



November 14, 2016

CITY COUNCIL DINNER – 5:00 P.M. (Aspen Room)

STUDY SESSION – 6:00 P.M. (Council Chambers)

**13133 E. Arapahoe Road
Centennial, Colorado 80112**

www.centennialco.gov

AGENDA

PLEASE TURN OFF CELL PHONES; BE RESPECTFUL AND TAKE PERSONAL CONVERSATIONS INTO THE LOBBY AREA.

The Centennial City Council Meetings are audio streamed live on the City's website. Please remember to mute the volume on your laptop computers and to turn off all cell phones as they may cause interference with the microphones and audio streaming.

The public is invited to attend all regular meetings and study sessions of the City Council. Please be advised, public comment will not be taken during the study session meetings.

- A. Call to Order
- B. Roll Call
- C. Nuisances: Stockpiling and Inoperable Vehicles - Discussion (Greer)
- D. Fiber Steering Committee Update
- E. Adjourn



Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: Elisha Thomas, Interim City Manager
Andy Firestine, AICP, Assistant City Manager

FROM: Steve Greer, Community Development Director

DATE OF MEETING: November 14, 2016

DATE OF SUBMITTAL: October 28, 2016

SUBJECT: Nuisance Regulations – Stockpiling and Inoperable Vehicles

1. Executive Summary:

The purpose of this report is to provide City Council with an opportunity to have a policy discussion about how to move forward with regulations concerning stockpiling and inoperable vehicles. In 2005, 2009 and 2011, City Council discussed the policy of stockpiling and directed staff to only enforce when visible from the adjacent right-of-way. However, in recent years the City has received complaints from residents who are concerned about the condition of a rear or side yard and the negative impact it may have on their property. Many of those complaints have been directed to staff but some have also been shared by residents with individual members of City Council.

On August 8, 2016, City Council discussed the policy of stockpiling and inoperable vehicles during a Study Session and reached a general consensus that the City should evaluate the potential for enforcing nuisance regulations within rear and side yards. Council directed staff to provide additional community outreach and conduct a survey to address specific code issues and assess resident's perspectives about how important it is for the City to enforce or regulate these issues.

The policy issues for City Council to discuss are:

Does City Council support enforcement of stockpiling within side and rear yards whether visible or not from the adjacent right-of-way?

Does City Council support staff to actively seek and enforce code violations or enforce only when there is a complaint (proactive vs complaint based enforcement)?

Does City Council support a more aggressive time frame for bringing repeat violators into compliance; and/or

Does City Council support a modification to the definition of stockpiling within the Municipal Code to expand it to include the accumulation of items in a quantity not customarily associated with residential properties?

2. Discussion:

Background – Existing Regulations

The code referencing stockpiling is located in Chapter 7, Article 2, Section 7-2-30 of the Municipal Code and is limited to what constitutes stockpiling or accumulation of junk and debris. Inoperable vehicles is related and included in this discussion but regulated by a separate section within Chapter 7, Article 2, Section 7-2-40. To aid in the discussion Staff has provided the current stockpiling and inoperable vehicle regulations for reference:

Current Code – Stockpiling Materials on Property

It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep upon any property any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste or junk, except where:

- (1) Located within a fully enclosed and lawfully existing structure or building;
- (2) Located upon property zoned and lawfully used for agricultural purposes, including the keeping of horses or other livestock;
- (3) Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City for the same property upon which such conditions exist;
- (4) Directly associated with and necessary for the conduct of a lawfully permitted business activity (excluding home occupations) such as, but not limited to, the stockpiling of lumber associated with a lumber yard or the piling of earth or stone associated with a landscaping materials sales business;
- (5) Earth, dirt, stone or rock is integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing: a principal or primary residential structure; or
- (6) Not more than two (2) cords of stacked wood suitable and intended for on-site residential use in an interior wood-burning fireplace or heating system located upon a residentially zoned lot. (Ord. 2004-O-26 §1-7.1.103)

Current Code – Junk or Inoperable Vehicles

(a) It is a nuisance and unlawful for any owner to permit, authorize, allow, park, keep or fail to remove a junk or inoperable vehicle located on a public highway, street, road, alley, thoroughfare, right-of-way, parking lot or parking area. For purposes of this Article, a *vehicle* shall mean an automobile, truck, motorcycle, motorbike, boat, trailer, camper, house-trailer or similar mode of wheeled transportation. A *trailer* shall mean any form of nonautomotive vehicle, sled or equipment designed to be towed by a vehicle. *Junk* or *inoperable* shall mean either of the following:

- (1) Inability to be lawfully operated on a public street due to circumstances such as but not limited to: lack of current and valid state license plate or registration; nonexistent, insufficient or inadequate safety or other equipment required by law for legal operation.
 - (2) Inability to be mechanically operated due to circumstances such as but not limited to: inability to start and/or operate as designed and intended due to a mechanical or physical defect or damage; deflated tires; broken or inoperable turn signals; or broken or inoperable headlights.(b) It is a nuisance and unlawful for any owner to permit, authorize, allow, park, keep or fail to remove a junk or inoperable vehicle located on private property that is visible from a public highway, street, road, alley, thoroughfare, right-of-way, parking lot or parking area. The terms and phrases *junk* or *inoperable vehicle*, *vehicle* and *trailer* shall have the meanings provided by Subsection (a) above. This Subsection shall not apply to vehicles and trailers located on property that is zoned to both permit and be actively used for a vehicle or trailer repair business.
- (b) It is a nuisance and unlawful for any owner to permit, authorize, allow, park, keep or fail to remove a junk or inoperable vehicle located on private property that is visible from a public highway, street, road, alley, thoroughfare, right-of-way, parking lot or parking area. The terms and phrases junk or inoperable vehicle, vehicle and trailer shall have the meanings provided by Subsection (a) above. This Subsection shall not apply to vehicles and trailers located on property that is zoned to both permit and be actively used for a vehicle or trailer repair business.

Background – Previous Discussions

In January 2005, City Council adopted its first nuisance regulations addressing dumping on private property and stockpiling. The ordinance defined Junk and outlined exceptions where stockpiling is allowed.

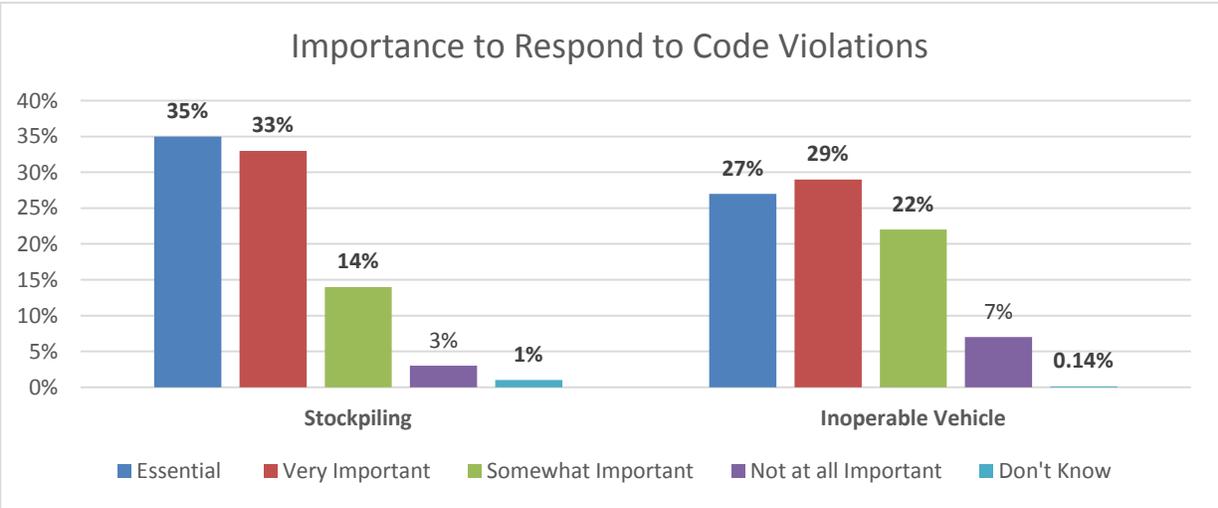
In April and September 2009, staff provided City Council a variety of code issues related to property maintenance, nuisance and zoning matters. City Council directed staff to begin public outreach efforts to obtain citizen opinions and comments on the proposed code revisions and bring back to Council for further discussion. A survey was provided online via the City's website for two months and resulted in 337 submittals. Additionally, the outreach included numerous District meetings, neighborhood meetings and a CenCON meeting. The outreach illustrated that the majority (57%) of survey participants would support an ordinance addressing the accumulation of goods not customarily associated with residential properties and a split of opinion that would support a policy allowing officers to enforce stockpiling in side and rear yards. The open ended comments from this survey are attached for reference and illustrate opinions from those who provided written answers. The direction from Council at the outcome of the Study Session was to not amend the nuisance regulations and only enforce stockpiling if observed from the adjacent right-of-way. The consensus from Council was that the City should not regulate private property in rear and side yards and leave enforcement up to the homeowner associations.

In March 2011, staff discussed whether Council would support expanding the definition of stockpiling to include items in a quantity not associated with residential properties based on the 2010 Centennial Citizen Survey conducted by the National Research Center (NRC). The survey addressed specific code issues and assessed resident's perspectives about how important it is for the City to address these issues. For code violations typically associated with stockpiling, the results are as follows: essential – 27%, very important – 45%, somewhat important – 24% and not at all important - 4%. The direction from Council at the outcome of the Study Session was to not amend the nuisance regulations and only enforce stockpiling if

observed from the adjacent right-of-way. The consensus from Council was that the City should not regulate private property in rear and side yards and leave enforcement up to the homeowner associations.

In August of 2016, staff provided City Council a policy discussion regarding enforcing code violations in rear and side yards. City Council directed staff to begin public outreach efforts to obtain citizen opinions and comments on the proposed code revisions and bring back to Council for further discussion. A survey was provided online via the City's website for two months and resulted in 739 submittals. Additionally, the outreach included numerous District meetings, neighborhood meetings and a CenCON meeting. The outreach illustrated that the majority of survey participants consider responding to nuisance violations as either essential or very important, that the City should also enforce codes proactively and split as to whether or not the City should enforce in side and rear yards. The following summary and graphics depict the specific percentages in each category:

- Importance to respond to stockpiling code violations?
 - Essential/Very Important – **68.47%**
 - Somewhat/Not At All – 16.37%
- Importance to respond to inoperable vehicle violations?
 - Essential/Very Important – **55.89%**
 - Somewhat/Not At All – 28.69%
- How the City should enforce codes?
 - Proactive – 17.59%
 - Complaint based – 18.81%
 - Enforce using both approaches – **42.76%**
 - Not enforce – 2.57%
- How the City should enforce stockpiling and inoperable vehicle code violations?
 - Only when seen from the adjacent street – 43.03%
 - Side and rear yards – **45.20%**
 - Not enforce – 7.58%



Background – Stockpiling Assessment and Violation Data

An analysis was performed earlier this year to determine similar regulations within over a dozen communities and counties within the Front Range. It was found that a majority of the survey respondents enforce stockpiling in the rear and side yard if a complaint is received. Centennial is an outlier in this regard and is one of the only communities not enforcing stockpiling on private property.

Violation data was also compiled to illustrate the types of code violations that the City has received over the past few years. It shows an increasing trend of stockpiling complaints from 15% of the total complaints in 2015 to 20% in 2016.

Background – Recent Examples

Since 2011, when staff received its most recent policy direction from City Council, the City has received numerous complaints about stockpiling and inoperable vehicles where enforcement capability was limited due to existing codes and policies. In these recent examples, staff could have been more effective in resolving resident complaints if enforcement included side yards, rear yards and generally not limited to requiring visibility from adjacent public right-of-way. Stricter interpretations and methods of enforcement are common amongst other adjacent and nearby communities and would provide another “tool” for appropriate enforcement within our neighborhoods. As the City ages over time, there may be increased pressure to regulate these activities as a measure to maintain property values and ensure Centennial is an attractive choice for residency.



3. Recommendations:

Staff recommends that the City Council authorize Staff to develop an Ordinance amending the Municipal Code to include within the definition of stockpiling the accumulation of items in a quantity not customarily associated with residential properties. Staff also recommends that City Council provide policy direction on the enforcement of stockpiling in side and rear yards and whether requiring visibility from the public right-of-way should be amended. In addition, related

to these policy discussions staff would like further direction on whether the speed of enforcement should be increased and more proactive when dealing with repeat violators or when the situation warrants a more aggressive and timely resolution to the violation.

4. Alternatives:

Council can advise staff to move forward with all or selected recommendations or Council may modify the scope of the proposed Municipal Code amendments. If additional research or information is needed Council can also request additional study session discussions as necessary.

5. Fiscal Impact:

If the regulations are enforced by complaint based only then the workload would be absorbed by the existing staff and would not result in an increase of services by Code Compliance.

6. Next Steps:

Should the Council direct Staff to proceed with the amendments as summarized within this report, an Ordinance will be developed and presented at a future City Council meeting.

7. Suggested Motions:

As this is being presented to the City Council at a Study Session, no motion is needed.

8. Attachments:

- Attachment 1: January 12, 2005 Staff Report
- Attachment 2: September 14, 2009 Staff Report
- Attachment 3: March 14, 2011 Staff Report
- Attachment 4: Stockpiling Assessment of Peer Communities - 2016
- Attachment 5: Violation Data – 2015/2016
- Attachment 6: Comments from 2009 Citizen Survey
- Attachment 7: Results from 2016 Citizen Survey



City of Centennial

CITY ATTORNEY'S OFFICE
Robert C. Widner, City Attorney
Linda C. Michow, Deputy City Attorney
Maureen Herr Juran, Assistant City Attorney
Timothy P. Cox, Assistant City Attorney

MEMORANDUM
Not Confidential

TO: Mayor Pye and Members of City Council
John Pazour, City Manager

FROM: Robert Widner, City Attorney

DATE: January 12, 2005

SUBJECT: Nuisance Ordinance Discussion: Dumping Provision

The Study Session scheduled for January 19 is for the purpose of introducing and discussing the proposed addition to the Nuisance Ordinance to address dumping on private property.

The ordinance proposes the addition of the following definition:

Junk means and includes: iron, brass, copper, tin, lead, or other metals; ropes, rags, fibers, or fabrics; bottles or other glass; rubber or rubber products; machinery; motor vehicle parts; tools; appliances; unstacked firewood; cartons, pallets, barrels, and other containers; building materials such as but not limited to lumber, pipe and pipe fittings, conduit and conduit fittings; wastepaper; or other waste or discarded goods.

The ordinance identifies the following new nuisance:

- A. Stockpiling of Earth, Rock, Rubbish, Refuse, Used Building Materials, and Junk. It is a nuisance and unlawful for any owner to permit, authorize, allow, store, or keep upon any property any stockpile, pile, stack, stand, collection, assembly, or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, wood, shingles, used or discarded building or construction materials; tires, inoperable equipment, household appliance(s), scrap metal, scrap plastic, rubbish, refuse, waste, or junk except where:
 - 1. Located within a fully enclosed and lawfully existing structure or building; or
 - 2. Located upon property zoned and lawfully used for agricultural purposes including the keeping of horses or other livestock; or

3. Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City of Centennial for the same property upon which such conditions exist; or
4. Directly associated with and necessary for the conduct of a lawfully permitted business activity (excluding home occupations) such as, but not limited to, the stockpiling of lumber associated with a lumber yard or the piling of earth or stone associated with a landscaping materials sales business; or
5. Earth, dirt, stone, or rock is integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing a principal or primary residential structure; or
6. Not more than two (2) cords of stacked wood suitable and intended for on-site residential use in an interior wood burning fireplace or heating system located upon a residentially zoned lot.

Please contact me should you have any concerns or questions.



City of Centennial

Staff Report

TO: Honorable Mayor Pye and Members of City Council

THROUGH: Jacque Wedding-Scott, City Manager
Wayne Reed, AICP, Director of Planning and Development
Rita McConnell, AICP, Deputy Director of Planning and Development

FROM: Susie Ellis, Manager of Code Enforcement

DATE: September 14, 2009

SUBJECT: Priority Code Revisions/Survey Results

1. Statement of Issue:

In April 2009, Code Enforcement staff provided City Council with a staff report identifying a variety of code issues related to property maintenance, nuisance and zoning matters. Staff prioritized these issues and recommended moving forward with the six code revisions listed below

- Surfaced parking
- Stockpiling
- Firewood
- Right-of-way obstruction
- Sight triangle obstruction
- Violations observed from private property

City Council directed staff to enhance public outreach efforts in an effort to obtain citizen opinions and comments on the potential priority code revisions and bring back to City Council feedback and data that would assist them in their decision making. Staff is seeking direction from City Council to move forward with amendments to the Land Development Code (LDC and the Municipal Code (MC).

2. Discussion:

Upon conclusion of the staff presentation in April 2009, City Council determined that it would be important to hear from the citizens of the community prior to their decision. City Council directed staff to develop a survey identifying the six priority issues and the suggested recommendations. The objective of the survey was to involve the community and gather opinions, comments and feedback from the residents. This feedback would in turn give City Council valuable insight into the opinions of the general public. The survey was provided online via the City's website as well as in hard copy form for those residents who did not have access to the internet. The survey was available for approximately two months and resulted in 337 submittals. In addition, staff attended numerous District meetings, neighborhood meetings and

a CenCON meeting all in an effort to inform citizens of the process and City Council's desire to involve them.

