

ORDINANCE NO. 777

**AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO,
APPROVING AND IMPLEMENTING DESIGN CRITERIA AND CONSTRUCTION
SPECIFICATIONS FOR STREETS, STORM DRAINAGE, POTABLE WATER
DISTRIBUTION, SANITARY SEWER COLLECTION, AND NON-POTABLE
IRRIGATION SYSTEMS, INCLUDING DRAWINGS, CHECKLISTS, EASEMENT
FORMS, AND RELATED POLICIES, INCLUDING POLICIES REGARDING CROSS
CONNECTION AND BACKFLOW PREVENTION, COMPOUND TAP EXEMPTION
FOR IRRIGATION OF MULTIPLE OUTLOTS, AND SALE OF POTABLE WATER
AND SANITARY SEWER TAPS**

WHEREAS the Board of Trustees (“Board”) of the Town of Milliken (“Town”) on March 14, 2001, approved construction standards for all areas of public infrastructure development, including water and wastewater utilities, street and sidewalk construction, storm sewer construction and parks development;

WHEREAS Town staff has developed a new compilation of construction standards in three volumes known as the “Milliken Design Criteria and Construction Specifications,” which is intended to displace the previously approved construction standards;

WHEREAS adoption of the Milliken Design Criteria and Construction Specifications, a copy of which has been submitted in writing to the Board in accordance with section 31-16-107 of the Colorado Revised Statutes and is attached to this ordinance, is in the public interest;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. The Milliken Design Criteria and Construction Specifications are adopted as rules of the Town of Milliken governing the subject matter thereof.

Section 2. Chapter 11, Article II, Section 11-2-20 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 11-2-20. - Standards, regulations and specifications.

All roadway and sidewalk design, construction, and final acceptance by the Town shall be in accordance with the Milliken Design Criteria and Construction Specifications, Volume III, Streets. The Public Works Department, in consultation with the Town Administrator and the Public Works Director, shall develop additional standards, regulations and specifications governing access, utilization and restoration of all streets, alleys and rights-of-way within the corporate limits of the Town, which standards, regulations and specifications shall not constitute a barrier to the use and excavation of Town facilities, but shall preserve the integrity of the facilities at the least possible cost to the Town’s taxpayers. Such standards, regulations and specifications as developed by the Town are hereby adopted by reference.

Section 3. A new Article III is hereby added to Chapter 11 of the Milliken Municipal Code, which will read as follows in its entirety:

ARTICLE III – Standards for Public Infrastructure

Sec. 11-3-10. – Milliken Design Criteria and Construction Specifications

The Public Works Department, in consultation with the Town Administrator and the Public Works Director, shall formulate, publish and from time to time amend written standards and specifications setting forth details as to materials, designs, and methods pertaining to the construction and installation of streets, storm drainage, potable water distribution, sanitary sewer collection, and non-potable irrigation systems. The standards and specifications shall reflect good engineering practice and shall include drawings, checklists, forms, applications, instructions, and other supporting and informational material. The standards and specifications shall be referred to as the “Milliken Design Criteria and Construction Specifications” and shall be in three volumes: “Water and Sewer Utilities” (Volume I), “Storm Drainage” (Volume II), and “Streets” (Volume III).

Sec. 11-3-20. – Publication of Milliken Design Criteria and Construction Specifications

The Town Clerk shall take all necessary and appropriate steps to make copies of the current Milliken Design Criteria and Construction Specifications available for distribution to the public in an electronic format at no charge and in hard copy form at the cost of reproduction. A reasonable number of copies in hard copy form shall be available at the Town Hall for public viewing.

Sec. 11-3-30. – Deviation from Milliken Design Criteria and Construction Specifications

For good cause shown based on good engineering practice, the Public Works Department may from time to time allow minor deviation from the Milliken Design Criteria and Construction Specifications, which shall only be valid if reduced to writing and signed by the Public Works Director.

Sec. 11-3-40. – Violation of Milliken Design Criteria and Construction Specifications

Any violation or failure to comply with any provision of the Milliken Design Criteria and Construction Specifications shall constitute a violation of the Milliken Municipal Code punishable in accordance with section 1-4-20. Each day such violation continues shall be considered a separate offense.

Section 4. Chapter 13, Article II, Section 13-2-410(e) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- (e) The installation shall conform to the Milliken Design Criteria and Construction Specifications, Volume I.

Section 5. Chapter 13, Article II, Section 13-2-860 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 13-2-860. - Responsibility of developers.

