

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-07**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING SECTION 16.4.60 “INSTALLING UNDERGROUND
CONDUIT” OF THE SEVERANCE MUNICIPAL CODE**

WHEREAS, the Town of Severance (“Town”) previously adopted Section 16.4.60 “Installing underground conduit” in Ordinance No. 2023-08, § 2; and

WHEREAS, the Town wishes to amend Section 16.4.60 to delete subsection (b) in its entirety; and

WHEREAS, deleting subsection (b) will further incentivize internet service providers and reduce Town maintenance expenses associated with the conduits; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Section 16.4.60, “Installing underground conduit,” of the Severance Municipal Code is hereby amended to read as follows:¹

Sec. 16.4.60. Installing underground conduit.

(a) ~~—— Purpose.~~ To provide for the installation of public and private utilities after completion of streets, sidewalks, trails, or similar improvements, three (3) SDR11 smooth conduit lines, one and one-quarter (1.25) inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High-Definition Polyethylene (HDPE) four-inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR11 smooth conduit lines for the full width of the right-of-way (ROW).

(b) ~~—— Ownership. Once installed and accepted by the Town, the conduit shall become the property of the Town, and its use shall be subject to license or franchise by the Town.~~

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

¹ Deletions are indicated by ~~strikethrough~~.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 23rd day of April, 2024.



TOWN OF SEVERANCE, COLORADO


Matthew Fries, Mayor


ATTEST:



Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

DocuSigned by:


Hayashi & Macsalka, LLC, Town Attorney
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