Staff closed the survey on September 1, 2009, and began to compile the data. The results indicate an overall support for five of the six revisions; however, comments from participants not in favor of the revisions are very strong. The sixth suggested revision, visibility from private property, received a very split opinion; and again, citizens offer very strong comments related to private property rights and expectations. Please find below the detailed summary of 337 surveys addressing the six code issues. You will also find attached to the report a packet of verbatim comments submitted for each issue for your review.

Surfaced Parking Surfaced parking was placed on the priority list in response to concerns from citizens that motor vehicles and trailers parked on lawns degrades neighborhood appearance, contributes to neighborhood blight, lowers property values, and contributes to soil erosion and vegetation damage.

Recommendation: Staff recommends drafting an ordinance prohibiting the parking of vehicles including recreational vehicles and trailers on lawns.

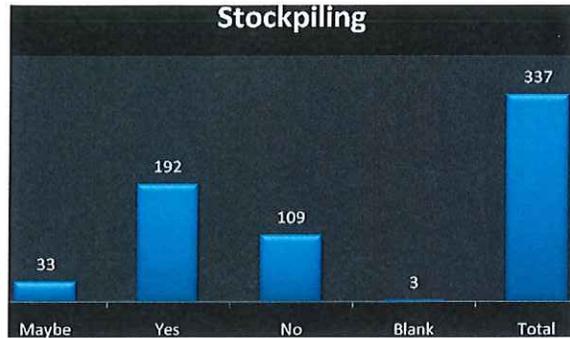
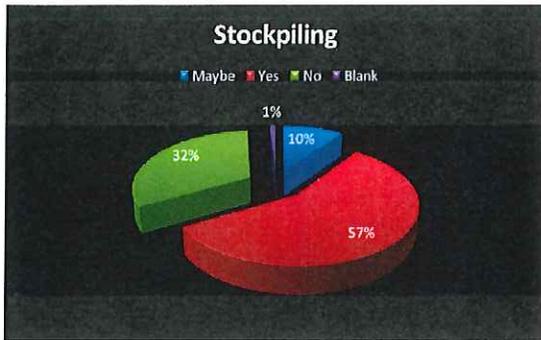
Survey Results: The charts below illustrate the majority (55%) of survey participants support an ordinance prohibiting the parking of vehicles on unpaved surfaces. Based on comments received by staff and submitted with the survey, those participants who selected the "maybe" option could be swayed in favor of the regulation if the City were to allow gravel as an optional approved surface.



Stockpiling The MC code prohibits the stockpiling of obvious items such as wood, dirt, scrap metal and appliances. It does not address a common problem related to the large number of items not *customarily* found in a residential setting such as "eight lawn mowers" or "six ladders".

Recommendation: Staff recommends expanding the definition of stockpiling to include the accumulation of items in a quantity not customarily associated with residential properties.

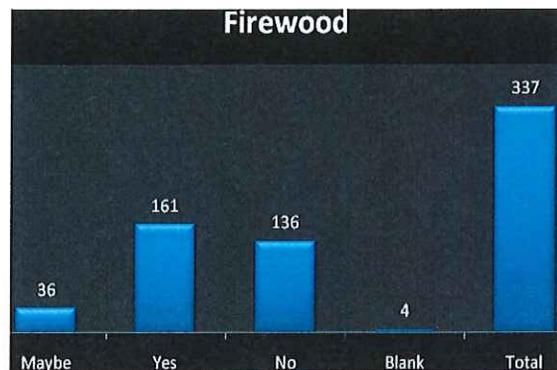
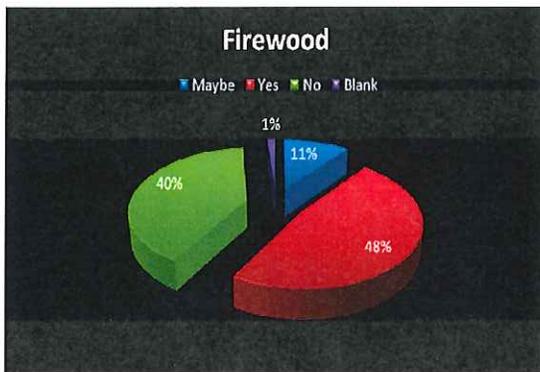
Survey Results: The charts below illustrate the majority (57%) of survey participants would support an ordinance addressing the accumulation of goods not customarily associated with residential properties.



Firewood The MC allows property owners to stack two cords of firewood anywhere on the property. Although two cords of firewood may be appropriate for the rural settings (large lots), two cords is not typical of the residential character of most neighborhoods in the City. Staff receives concerns regarding large amounts of firewood stacked in the front yards of homes and the negative visual impact it has in their community.

Recommendation: Staff recommends a revision to the MC limiting stockpiling of firewood to one cord in more densely populated neighborhoods with smaller lots and requiring property owners to place the wood in the rear or side yard screened from public view.

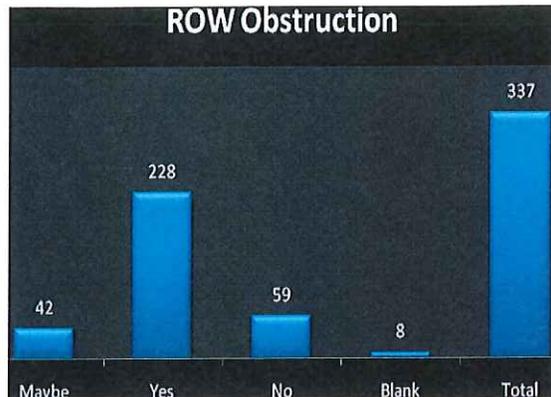
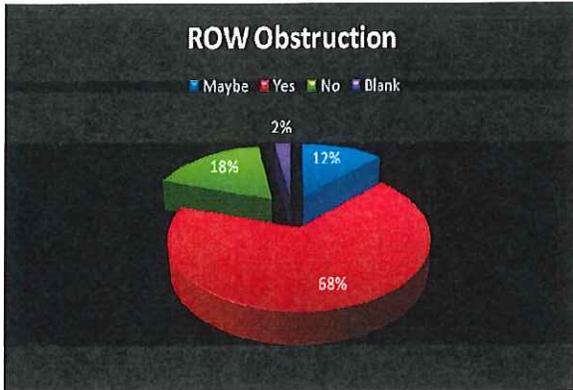
Survey Results: The charts below illustrate a slight majority (48%) of survey participants would support and ordinance reducing the number of cords of firewood and restricting visibility on a lot.



Right-of-Way Obstruction The MC does not address obstructions on public sidewalks and streets. Pedestrians are often forced to avoid obstructions, such as overgrown vegetation and basketball hoops, by walking out into the street.

Recommendation: Staff recommends drafting an ordinance within the MC requiring property owners to remove and prevent obstructions (excluding snow and ice) on streets and sidewalks allowing for safe and convenient use of public right-of-ways.

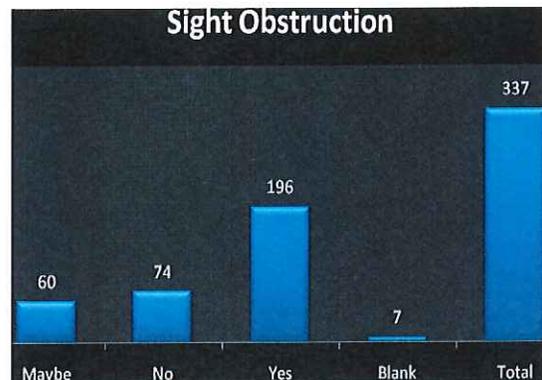
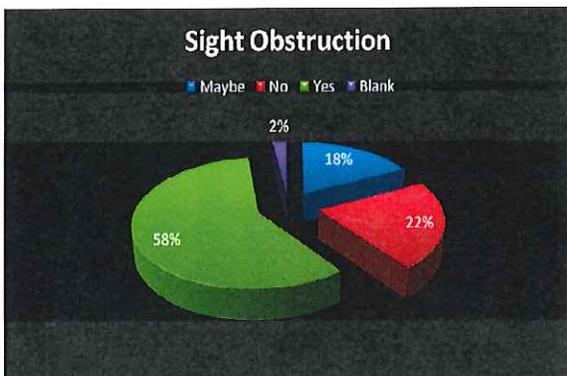
Survey Results: The charts below illustrate the majority (68%) of survey participants would support an ordinance requiring property owners to remove and prevent obstructions within the rights-of-way.



Sight Triangle Obstruction The LDC contains an overly restrictive regulation requiring property owners to remove more vegetation within a sight triangle than is needed for safety reasons.

Recommendation: Staff recommends incorporating within the LDC a 2005 “Administrative Interpretation” that provides a visibility window to protect the line of sight between 3’ and 8’ thus preventing the complete removal of beneficial vegetation such as deciduous and evergreen trees.

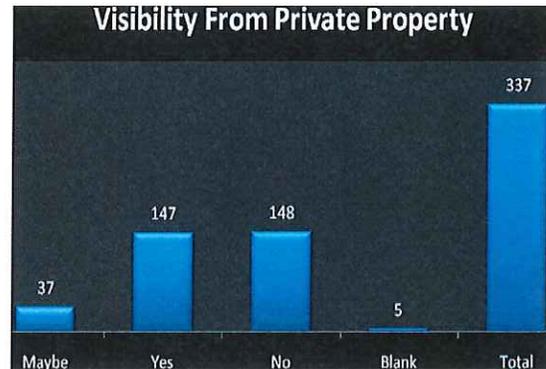
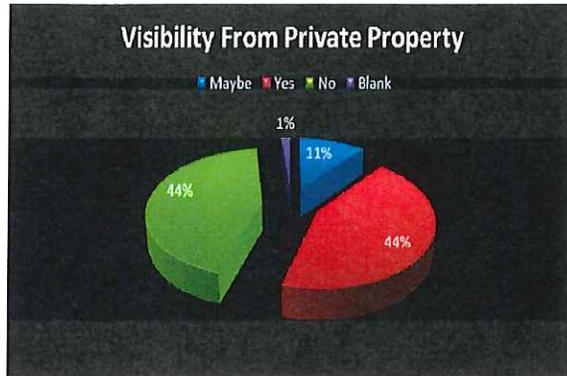
Survey Results: The charts below illustrate the majority (58%) of survey participants would support a provision providing a visibility window to protect the line of sight around intersections.



Violations Observed from Private Property The current LDC and MC do not allow for the observation of potential violations from a private property. Code Enforcement is restricted to observing violations located on private property from the public right-of-way. Staff has received calls from residents who are concerned about the condition of a rear yard or back yard and the negative impact it may have on their property.

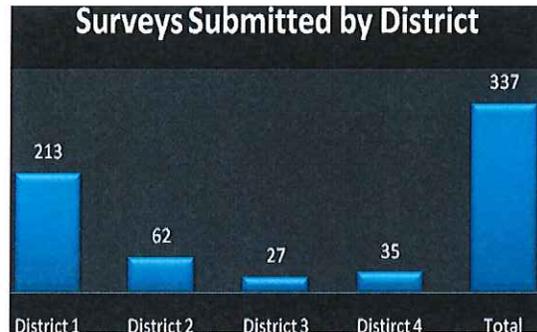
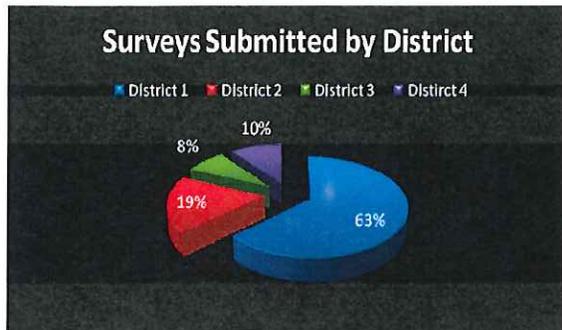
Recommendation: Staff recommends an amendment allowing Code Enforcement Officers to enter upon private property on a limited basis, only when invited and after obtaining a signed complaint, to investigate and determine alleged violations. Obtaining probable cause would still be a requirement. The limitations requiring visibility from public right-of-way would be amended.

Survey Results: The charts below illustrate a difference of opinion of between survey participants that would support an amendment allowing officers to view violations from private property.

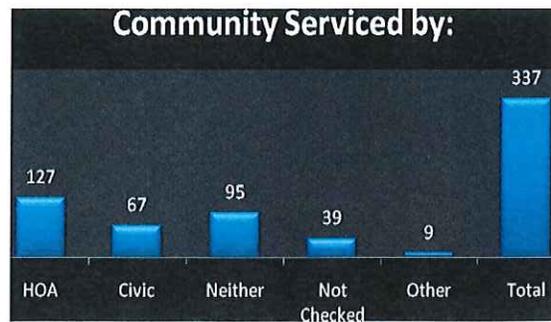
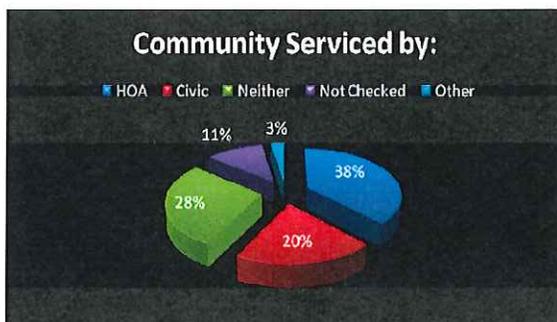


Staff compiled a variety of additional data to assist City Council in the discussions involving the six priority issues discussed above.

Number of Participants by District: The charts below illustrate that the majority (63%) of the survey participants reside in District I.



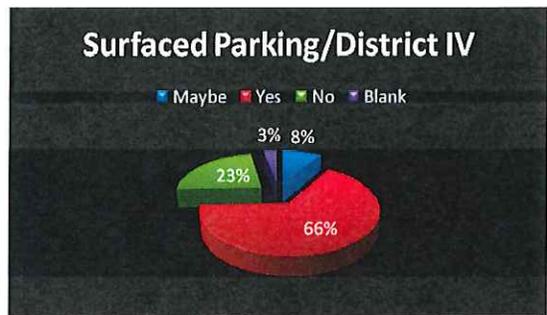
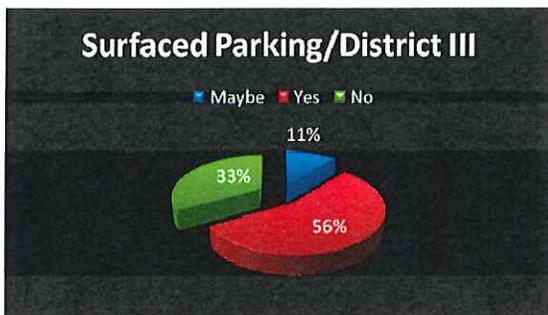
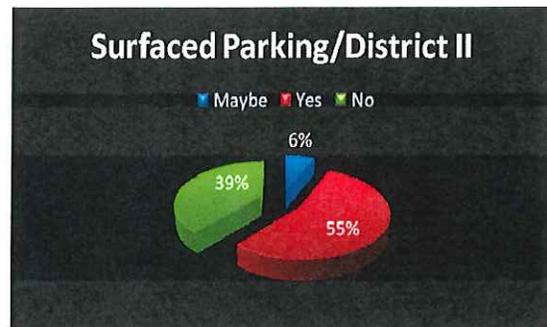
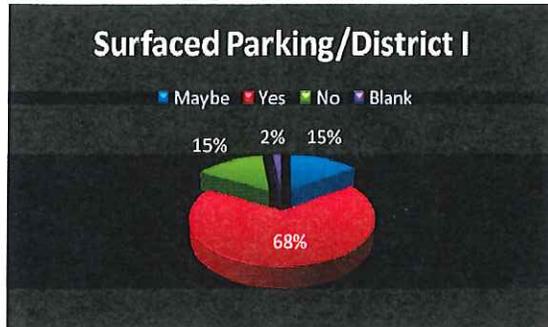
Community Supported by: The charts below illustrate that the majority (58%) of the survey participants live in a community supported by a Home Owners Association or a Civic Association.



District Details: The following chart illustrate how survey participants from each District voted on each priority issue.

