

**RESOLUTION OF THE
TOWN OF PIERCE BOARD OF TRUSTEES**

RESOLUTION # 2026-05

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE,
COLORADO, ADOPTING A RIGHT-OF-WAY PERMIT PROGRAM, PERMIT
CONDITIONS, APPLICATION FORM, AND FEE SCHEDULE FOR WORK
CONDUCTED WITHIN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, the Town of Pierce (the "Town") is a statutory municipality organized under the laws of the State of Colorado with authority to regulate the use of public rights-of-way within its boundaries; and

WHEREAS, Chapter 11 of the Pierce Municipal Code addresses streets, sidewalks, and public places, including excavation permit requirements under Article 2 and construction in public rights-of-way under Section 11-4-10; and

WHEREAS, Section 11-4-10(c) of the Pierce Municipal Code expressly provides that the Town Fee Schedule shall be adopted by resolution and may from time to time be amended by resolution of the Board of Trustees as the fees relate to construction in public rights-of-way; and

WHEREAS, the Board of Trustees finds it necessary and in the public interest to establish a comprehensive right-of-way permit program that consolidates permit conditions, application requirements, and a fee schedule applicable to all non-exempt work within the public right-of-way; and

WHEREAS, the Board of Trustees has reviewed the proposed right-of-way permit conditions and fee schedule and finds that adoption of such program serves the interests of public safety, proper infrastructure maintenance, and orderly use of the Town's public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO:

Section 1. Adoption of Right-of-Way Permit Program.

The Board of Trustees hereby adopts the Town of Pierce Right-of-Way Permit Program. The Program consists of:

- (a) The Right-of-Way Permit Conditions attached hereto as Exhibit A and incorporated herein by this reference; and
- (b) The Right-of-Way Permit Application Form attached hereto as Exhibit B and incorporated herein by this reference; and
- (c) The Right-of-Way Permit Fee Schedule attached hereto as Exhibit C and incorporated herein by this reference.

Section 2. Relationship to Town Code.

This Resolution supplements and implements the requirements of Chapter 11 of the Pierce Municipal Code, including but not limited to the excavation permit requirements of Article 2 and the construction standards of Section 11-4-10. Nothing in this Resolution shall be construed to supersede or modify any provision of the Pierce Municipal Code. To the extent any conflict exists between this Resolution and the Code, the Code shall control. Applicants subject to an existing franchise agreement with the Town shall comply with the terms of their applicable franchise agreement; the fee exemption provided in Section 11-2-40(b) of the Code shall continue to apply to such entities.

Section 3. Administration.

The Town Clerk, in coordination with the Public Works Director and Town Engineer, is hereby authorized and directed to administer the Right-of-Way Permit Program, including receiving and processing applications, issuing permits subject to Board of Trustees approval where required by the Code, and enforcing permit conditions.

Section 4. Fee Schedule Administration.

The Town Clerk is hereby authorized to update the Right-of-Way Permit Fee Schedule, attached hereto as Exhibit C, from time to time as directed by the Board of Trustees. Any amendment to the Fee Schedule shall be adopted by resolution of the Board of Trustees consistent with Section 11-4-10(c) of the Pierce Municipal Code. The Town Clerk shall maintain the current Fee Schedule on file at Town Hall and make it available for public inspection.

Section 5. Permit Required; Exemptions.

Unless exempt under Section 11-2-10 of the Pierce Municipal Code (i.e., work performed under a contract with the Town or by authorized Town employees in the course of their employment), no person or entity shall perform any excavation, construction, installation, or other work within the Town's public right-of-way without first obtaining a right-of-way permit in accordance with this Resolution and the applicable provisions of the Pierce Municipal Code.

Section 6. Effective Date.

This Resolution and the Right-of-Way Permit Program shall take effect immediately upon adoption by the Board of Trustees.

Section 7. Severability.

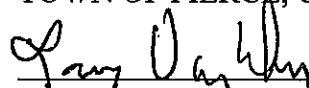
If any section, provision, clause, or phrase of this Resolution is held to be invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect the remaining provisions, which shall continue in full force and effect.

Section 8. Safety Clause.

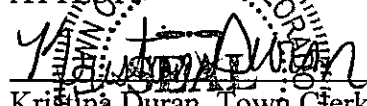
The Board of Trustees hereby finds, determines, and declares that this Resolution is necessary for the immediate preservation of the public peace, health, and safety.

PASSED, ADOPTED, AND APPROVED this 13th day of April, 2026.

TOWN OF PIERCE, COLORADO



Larry VanWhy, Mayor

ATTEN: PIERCE, COLORADO


Kristina Duran, Town Clerk



EXHIBIT A
TOWN OF PIERCE, COLORADO
RIGHT-OF-WAY PERMIT CONDITIONS

The following conditions apply to all right-of-way permits issued by the Town of Pierce. By accepting a permit, the permittee agrees to comply with all conditions set forth herein, as well as all applicable provisions of the Pierce Municipal Code and any additional conditions noted on the permit itself.

1. DAILY WORK HOURS. Permitted work within the right-of-way shall be conducted between 9:00 A.M. and 3:00 P.M. on weekdays, unless otherwise approved in writing by the Town Engineer or Public Works Director. Any planned power outages related to permitted work shall be coordinated in advance with the Town.

2. TRAFFIC CONTROL AND FLAGGING. The permittee shall coordinate with the Town Engineer and the Public Works Director to confirm the schedule of any lane closures or traffic flagging that may impact Town operations. The work site shall have all necessary traffic control measures and advance warning of construction in place prior to commencement of work. Advance warning of traffic control shall be communicated to the Town and to adjacent property owners prior to beginning work.

3. PERMIT ON SITE. A copy of the permit shall be present at the work site at all times during working hours. Prior to commencing work, the permittee shall provide the Town with a timeline indicating when all permitted work will be completed.

4. ADVANCE NOTICE. The permittee shall notify the Public Works Director a minimum of two (2) business days prior to beginning any work. Notice shall be provided via email to the Public Works Director at the email address on file with the Town Clerk, with a copy by phone to the Town office at (970) 834-2851. Any other applicable correspondence shall be directed to the same contacts.

5. PUBLIC SAFETY NOTIFICATION. The Town will provide advance notification to fire, police, and other public safety agencies prior to any lane closures or detours resulting from permitted work.

6. UTILITY LOCATES. The permittee shall call for utility locates (811) prior to beginning any work. If any utility requires additional confirmation or clarification, the permittee shall contact the applicable utility provider directly. At a minimum, existing utilities shall be potholed at all crossings.

7. UTILITY CLEARANCES. The permittee is required to maintain a minimum five-foot horizontal clearance and an eighteen-inch vertical clearance from all water, sewer, and stormwater lines.

8. PAVEMENT RESTORATION. Any area requiring open cut of pavement or concrete shall be restored in accordance with Town standards. All inspections shall be called for and completed before backfill and before concrete or asphalt repairs are made.

9. AS-BUILT DRAWINGS. Record drawings and as-built documentation shall be provided to the Town within ten (10) business days of completion of work. As-built drawings shall include, but not be limited to, new lines (horizontal and vertical), abandoned lines (horizontal and vertical), and potholed utilities.

10. RESTORATION OF PUBLIC PROPERTY. Pursuant to Section 11-2-30 of the Pierce Municipal Code, no excavation permit shall be issued without first depositing with the Town Clerk a performance or cash bond in an amount sufficient to cover the entire cost of restoring the surface and subsurface to its prior condition in the event the permittee fails to do so. The permittee shall restore all disturbed public property, including pavement, sidewalks, curbs, gutters, and landscaping, to a condition equal to or better than pre-work condition, to the satisfaction of the Town Engineer or Public Works Director. Any damage to public property not promptly repaired by the permittee may be repaired by the Town at the permittee's expense plus fifteen percent for administration, consistent with Section 11-4-20(d) of the Pierce Municipal Code.

11. INSURANCE. Prior to permit issuance, the permittee shall provide evidence of general liability insurance in an amount satisfactory to the Town, naming the Town of Pierce as an additional insured. Such coverage shall remain in effect for the duration of permitted work.

12. COMPLIANCE WITH APPLICABLE LAW. All work performed under a right-of-way permit shall comply with the Pierce Municipal Code, this Resolution, applicable state and federal law, and any additional conditions set forth in the permit.

Failure to comply with these conditions may result in suspension or revocation of the permit, denial of future permits, and enforcement action as provided under the Pierce Municipal Code.

EXHIBIT B
TOWN OF PIERCE, COLORADO
RIGHT-OF-WAY PERMIT APPLICATION
144 W. Main Avenue, Pierce, CO 80650 | (970) 834-2851

Applications must be filed with the Town Clerk at least 24 hours before the proposed start of work. Applications may be submitted in person at Town Hall or by email to the Town Clerk.