- (a) Extensions to new subdivisions. The property owners, developers and subdividers are responsible to install all necessary water system extensions to all subdivisions approved after the effective date of the ordinance codified herein. A water tap shall not be issued nor a building permit be granted until all of the water system improvements required to provide water service to the subdivision have been installed in accordance with the Milliken Design Criteria and Construction Specifications, Volume I, Water and Sewer Utilities. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements unless the Board of Trustees determines by resolution that the general welfare of the Town is served and that adequate funds are budgeted and available.
- (b) Extensions in new subdivisions. The property owners, developers and subdividers are responsible to install at their cost all necessary water system extensions within all subdivisions approved after the effective date of the ordinance codified herein. A water tap shall not be issued nor a building permit be granted until all of the water system improvements required for the subdivision have either been installed in accordance with the Milliken Design Criteria and Construction Specifications, Volume III, Streets, or the Board of Trustees has approved a development contract providing for their construction without cost to the Town. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements.
- (c) Extension in existing subdivisions. Prior to the issuance of a building permit or water tap for a new building, the property owner, developer and builder are responsible to extend the Town's water system from the nearest adequate water main along the length of the property, in accordance with the Milliken Design Criteria and Construction Specifications, Volume I, so that future development will not need to make said extension, or that the Board of Trustees has determined by resolution that such extension is not required, that only a portion of such extension is required or that a contract with the property owner for the future extension has been approved by the Board of Trustees. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements unless the Board of Trustees determines by resolution that the general welfare of the Town is served and that adequate funds are budgeted and available.
- (d) Sizing of mains. The size of all water mains and valves required by this Article shall be the size necessary to serve the new building, subdivision and development, including adequate fire-flows at all hydrants, and not less than:

- (1) Eight (8) inches inside diameter for all water mains inside a subdivision;
- (2) Twelve (12) inches inside diameter for all water mains located in rights-of-way along the section lines, to the limits of a subdivision;

The Town may require larger mains, provided that the Town pays the additional, incremental cost. Individual service connections serving no more than two (2) water meters shall not be considered water mains.

- (e) Construction standards. All water mains shall be in accordance with the Milliken Design Criteria and Construction Specifications, Volume I. The construction of all water system extensions shall conform to the Town's standard specifications adopted by resolution. Until such standards are adopted, all system extensions shall conform to the requirements of a qualified civil engineer retained by the Town to review any proposed construction.
- (f) Acceptance by Town. Water mains and all other water system improvements required by this Article will not be considered installed until inspected by the Town, accepted by resolution of the Town Board of Trustees and all conveyed to the Town with all required easements and land dedications.

Section 6. Chapter 13, Article III, Section 13-3-40(c) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- (c) Fire Suppression System Design and Installation. The Owner or those designated by him or her will comply with current National Fire Protection Association (N.F.P.A.) standards and/or current Milliken Design Criteria and Construction Specifications, Volume I, when designing, installing and maintaining any fire suppression system as a condition of service.

Section 7. Sections 13-5-10, 13-5-20, and 13-5-40, which are located in Chapter 13, Article V, of the Milliken Municipal Code, are hereby repealed.

Section 8. Chapter 13, Article V, Section 13-5-50 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 13-5-50. - Civil and criminal penalties.

As used in this section, "director" means the Director of Public Works for the Town of Milliken and "code" means Volume I of the Milliken Design Criteria and Construction Specifications. The following shall apply to any violation of the Code in addition to any other remedy or legal recourse that may be available under Chapter 1, Article IV, Chapter 11, Article III, or any other provision of the Milliken Municipal Code:

- (a) Injunction. When the director finds that a user has violated, or continues to violate, any provision of the code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the Nineteenth Judicial District of the State of Colorado through the Town's attorney for the issuance of a temporary or permanent injunction, as appropriate, which

restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by the code on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (b) **Civil Penalties.** Any user who is found to have failed to comply with any provision of the code, or the orders, rules, regulations and permits issued thereunder, may be fined a civil penalty in an amount up to ten thousand dollars (\$10,000.00) per day for each violation/offense, pursuant to the authority of 25-8-608(1) C.R.S., as amended, and the Federal Water Pollution Control Act, commonly referred to as the "Clean Water Act". Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated the code or orders, rules, regulations and permit issued pursuant to the code.
- (c) **Criminal Penalties.**
 - (1) A user who discharges any pollutant into the Town's Publicly Owned Treatment Works (POTW) commits criminal pollutions if such discharge violates any provision of the code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, and the discharge is made:
 - a. With criminal negligence or recklessly, in which case the user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) per violation, per day, or imprisonment for not more than ninety (90) days for each violation, or both such fine and imprisonment; or,
 - b. Knowingly or intentionally, in which case the user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) per violation, per day, or imprisonment, or both such fine and imprisonment for not more than ninety (90) days for each violation.
 - (2) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the code, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the code shall, upon conviction, be punished by a fine of not more than three hundred

dollars (\$300.00) per violation, per day, or imprisonment for not more than six (6) months or both.