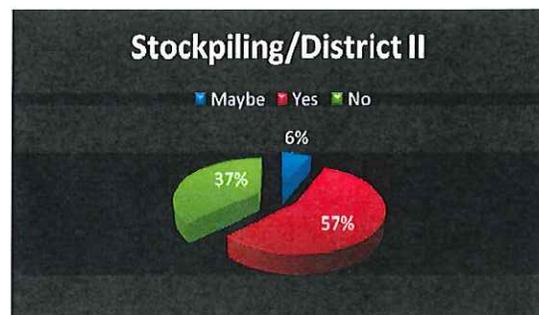
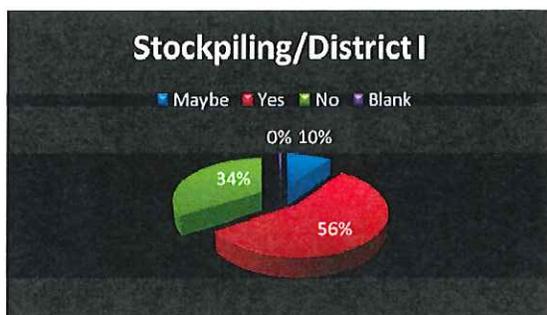
Surfaced Parking Results by District:

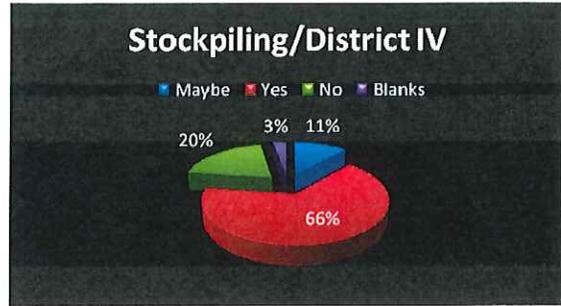
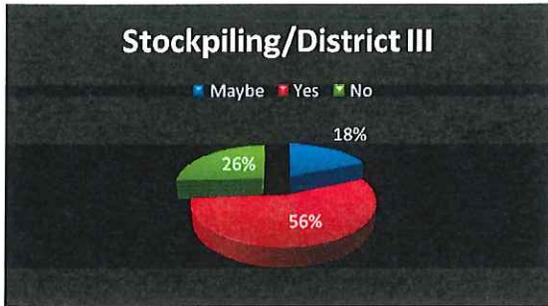
The charts below illustrate that survey participants from all four Districts approve of the surfaced parking recommendation.



Stockpiling Results by District:

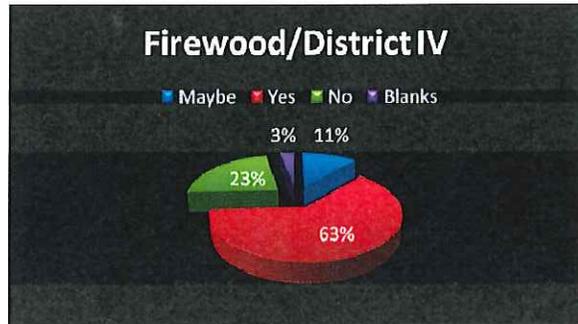
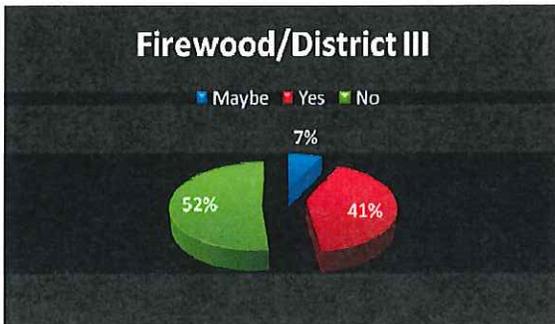
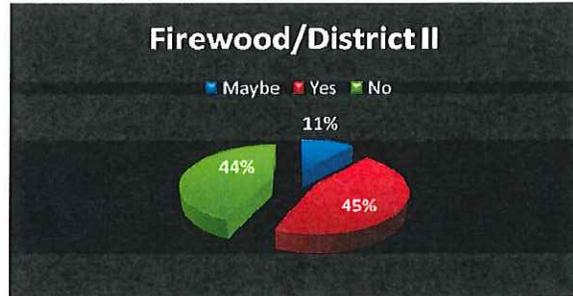
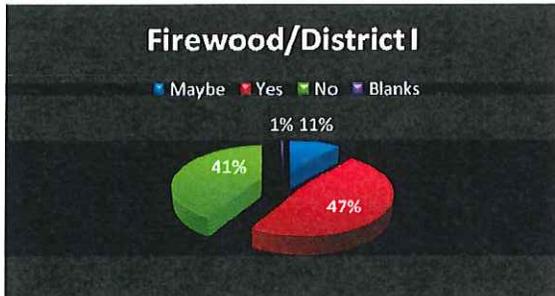
The charts below illustrate that survey participants from all four Districts approve of the stockpiling recommendation.





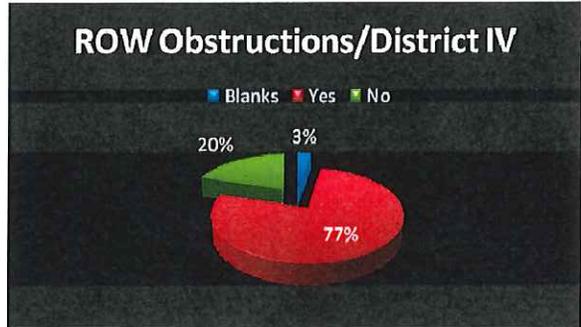
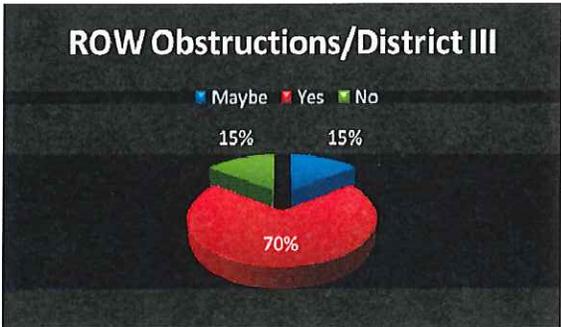
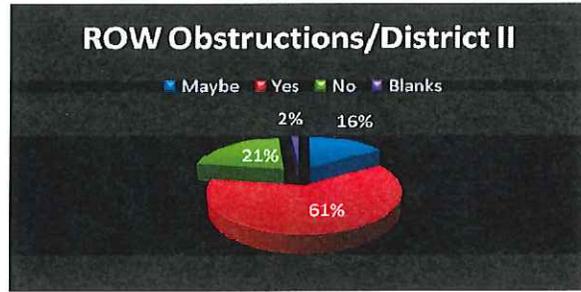
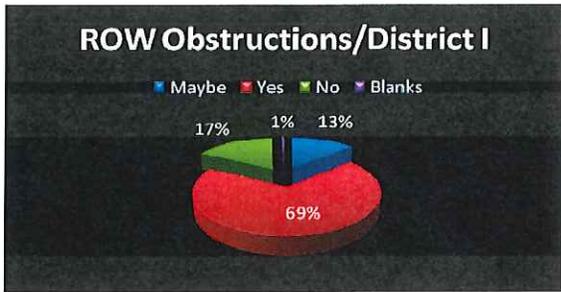
Firewood Results by District:

The charts below illustrate that the majority of District I, District II and District III do not agree with the proposed regulation while the majority (63%) of District IV's participants would like to see restrictions on firewood.



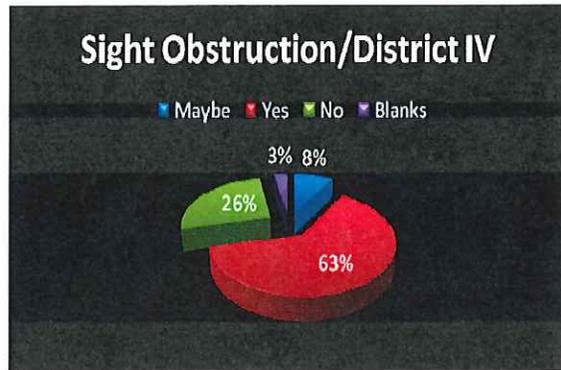
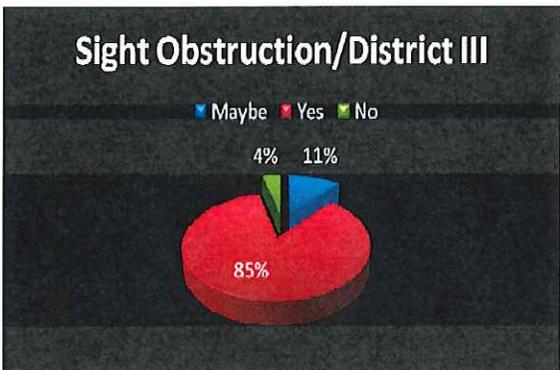
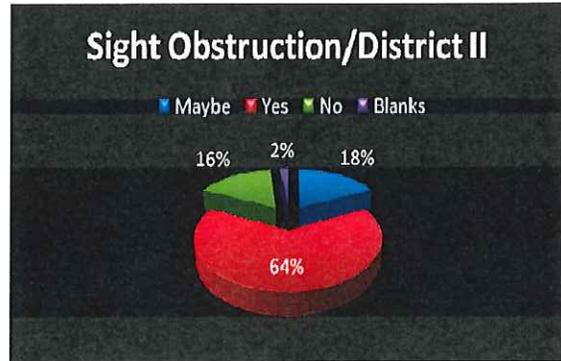
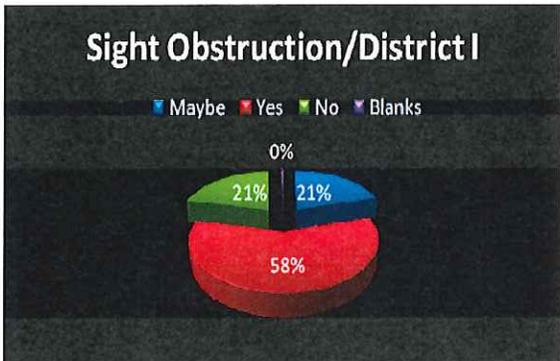
ROW Obstruction Results by District:

The charts below illustrate that survey participants from all four Districts approve of the ROW Obstruction recommendation.



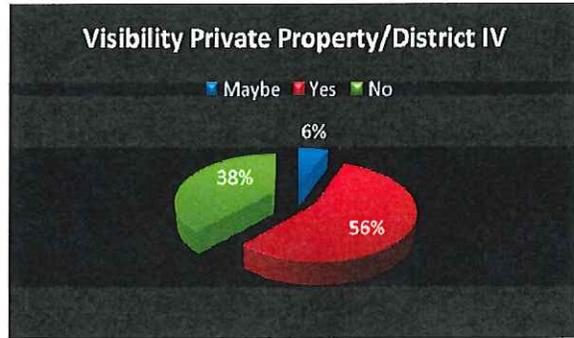
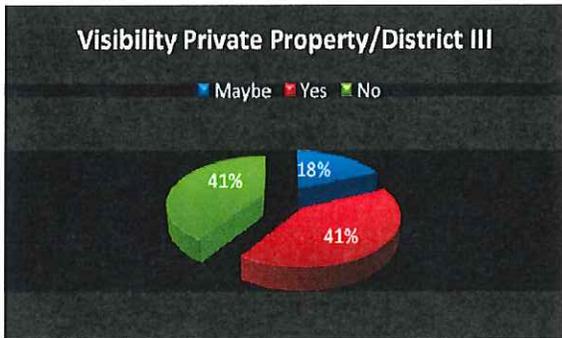
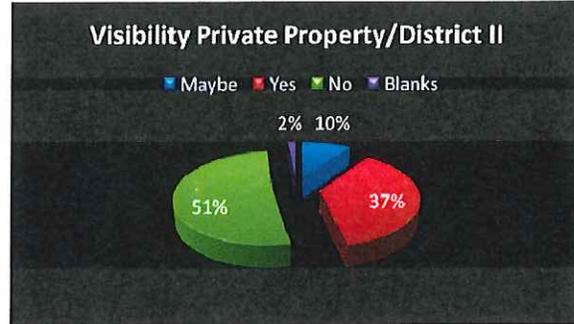
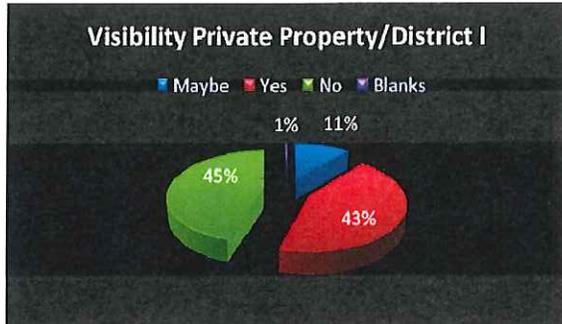
Sight Triangle Obstruction Results by District:

The charts below illustrate that survey participants from all four Districts approve of the Sight Triangle Obstruction recommendation.



Visibility from Private Property Results by District:

The charts below illustrate that the majority of respondents from District I (45%) and District II (51%) do not agree with the proposed regulation. The majority of respondents in District IV (56%) would like to see an allowance for officers to view violations from private property. In District III, the chart displays a clear split between those in favor and those not in favor of a change.

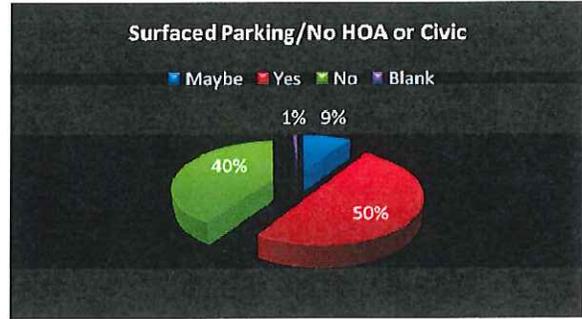
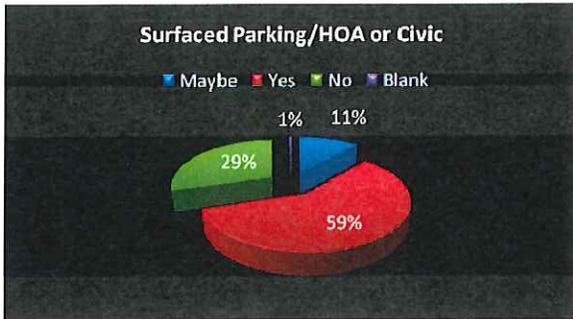


Covenant Communities vs. Non-Covenant Communities:

Several community members and elected officials expressed an interest in results that were based on residents living within a Home Owners Association or Civic Association and those who did not. The following charts display how participants voted based on their neighborhood organizational structure.

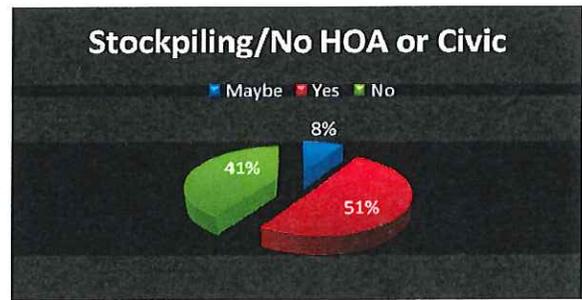
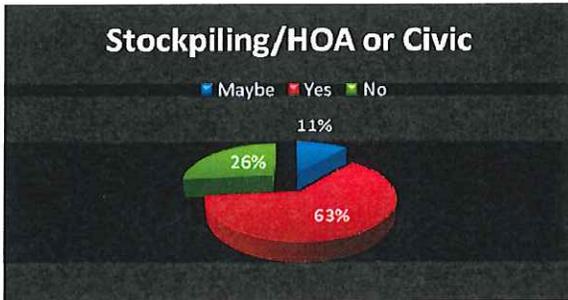
Surfaced Parking:

The charts below illustrate that survey participants from both types of communities approve of the surfaced parking recommendation.



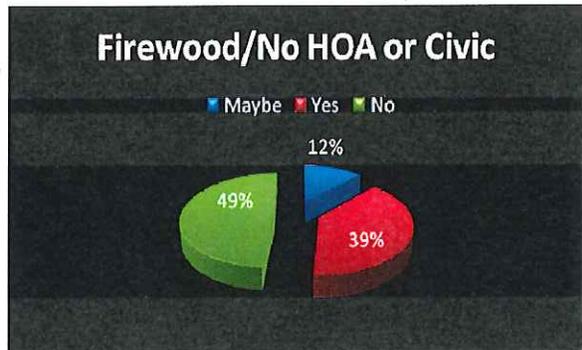
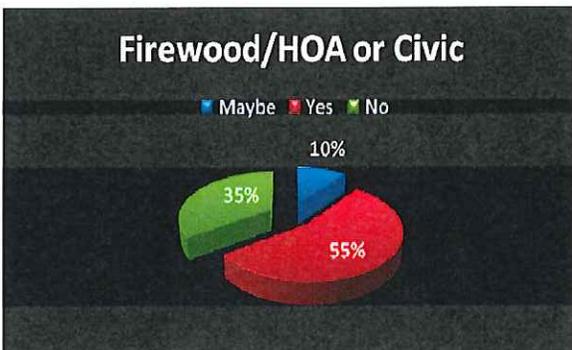
Stockpiling:

The charts below illustrate that survey participants from both types of communities approve of the stockpiling recommendation.



