

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER OHM
COUNCIL BILL NO. 17
ORDINANCE NO. 1747
Series 2022

**TITLE: AN ORDINANCE AMENDING SECTION 21-30 OF THE WHEAT
RIDGE CODE OF LAWS CONCERNING PERFORMANCE
WARRANTY AND GUARANTEE FOR WORK IN THE PUBLIC
RIGHTS-OF-WAY**

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, In the exercise of this authority, the Council has previously adopted Code of Laws concerning streets and sidewalks; and

WHEREAS, the Council finds it necessary to amend Code Section 21-30 to adjust the required warranty period for such work.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 21-30 is amended to read as follows:

Sec. 21-30. - Performance warranty/guarantee.

- (a) Any warranty made hereunder shall serve as security for the performance of work necessary to repair the public rights-of-way if the permittee fails to make the necessary repairs or to complete the work under the permit.
- (b) The permittee, by acceptance of the permit, expressly warrants and guarantees complete performance of the work in a manner acceptable to the city and guarantees all work done for a period of **TWO (2)**~~three (3)~~ years after the date of probationary acceptance and agrees to maintain upon demand and to make all necessary repairs during the **TWO**~~three~~- year period. This warranty shall include all repairs and actions needed as a result of:
 - (1) Defects in workmanship;
 - (2) Settling of fills or excavations;
 - (3) Any unauthorized deviations from the approved plans and specifications;
 - (4) Failure to barricade;

- (5) Failure to clean up during and after performance of the work;
 - (6) Any other violation of this chapter or the ordinances of the city.
- (c) The ~~TWO~~three-year warranty period shall run from the date of the city's probationary acceptance of the work. If repairs are required during the ~~TWO~~three-year warranty period, those repairs need only be warranted until the end of the initial ~~TWO~~three-year period starting with the date of probationary acceptance. It is not necessary that a new ~~TWO~~three-year warranty be provided for subsequent repairs after probationary acceptance.
- (d) At any time prior to completion of the ~~TWO~~three-year warranty period, the city may notify the permittee, in writing, of any needed repairs. Such repairs shall be completed within twenty-four (24) hours if the defects are determined by the city to be an imminent danger to the public health, safety and welfare. Non-emergency repairs shall be completed within thirty (30) calendar days after such notice.
- (e) The warranty described in this section shall cover only those areas of work undertaken by a permittee and not directly impacted by the work of any other permittee or the city. In the event that a portion of work warranted by permittee is subsequently impacted by work of another permittee or the city during the warranty period, that other permittee or the city shall assume responsibility for repair to the subsequently impacted section of rights-of-way.

Section 2. Severability. Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTROCUDED, RED, AND ADOPTED on first reading by a vote of 8 to 0 on this 22nd day of August, 2022, ordered published in full in a newspaper of general circulation in the City of Wheat ridge, and Public Hearing and consideration on final passage set for September 12, 2022 at 7 p.m., as a virtual meeting and in the Council chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado if allowed to meet on that date due to COVID-19 restrictions.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 12 day of September, 2022.

SIGNED by the Mayor on this 13 day of September, 2022.



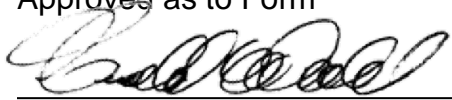
Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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