- (3) If two (2) separate offenses under the code occur in two (2) separate occurrences during a period of two (2) years, the maximum fine for the second offense shall be double the amounts specified in Paragraphs (c)(1) and (c)(2) of this Subsection.
 - (4) **Performance Bonds.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of the code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed the value determined by the director to be necessary to achieve consistent compliance.
 - (5) **Liability Insurance.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of the code, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
 - (6) **Water supply severance.** Whenever a user has violated or continues to violate any provision of the code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply with the Code.
 - (7) **Contractor listing.** Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the direction of the director.
- (d) **Enforcement.** The remedies provided for in the code are not exclusive. The director, directly or through judicial processes, or both, may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's Industrial Pretreatment Program; however, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one (1) enforcement action against any noncompliant user.

Section 9. A new section 13-6-90 is added to Chapter 13, Article VI, of the Milliken Municipal Code, which will read as follows in its entirety:

Sec. 13-6-90. – Construction standards.

All storm water facilities shall be constructed in accordance with the Milliken Design Criteria and Construction Specifications, Volume II.

Section 10. Chapter 16, Article I, Section 16-1-10 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-1-10. - Title.

This Chapter establishes the regulations and standards governing the use and development of land within the Town of Milliken. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included or referenced are Town standards for site design, landscaping, parking and public infrastructure, including the Milliken Design Criteria and Construction Specifications.

Section 11. Chapter 16, Article I, Section 16-1-70(d) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- (d) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines, including the Landscape Code and the Milliken Design Criteria and Construction Specifications.

Section 12. Chapter 16, Article II, Section 16-2-40(b)(2)h and 16-2-40(b)(2)i of the Milliken Municipal Code are hereby revised to read in their entirety as follows:

- h. Residential Lot Access to Adjacent Street. Except as otherwise specifically provided in the Milliken Design Criteria and Construction Specifications—
 - 1. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one (1) driveway curb cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet and which is constructed as an integral part of the overall architectural design of the single family residence, may be considered as a single driveway access.
 - 2. Driveway access to a local street from a single-family detached residential lot shall be greater than fifty (50) feet (except for reduced width lots in R-1A and Mixed Use Zones) from the intersection of the local street and a collector street or one hundred twenty-five (125) feet from the intersection of the local street and an arterial street, as measured from the intersecting right-of-way lines.
 - 3. Driveway access to a collector street from a single-family detached residential lot shall be greater than one hundred twenty-five (125) feet from the intersection of the collector street and a local street, another collector street or an arterial street as measured from the intersecting right-of-way lines.

- i. Multi-Family Residential, Commercial, Business and Industrial Lot Access to Adjacent Street. Except as otherwise specifically provided in the Milliken Design Criteria and Construction Specifications—
 1. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines;
 2. Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than two hundred fifty (250) feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines, or driveways; or
 3. At the sole option of the Town, driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business or industrial lot shall be as determined by a traffic study approved by the Town.

Section 13. Chapter 16, Article II, Section 16-2-120 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-120. - Street construction and layout.

- (a) Street Connections. All streets shall be aligned to join with planned or existing streets consistent with the approved Milliken Transportation Master Plan Map. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town. Street intersections shall be separated in accordance with the Milliken Design Criteria and Construction Specifications, Volume III, Streets.
- (b) Tree-Lined Streets. All streets shall be lined with trees on both sides, with the exception of rural roads and alleys.
- (c) Street Layout. The street layout shall form an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic-calming features within and adjacent to residential areas shall be utilized when appropriate. To the greatest extent possible, streets shall be designed to have a maximum length of seven hundred (700) feet, from intersection to intersection, provided that in the event of any conflict the Milliken Design Criteria and Construction Specifications, Volume III, Streets, shall control.
- (d) Controlling Street Access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

- (e) Visibility at Intersections. No shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted in the site distance triangle.
- (f) Pedestrian Crossings at Street Intersections and Mid-Block Crossings. Pedestrian crossings shall be accessible to handicapped individuals, and mid-block crossings may be required at the direction of the Board of Trustees.

Section 14. Chapter 16, Article II, Section 16-2-125 of Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-125. - Alignment.