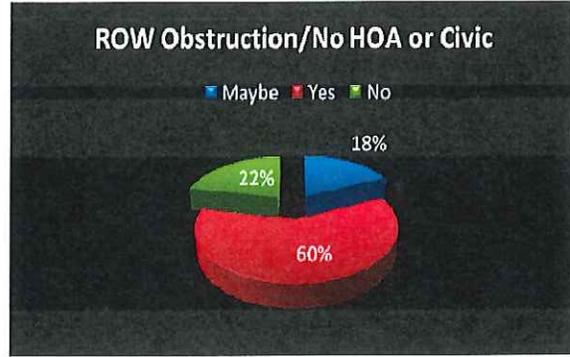
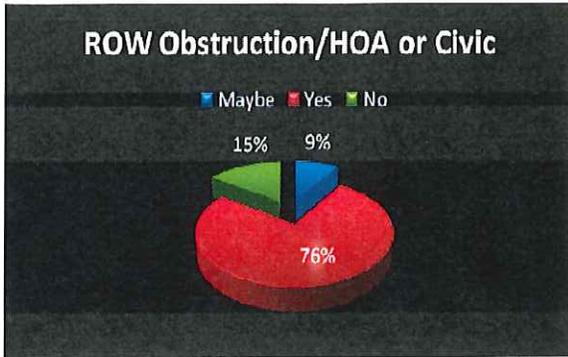
Firewood:

The charts below illustrate that survey participants from the covenant communities would approve of the firewood recommendation however, the non-covenant communities voted not to approve the recommendation.



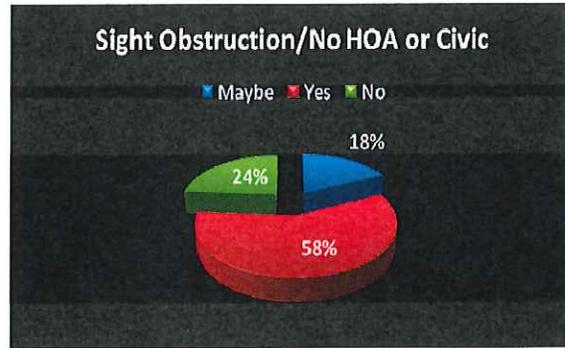
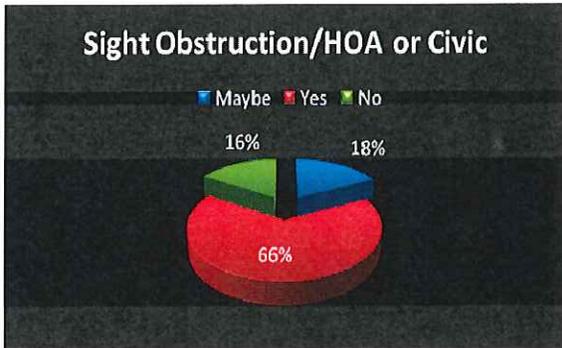
ROW Obstruction:

The charts below illustrate that survey participants from both types of communities approve of the ROW Obstruction recommendation.



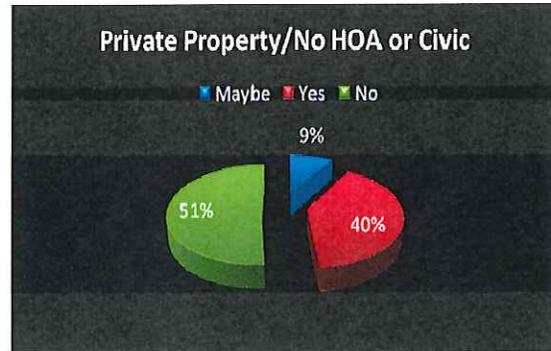
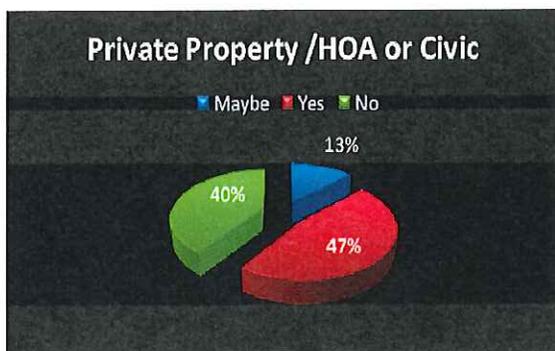
Sight Obstruction:

The charts below illustrate that survey participants from both types of communities approve of the Sight Obstruction recommendation.



Visibility from Private Property:

The charts below illustrate that, more, but not a majority of survey participants from the covenant communities favor some form of control of private property; however, the non-covenant communities voted not to approve the recommendation.



3. Recommendation:

The analysis of first five priority issues, Surfaced Parking, Stockpiling, Firewood, ROW Obstructions and Sight Obstructions garnered support from the majority of participants.

However, the sixth priority issue, visibility from private property, has not garnered clear support from citizens, many of whom have expressed their opinion very clearly through comments made to staff as well as comments provided with the survey. Based on the information gathered, staff recommends moving forward with the first five issues through the LDC re-write process and the MC and tabling the sixth property issue due to lack of citizen support.

Staff recommends incorporating approved priority issues either in the LDC re-write or within the MC whichever would be deemed appropriate as identified in the report.

4. Alternatives:

For the purpose of this report, staff proposes two alternatives for each priority issue.

Surfaced Parking

- Alternative One: Proceed with surfaced parking issue through the LDC rewrite process.
- Alternative Two: Do not proceed with the surfaced parking issue.

Stockpiling

- Alternative One: Proceed with stockpiling issue through the MC.
- Alternative Two: Do not proceed with the stockpiling issue.

Firewood

- Alternative One: Proceed with the firewood issue through the MC identifying a minimum lot size above which there would be no change in the ordinance and below which there would be a limit on the number of cords as well as restrictions related to screening.
- Alternative Two: Do not proceed with the firewood issue.

ROW Obstruction

- Alternative One: Proceed with ROW obstruction issue through the MC.
- Alternative Two: Do not proceed with the ROW obstruction issue.

Sight Triangle Obstruction

- Alternative One: Proceed with sight obstruction issue through the LDC rewrite process.
- Alternative Two: Do not proceed with the sight obstruction issue.

Visibility from Private Property

- Alternative One: Proceed with visibility from private property issue through the LDC rewrite process and the MC.
- Alternative Two: Do not proceed with the visibility from private property issue.

5. Fiscal Impact:

The City could incur legal expenses related to the drafting of new ordinance related to the Municipal Code. No potential expenses for issues related to the Land Development Code as those items will be absorbed into the cost of the LDC rewrite.

6. Next Steps:

Staff has identified the following next steps to occur within the next few months.

- Address selected priority issues relative to the Land Development Code through the LDC rewrite process.
- Draft recommended codes for selected priority issues pertaining to the Municipal Code.
- Initiate Public Hearings on selected Code Amendments pertaining to the Municipal Code.

7. Previous Actions:

- April 15, 2009 – LDC Advisory Team Meeting to gather feedback on potential code changes
- April 20, 2009 – City Council Study Session for discussion and direction regarding potential code revisions
- June 16, 2009 – Survey made available to citizens via City website and through hard copy
- June 2009 – Knob Hill HOA meeting to inform citizens of potential code changes and gather feedback
- July 2009 – District II Meeting to inform citizens of potential code changes and gather feedback
- August 2009 – Willow Creek Civic Association to inform citizens of potential code changes and gather feedback
- August 2009 – District IV Meeting to inform citizens of potential code changes and gather feedback
- August 2009 – District I Meeting to inform citizens of potential code changes and gather feedback
- August 2009 - CenCON Meeting to inform citizens of potential code changes and gather feedback

8. Suggested Motion:

N/A

9. Attachments

Survey Comments for all six priority issues.



City of Centennial

Council Policy Dialogue

TO: Honorable Mayor Noon and Members of City Council
DEPT/DIVISION: Code Compliance Division
STAFF LEAD: Susie Ellis, Code Compliance Manager
DATE OF MEETING: March 14, 2011
SUBJECT: Deferred Code Item – Stockpiling

Description of Issue:

This report has been prepared to provide City Council with an opportunity to have a policy dialogue about how to move forward with regulations concerning Stockpiling. City Council supported a timeline for the nine (9) remaining Deferred Code Items (DCI) located in the Land Development Code (LDC) and Municipal Code (MC) based upon a presentation by Rita McConnell on February 14, 2011. Stockpiling is being presented at the same City Council study session as Oversized Vehicles (on private residential property) and Home Occupations, because of their interrelatedness.

The Policy issue for City Council to discuss is:

Does City Council support a modification to the definition of Stockpiling within the MC to expand it to include the accumulation of items in a quantity not customarily associated with residential properties?

History/Previous Actions:

Existing Regulations

The code referencing Stockpiling is located in Chapter 7, Article 2, Section 7-2-30 of the MC is limited on what constitutes Stockpiling or accumulation of junk and debris. While the code prohibits Stockpiling of obvious items such as wood, dirt, scrap metal and appliances it does not address a common problem related to the number of items stored (accumulation) upon a property. Code Compliance often receives inquiries regarding the storage of multiple items, such as “eight bicycles” or “six lawn mowers” (see photos on next page). These items are not ordinarily defined as junk and may be operational and useful; however, the large number is not *customarily* found in a residential setting and can detract from the positive appearance of residential neighborhoods.



To aid in the discussion Staff has provided the current MC Chapter 7, Article 2, Section 7-2-30 as well as a potential modification to the Code should City Council decide to expand the definition of Stockpiling.

Current Code

It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep upon any property any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste or junk, except where:

- (1) Located within a fully enclosed and lawfully existing structure or building;*
- (2) Located upon property zoned and lawfully used for agricultural purposes, including the keeping of horses or other livestock;*
- (3) Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City for the same property upon which such conditions exist;*
- (4) Directly associated with and necessary for the conduct of a lawfully permitted business activity (excluding home occupations) such as, but not limited to, the Stockpiling of lumber associated with a lumber yard or the piling of earth or stone associated with a landscaping materials sales business;*
- (5) Earth, dirt, stone or rock is integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing: a principal or primary residential structure; or*
- (6) Not more than two (2) cords of stacked wood suitable and intended for on-site residential use in an interior wood-burning fireplace or heating system located upon a residentially zoned lot. (Ord. 2004-O-26 §1-7.1.103)*

Potential Modified Code

Staff has provided below a potential modification (highlighted in yellow) to the introductory paragraph in Section 7-2-30 of the Municipal Code to address the accumulation of items. All other content, including the six specific exceptions, would remain unchanged.

It is a nuisance and unlawful for any owner to permit, authorize, allow, store or keep upon any property any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste, junk or an accumulation of items in a quantity not customarily found in residential zone districts, except where:

Alignment with Vision and Citizen Survey

The City's guiding plans recognize the need to protect and enhance local neighborhoods. Both *Our Voice. Our Vision. Centennial 2030* (adopted in 2008) and the *Comprehensive Plan* (adopted in 2004) contain numerous goals, strategies, policies and actions that relate to strengthening our neighborhoods. The following summary from these two documents is not intended to be comprehensive, but rather an identification of the items that are most directly related to this topic. In addition to these two guiding documents, the most recent Centennial citizen survey identified citizens' rating of the service delivery and performance of their local government. Combined, these three documents are valuable resources that can help inform City Council's dialogue and decision-making on this specific matter.

Our Voice, Our Vision, Centennial 2030

The City of Centennial's *Our Voice. Our Vision. Centennial 2030* (OVOV) is an important resource in this conversation, as it sets forth a vision for our community formed by its citizenry. OVOV captures the spirit of citizens' pride in their neighborhoods:

"Strong neighborhoods - Citizens speak proudly of "their" neighborhoods, and many participate in the strong neighborhood associations that connect them to each other and the greater community." (Page 6)

It organizes citizens' interests within four major themes and provides a vision along with strategies and actions for each one – City Services, Community Quality of Life/Citizen Engagement, Economic Health and Environment. City Council should consider in its dialogue on this issue the following strategy that touches upon the need to address regulations to enhance and maintain vibrant neighborhoods:

Strategy 6. MAINTAIN THE CITY IN SUCH A WAY THAT PROPERTY VALUES ARE PROTECTED.

Action 6.2. CONTINUE TO REVIEW AND UPDATE CITY CODES as deemed necessary by the city and the citizens (for example, codes involving air, noise, signs, visual, parking, structures, weeds, animals, insect control, etc).

Comprehensive Plan

The City of Centennial's *Comprehensive Plan* (Comp Plan) is also an important resource in this conversation, because it sets forth a vision for our community as does OVOV. It contains eight major plan elements. This master plan is Centennial's blueprint for the future that is intended to help guide policy making on matters that effect the physical growth and development (redevelopment) of the City:

“The Comprehensive Plan is a framework to guide public policy and implement the vision for the City of Centennial. The vision for Centennial is a community that is sustainable and cohesive, inspires pride, and produces remarkable places.” (Page 3)

Although the Comprehensive Plan does not contain goals that are associated with or specific to the topic of Stockpiling, it does address the need to preserve housing stock and protect residential neighborhoods:

Housing

“Centennial’s strong residential base and existing neighborhoods are perhaps the City’s greatest assets as both an economic engine and the backbone of the community. These assets must be protected and enhanced as new residential development occurs and as older residential areas redevelop and are revitalized.” (Page 12)

Goal 1: Preserve Existing Housing Stock and Protect Stable Residential Areas

Centennial Citizen Survey

The Centennial Colorado 2010 Citizen Survey (Centennial Citizen Survey) provided residents the opportunity to rate the quality of life in the City, as well as the service delivery and overall workings of local government. Furthermore, the survey permitted residents to provide feedback to local officials on what is and is not working well, and to share their priorities for community planning and resource allocation. From 3,000 mailed surveys, the City received 940 completed responses. Staff reviewed the results of the survey and found numerous references and results that should be considered by City Council when deciding if it wants to or does not want to move forward on the topic of Stockpiling.

Citizens identified code enforcement as an important service to improving their quality of life, ranking fourth out of sixteen identified items (see Attachment A, Page 16 of Survey). The survey addressed eight specific code issues and assessed resident’s perspectives about how important it is for the City to address these issues: essential, very important, somewhat important, and not at all important. For code violations typically associated with Stockpiling, the results are as follows:

- Outside storage (i.e. building materials, trash items, junk):
 - Essential – 27%
 - Very important – 45%
 - Somewhat important – 24%
 - Not at all important – 4%

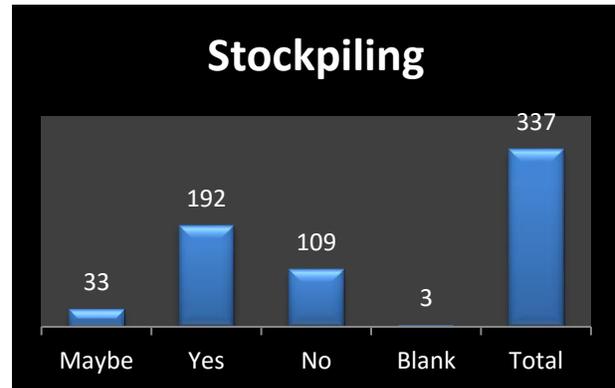
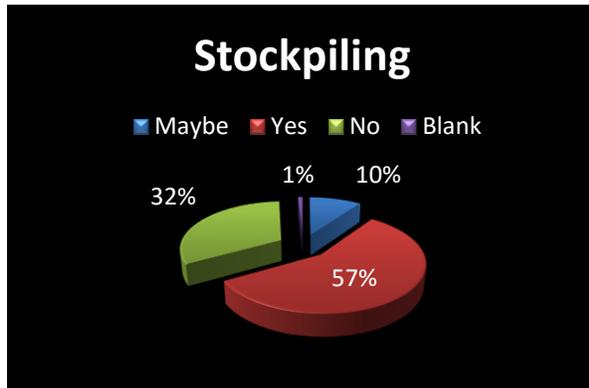
Outdoor storage of debris and miscellaneous items appears to be of more overall importance to respondents. The importance of this topic ranked the highest at 72% in the question of Code Enforcement Priorities. Attachment A to this report provides the pertinent pages from the citizen survey.

Code Compliance Survey

In addition to the Centennial Citizen Survey, Code Compliance conducted an Internet based survey in 2009 identifying the five Priority Issues in an effort to collect public input and comments. The purpose of the survey was to allow the general public to express their opinions and ranking of the five code issues. The survey was provided online via the City’s website, as well as in hard copy form for those residents who did not have access to the Internet. The survey was available from July through September and resulted in 337 responses. In addition, Staff attended numerous District meetings, neighborhood meetings and a CenCON meeting all

in an effort to inform citizens of City Council's desire to involve them in the process and gather community input.

The survey results indicate an overall support for the Stockpiling proposed revisions, which is consistent with the results from the Centennial Citizen Survey. The charts below illustrate the majority (57%) of survey participants would support an ordinance addressing the accumulation of items not customarily associated with residential properties.



Based on the survey results, Staff recommended moving forward with the Stockpiling issue through the LDC rewrite process and the MC.

LDC Advisory Team

The topic of Stockpiling was not presented to the LDC Advisory Team due to the issue being located within the Municipal Code and not the Land Development Code; therefore team comments are included in the report.

Policy Implications:

As stated on the first page of this report, this policy issue is as follows:

Does City Council support a modification to the definition of Stockpiling within the MC to expand it to include the accumulation of items in a quantity not customarily associated with residential properties?

Presently, the Code Compliance Division responds to citizen complaints about the amount, appearance and duration (of storage) of items visible from the public rights-of-way. Complainants express that these items are better suited for a repair shop and are not in line with the character of their residential neighborhood and, thus, degrade their property values. In most cases upon inspection, Staff has found that large amounts of outdoor storage of materials and/or debris could be considered useless or beyond repair. However, owners sometime express that their items, like bicycles and lawnmowers, are repairable and useful. Because, the current code addresses what would be classified as junk, but not the accumulation of items, owners that make this argument are ultimately allowed to keep their large pile of items. The potential change to the code would allow Staff to address citizens concerns by requiring owners of these types of items to store them elsewhere on their property, not within public view.

