan, construct, reconstruct or remodel such airport facilities shall file a written application with the manager of aviation signed by the owner of the property involved, or an authorized agent, and the application must be accompanied by the following:~~

~~(1) A general description of the work proposed to be done, together with its location;~~

~~(2) A statement of the estimated cost of the work;~~

~~(3) If the proposed work is to be done in the public way, evidence that the land is owned by the city or dedicated to public use;~~

~~(4) An application fee in the amount of ten dollars ($10.00).~~

~~(d) *Conditions.* No application for permission to design, plan, construct, reconstruct or remodel such airport facilities shall be granted by the manager of aviation except upon the following express conditions:~~

~~(1) That all costs incident to the work shall be borne solely by the permittee;~~

~~(2) That before any work is commenced, the permittee shall submit plans and specifications of the proposed work to the manager of aviation, and the work shall not be commenced without the approval, in writing, by the manager of the plans and~~

~~specifications; such approval shall be contingent upon the payment by the permittee to the city of a design checking fee, computed on the basis of the city's current charges for such service;~~

~~(3) That during the course of construction the city shall cause inspections of the work to be made to determine whether the work is being performed according to the approved plans and specifications, and that the quality of the work and material is acceptable. If the city determines that the work is not being so performed, the manager shall order the work to cease until there is satisfactory evidence that the work conforms to the plans and specifications. The permittee shall pay to the city an inspection fee, computed on the basis of the city's current charges for such service;~~

~~(4) That upon completion of the work and approval and acceptance by the city, all right, title and interest in the same shall vest in the city;~~

~~(5) That the permittee shall indemnify, save and keep the city and its officers and employees harmless from any and all claims, damages, liability, losses, actions, suits or judgments which may be presented, sustained, brought or obtained against the city or any of its officers or employees because of or as a result of the work being performed by the permittee;~~

~~(6) That the work done shall be done only by a contractor licensed by the city to perform that particular type of work;~~

~~(7) That the permittee, in performance of the work, shall observe and comply with the provisions of the Charter, ordinances and rules and regulations of the city and state and federal laws which, in any manner, limit, control or apply thereto, and that all permits and licenses required in the prosecution of the work be obtained and paid for by the permittee;~~

~~(8) That the permittee, the permittee's contractors and subcontractors pay all sales and use taxes levied by the state and the city on any tangible personal property built into or incorporated into the work and, within ten (10) months after such payment of the state tax is made, furnish to the city an itemized, certified and acknowledged statement, including the names and addresses of the suppliers, the amounts of such taxes and the dates of payment;~~

~~(9) That the permittee execute a bond, or other guarantee or indemnification, approved by the city attorney, conditioned that the permittee shall promptly make payment of all amounts lawfully due to all contractors, subcontractors and persons furnishing labor or materials or labor and materials used or performed in the prosecution of the work, and will indemnify the city to the extent of all payments in connection with performing the work;~~

~~(10) That the permittee shall at all reasonable hours allow right of entry to any city inspector or other authorized agent of the city to the work site, and allow such inspector or agent the right to conduct tests and evaluations as to the quality of the work performed and materials used and conformance with the approved design and specifications.~~

(c) Commercial improvements. Privately financed improvements shall be constructed in accordance with the rules and regulations of the manager of aviation.

COMMITTEE APPROVAL DATE: April 7, 2016.
MAYOR-COUNCIL DATE: April 12, 2016.

PASSED BY THE COUNCIL _____ 2016

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2016

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2016; _____ 2016

PREPARED BY: Kirsten Crawford, Assistant City Attorney DATE: April 14, 2016

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is **not** submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

D. Scott Martinez, City Attorney for the City and County of Denver

By: _____, Assistant City Attorney DATE: April 14, 2016