- (a) Horizontal Alignment. Horizontal alignment shall provide for the safety of pedestrians, bicyclists and motorists. The street pattern shall be the most advantageous to serve the adjoining areas. When possible, proposed streets shall be continuous and in alignment with existing and proposed streets. Horizontal alignments shall be in accordance with Milliken Design Criteria and Construction Specifications, Volume III, Streets.
- (b) Vertical Alignment. Vertical alignment shall provide for the safety of pedestrians, bicyclists and motorists. Vertical alignments shall be in accordance with Milliken Design Criteria and Construction Specifications, Volume III, Streets.

Section 15. Chapter 16, Article II, Section 16-2-135(1) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- 1) Intersections shall be provided at the following minimum offsets:
 - a. State highway (principal arterial): In accordance with the State Highway Access Code.
 - b. Arterial: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets.
 - c. Collector: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets.
 - d. Local: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets.

Section 16. Chapter 16, Article II, Section 16-2-145 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-145. - Minimum design standards.

The width of street right-of-way and the design of the street it contains shall conform to the minimum standards set forth in the Milliken Design Criteria and Construction Specifications, Volume III, Streets. However, additional right-of-way and street width may be required based upon special development requirements, including

but not limited to additional parking needs, sight distances and requirements for auxiliary lanes. Street cross-sections and the street designation (arterial, collector, local, rural local) within or adjacent to a development may be modified by the Town upon the recommendation of an approved development traffic study or Milliken Transportation Master Plan.

Section 17. Chapter 16, Article II, Section 16-2-150(f) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- (f) The maximum allowable length of closed-end streets (cul-de-sacs) in single-family residential and multi-family residential developments shall be in accordance with the Milliken Design Criteria and Construction Specifications, Volume III, Streets, unless otherwise approved by the Board of Trustees.

Section 18. Chapter 16, Article II, Section 16-2-155 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-155. - Arterial streets.

- (a) State Highways (Principal Arterial Design). Right-of-way and road design shall be in accordance with the Colorado Department of Transportation standards.
- (b) Arterial Streets Design.
 - (1) Arterials shall be at one-mile intervals in both north-south and east-west directions, as illustrated on the Milliken Transportation Master Plan Map.
 - (2) Arterials shall be designed to accommodate present and future transportation requirements.
 - (3) Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity.
 - (4) Typical Adjacent Land Uses.
 - a. Business parks.
 - b. Community commercial.
 - c. District and community parks.
 - d. High-density residential land uses should be located near arterials with minimal travel through other land uses.
 - e. Industrial developments should have highway access via the Town's arterial street system with minimal travel through other land uses.
 - f. When residential lots are adjacent to and the houses do not face an arterial street, they shall be a minimum of one hundred fifty (150) feet deep and direct access to the street shall be limited. The setback to the house shall be a minimum of seventy-five (75) feet. Additional buffering techniques must also be applied such as those outlined in Section 16-2-480 of this Article.

- (5) Right-of-way requirements: Major Arterial. As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets.
- (6) Right-of-way requirements: Minor Arterial. As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets

Section 19. Chapter 16, Article II, Section 16-2-160 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-160. - Collector streets.

- (a) Within each one (1) mile arterial segment, collector streets shall divide the north-south and east-west arterials at approximately the half-mile point, as illustrated on the Milliken Transportation Master Plan Map.
- (b) Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity for bike routes.
- (c) Typical adjacent land uses:
 - (1) Agriculture.
 - (2) Business parks.
 - (3) Community parks.
 - (4) Industrial.
 - (5) Low-, medium- and high-density residential.
 - (6) Middle and high schools.
 - (7) Neighborhood commercial.
- (d) Right-of-way requirements for residential collector with parking: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets
- (e) Right-of-way requirements for major collector without parking: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets

Section 20. Chapter 16, Article II. Section 16-2-165 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-165. - Local streets.

- (a) Local streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services.
- (b) Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them.

- (c) Typical adjacent land uses:
 - (1) Business parks.
 - (2) Elementary schools.
 - (3) Pocket parks.
 - (4) Neighborhood parks.
 - (5) Residential.
- (d) Right-of-way requirements for local with detached sidewalk (see Figure 2-10):
 - (1) Fifty-eight (58) feet of right-of-way.
 - (2) Thirty-six-foot flowline width which includes: two (2) ten-foot travel lanes and two (2) eight-foot parking lanes.
 - (3) Two (2) six-foot landscaped areas/green infrastructure
 - (4) Two (2) five-foot sidewalks.
 - (5) Posted speed limit shall be twenty-five (25) miles per hour.
 - (6) Cul-de-sac: One-hundred-foot diameter flowline and one-hundred-twenty-four-foot diameter right-of-way.
- (e) Right-of-way requirements for local with attached sidewalk: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets

Section 21. Chapter 16, Article II, Section 16-2-170 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-2-170. - Rural local street.