Jurisdiction Comparison – Attachment B

Staff conducted a survey of eleven surrounding jurisdictions in the Denver Metro area and found that 9 out of the eleven have an expanded Stockpiling definition. The jurisdictions that have an expanded ordinance include: Arvada, Aurora, Thornton, Denver, Greenwood Village, Littleton,

Lone Tree, Westminster and Englewood. The jurisdictions that do not enforce an expanded Stockpiling ordinance include Lakewood and Parker.

Next Steps

Based upon City Council's direction at tonight's meeting, Staff will move forward with a draft Ordinance for City Council consideration at a future date.

City Council will have six remaining Deferred Code Items to address following this study session.

Attachments

A - Centennial Citizen Survey 2010 (Pages 16, 30,45,67,68 and 77)

B - Jurisdictional Comparison - Stockpiling

NOTE: Materials associated with past presentations identified in this report (OVOV 2030, Citizen Survey) are available for download from the City's website.

pose Stockpiling Assessment of Peer Communities - 2016

Community	Summary of Definition of Stockpiling	Prohibitions on Stockpiling in a Residential Setting: 1. Do you prohibit? (Y/N) 2. Physical structure? Allowances, Amount?	Enforcement: 1. Backyard enforcement? 2. To what degree is this issue? (# Complaints)	Contact Information
Centennial	Generally defined as any stockpile, pile, stack, stand, collection, assembly or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, lumber, wood, shingles, used or discarded building or construction materials, tires, inoperable equipment, household appliances, scrap metal, scrap plastic, rubbish, refuse, waste or junk	Generally, prohibited in a residential setting except where it is fully enclosed in a structure or building. Earth, dirt, stone or rock may be integrated into a permanent landscape feature on a residential property. Two (2) cords of stacked wood may be stored on a residential property.	Enforced where it is visible from the public ROW. Received XX complaints for stockpiling in XXXX (our Code Compliance staff will help you fill in these blanks).	
Arapahoe County	OUTDOOR STORAGE. The storage of any material outside of the principal permitted structure on any parcel, which material is either wholly or partially visible. INOPERABLE VEHICLE. Any vehicle lacking a current valid registration that is displayed on the vehicle or trailer and/or whose operation is not currently possible due to the disassembly of vehicle parts preventing vehicle operation. Inoperable vehicles shall not be permitted on residential properties and/or on the public right-of-way immediately adjacent to said residential property.	1. Yes. The other items enforced are trash cans, roll-offs and storage containers 2. There is no limit on the amount of firewood as long as it is stacked and clearly for the use of firewood (ie they must have a wood burning fireplace)	1. Years ago the definitions read "visible from the R.O.W., which have since been removed. If the violation can be seen from a neighbor's yard or from windows in their home (with their permission) or in the course of going to knock on the door, this is sufficient for our attorneys. 2. Over 50% of the County's violations are in back yards and typically the neighbors are more than happy to let the County in their yard or their home to take pictures from upstairs windows. The County will accept dated and signed pictures from neighbors as sufficient evidence to send a violation notice. This typically gets the dialogue started between the officer and the homeowner.	Contact: Tammy King tking@co.arapahoe.co.us 720 874-6711
Arvada	Rubbish- Combustible and noncombustible waste materials, except garbage, and including, but not limited to the residue from the burning of wood, coal, coke and other combustible materials, and paper, pastic, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials regardless of whether the item could be put to any reasonable use or has any claimed value. Rubbish shall also include household appliances, furniture, machinery, and car parts that are not stored within an enclosed structure. Items may be deemed to be rubbish regardless of whether the item could be put to any reasonable use or has any claimed value.	1. Yes. It is unlawful to accumulate and store rubbish, garbage and debris on property. Sec. 18.8-308.4. I.P.M.C. - Section 308.4, Removal of rubbish or garbage. 18.8-308.4. Removal of rubbish or garbage. The owner, lessee, tenant or any other person having the right to possession of all or a portion of any premises shall provide for the removal of all rubbish or garbage from the premises at regular intervals. Removal of rubbish or garbage shall occur no less than once every thirty days, or more often if necessary to prevent a nuisance. (Ord. No. 4334, § 12, 4-16-2012) 2. There are no official allowances, but the code enforcement officer has the right to make a reasonable judgement on items such as wood piles.	1. Backyard enforcement takes place if the issue is visible from the right of way. Additionally, if a neighbor makes a complaint, it must be visible from the neighbor's property. All proceedings to determine abate, or remove rubbish and/or garbage shall be done in accordance with article III, Abatement procedures for rubbish and garbage, of chapter 90, Solid Waste, of the Arvada City Code. 2. One of the top violations each year with several hundred complaints per year. No official statistics are available at this time.	Contact: Greg Carr 720-898-7474 gcarr@arvada.org

Aurora	<p>Rubbish or debris means all accumulations of waste; refuse; rejected animal, mineral, or vegetable matter; manure; ashes; wastepaper; cans; bottles; broken china; sawdust; leaves; grass cuttings; shrubbery and tree trimmings; shavings and packing materials; weeds; partially wrecked, junked, or discarded vehicles; appliances, or parts thereof, which are not or cannot be used for their intended purposes; sweepings; liquid or chemical waste; or any other waste material, including construction or demolition waste.</p>	<p>1. Yes</p> <p>Any building or portion thereof or the premises on which the building or portion thereof is located in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed to be and is declared substandard.</p> <p>Premises on which are found weeds; vegetation; junk, to include but not be limited to abandoned, unused or nonoperational appliances, such as vehicles, machinery and household furnishings or parts thereof; debris; garbage; offal; rat harborages; stagnant water; combustible materials; and similar materials or conditions which constitute fire, health or safety hazards.</p> <p>2. Corded wood is not considered junk since it is a product to be used. The City only requires that it be stacked neatly if it is firewood</p>	<p>1. The same regulations are enforced the back if it can be seen from the right-of-way or if a neighbor wants to complain and allow the City into the backyard to view the violation. Code doesn't mention backyard enforcement</p> <p>Inspector will come out and issue notice of abatement if nuisance discovered</p> <p>2. The City is "proactive and complaint driven." The City receives approx. 8000 complaints a year for various violations and another 15000+/- that are addressed proactively. Not all of the complaints are residential in nature. Statistics do not separate back from front yard.</p>	<p>Contact: Ron Moore rmoore@auroragov.org 303 739-7463</p>
Denver		<p>1. Yes</p> <p>Items intended for outdoor use on a residential property such as picnic tables, children's toys and bicycles are allowed to be kept outdoors. Items intended for indoor use such as upholstered furniture and household appliances may not be stored outside. Tools, equipment and supplies utilized for automobile repair or construction may not be stored outside.</p>		
Douglas County	<p>Junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery.</p>	<p>1. Yes</p> <p>No land may be used as an outside storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless approved as a use by special review in the GI zoning district.</p>	<p>1. The County does not have any specific prohibitions in backyards. Items stored on a residential property would need to be accessory to that use, such as storage of one's own vehicles, RVs, trailers, lawnmower, etc.</p> <p>2. On average, 25% of the complaints each year are in the category of trash, junk and inoperative vehicles.</p>	<p>Contact: Michael Cairy mcairy@douglas.co.us 303-814-4353</p>
Englewood	<p>Junk is defined as, but is not limited to: car parts, furniture designed for indoor use, old appliances, scrap metal, tires, used lumber, etc. This also includes items that are no longer being used for their intended purpose (i.e. a bike missing a tire, broken machinery, etc.).</p>	<p>1. Yes</p> <p>It shall be unlawful for any person to store any personal property in the front yard, as defined in 16-4-17(c)(2) EMC as amended, front porch, or area visible from the street of any residentially zoned property in the City, except as provided by subsection 3 of this section.</p> <p>2. No allowance if the items or materials being stored or accumulated are found under ordinance definitions of trash or junk or personal property.</p>	<p>Ordinance enforcement pertains to the entire private property and our inspection vantage points are from any public right-of-way.</p> <p>Trash and junk violations are common, statistics not available at this time.</p>	<p>Contact: Caroline Faseruk cfaseruk@englewoodgov.org 303-762-2332</p>

<p>Greenwood Village</p>	<p>Refuse means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.</p>	<p>1. Yes</p> <p>7-1-30: ...Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the health, safety or welfare of the citizens of the City, or which is indecent or offensive to the senses of the ordinary person, so as to interfere with the comfortable enjoyment of life or property.</p> <p>7-1-20: It shall be the policy of the City that every public nuisance shall be unlawful, and shall be restrained, prevented, abated and enjoined.</p> <p>The City doesn't have a limitation of fire wood, however when a call like that comes in, it is usually addressed from the rat, mice, snake and infestation angle.</p>	<p>1. If the back yard is visible from another property then the City will enforce it.</p> <p>Most everything is handled the in same way. the City will advise the property owner of the violation, give them a time frame to get into compliance (7 days), if the violation continues, the City will mail a letter that is very specific to the property owner detailing each violation along with the Code. The ending of the letter states if the issue cannot be resolved, then the City will proceed with the penalty provisions of the Municipal Code (summons or abatement).</p> <p>2. Outdoor storage and refuse complaints last year were 24. The City is not proactive in residential neighborhoods, and the City pays for weekly trash removal & recycle for every resident and offers large item pick up (free) any time. If anyone just calls in , the City will have it removed within a couple of days.</p>	<p>Contact: Sheryl Jaramillo jaramillo@greenwoodvillage.com 303-486-5793</p>
<p>Lakewood</p>	<p>"Outdoor Storage" is the use of an outdoor area for the keeping of possessions, belongings, goods, materials, or other items.</p>	<p>1. Yes</p> <p>The existence or outdoor storage of junk or rubbish or a nuisance upon any such premises, or part thereof, or on the sidewalk or the alleys abutting such premises for seven (7) days or more...</p> <p>2. Outdoor storage is not allowed on residential properties. Items such as a barbeque grill, patio furniture and stacked firewood are allowed. Other items, such as appliances, auto parts, waste building materials and household furnishings, must be stored in a garage or shed.</p>	<p>1. Backyard enforcement takes place if the issue is visible from the right of way. Additionally, if a neighbor makes a complaint, it must be visible from the neighbor's property.</p> <p>2. There are a large number of complaints, but no statistics are kept. Over the years, Lakewood has updated its language, and it has found that the term "outdoor storage" has been helpful in making things more clear for its citizens</p>	<p>Contact: Gail Spencer gspencer@lakewoodco.org 303-987-7565</p>
<p>Littleton</p>	<p>RUBBISH: All nonputrescible waste, both combustible and noncombustible, and includes, without limitation, ashes, cans, paper, wrappings, cigarettes, cardboard, yard clippings, leaves, branches, wood, waste building materials, glass, bedding, crockery, abandoned or unusable household furnishings, abandoned or unusable automotive or other mechanical parts or objects. (Section 7-4-2)</p>	<p>1. Yes</p> <p>2. Some allowances- fire wood amount is not specifically defined but we require that it be neatly stacked and a reasonable amount that would not pose a fire hazard.</p>	<p>1. Yes- the City may have to view from a neighboring property or (less common) the City will contact resident and request inspection.</p> <p>2. Rubbish violations are common, most are not backyards. Approximately half of all complaints received are rubbish related. There is no exact number for rubbish complaints.</p>	<p>Contact: Rebecca Thompson rthompson@littletongov.org</p>

<p>Lone Tree</p>	<p>Refuse means trash, waste, junk, litter or other material placed, discarded or otherwise left on property or improvements.</p>	<p>1. Yes</p> <p>No land may be used as an outside storage area for the purpose of collecting, dismantling, storing or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless otherwise authorized by the City. On- or off-street parking of unlicensed or inoperable vehicles is prohibited in all residential zoning districts and Planned Developments where residential uses are permitted.</p>	<p>1. Inspector will come out and issue notice of abatement if nuisance discovered</p>	<p>Contact: Julius Zsako 720-509-1269 julius.zsako@cityoflonetree.com</p>
<p>Parker</p>	<p>Junk means trash, waste, rubbish and other discarded things and salvage materials, including, without limitation, scrap copper, brass, iron, steel or other metals, tires, wheels, household appliances, furniture, rope, rags, batteries, glass, rubber debris, plastic debris, construction debris, remnants of wood, plumbing fixtures, port-potties, paint, concrete, cinderblock, bricks, asphalt or any discarded, dismantled, wrecked or scrapped motor vehicle or other machinery or parts thereof.</p>	<p>1. Yes</p> <p>It shall be the policy of the Town to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town; and, therefore, the Town Council declares that every public nuisance shall be unlawful and shall be restrained, prevented, abated and enjoined.</p>	<p>1. No backyard enforcement if there is a privacy fence.</p>	<p>Contact: Carolee Thailing cthailing@parkeronline.org 303-805-3286</p>
<p>Thornton</p>	<p>Junk means any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or trailers which are abandoned, demolished, dismantled or that are so worn or deteriorated or in such a condition as to be unusable in their existing state, salvage material, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, motor vehicle and machinery parts, and used tires.</p>	<p>1. Yes</p> <p>It shall be unlawful for any person to allow, upon any lot or piece of ground under such person's ownership or control within the city limits, any damaged merchandise, litter, trash, rubbish, garbage or an accumulation of junk of any type, except in areas specifically zoned by the zoning ordinance for such purposes or otherwise designed by the city for such purposes. The existence of any such material or item shall constitute a nuisance and be in violation of this division.</p> <p>There are no specific exceptions/allowances in the code, although in practice, the City will try to be reasonable. For example, if someone has firewood stacked by their home, the City would allow them to keep that, but if they just have piles of limbs that they claim are for firewood, the City would make them stack it accordingly or we would call it an accumulation of trash/junk.</p>	<p>1. Yes, the code is enforced throughout the entire property, if the City can see a violation from a place they are authorized to be. The City will typically start with a simple warning and then proceed through the Blighted Property Rehabilitation Code process. (See Sections 18-16 through 18-20 of the code.) In short, the City schedule an administrative hearing, post notice of the hearing on the property and mail it to the property owner, attend the hearing, request (and typically receive) an order from the hearing officer that the property come into compliance by a date/time certain, and then we reinspect. If the property is not in compliance, the order authorizes abatement action, and the City will bill the costs of the abatement to the owner.</p>	<p>Contact: Robin Brown Robin.Brown@cityofthornton.net 303 538-7579</p>
			<p>2. In 2015, the City responded to 290 complaints about junk/litter concerns. There were many additional situations proactively addressed by code officers. There were 15 abatements involving junk removal last year. (For perspective, there were 111 weed abatements last year.)</p>	

Junk or debris shall mean any material or object, used or new, which is not presently useable or designed to be used in their existing condition or location such as scrap metals, rubber pieces, rope, asphalt, concrete, plaster, tile, bricks, crates, cartons, barrels, boxes, tree limbs, leaves, dead plants and trees, trimmings from plants and trees, grass clippings, tools, fixtures, utensils, lumber, pipe and pipe fittings, machinery or parts thereof, appliances, vending machines, furniture, motor vehicle parts or tires, or any waste material from the premises, including building materials for or produced from remodeling or construction, and material.

1. Yes

Keeping of junk or debris: It shall be unlawful for any person to cause, maintain or permit to remain, or store, keep or allow to be stored or kept, any junk or debris on any lot or parcel of land unless such junk or debris is kept in a building/garage, except junk or debris may be stored for a period of time not to exceed fourteen (14) days in/on a trailer or in a truck bed, fully covered and secured.

2. Allowances are made on a case by case basis. For example, the City allows fire wood as long as it were neatly stored and not excessive. The City works with reporting parties a lot on cases such as this to help them understand the difference between "junk" and usable items being stored in a reasonable manner.

1. The code is enforced on any location of any parcel. If the City cannot obtain a legal vantage point based on a complaint, the City must have permission from the reporting party to enter their premise to get the legal view for enforcement. Without that, the City cannot enforce.

