

**Town of Erie
Ordinance No. 014-2026**

**An Ordinance of the Town Council of the Town of Erie Adding a
New Section 7-1-6 to the Erie Municipal Code to Regulate
Excavation and Potholing of Newly Constructed and Restored
Public Rights-of-Way in the Town**

Whereas, the Town Council finds it in the best interest of the public health, safety and welfare to regulate excavation and potholing of newly constructed and restored public rights-of-way in the Town.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. The Erie Municipal Code is hereby amended by the addition of a new Section 7-1-6 to read as follows:

7-1-6 – Standards for new public rights-of-way.

A. *Definition.* For purposes of this Section, a "new public right-of-way" means a paved street, alley, trail or other public right-of-way that has been constructed or resurfaced within the last three (3) years.

B. *Permit required.* Open trench excavation or potholing of utilities in the pavement of any new public right-of-way is prohibited without a permit issued under this Section, in addition to any other required permits.

C. *Application.* An application for a permit shall contain the following information:

1. A detailed and dimensional engineering plan identifying and accurately representing the property that will be impacted by the proposed work, and construction methods;

2. The location, width, length and depth, including curb and gutter, over the total length of each Town block that will be impacted by the proposed work;

3. The total area of existing pavement in each individual Town block that will be impacted by the proposed excavation; and

4. A written statement addressing the approval criteria in this Section.

D. *Approval criteria.* No permit shall be approved unless the Town finds that all of the following criteria have been met:

1. Boring or jacking without disturbing the pavement is impractical due to physical characteristics of the new public right-of-way or other utility conflicts; and

2. The proposed work cannot reasonably be delayed until after the three (3) year deferment period has lapsed.

E. *Emergency operations.* Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property or the restoration of customer service. Emergency maintenance operations within the public right-of-way with prior authorization from the Town shall be exempt from this Section. Prior to any emergency maintenance operations, notification to the Erie Police Department and the Mountain View Fire Protection District shall be required. On the next work day following such work, detailed engineering plans, construction methods and remediation plans shall be submitted to the Town.

F. *Restoration.* All new public rights-of-way, extending from the nearest major intersection or a minimum distance of 300 feet measured from the project termini and extending in both directions of the work site, shall be restored with a 2-inch asphalt mill-and-overlay and in accordance with the standards adopted by the Town pursuant to Section 7-1-1.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 14th day of April, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk