

the City's installation does not unreasonably delay the permittee's work; and the City's facilities are used solely for noncommercial, City purposes. The City shall be responsible for maintaining its respective facilities buried in the permittee's trenches and bores. If requested by the permittee, the City shall have separate access structures, and shall not use the permittee's access structures.

(b) EVERY UTILITY AND EVERY PROVIDER OF SIMILAR SERVICE WITHIN THE CITY, REGARDLESS OF WHETHER IT HOLDS A FRANCHISE FROM THE CITY, MAY BE REQUIRED BY THE CITY TO PERMIT JOINT USE OF ITS FACILITIES LOCATED IN THE STREETS, ALLEYS, OR OTHER PUBLIC PLACES IN THE CITY, AS SUCH MAY BE REASONABLY PRACTICABLE. EXAMPLES OF SUCH JOINT USE MAY INCLUDE, BUT ARE NOT LIMITED TO, ATTACHMENT OF FLAGS, BANNERS, OR SIMILAR SIGNS ANNOUNCING PUBLIC EVENTS, HOLIDAY LIGHTS AND OTHER DECORATIVE ATTACHMENTS, PEDESTRIAN OR OTHER TRAFFIC RELATED SAFETY SIGNS, FLASHING CROSSWALK LIGHTS, FLOWER POTS AND BASKETS, AND OTHER SIMILAR ATTACHMENTS. SUCH USE OF SAID FACILITIES BY THE CITY SHALL NOT CREATE A MATERIAL NEGATIVE IMPACT ON A PRIVATE ENTITY'S FACILITIES OR OPERATIONS, AND SUCH USE MAY ONLY BE CONSIDERED WHEN IT CAN BE ACCOMPLISHED, AT THE CITY'S DISCRETION, IN A MANNER THAT IS PROTECTIVE OF PUBLIC HEALTH AND SAFETY. NOTHING CONTAINED HEREIN SHALL LIMIT THE CITY'S ABILITY TO ENTER INTO ANY OTHER TYPE OF JOINT USE AGREEMENT WITH UTILITY AND OTHER SERVICE PROVIDERS OWNING FACILITIES LOCATED IN CITY STREETS, ALLEYS, OR OTHER PUBLIC PLACES.

(c) THE CITY MAY ADOPT STANDARDS FOR USE BY THE CITY OF A PRIVATE ENTITY'S FACILITIES IN CITY STREETS, ALLEYS AND OTHER PUBLIC PLACES AND SHALL APPLY SUCH STANDARDS TO ALL SIMILARLY SITUATED FACILITIES; PROVIDED, HOWEVER, THAT SUCH STANDARDS MAY BE MODIFIED WHERE UNUSUAL CONDITIONS INDICATE SUCH A MODIFICATION WILL ALLOW FOR AN ADEQUATE AND SAFE UTILIZATION OF SUCH FACILITIES.

(d) IF THE UTILITY OR OTHER SERVICE PROVIDER THAT IS THE OWNER OF THE FACILITIES IN THE STREETS, ALLEYS OR OTHER PUBLIC PLACES OBJECTS TO ANY PROPOSED CITY USE OF SUCH FACILITIES, THE CITY SHALL BE PERMITTED TO UNDERTAKE A STUDY TO ADDRESS THE CONCERNS RAISED BY THE FACILITIES' OWNER.

(1) THE OWNER OF THE FACILITIES SHALL COOPERATE IN PROVIDING THE CITY ANY INFORMATION REASONABLY NEEDED TO STUDY AND RESPOND TO THE FACILITIES' OWNER'S OBJECTIONS. FOR PURPOSES OF THIS SECTION 16-2-20, AN OWNER SHALL BE DEEMED TO HAVE FAILED TO COOPERATE IF IT DOES NOT PROVIDE THE CITY WITH ANY INFORMATION REASONABLY REQUESTED WITHIN SEVEN (7) CALENDAR DAYS OF A WRITTEN REQUEST.

(2) IF THE CITY PROVIDES INFORMATION TO THE UTILITY OR OTHER SERVICE PROVIDER WHICH REASONABLY DEMONSTRATES THAT ITS PROPOSED USE OF THE FACILITY WILL NOT CAUSE A MATERIAL

NEGATIVE IMPACT ON THE UTILITY OR OTHER SERVICE PROVIDER'S FACILITIES OR OPERATIONS AND WILL NOT NEGATIVELY IMPACT PUBLIC HEALTH AND SAFETY, THE FACILITY OWNER SHALL ALLOW THE CITY'S PROPOSED USE, SUBJECT TO ANY CONDITIONS REASONABLY NECESSARY TO INSURE THAT THE USE WILL NOT CAUSE THE NEGATIVE IMPACTS DESCRIBED HEREIN. FAILURE TO MAKE SUCH FACILITIES AVAILABLE FOR CITY USE AS PROVIDED HEREIN SHALL BE A VIOLATION OF THIS CHAPTER AND SUBJECT TO THE PENALTIES SET FORTH IN SECTION 16-2-29 OF THIS CHAPTER.

(e) IT SHALL BE UNLAWFUL FOR ANY PERSON, INCLUDING ANY REPRESENTATIVE OR CONTRACTOR OF A UTILITY OR OTHER SERVICE PROVIDER, TO REMOVE FLAGS, BANNERS, OR SIMILAR SIGNS ANNOUNCING PUBLIC EVENTS, HOLIDAY LIGHTS AND OTHER DECORATIVE ATTACHMENTS, PEDESTRIAN OR OTHER TRAFFIC RELATED SAFETY SIGNS, FLASHING CROSSWALK LIGHTS, FLOWER POTS AND BASKETS, AND OTHER SIMILAR ATTACHMENTS FROM FACILITIES LOCATED IN THE STREETS, ALLEYS, OR OTHER PUBLIC PLACES IN THE CITY WITHOUT RECEIVING ADVANCE WRITTEN PERMISSION FROM THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE.

(f) IN ADDITION TO ADDRESSING VIOLATIONS OF THIS SECTION UNDER SECTION 16-2-29 OF THE NORTHGLENN MUNICIPAL CODE, IF A FACILITY OWNER FAILS TO MAKE ITS FACILITIES AVAILABLE AFTER THE CITY HAS PROVIDED THE INFORMATION DESCRIBED IN THIS SECTION 16-2-20, THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE IS AUTHORIZED TO WITHHOLD ISSUANCE OF A BUILDING PERMIT OR ANY OTHER REQUIRED PERMIT SOUGHT BY THE FACILITY'S OWNER UNTIL ARRANGEMENTS HAVE BEEN MADE TO THE CITY'S SATISFACTION THAT THE REQUESTED CITY USE OF THE FACILITIES IN THE STREETS, ALLEYS, OR OTHER PUBLIC PLACES IS BEING PROVIDED.

INTRODUCED, READ AND ORDERED POSTED this 10th day of December, 2012.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

/s/
COREY Y. HOFFMANN
City Attorney