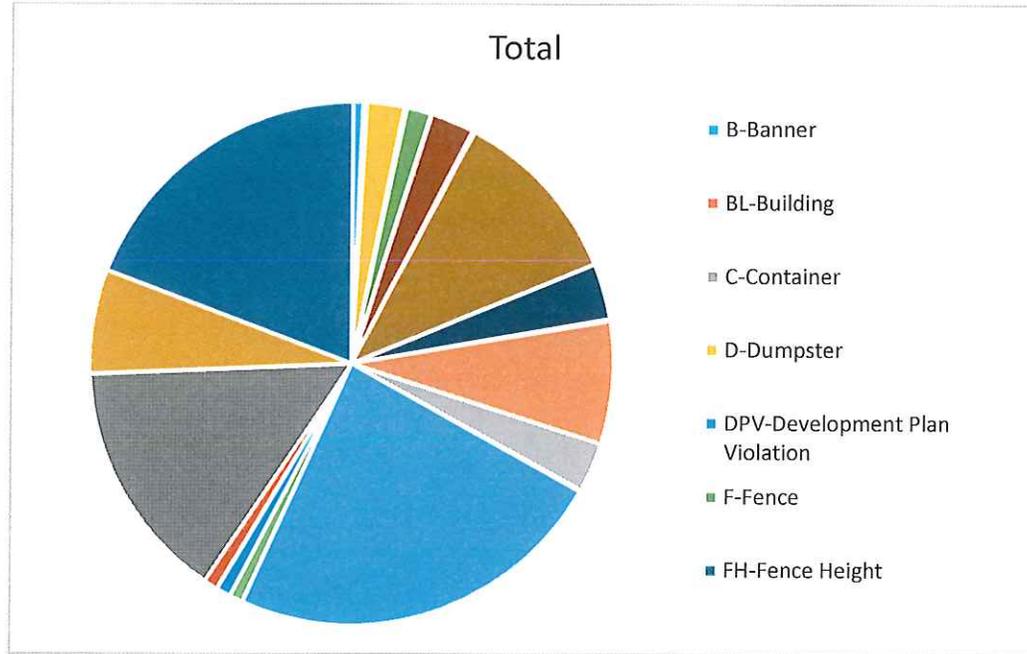
Violation: Any person found guilty of violating any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine pursuant to Section 1-8-1 of this Code. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed to be a separate and distinct violation.

2. This is an issue is a very large number of cases. Neighbors call in back yard violation as often if not more often than front or side yard violations.

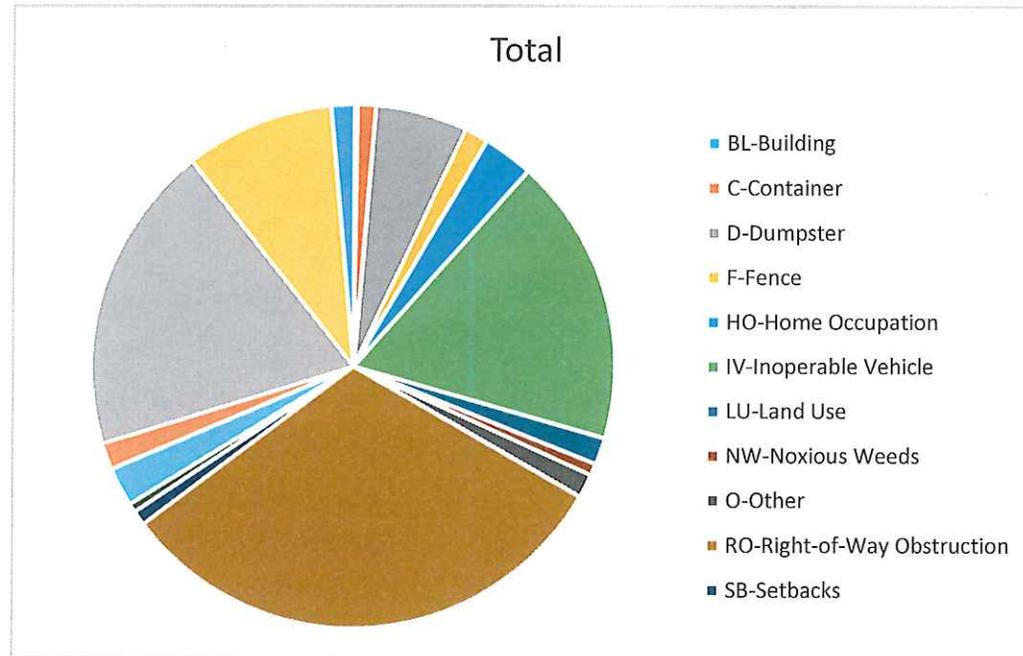
The stats are recorded by "junk/debris" status, and not by front or back yard location. The total number of junk complaints this past year was 860 out of 6958 total cases

Contact:
 Joy Tallarico
 jtallari@cityofwestminster.us
 303-658-4438

Count of Code Violation 2015	
Code Violation	Total
B-Banner	8
BL-Building	2
C-Container	1
D-Dumpster	31
DPV-Development Plan Violation	2
F-Fence	20
FH-Fence Height	1
HO-Home Occupation	36
ID-Illegal Dumping	2
IV-Inoperable Vehicle	148
LU-Land Use	46
MMC-Medical Marijuana	1
N-Noise	1
NW-Noxious Weeds	101
O-Other	41
OV-Oversized Vehicle	1
RO-Right-of-Way Obstruction	317
SB-Setbacks	11
SC-Storage Container	12
SO-Sight Obstruction	12
ST-Stockpiling	200
TS-Temporary Sign	86
W-Weeds	257
Grand Total	1337



Count of Code Violation 2016	
Code Violation	Total
BL-Building	1
C-Container	6
D-Dumpster	31
F-Fence	8
HO-Home Occupation	17
IV-Inoperable Vehicle	97
LU-Land Use	9
NW-Noxious Weeds	4
O-Other	8
RO-Right-of-Way Obstruction	171
SB-Setbacks	5
SC-Storage Container	3
SN-Sign	13
SO-Sight Obstruction	9
ST-Stockpiling	104
TS-Temporary Sign	50
W-Weeds	8
(blank)	
Grand Total	544



Comments from 2009 Citizen Survey

Stockpiling

Would you be in support of a revision to the code expanding the definition of stockpiling to include the accumulation of items in a quantity not customarily associated with residential properties?	Comments:
No	It's a free county if you collect wagon wheels and like them, then 8 ot 10 of them is ok. Didn't move here to be overregulated.
Yes	Stockpiling in our neighborhood is a problem, residents leave wood on the side for years that is never used, old cars that don't work, trash that is unattractive and attracts rodents
Maybe	There may be a reason for stockpiling. That needs to be taken into consideration. If it is for a short time I see no problem.
No	This is not Highlands Ranch
No	I think it is not reasonable to put this kind of a restriction on the property owner.
No	I have 8 children, so what you are saying is they cannot ride their bikes and park them at the house. Is the city going to get into regulating the size of families next?
No	What gives you the right to come in and tell me what is junk? What if i have 8 kids and they all want bicycles? Am I going to be forced to not buy my kids bicycles because my neighbor thinks that 8 are too many to have? Should I also limit the number of children I have based on what my neighbor thinks? If so then I think we should all move to China and terminate any births after the first.
No	No actual numbers, that's great! No subjectivity or prejudices could be read into this one.
Maybe	Stockpiling should be allowed as long it's not visible from the street and/or properly covered in side/back yards so as not to be visible to neighbors and interrupting their sight lines.
No	I am not in favor of telling people that they can only have a certain number of anything. If I have extra bikes around to allow visiting family or friends to ride it is of no concern to busy body neighbors
Yes	We have an HOA code that addresses this but I've seen communities where this happens and it is unsightly and says to me "I'm glad I don't live in this neighborhood".
Yes	This is obviously more difficult since the definition of 'not customarily associated' is subject to interpretation, but I do favor such restrictions in a general sense.
No	NO " As it is ordinarily not unserviceable items but rather a large family or side business that causes multiple bikes or lawn mowers, I think such code is too heavy handed.

Comments from 2009 Citizen Survey

Stockpiling

Yes	Yes, but you need to define this further or you will have a code that is easily challenged and worthless.
No	If I wanted to live in a "covenant controlled community" I would have bought a house in one. Keep the government's hands off my property!
Yes	This revision is urgently needed.
Yes	Only if they are not within the front setbacks.
Yes	I would support an ordinance that prohibits stockpiling on the residential property as a whole, not just from the front or street view.
Yes	If a homeowner is piling rock, mulch etc for improvements short time like a couple of weeks it should be ok. But not bicycles, lawn mowers,etc.
No	I believe the current code is adequate to deal with creation of "varmint habitat."
Maybe	The term "customarily found in a residential setting" is vague at best. Does this mean only one lawn mower, or three, or four? What about families with lots of children? Maybe they need eight bicycles. If someone is using the the residential property as a business storage site, that is another issue. What about garage sales with multiple items?
Maybe	This ordinance would have to be drafted in a way that makes it difficult to use to harass neighbors. I think that might be difficult.
Yes	Junk appliances, vehicle parts, non-patio furniture and inoperative stuff should not be accumulated. Prohibition should not only prevent unsightly messes but also locations for potentially dangerous/undesirable animals and weeds. Extreme numbers of otherwise useful objects should also be prohibited, unless a commercial application is allowed at the site, although defining such numbers would be difficult.
Yes	I trust that the wood pile would not be eliminated, but rather would be limited to say 1 or 2 cords.
Yes	Stockpiling should be better defined but should definately not be permitted where it can be seen from the street.
Yes	In some cases these property owners are buying, repairing and reselling these items. If these trash collectors can't be regulated with the current ordinances then I agree we need something to put a stop to it.
Yes	Does the code prohibit the permanent storage of extension ladders in backyards? This invites crime not only for that neighbor but for nearby homes as well.
No	Too intrusive on peoples' lifestyles.

Comments from 2009 Citizen Survey

Stockpiling

Maybe	Only if it is visible from outside the property and obviously not for short term.
Maybe	This is tricky. Are the items in a shed, or displayed in full view? Suppose items are enclosed in a back yard in a picket fence enclosure, but not roofed. They can be seen from a second story, but not at ground level. Otherwise, the yard is neat. Would an unusual accumulation be subject to a "junk" definition? Nothing should be allowed to be stored on front or side yards under any circumstances.
No	I don't like the way this item is described by Code Enforcement and that goes for all the others in this survey. This one is particularly offensive for many reasons. "Customarily associated" and "customarily found" are very general terms and statements and not defined in any reasonably acceptable manner. PUSH POLLS NEVER ARE USEFUL BECAUSE THEY EXPRESS THE BELIEFS OF A FEW PEOPLE, MOSTLY POLITICANS AND BUREAUCRATS, WHO ARE TRYING TO GET THE RESULTS THEY WANT TO SEE AND, PERHAPS, NOT OF A REAL CONCERN OF THE CITIZENS. I seriously doubt the veracity of the term and statements "often receives inquiries". That's no one's business beyond the property owner and may frequently just be a nosy or unfriendly neighbor who doesn't like their neighbors. They have an option... they can move somewhere else because their neighbor also has rights! It can often be treated as harassment. Code Enforcement and Zoning might want to talk with Counsel about the definition of the word/term harassment. What is the definition of "often", "customarily found" and "customarily associated"? And, who decided the definition? Let those who live in neighborhoods with strict covenants enforce their own covenants, but they and government do not have a right or the privilege of forcing dictating those covenants on other neighborhoods. That's also not the role of government.
Yes	Citizens should be required to dispose of unused articles, which are visible by your neighbors. These items should be locked up in a garage or other storage area to prevent the invitation of theft in a neighborhood.
Maybe	My concern is that the city and code enforcement officials will take this entire code update to an extreme. If a family has 8 bikes so what as long they are not a hazard to anyone. Lets differentiate between a good reason and someone's perception of what they want to see when looking out of their window.
No	8 bikes for my family of 4 is not unreasonable if we each have road and trail bikes.
Maybe	Would support if it applies only to those things stored where in public view. Would not support if applied to items stored in garages, sheds or behind privacy fencing.
Maybe	Only if visible from the street.

Comments from 2009 Citizen Survey

Stockpiling

Yes	The business located on the corner of Dry Creek and S Marion stockpiles lawn equipment in their garage.
Yes	Same as above.
No	Paragraph above the question is worded with a bias
No	if my neighbors have reasonable curb appeal I dont mind them doing their "thing" as long as its not a health or safety hazard for my family
Maybe	It may be written such that stockpiled items remain out of site.
Maybe	This is very difficult to define in terms of what quantity would or would not be stockpiling. However, I think it would be much easier to address what is acceptable when viewed at least from the public right-of-way.
Yes	If a resident needs to stockpile for their business the area need to be so that the neighbors cannot see it. This should include all sides of the property. I've seen too many home devalued due to their neighbor's junk in the back yard. Property values go donw
Yes	People need to keep what they use and not hoard junk!!
No	As a home owner, I would hope that others would be mindful of the fact that we live in neighborhoods and are respective of those who live around us. More importantly, the government should not have more control over our lives and how we live them.
No	Let neighborhood HOA's do it if they want to.
No	I don't believe I should be telling a neighbor how many bicycles or lawn mowers he/she may own.
Yes	We have a lot of stuff on the side of our house, not seen from the front of the house, which needs to be "pitched".
Yes	We have a lot of stuff on the side of our house, not seen from the front of the house, which needs to be "pitched".
Maybe	I would favor an ordinance that limited the number of obvious "trash" items such as inoperative appliances, inoperative lawn machinery,and obvious junk.
No	I collect porcelian dolls. How will you address each individuals collections?
Maybe	Somewhat depends on numbers of items and what types of items would fall under the ordinance and that might be hard to be inclusive enough in the ordinance
No	No change
Yes	Absolutely! People
Yes	please hurry on this one

Comments from 2009 Citizen Survey

Stockpiling

Yes	Wording to address how long items are stockpiled in plain view could be added to prevent someone from keeping items on the side of their house or their front lawn for many years. Junk and debris should be used occasionally or it should be stored properly or removed completely.
	Depends on what is being stockpiled and where it is on the property. If the neighbors don't care why should you worry about it?
No	There is no consistent way to enforce.
Maybe	It depends on where they are stored and how excessive it is. Is it a hoarding problem? I am in favor of keeping yards and porches reasonably clear of excessive items, but I hate to live someplace too restrictive and controlled.
No	It is not the city's job to decide what is excess
No	Aren't you supposed to be here to serve us? If people want to live where there is nothing unsightly anywhere, there are plenty of covenant controlled neighborhoods. Those people can live there and let the man tell them what they can do. Leave the rest of us alone. Spend our money more constructively.
Maybe	You haven't made it clear if this junk is behind a fence or if it is in the driveway or along the house where people who drive through the neighborhood can see the mess. If it is behind the fence, I'd say it is nobody's business.
Yes	This is another thing that is annoying. is people leaving all there junk out front, again, it diminishes property values
No	What happens with the family that has 8 children or the entrepenuer who owns his own lawn mowing company? We live in a land of freedom and should not be told what and how much we can own. As long as we maintain our property the city should not be involved in what we put on it.
No	Some families have many children and so they are going to have many bikes or other recreational items. Again if you are concerned with these issues a person should buy a house with HOA protections.
Yes	Such as multiple trash cans kept in the driveway at all times.
Maybe	Does this also include sheds?
Yes	But only within reason. Like if someone is working on there yard it takes more than a couple days sometimes to finish and haul debris off. So be reasonable!!!
Yes	We currently have an elderly neighbor who has seven lawnmowers stored on the side of his home.

Comments from 2009 Citizen Survey

Stockpiling

No

Again, who decides and why should they have the right to make me remove my six bicycles; all of which are usable and some times even used.