- (a) Rural local streets are intended to serve areas defined as *rural subdivisions* in appropriate rural locations as approved by the Board of Trustees.
- (b) A driveway access crossing the borrow ditch of a rural local street shall contain a culvert of sufficient size to safely pass the designed storm water drainage flows. A portion of the borrow ditch may fall outside of the rural local road right-of-way in order to obtain a borrow ditch cross-section sufficient to contain the designed storm water flows and/or to be sufficient in depth for the driveway access culvert.
- (c) Typical adjacent land uses:
 - (1) Agriculture.
 - (2) Rural subdivisions.
- (d) Right-of-way requirements for rural local: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets

Section 22. In Chapter 16, Article II, Section 16-2-175 of Milliken Municipal Code, figures 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12 and 2.13 are deleted and the section is hereby revised to read in its entirety as follows:

Sec. 16-2-175. - Alleys.

- (a) Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street.
- (b) Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley with minimal travel through other land uses.
- (c) Typical adjacent land uses:
 - (1) Accessory units above garages.
 - (2) Garages.
 - (3) Parking lots with landscaped edges.
 - (4) Rear yards.
- (d) Right-of-way requirements for residential alley: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets
- (e) Right-of-way requirements for commercial/industrial alley: As provided in the Milliken Design Criteria and Construction Specifications, Volume III, Streets

Section 23. Chapter 16, Article IV, Section 16-4-10 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 16-4-10. - General provisions.

- (a) The provisions of this Article, in conjunction with Article III, Zoning, of this Chapter, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the Zoning Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code and the Milliken Design Criteria and Construction Specifications.
- (b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- (c) These Regulations, in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies, plans, standards and other guidelines.

Section 24. Chapter 16, Article IV, Section 6-4-180(b)(2)j.1.e of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- e) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginnings of curves and ends of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with approved standards defined in the Milliken Design Criteria and Construction Specifications, Volume III, Streets. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies [i.e., gas, electric, telephone, cable]).

Section 25. Chapter 16, Article IV, Section 16-4-180(b)(2)j.3 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

3. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer in accordance with the Milliken Design Criteria and Construction Specifications, Volume I, and shall be accompanied by written approvals from the applicable water and sanitation district.

Section 26. Chapter 16, Article IV, Section 16-4-180(b)(2)j.4 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

4. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with the Milliken Design Criteria and Construction Specifications, Volume II, along with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one-hundred-year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration and flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans, when required to be submitted as a result of preliminary plan review.

Section 27. Chapter 16, Article IV, Section 16-4-190(b)(4)j of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications that comply with the Milliken Design Criteria and Construction Specifications, Volume II. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

Section 28. Chapter 16, Article IV, Section 16-4-190(b)(4)k of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- k. Master Utility Plan. This plan shall be prepared by a registered professional engineer and shall demonstrate compliance with the Milliken Design Criteria and Construction Specifications, to the extent applicable. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

Section 29. Chapter 16, Article IV, Section 16-4-190(b)(4)n of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- n. Traffic Study. This study must be prepared by a professional traffic engineer and shall demonstrate compliance with the Milliken Design Criteria and Construction Specifications Volume III, Streets.

Section 30. Chapter 16, Article IV, Section 16-4-300(d)(9) of the Milliken Municipal Code is hereby revised to read as follows:

- (9) Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications that comply with the Milliken Design Criteria and Construction Specifications, Volume II. It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.

Section 31. Chapter 16, Article IV, Section 16-4-300(d)(10) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

- (10) Master Utility Plan. This plan shall be prepared by a registered professional engineer and shall demonstrate compliance with the Milliken Design Criteria and Construction Specifications, to the extent applicable. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.


Section 32. Chapter 16, Article IV, Section 16-4-300(d)(13) of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

(13) Traffic Study. This study must be prepared by a professional traffic engineer and shall demonstrate compliance with the Milliken Design Criteria and Construction Specifications Volume III, Streets.

Section 33. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith, including without limitation the construction standards approved by the Board on March 14, 2001, are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Introduced, read, adopted, signed and ordered published by title only by the Board of Trustees of the Town of Milliken this 25th day of November, 2019.

TOWN OF MILLIKEN



Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:


Cheryl Powell, Town Clerk
Matthew T. Gould, Town Attorney

Published by title only, together with the statement that “[t]he complete text of all ordinances is available at the Town offices and on the Town’s official website” on December 5, 2019.


Cheryl Powell, Town Clerk