SECTION 1 - APPLICANT INFORMATION

Applicant Name:		
Company / Organization:		
Mailing Address:		
City / State / Zip:		
Phone Number:		
Email Address:		
Contractor License No. (if applicable):		

SECTION 2 - PROPERTY / WORK LOCATION INFORMATION

Work Location / Address:		
Parcel Number(s):		
Adjacent Property Owner(s):		

SECTION 3 - WORK DESCRIPTION

Type of Work (check all that apply):	☐ Boring / Trenchless ☐ Open Cut ☐ Utility Installation / Repair ☐ Pavement Restoration ☐ Grading ☐ Other (describe below)
Detailed Description of Work:	
Proposed Start Date:	
Estimated Completion Date:	

Open Cut Area (sq. ft., if applicable):	
Boring / Trenchless Length (lin. ft., if applicable):	
Will there be lane closures or detours?	☐ Yes ☐ No If yes, describe:
Will there be planned power outages?	☐ Yes ☐ No If yes, coordinated with Town? ☐ Yes

SECTION 4 - INSURANCE

Insurance Carrier:	
Policy Number:	
Coverage Amount:	
Policy Expiration Date:	
Certificate of Insurance Attached?	☐ Yes ☐ No

SECTION 5 - PERFORMANCE BOND / DEPOSIT

Pursuant to Section 11-2-30 of the Pierce Municipal Code, a performance or cash bond must be deposited with the Town Clerk prior to permit issuance. The amount will be determined by the Town Engineer or Public Works Director based on the scope of work.

Bond / Deposit Amount:	\$ _____
Form of Security:	☐ Performance Bond ☐ Cash Deposit ☐ Other: _____

SECTION 6 - APPLICANT CERTIFICATION

The undersigned hereby certifies that the information provided in this application is true and correct to the best of the applicant's knowledge. The applicant agrees to comply with all permit conditions set forth in Exhibit A to Resolution No. 2026-____, all applicable provisions of the Pierce Municipal Code, and any additional conditions imposed by the Town. The applicant acknowledges that this permit is revocable by the Town without cause as provided in Section 11-4-20(b) of the Pierce Municipal Code.

Signature of Applicant:	Date:
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Printed Name:	Title:

FOR TOWN USE ONLY

Date Received:		Application Fee Paid?	☐ Yes ☐ No
Reviewed By:		Bond Received?	☐ Yes ☐ No
Permit Status:	☐ Approved ☐ Denied ☐ Pending	Permit Fee Due:	\$ _____
Conditions / Notes:			
Authorized Town Signature:		Date:	

EXHIBIT C
TOWN OF PIERCE, COLORADO
RIGHT-OF-WAY PERMIT FEE SCHEDULE

Adopted by Resolution No. 2026-____, effective _____, 2026

This Fee Schedule is adopted pursuant to Section 11-4-10(c) of the Pierce Municipal Code and Section 4 of Resolution No. 2026-____. The Town Clerk is authorized to update this Fee Schedule from time to time as directed by the Board of Trustees, consistent with Section 11-4-10(c) of the Pierce Municipal Code. Fees shall be paid to the Town Clerk prior to permit issuance. The fee exemption for franchise utility companies under Section 11-2-40(b) of the Pierce Municipal Code remains in effect.

RIGHT-OF-WAY PERMIT TYPE	FEE
Application and Review - Standard	\$175.00
Permit Extension / Revision	\$50.00
Inspection Outside Normal Business Hours (minimum 2 hours)	As needed; minimum 2 hours at applicable rate
ROW Violation / Penalty	Fee x Days Delinquent; \$300.00 minimum
Additional Inspection / Consultation Fee	Determined on project-by-project basis
New Construction / Commercial ROW Impact	Determined on project-by-project basis
Grading Permit	Determined on project-by-project basis
BORING / TRENCHLESS	
Parallel and Perpendicular Boring (excludes open cut for pits)	Standard + \$0.30/linear foot
OPEN CUT	
Asphalt / Chip Seal	Standard + \$1.50/sq. ft.
Gravel / Dirt	Standard + \$0.50/sq. ft.
Test Hole / Pot Hole	Standard + \$10.00/each

“Standard” refers to the Application and Review - Standard fee of \$175.00 unless otherwise noted on the permit. Area-based fees (per square foot or per linear foot) are calculated on the actual disturbed area as measured and approved by the Town Engineer or Public Works Director.

Questions regarding fees should be directed to the Town Clerk at (970) 834-2851 or at Town Hall, 144 W. Main Avenue, Pierce, CO 80650.