Comments from 2009 Citizen Survey

Visibility From Private Property

Would you be in support of an amendment to the code that would allow the City to enter upon private property on a limited basis, only when invited and after obtaining a signed complaint, to investigate and determine alleged violations?	Comments:
Yes	With signed permission from owner of neighboring property to visually check neighboring property. Very much needed.
Yes	People who collect building materials and trash in their backyard, attract rats and other vermin.
No	Never go for more restrictions especially if it is not seen from the street. If people want to live in overly restricted areas move to highlands ranch or some other God Forsaken areas where people want to control other peoples actions that do not need controlled
No	Get a court order, otherwise never.
Yes	Many homeowners in Southwood store trailers, boats, etc. in the rear of their homes. The problem simply shifts from public view to private view from others' back yards. I think if the ordinance(s) against parking trailers is in force, it should be enforceable on any part of a neighbors property if a complaint is sent to the city and the violation is visible from the complainants property.
No	NO - not unless a life was at risk. When and what equates to appropriate gov't intrusion into a citizen's property rights? Frankly, I don't think nuisance complaints, be they true or false, warrant overriding the inherent privacy of homeowner property rights.
No	Private property is just that. Covenants cover this sort of thing, therefore, if someone moves into a neighborhood with covenants, this is what they get. We, personally, wanted a neighborhood without covenants, therefore, sometimes this is what goes along with that. Keep this sort of code for covenant-associated neighborhoods--not the government.
Yes	This would help greatly in dealing with issues visible from neighboring properties.
No	If I wanted to live in a "covenant controlled community" I would have bought a house in one. Keep the government's hands off my property!
Yes	One step further, if a car has been cited for not being registered and next time out the officer sees that it's just been turned around, the code enforcement officer needs to run the license plate to see if the vehicle has been registered and then ticket the owner, if not.
No	what is in someones backyard isn't the city's business

Comments from 2009 Citizen Survey

Visibility From Private Property

No	What about fences? There needs to be a definition and code coverage, and it needs to be consistent with the HOA's.
Maybe	Only for vacant or unmaintained yards where weeds and grass get over eight inches tall.
No	A safety threat on a neighbor's property is already acceptable grounds for obtaining a warrant. I am concerned about the rise of "busybody government" here, which I consider a betrayal of the original "promise of Centennial."
Maybe	It is not clear who would be doing the inviting. Is it the complaining neighbor or the accused offender? A government agent can always come on private property pursuant to an invitation from the owner or occupant.
	If entry were the most reasonable or only means of ascertaining the nature of the problem, entry should be permitted. As an alternative or at least as a starting point for lodging a complaint, a complainant could submit a photograph of the view to which he/she objects.
Yes	If you need permission from these folks, you'll never get it, so let's make it a given that they have to permit code enforcement to inspect if there is a complaint. If you live in Centennial you must permit code enforcement to come on your premises. All attempts will be made to make an appointment, but if there is no cooperation, the inspector can make the inspection unilaterally. It's called "implied consent." If there is a feud between two neighbors and both complain over and over about each other that will be another matter.
Yes	As long as the city doesn't go looking for problems that aren't existing and as long as the city doesn't take sides with the reporter of such violations in a neighbor to neighbor disagreement. The violation needs to be causing a hazard and not just a disagreement between fences.
Yes	ALL of these issues, to me, are just plain common sense and keep property values elevated as much as possible. I am from the suburbs of a large East Coast city and have never experienced issues such as these until I moved here. Ordinances such as these need to be passed and enacted ASAP for the good and safety of our City and its citizens.
No	The code guys skulk around enough as it is. This is just plainly extreme.
Maybe	Perhaps only for fire violations.
No	NIMBY
No	I thought this was the United States of America. I didn't realize we had moved to Nazi Germany. Is the Code Enforcement staff so worried about their jobs, that they have to find more reasons to justify their existence?
Yes	Keep in mind due process

Comments from 2009 Citizen Survey

Visibility From Private Property

No	That's an unnecessary interference smacking of "nannyism". If the city thinks it needs to check for a violation it needs to get a Court Order! And, it better be fully justifiable. In this country, spying on others can become a real problem. The last thing any neighborhood needs, is a neighbor war and it's better if they just avoid and ignore each other in the sake of keeping the peace.
Yes	If a homeowner operates a business in his home, we don't need to see his advertising on his vehicles parked in front of his home.
Yes	Obtaining a signed complaint should not be a part of the code wording. This pits resident against resident that could lead to avoidable confrontations or worse. A phonecall to the code enforcement office should prompt a look see as to whether there really is code violation. If there is (and its highly probable there would be) then the code enforcement officer would act accordingly and make the city safer, sitelier, etc. consistent with the objectives of the code.
No	Not enough information here. Why? And would a search warrant come next? How can you possibly compare the stockpiling of bikes or lawnmowers in someone's back yard to a criminal action that would give you this kind of authority or require this kind of action? Think about where this kind of thinking leads to. On the other hand, if you think that the person is conducting an actual business isn't there already a statute that prohibits that?
No	if it can't be seen from the right of way, how can it possibly affect anyone else's home value "only when invited" and what would you do if you were not invited??
No	This survey is biased... the statements are worded to encourage certain responses. This is a poorly worded survey.
No	Violates right to privacy
No	I think an ordinance for this is not needed. If the guy next door to me has a situation I can already have anyone that I want come by my house to peek over the fence...code enforcement, cops, mayor....who wants to see? point is this seems like the city getting a little pushy
Yes	Make sure proper precautions are included.
Maybe	In theory I like the idea, but it would need to be crafted <u>VERY</u> carefully.
Yes	In my subdivision, residents can keep anything in their back yards. Residents in adjacent homes don't want to look at this junk. This amendment would be a great improvement.
Yes	My main concern with the code violations in Centennial have to do with the building of ridiculously large homes withing a moderate neighborhood - you need to have codes around building like homes in neighborhoods!!!!!!
No	Absolutely not. Whether we sign something or not, there is the concern that the local government would cross a boundary...legal or real...once given permission.

Comments from 2009 Citizen Survey

Visibility From Private Property

No	I moved to this area prior to Centennial becoming a city because I wanted to have the ability to manage my own property. I believe the city could better spend thier time with real issues rather than catering to the whims of a few whining pious individuals. Let us keep our freedom. Hasn't the Obama catastrophe taught our leaders anything?
No	Sounds like a neighbor peeing contest. City stay out of it.
No	These new amendments would substantially take away freedoms and rights. While I may not want a trashy neighbor, to take away their rights to be trashy is wrong.
No	Absolutely not! The term "Private Property" should be self-explanatory and respected by all, including any city government.
No	Unless code enforcement officers are up on a deck or other high surface, this probably wouldn't do much as a 6 ft. privacy fence would screen from sight in the back yard. Most people probably look out their upstairs windows and see the mess, and that would mean a code officer inside the home. This over stepping private property rights.
Yes	I have in issue with a neighbor about having to many bird feeders. She has about 4 or 5 including having a table set up with food on it also.She is attracting tons of birds and it is a real nuisance. I The birds are loud and poop all over. They are destruying property. I have called everyone and nobody will do anything about the issue. I was hoping something in the new code re-write could could say that people cannot have more than a certain amount of bird feeders or something to that affect. thank you
Maybe	If this would be beneficial to HOAs
Yes	I have not used my deck for 4 years because of the junk yard backing up to my property. Junk cars, boats, metal, you name it, and they do not mow. It is a hazard to the surroundindg homes.
Yes	Code enforcement means "ENFORCE THE CODE"!
Yes	yes we have cars parked and rotting in backyards
	City action against a property owner should be minmal....if at all.
No	City employees have plenty to do in the areas that are not within private property.
Maybe	This is tricky. I'm not sure what "obtaining probable cause" means. I'm not sure how I stand on this because I hate to think the city can tell us what is in our backyards, but I can see all of my neighbor's backyard and I'd hate it to be a real eyesore. It would prevent me from enjoying my own backyard or watching the wildlife out my window.
No	If it is not scene from the street it is not an eyesore to the "public"
No	Never
No	Now you are acting like comunists. I am moving as far away from you idiots at the first oportunity.

Comments from 2009 Citizen Survey

Visibility From Private Property

Yes	Your code inspectors can't see anything they don't want to see. How much money is this revision study costing taxpayers?? What a waste of time, since you won't enforce any meaningful code enforcement.
Yes	perfect example is my neighbor with wrecked cars in his backyard as well as a completely overgrown back yard
Yes	We have cars that the city does nothing about because you can not allow your code enforcers to look at a car plate that has been expired for 8 years and I have to look at it out my window and nothing gets done to remove the car.
No	The less government, the better. REMEMBER the reasons this City was Incorporated. Staff has not been hired to make work nor grow the City Bureaucracy, and doesn't need to meddle in the personal affairs of people or property owners. Exception: MAJOR SAFETY ISSUE.
No	Big Brother
Yes	This is very important, as so many homes are close together and something may not be visible at the front but still present a significant issue.
Maybe	It seems to me that this could lead to serious enforcement issues.
No	Too many times there could be an ongoing spat between neighbors and I believe that too many manpower hours would be spent working this through for no reason.
No	I feel that less government meddling in the lives of private citizens is better than more government intrusion. Private property should be free from government interference. Neighbors should work out their differences between themselves rather than getting the government involved.
No	As long as public health and safety is not threatened, people should be able to do what they want to in the parts of their yard that cannot be "seen from the public right-of-way". If a neighbor complains due to health or safety issues, a police officer can obtain a warrant to inspect the property directly. Public codes are meant to keep the public safe and not dictate how we live or breath in our private areas.
Yes	There needs to be a way to deal with back yards of properties adjacent to those being properly maintained, whose property values are being eroded by irresponsible residents.
No	I believe that the ordinance should be changed to allow for violations seen from outside of the public right of way, to include a neighbor's yard. I am not in favor of city code enforcement personnel being allowed onto private property, even on a limited basis, because of the potential for abuse.
Yes	I would like something in the code that has to do with too many birdfeeders. I have a neighbor that is out of control in this matter.

Comments from 2009 Citizen Survey

Visibility From Private Property

No	The only parties impacted by messing backyards are the immediate neighbors. I think this is their problem and is solvable by installing more shrubs or fences to shield themselves or to try to negotiate a solution with the messy neighbor.
No	Absolutely not! Disagreements between neighbors become city business. Lawyers at ten paces. Again, we can't afford it and it is not a city function.
Maybe	Only for used appliances, disgarded automobiles, disgarded motorcycles, disgared bicycles, disgarded portable basketball hoops, boats, the type of massive or large volume, say one cubic yard or more items that have no function, are not used, and are an eyesore, and are not attempted to be concealed or covered.
No	NON-COVENANT AREAS SHOULD BE LEFT AS SUCH.
No	do you want to search our houses too?
Yes	The city needs to become a little stricter on the removal of any dead trees that are allowed to remain in a residential lot.
No	I am sooo AGAINST this! If you canNOT see if from the street, you have NO RIGHT to go in to someone elses backyard to get a cheap peek! This would just be a way for BAD neighbors to cause trouble.
No	Not a chance. I'll stick with the constitution. A search warrent based upon probable cause. Can you imagine how neighbors could use this against each other? Can you imagine how much time this will take to inspect? Keep us safe from the bad guy. That is governments job, not to harass its citizens.
Yes	Assuming the violation is either dangerous or infringes on the safety and welfare of the neighbors.
No	Absolutely not. Why in the world would you ask me again if you can send the Nazi police to my yard to look for obstructions? If there is an obstruction in my yard that is blocking the right of way when it is needed by the city then don't you think the logical thing to do would be ask me to move it? Why in the world would I want my tax dollars spent on someone snooping in my back yard? Would you allow me to come and look in your back yard to see if you have violations? Wouldn't this be an invasion of my privacy? What if my wife is home alone and you send some strange idiot who didn't have a background check done and he see's my wife then breaks into my home and rapes her? How would you feel knowing that YOU allowed this?
No	Invited...by who? How are you going to pay for these "investigations"? So we'll have crazy neighbors signing complaints left and right with no repercussions? Absolutely not! You all are treading on a slippery slope with all of these! I will be watching where this ends up and if passed, back any candidate running against whoever supports these measures! Seriously, did Gladys Kravitz the nosy neighbor from Bewitched write all of these? Darrin Rynders

Comments from 2009 Citizen Survey

Visibility From Private Property

Yes	Our neighborhood is a voluntary HOA. We are experiencing all of these problems. Code Enforcement could not correct backyard issues that are dangerous, empty swimming pools, noxious fumes from vehicles.
No	ABSOLUTLY NO!! What an intrusion of private property rights.
No	All I can say is Intrusion.
No	Are you kidding
No	Hell No!

Total Survey: 739 of 739

From: 09/01/2016

Report Date: 10/11/2016

To: 10/11/2016

Question 1: Please rate how important, if at all, it is for Centennial to respond to stockpiling code violations (accumulation of trash, junk or materials in a quantity not customarily associated with residential use). [CLICK TO ENLARGE IMAGE] **Average Score: 1.8**

1 Essential	260	35.18%
2 Very important	246	33.29%
3 Somewhat important	100	13.53%
4 Not at all important	21	2.84%
5 Don't Know	6	0.81%

Question 2: Please rate how important, if at all, it is for Centennial to respond to inoperable vehicle code violations (mechanically inoperable or expired tags). [CLICK TO ENLARGE IMAGE] **Average Score: 2.1**

1 Essential	199	26.93%
2 Very important	214	28.96%
3 Somewhat important	163	22.06%
4 Not at all important	49	6.63%
5 Don't Know	1	0.14%

Question 3: Please rate how important, if at all, it is for Centennial to respond to parking surface code violations (parking of vehicles on lawns or other unpaved surfaces) [CLICK TO ENLARGE IMAGE] **Average Score: 2.3**

1 Essential	159	21.52%
2 Very important	186	25.17%
3 Somewhat important	179	24.22%
4 Not at all important	89	12.04%
5 Don't Know	4	0.54%

Question 4: Please rate how important, if at all, it is for Centennial to respond to dangerous building code violations (damaged or abandoned structures - such as fire damaged structures). [CLICK TO ENLARGE IMAGE] **Average Score: 1.5**

1 Essential	389	52.64%
2 Very important	172	23.27%
3 Somewhat important	42	5.68%
4 Not at all important	8	1.08%

5 Don't Know	0	0.00%
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Question 5: Please rate how important, if at all, it is for Centennial to respond to landscaping maintenance code violations (dead or dying trees and limbs). [CLICK TO ENLARGE IMAGE] **Average Score: 2.6**

1 Essential	91	12.31%
2 Very important	173	23.41%
3 Somewhat important	238	32.21%
4 Not at all important	102	13.80%
5 Don't Know	2	0.27%

Question 6: Which one of the following best reflects your view on how the City should enforce codes? **Average Score: 2.4**

1 Actively seek to identify code violations and enforce codes	130	17.59%
2 Enforce only when there is a complaint	139	18.81%
3 Enforce via both approaches (actively and in response to a complaint)	316	42.76%
4 None of the above	19	2.57%

Question 7: Which one of the following best reflects your view on how the City should enforce stockpiling and inoperable vehicles? **Average Score: 1.6**

1 Enforce only when seen from the adjacent street	318	43.03%
2 Enforce anywhere on the property, including side and rear yards	334	45.20%
3 None of the above	56	7.58%



Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: Elisha Thomas, Deputy City Manager

ON BEHALF OF: City Council Fiber Steering Subcommittee

FROM: Eric Eddy, Assistant to the City Manager
Jill Hassman, Assistant City Attorney
Tim Scott, Fiber Executive Director

DATE OF MEETING: November 14, 2016

DATE OF SUBMITTAL: November 4, 2016

SUBJECT: Creation of Centennial FiberWorks and the Centennial Fiber Commission

1. Executive Summary:

As the City's Fiber initiative continues to mature and the City's goals of a fiber optic backbone are becoming a reality, the governance structure for future management of the backbone needs to be examined. The Fiber Steering Subcommittee has reviewed best practices, operational models, and City governing practices in order to develop a recommended approach.

The recommended structure would create "Centennial FiberWorks" as an operational department of the City. Centennial FiberWorks would be overseen and managed by the Centennial Fiber Commission, consisting initially of three City Councilmembers. Resolution No. 2016-R-80 (attached) details the mechanisms for the ongoing operation of Centennial FiberWorks ("FiberWorks") and the duties of the Centennial Fiber Commission ("Commission"). This program and management is intended for the initial start-up and initial operations of Centennial FiberWorks and the governing Resolution may be amended as Centennial FiberWorks matures.

The Fiber Steering Committee recommends Council provide consensus to move forward with the creation of Centennial FiberWorks and the Centennial Fiber Commission.

2. Discussion:

Background

In 2013, Centennial voters overwhelmingly passed Ballot Question #2G, authorizing the City to indirectly provide cable television service, telecommunications service, and high speed internet access to citizens and businesses. Council appointed a Fiber Steering Subcommittee to explore opportunities related to fiber optic infrastructure and recommend next steps for the City.

The Fiber Steering Subcommittee worked with Staff, the City Attorney's Office, and professional consultants to review community input, assess opportunities, develop goals, and identify next steps. Policy goals and direction were developed with the input and guidance of City Council. These policy goals were refined into the Fiber Master Plan, which recommended construction of a competitively neutral dark fiber optic backbone. The backbone is critical City-owned infrastructure to support Council's policy goals (Resolution No. 2015-R-72). The Fiber Master Plan was ultimately adopted by City Council and \$5.7 million in capital funding was appropriated.

As Council is aware, construction of the first phase of the backbone should begin by the end of 2016. As portions of the backbone are constructed and made available to partners, the day-to-day management of planning, construction, and operations will require a substantial commitment of time and expertise. This effort will require greater involvement and commitment than are typically available to City Council during its regular meetings. For these reasons, the Fiber Steering Subcommittee recommends Council consider the formation of Centennial FiberWorks, to be governed by the Centennial Fiber Commission.

A proposed (Resolution No. 2016-R-80) for the organization and creation of FiberWorks and the Commission is included with this Staff Report. Resolution No. 2016-R-80 would explicitly delegate authority to the Commission for the day-to-day operation and maintenance of FiberWorks.

Summary of Resolution No. 2016-R-80 – Centennial FiberWorks

As proposed by the Fiber Steering Subcommittee, FiberWorks would be formed as an operational department of the City and serve as a publicly-owned business operation for the management and operation of the City's fiber optic infrastructure. The continuing construction, use, maintenance, and extension of the City's fiber optic infrastructure would fall under the purview of FiberWorks. The City Manager would serve as the General Manager and be responsible for administrative support and operations. The City Manager would make available to FiberWorks City administrative employees, and when appropriate, City contractors to assist in the performance of the duties and responsibilities of FiberWorks.

Users of FiberWorks will be both public and private entities with expectations for quick turnarounds on key issues involving engineering, planning, and potential partnerships. As contemplated, FiberWorks will be a function that differs from typical City operations in that it requires high levels of expertise and knowledge of the current and evolving telecommunications landscape.

Summary of Resolution No. 2016-R-80 – Centennial Fiber Commission

The Commission would be governed by a board of directors initially comprised of three (3) members of the City Council. As written, Resolution No. 2016-R-80 allows for the growth of the Commission (not to exceed seven members) with the appointment of additional Council members, residents, and/or persons with experience in construction, operation, or management of fiber optic systems. In recognition of the substantial commitment of time and attention to the Commission, the resolution sets a monthly stipend to be paid to Commissioners. Individual members of the Commission would be required to serve the public interest in a nonpartisan

capacity, unaffiliated with their districts or neighborhoods, and for the operational sustainability and best interests of FiberWorks. Additionally, members of the Commission would be governed by the City's policies concerning ethics and conduct.

The Commission would provide policy direction, management, and day-to-day oversight of FiberWorks. Certain powers and authority held by City Council would be delegated to the Commission, while certain actions would remain the prerogative of Council as required by the Home Rule Charter. For example, subject to prior Council appropriation of funds, the Commission for FiberWorks may execute contracts for goods and services related to the City's fiber optic assets and infrastructure. The Commission may also establish a schedule of rates and charges which shall be reviewed and ratified by the Council. The power to enact legislation and create debt/issue bonds would remain within the authority of the City Council.

Summary of Resolution No. 2016-R-80 – Overall Approach

The Fiber Steering Committee evaluated and considered multiple governance options, including those utilized by other municipalities across the nation. The approach recommended for FiberWorks and the Commission is tailored to the specific circumstances faced by Centennial, including the Home Rule Charter, Colorado state law, and the Taxpayer's Bill of Rights ("TABOR"). At this time, the City's fiber initiative does not qualify to be considered as an "enterprise" or an "authority" under state law.

FiberWorks and the Commission are recommended as an appropriate approach for this point in time. The framework allows for future changes as may become necessary to retain flexibility. As proposed, FiberWorks is more similar to a City department with a distinct identity and operational needs. As conditions change, the Fiber Steering Committee may recommend other governance options to Council.

3. Recommendations:

The Fiber Steering Committee recommends Council provide consensus to move forward with the creation of Centennial FiberWorks and the Centennial Fiber Commission.

4. Alternatives:

Council may provide alternative direction.

5. Fiscal Impact:

At this time, the direct fiscal impact of Centennial FiberWorks and the Centennial Fiber Commission is limited to the monthly stipend in the proposed resolution for each member of the Commission. As drafted, the annual fiscal impact would be \$12,600.

Additional fiscal impacts may occur based on the direction of Council and the Centennial Fiber Commission.

6. Next Steps:

Pending Council consensus at the Study Session, Resolution No. 2016-R-80 will be placed on the agenda for November 21st.

7. Previous Actions:

No previous actions on the fiber governance model have been taken by Council.

8. Recommended Motion:

As a Study Session item, no motion is required.

9. Previous Actions:

Council has not previously taken action on the governance structure of the fiber initiative.

10. Suggested Motions:

As a Study Session item, no motion is required.

**CITY OF CENTENNIAL
COLORADO**

RESOLUTION NO. 2016-R-80

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO CREATING A CITY-OWNED BUSINESS
OPERATION TO BE KNOWN AS CENTENNIAL FIBERWORKS,
CREATING THE CENTENNIAL FIBER COMMISSION, AND
PROVIDING FOR THE LIMITED DELEGATION OF AUTHORITY TO
THE CENTENNIAL FIBER COMMISSION FOR THE DAY-TO-DAY
OPERATION AND MAINTENANCE OF CENTENNIAL FIBERWORKS**

WHEREAS, the City of Centennial is a Home Rule municipality authorized to legislate and administer laws, programs, and policies of a local nature and local concern; and

WHEREAS, Article 27 of Title 29 of the Colorado Revised Statutes titled "*Competition in Utility and Entertainment Services*" prohibits every Colorado municipality from offering, directly or indirectly, cable television service, telecommunication service, and high speed internet access, otherwise known as "advanced service," to residents and businesses *unless* the municipality obtained voter approval to supersede the state law prohibition; and

WHEREAS, Article 27 of Title 29 of the Colorado Revised Statutes does not prohibit any municipality from planning, constructing, or installing fiber optic infrastructure within public rights of way; and

WHEREAS, at the general election of November of 2013, the City of Centennial secured voter approval to supersede the state statutory restrictions imposed by Article 27 of Title 29 of the Colorado Revised Statutes on the municipal provision of broadband infrastructure and services to residents and businesses; and

WHEREAS, the voters' approval to supersede the state statutory restrictions imposed by Article 27 of Title 29 of the Colorado Revised Statutes authorized the City to indirectly provide cable television service, telecommunication service, and high speed internet access to citizens and businesses and to enter into partnerships with others in the direct provision of one or more of such services; and

WHEREAS, the City Council of the City of Centennial created a Fiber Steering Subcommittee comprised of City Councilmembers with the assistance of professional staff; and

WHEREAS, the Fiber Steering Subcommittee was commissioned to evaluate the potential costs and benefits of extending a backbone of fiber optic infrastructure capable of potential use by the City for municipal and public safety purposes and for potential extension to and use by residents, businesses, and public institutions; and

WHEREAS, the Fiber Steering Subcommittee concluded, based on experienced

professional advice and counsel, that significant benefits could be derived by the construction of a fiber optic backbone network located within designated rights of ways of the City which benefits would include, but not be limited to:

- Use of the fiber based backbone by the private sector in partnership or agreement with the City to improve local telecommunication services;
- Use of the fiber based backbone to serve the City's municipal communication and data transfer needs, operate public safety applications, and extend such services to other local agencies serving the public interest;
- Use of the fiber based backbone to advance the City's long-term economic development goals, retention of existing business, and recruitment of businesses that require efficient and advanced communication technologies; and
- Expansion of the municipally-owned fiber based backbone to potentially support fiber-to-the premise (FTTP).

WHEREAS, the City Council for the City of Centennial established policy goals and adopted a master plan which direct the extension of a backbone of fiber optic infrastructure within public rights of way; and

WHEREAS, publicly constructed fiber optic infrastructure can be used to support communications and data transfer associated with public safety, public works, and other municipal purposes as well as cable television service, telecommunication service, and high speed internet access to businesses, institutions and residents; and

WHEREAS, the City of Centennial commenced the planning, contracting, and construction of a fiber optic network backbone located within major rights of way of the City; and

WHEREAS, the Fiber Steering Subcommittee advised the City Council that the planning, construction, operation, and day-to-day management of a City-wide fiber optic network backbone will necessitate substantial commitment of time and expertise and that the decision making processes associated with planning, construction, operation, and management of the backbone will likely require greater involvement and commitment than is typically available from the City Council during its regular meetings held each month; and

WHEREAS, state law recognizes that municipalities are authorized to create, operate, and manage utility systems providing utilities to its residents and businesses; and

WHEREAS, planning, construction, operation, and management of a fiber optic infrastructure, and the variety of services that may be provided through such infrastructure, including internet access and high speed data transfer, are substantially similar to electric, gas, and water utility systems in that the services capable of delivery through fiber optic infrastructure have become or are fast becoming a necessary and increasingly important component of everyday life; and

WHEREAS, state law recognizes that municipalities are authorized to plan for, design, construct, operate, and manage streets and transportation systems to provide services to residents and businesses; and

WHEREAS, fiber optic infrastructure, and the methods and manner of extending such infrastructure to citizens and businesses is substantially identical to the municipal planning, construction, operation, and maintenance of streets and transportation systems; and

WHEREAS, there is no prohibition contained in state law that would prevent or preclude a municipality, and in particular a home rule municipality, from creating a fiber optic infrastructure system capable of delivering services to residents and businesses; and

WHEREAS; the City Council for the City of Centennial desires to facilitate the efficient and cost effective planning, construction, operation, and management of the City's fiber optic infrastructure by the creation of a City-owned department or business operation with powers delegated by the City Council to manage and operate the City's continuing construction, use, and extension of the City's fiber optic infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO AS FOLLOWS:

Section 1. **Creation of Centennial FiberWorks.** The City Council hereby creates a publicly owned business operation for the management and operation of the City's fiber optic infrastructure and for the management and operation of the City's municipal and public interests in the continuing construction, use, maintenance, and extension of the fiber optic infrastructure. Such business operation shall be known as Centennial FiberWorks. Centennial FiberWorks shall be an administrative or operational department of the City of Centennial.

Section 2. **Scope of General Responsibility and Authority.** Centennial FiberWorks shall be generally authorized to conduct its affairs in accordance with this Resolution and state and local laws, provided that the actions of Centennial FiberWorks advance the planning, construction, operation, and management of the City's fiber optic infrastructure.

Section 3. **Centennial Fiber Commission.** The interests of Centennial FiberWorks shall be governed by a board of directors to be known as the Centennial Fiber Commission ("Commission").

- A. **Initial Commission Membership.** The initial members of the Commission shall be comprised of three (3) members of the City Council.^a
- B. **Increase in Total Number of Commission Members.** The City Council may increase the total number of Commission members to any odd number of members by the

^a As a member of the City Council pursuant to Section 2.5 of the Centennial Home Rule Charter, the Mayor shall be entitled to membership on the Commission if approved by a majority vote of the City Council.

- appointment of either: (1) additional Council members; (2) residents of the City of Centennial; (3) persons with experience in construction, operation, or management of fiber optic systems; or (4) any combination of such persons. The total number of members on the Commission shall not exceed seven (7) members.
- C. Appointment of Commission Members. The City Council shall select members of the Commission by majority vote of a quorum present and voting. For appointment of members of the City Council to the Commission, the City Council member nominated for the Commission shall not be counted for purposes of determining a quorum and the nominated Council member shall not be entitled to vote on the question of the Council member's Commission appointment. Appointment to the Commission shall require separate or individual consideration and vote for each candidate and appointment shall not be made by approving multiple candidates in a single motion.
- D. Commission Members to Serve Without Specific Term. A member of the Commission shall not be limited to service for a specific length of term or numbers of terms.
- E. Resignation. A member of the Commission may resign at any time by written notice to the Mayor or the City Manager. Notwithstanding any declaration or statement in a notice of resignation to the contrary, resignations shall be deemed unconditional and effective immediately upon the Mayor's or the City Manager's receipt of the notice and a resignation shall not require acceptance by the City Council.
- F. Loss of Office. A member of the City Council serving as an appointed Commission member shall cease to be qualified for the Commission and shall be deemed removed from the Commission without further action by the City Council immediately upon the member's loss of office as a City Council member.
- G. Removal from the Commission. Any member of the Commission may be removed from the Commission by a majority vote of the entire membership of the City Council (*i.e.*, 5 or more votes of the 9 member City Council) at any time and for any or no reason or justification. Notwithstanding that removal of a Commission member requires no reason or justification, the City Council may remove a City Council-appointed Commission member for the purpose of enabling other City Council members to gain experience in the day-to-day operation of Centennial FiberWorks or to more equitably allocate duties and responsibilities among members of the City Council.

Section 4. Stipend for Commission Members. In recognition that the duties and obligations of the Commission will require a substantial commitment of time and attention, and in recognition that membership is not a duty or an obligation attendant to or associated with elected office as a Council member, all members of the Commission shall receive a monthly stipend of three hundred and fifty dollars (\$350.00), prorated for any partial month of service.

Members may voluntarily waive the receipt of a stipend by written notice to the City Manager and City Finance Director.

Section 5. Commission Members Nonpartisan and Unaffiliated with Districts. Members of the Commission shall serve in a nonpartisan capacity unaffiliated with Council districts, homeowners or business associations, or neighborhoods. It is the overriding goal of the Commission and its members to exercise the duties and obligations of Centennial FiberWorks for the benefit of the City of Centennial generally and for the benefit of the operational sustainability and best interests of Centennial FiberWorks.

Section 6. Power and Authority Delegated to Centennial FiberWorks. The City Council hereby delegates the following powers and duties to the Centennial Fiber Commission. In the exercise of such authority, Centennial FiberWorks shall not be required to obtain approvals or consent of the City Council; provided, however, that Centennial FiberWorks shall reasonably and routinely communicate and report to the City Council of its ongoing decision making with regard to the powers delegated to Centennial FiberWorks.

- A. General Delegation. The Commission shall have the general authority and obligation to manage the affairs and operations of Centennial FiberWorks except as limited by Section 7 or applicable law.
- B. Contract Authority. Subject to prior City Council appropriation of funds for such purpose, the Commission for Centennial FiberWorks may execute contracts for goods and services deemed necessary and reasonable by Centennial FiberWorks for the purpose of planning, constructing, operating, maintaining, and managing the City of Centennial fiber optic assets and infrastructure. All contracts shall identify that the contract is entered into by Centennial FiberWorks on behalf of the City of Centennial pursuant to this Resolution.
- C. Intergovernmental Agreements. Centennial FiberWorks shall be authorized to enter into one or more intergovernmental agreements where such agreement is for a term of less than six (6) months and less than \$100,000. All intergovernmental agreements executed by Centennial FiberWorks shall identify that the intergovernmental agreement is entered into by Centennial FiberWorks on behalf of the City of Centennial pursuant to this Resolution.
- D. Authority to Establish Bylaws, Policies, Procedures, Programs, and Directives. The Commission for Centennial FiberWorks may promulgate bylaws, policies, procedures, programs, and directives within the scope of general authority and responsibility and which are deemed necessary or desirable to administer the obligations and functions of Centennial FiberWorks. The City Council may, at its discretion, alter, amend, or reject any bylaws, policies, procedures, programs, and directives promulgated by Centennial FiberWorks.
- E. Authority to Establish a Schedule of Rates and Charges for Services. The Commission

for Centennial FiberWorks may create a schedule of rates and charges for services obtained by customers or other persons or entities from the City's fiber optic infrastructure. Prior to the effective date of a schedule of rates and charges, or amendments of such schedule, the Centennial FiberWorks shall cause such schedule to be referred to the City Council for review and the City Council may ratify, reject or amend such schedule. The City Council may, at any time subsequent to ratification and approval of any rates or charges and at its discretion, alter, amend, or reject any rates or charges proposed or established by Centennial FiberWorks.

Section 7. Powers and Authority Reserved by the City Council. Centennial FiberWorks and the Commission shall not be authorized to exercise the following powers which powers shall be reserved to the City Council:

- A. Legislative Power. The Commission shall not be authorized to enact ordinances, resolutions, or other forms of general legislation (e.g., making of laws governing the general public). Legislative measures desired by the Commission may be submitted to the City Council for Council consideration.
- B. Creation of Debt; Issuance of Bonds. The Commission shall not be authorized to issue bonds or to incur multiple fiscal year debt within the meaning of Article X, § 20 of the Colorado Constitution, commonly known as the "Taxpayers Bill of Rights" ("TABOR"). Notwithstanding the forgoing, Centennial FiberWorks through the Commission, may enter into contracts and other financial transactions as may be authorized by this Resolution and which comply with the requirements of TABOR.
- C. Direction, Supervision, Discipline, and Termination of City Employees or City Contractors. The Commission shall be governed by Section 8.8 of the Centennial Charter which prohibits the direction, supervision, discipline, and termination of employees or contractors of the City. The Commission shall manage its duties and responsibilities through the City Manager serving as the General Manager of Centennial FiberWorks.
- D. Exceed Scope of Powers Authorized by this Resolution. The Commission shall be limited to the exercise of powers authorized by this Resolution and such powers that are reasonably necessary to effectuate such powers. The City Council reserves all powers not otherwise delegated to Centennial FiberWorks.

Section 8. Centennial FiberWorks Obligation to City Council. Centennial FiberWorks shall endeavor to keep the City Council informed of the activities and actions of Centennial FiberWorks through regular or routine reports to the City Council to be done at a frequency of no less than one report per quarter.

Section 9. Administrative Staff of the Centennial FiberWorks. The City Manager shall make available City administrative employees, and when appropriate, City contractors to assist in the performance of the duties and responsibilities of Centennial FiberWorks. At the

inception of Centennial FiberWorks, the following City administrative staff and contractors will be designated to fulfill the following roles and positions:

- **City Manager:** The City Manager shall serve as the General Manager and chief administrative officer of Centennial FiberWorks. Such designation recognizes that the City Manager holds ultimate responsibility for the hiring, termination, management, and direction of administrative staff of the City pursuant to Section 8.8 of the Centennial Home Rule Charter. The City Manager may delegate all or any portion of the Manager's role and responsibility for Centennial FiberWorks to one or more City employee(s) or contractor(s). In consultation with the Commission, the City Manager shall appoint a Director of Fiber Optic Infrastructure with expertise in oversight and operations of a fiber network, community education and outreach on behalf of the City, engagement with private internet service providers, and serving as the stakeholder manager and internal liaison. Other administrative services such as budget and finance, procurement, engineering, and legal services will be provided to Centennial FiberWorks as needed under the direction of the City Manager.

Section 10. Applicability of Laws and Requirements. As a department of the City of Centennial, Centennial FiberWorks shall comply with the general laws, polices, and procedures of the City of Centennial including, but not limited to, laws and policies governing procurement, budgeting and finance, open records and open meetings, and contracting.

Section 11. Applicability of Ethical Policies. The members of the Commission shall be governed by the adopted policies of the City of Centennial concerning ethics and conduct as may be applicable to board and commission members generally.

Section 12. Effective Date and Reservation of Authority to Amend. This Resolution shall take effect immediately upon its approval by the City Council. The City Council reserves all power and authority to modify, amend, or repeal this Resolution which authority shall include the power to terminate the existence and operation of Centennial FiberWorks and, in the case of such termination, to assume all authority, power, and obligations of such Centennial FiberWorks and the Commission.

ADOPTED by a vote of ___ in favor and ___ against this ___ day of _____, 2016.

By: _____
Cathy A. Noon, Mayor

ATTEST:

Approved as to Form:

By: _____
City Clerk or Deputy City Clerk

By: _____
For City Attorney's Office