

ORDINANCE NO. 1147 (2023)

AN ORDINANCE AMENDING SECTION 12.04.060 OF THE CRAIG MUNICIPAL CODE TO CLARIFY LIABILITY RESPONSIBILITIES TO INCLUDE THE MAINTENANCE OF ALL REQUIRED TRAFFIC CONTROL DEVICES

WHEREAS, the City of Craig is a home rule municipality;

WHEREAS, the Contractors and public utilities are responsible and liable for any work completed under Chapter 12 of the Craig Municipal Code;

WHEREAS, the City believes that contractors and public utilities should be liable and responsible for maintaining all required traffic control devices pursuant to MUTCD ;

WHEREAS, the City Council determines that it is in the best interest of the City of Craig to require contractors and public utilities to be responsible for maintaining all required traffic control devices pursuant to MUTCD;

AND WHEREAS, the City Council agrees it is necessary for the preservation of the general welfare of the people of the City of Craig to modify the Code as follows.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO:

Section 1. Section 12.04.060 of the Craig Municipal Code is hereby amended as follows:

12.04.060 - Liability

Every contractor and every public utility making a cut, opening, hole or excavation as described in this chapter shall be responsible and liable for the proper maintenance and repair of such cut, opening, hole or excavation so made for the period of one (1) year from the date of the filling and repair of the same. Every contractor and every public utility making a cut, opening, hole or excavation as described in this chapter shall be responsible and liable for maintaining all required traffic control devices as required by MUTCD. The city may require a performance bond or certified check from any such contractor or public utility to indemnify the city for any additional repairs which may have to be made of such cut, opening, hole or excavation. Such bond or certified check will be made in at least the amount of the permit cost and repair fees and at most in the amount of the estimated cost of the project.

Section 2. If any subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. All other provisions of Title 12 of the Craig Municipal Code shall remain in full force and effect.

Section 3. The City Council deems it appropriate to publish the title of this ordinance, together with a summary of the ordinance and with a statement that the text is available for public

inspection and acquisition in the office of the City Clerk.

Section 4. This ordinance shall be effective immediately upon passage.

Section 5. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS 8th DAY OF AUGUST 2023, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Derek Duran, Mayor

ATTEST:

Liz White, City Clerk