

O-2024-30

AN ORDINANCE

AMENDING TITLES 12 AND 14 OF THE LAKEWOOD MUNICIPAL CODE REGARDING PERMITS, REVOCABLE LICENSE AGREEMENTS AND ACCEPTANCE OF PUBLIC IMPROVEMENTS OR INTERESTS IN REAL PROPERTY

WHEREAS, the City of Lakewood, Colorado, the “City”, is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, the City Council recently adopted Resolution 2024-30 approving the Real Estate Transaction Manual (the “Manual”);

WHEREAS, adoption and administration of the Manual require amendments to four sections in the Lakewood Municipal Code (the Code), which will bring the Code into alignment with current City practices;

WHEREAS, the City Council desires to amend its Code to conform with City processes and to administer the Real Estate Transaction Manual; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. Amending Sections 12.17.030, 12.19.020, 12.19.030, and 14.13.060 of the Lakewood Municipal Code. Title 12, Section 17 of the Lakewood Municipal Code is hereby amended as follows:

12.17.030 - Permit fee.

A permit application form shall be obtained from the issuing department. Processing of the initial permit requires a non-refundable fee of \$100.00. Permit terms and renewals under this Section shall be determined by the issuing department and reflected in the permit application form or related documents. Any future increase or decrease in application or renewal fees shall be by the adoption of a resolution by City Council.

Title 12, Section 19 of the Lakewood Municipal Code is hereby amended as follows:

12.19.020 - Revocable License Agreement.

- A. No person shall construct any improvement, such as fences or mailbox pillars, or place any object, such as commercial-type trash dumpsters, in the public right-of-

way or on City-owned property without first obtaining a Revocable License Agreement approved by the City Manager or designee.

- B. This ordinance shall not apply to trash receptacles that are placed adjacent to the traveled lanes for removal on the scheduled date of pick-up.
- C. A fee for processing the Revocable License Agreement shall be set by City Council resolution from time to time.
- D. The Revocable License Agreement granted by the City of Lakewood is revocable at will by the City of Lakewood.
- E. Any improvements or objects placed or constructed in the public right-of-way or on City-owned property are subject to removal by the City with costs assessed to the person, firm, corporation, or association responsible. The City may also:
 - 1. Issue a cease-and-desist order;
 - 2. Issue a summons and complaint to be heard in Lakewood Municipal Court;
 - 3. Petition the Jefferson County District Court for the issuance of a preliminary or permanent injunction, or both, and seek compensation for any damage caused by such placement or construction, including any fines levied against the City of Lakewood as a result of such violation; and/or
 - 4. Treat the violation as a nuisance. Any encroachment of the public right-of-way or City-owned property is declared to be a nuisance and may be abated, if the City so chooses, under the provisions of 9.80 of the Lakewood Municipal Code relating to the abatement of nuisances.

12.19.030 - Procedure for Approval.

- A. An application form shall be obtained from the City Manager or designee.
- B. The application form shall be completed and returned to the City Manager or designee for review with the applicable fee.
- C. The City Manager or designee shall forward copies of the application to all appropriate departments for review and comment.
- D. Upon approval by appropriate departments, the City Manager or designee shall prepare the Revocable License Agreement to be signed first by the applicant with final signature by the City Manager or designee.

Title 14, Section 13 of the Lakewood Municipal Code is hereby amended as follows:

14.13.060 - Acceptance of public improvements or interest in real property.

- A. After completion of all improvements to be constructed pursuant to a public improvements agreement, the applicant shall request, by certified letter addressed to the City Engineer, that the City Engineer issue a certificate of acceptance to said applicant. At his discretion the City Engineer may, by written notice, require said request to be accompanied by a letter from a registered professional engineer stating that said improvements have been completed and installed in accordance with the public improvements agreement, the approved final engineering construction plans, and the applicable design standards of the city. The City Engineer may also require a submission of as-built drawings certified by said registered professional engineer.
- B. The City Engineer shall, within 30 days after receipt of said written request, cause the improvements to be inspected. If the City Engineer determines that all improvements are completed without significant defects and that they comply with the provisions of any applicable engineering standards and public improvements agreement, the City Engineer shall issue the certificate of acceptance.
- C. If the City Engineer determines that any improvements are not complete, or if they are complete, that they contain significant defects, the City Engineer shall inform the applicant, by certified mail, of the improvements requiring completion or repair, and shall not issue a certificate of acceptance until the specified improvements are completed or repaired. Upon receipt of this written notice, the incomplete or defective public improvements shall be completed or repaired within 45 calendar days unless extended by the City Engineer. Requests for extension shall be by certified mail addressed to the City Engineer, and shall be made on the basis of inclement weather or other similar circumstances beyond the applicant's control.
- D. The applicant shall complete all public improvements by a date to be determined by the City Engineer, which date shall be incorporated into the applicable public improvements agreement. If no certificate of acceptance has been issued prior to said date, the city may construct, complete, or repair any public improvements required under such agreement and may apply the collateral required by section 14.13.080 to pay the costs of completion, correction, or repair, or may employ any other lawful remedy to secure completion, correction, or repair of such improvements. Upon completion, correction, or repair of such improvements, the City Engineer shall issue a certificate of acceptance thereof, provided the city has received the full amount of all funds necessary to pay for such completion, correction, or repair from the applicant or the applicant's collateral.
- E. Within one year from the date of issuance of the certificate of acceptance, the applicant shall repair any defect discovered in any improvements for which a certificate of acceptance has been issued; provided that written notice of such defect has been provided to the applicant by the City Engineer. If any such defect is not repaired within 45 days of notice thereof, the city may correct said defect

and may apply the collateral required by section [14.13.080](#) to pay the costs of such repairs, or may employ any other lawful remedy to secure correction and repair of such defect and to recover any costs incurred by the city in doing so.

- F. Dedications or conveyances of rights-of-way, easements, access rights, tax sale parcel(s) not exceeding five thousand dollars (\$5,000.00), and all other interests in real property conveyed to the City by an applicant as part of the applicant's public improvement requirements or at the determination of City Staff that the conveyance is in the best interests of the City shall be submitted to the City Manager or designee. Acceptance by the City Manager or designee shall constitute acceptance by the City. The face page of the conveyance instrument shall contain a reference to Ordinance No. O-2024-30, and the appropriate tax schedule number to aid the county assessor in removing the property from the county tax rolls. A sample acceptance format is as follows:

[Purpose]	Ordinance/Resolution: [Insert No.]
P.M. No.	Case No.
ACCEPTED FOR CITY OF LAKEWOOD	Tax Schedule No.
By: _____	Quarter Sec. No.

SECTION 2. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 4th day of November, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 7th day of November, 2024; set for public hearing to be held on the 9th day of December, 2024; read, finally passed and adopted by the City Council on the 9th day of December, 2024; and signed by the Mayor on the ___ day of December, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney