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## Chapter 12.04

### Pavement Cuts for Water and Sewer Services

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#### **12.04.010 Construction prior to paving.**

It shall be the responsibility of the developer or user in any new development in the Town to cause mains to be constructed and services to individual lots to be made prior to the paving of any streets. (Ord. 8.11 §13(A), 1982)

#### **12.04.020 Lateral service cut for sewer or water tap.**

A. In the event a lateral service must be established for a sewer or water tap whereby a paved street must be cut, said service not having been installed prior to the paving of the street and the Town not being at fault, there shall be a charge for the cutting of the street in the amount of three hundred fifty dollars (\$350.00) for a sixty-foot cut or less. A lateral service cut extending more than sixty (60) feet will incur an additional charge of four dollars (\$4.00) per foot for the length in excess of sixty (60) feet.

B. The lateral service cut charge enumerated in subsection A shall additionally be in effect in the event that a lateral service must be repaired or replaced, which said lateral service belongs to the user and/or the repair or replacement thereof is the responsibility of the user.

C. Any person making a lateral service cut upon any paved street within the municipal limits of the Town shall additionally be responsible to restore the surface of the street in accordance with the specifications of the superintendent of public works of the Town, or, in the alternative, pay for the reasonable expense of the restoration to be done by the Town as determined by the superintendent of public works. In the event such a cut is made across, through or along Town or public property which is not paved street, the person making such a cut shall not be assessed a cut charge but must restore the area to original condition. (Ord. 8.11 §13(B), 1982)

#### **12.04.030 Extension for utility, conduit or pipe.**

In the event any user, developer, utility or other person or party finds it necessary to extend a utility, conduit, water pipe, sewer pipe, communication conduit or cable, or for any other reason needs to make a cut across or along any paved street within the municipal limits of the Town, there shall be a charge of three hundred fifty dollars (\$350.00) for each and every street cut laterally or parallel, plus four dollars (\$4.00) per foot for the entire excavation made through paved streets. Additionally, the party must restore the surface of the street as enumerated under subsection C of Section 12.04.020. (Ord. 8.11 §13(C), 1982)

#### **12.04.040 Permit requirements.**

A. No person shall make any trench or cut as described in this Chapter through Town or public property without first obtaining a proper permit from the Town superintendent of public works. The superintendent of public works shall, prior to issuance of the permit, determine the following:

1. The charges to be paid in connection therewith;
2. The proper location for the trench or cut;
3. What inspections are necessary and when they are to be made during the course of construction;
4. Whether or not the cut, or any portion thereof, can be avoided by a punch or drill, in which case the applicant must punch or drill as determined by the superintendent.

B. When the superintendent of public works has made his or her determinations required in subsection A, and when the proper charges have been paid by the applicant, the permit will issue. If, during any inspection, it is determined by the superintendent of public works that the engineering or other construction requirements of the permit are not being met, a stop work order shall be issued until the necessary requirements are properly met. (Ord. 8.11 §13(D), 1982)

#### **12.04.050 Responsibility.**

Each and every person or developer receiving a permit in accordance with the provisions of this Chapter shall warrant and be responsible for the material provided, the workmanship of the construction, the proper engineering and the quality of the restoration for a period of one (1) year from the completion of construction. (Ord. 8.11 §13(E), 1982)

#### **12.04.060 Violation.**

Any person found in violation of any provision of this Chapter may be issued a summons and complaint for appearance in the Municipal Court of the Town by the superintendent of public works or building inspector of the Town or any other agent thereof. (Ord. 8.11 §14(part), 1982)

### **Chapter 12.08**

#### **Reserved**

*Editor's note: Prior Chapter 12.08, Standard Construction Specifications for Public Works Construction, was repealed by Ordinance 98-23. See Chapter 15.02, Public Works Regulations.*

### **Chapter 12.12**

#### **Recreation Areas**

##### **12.12.010 Applicability**

##### **12.12.020 Permitted uses**

##### **12.12.030 General rules and regulations**

##### **12.12.040 Violations and remedies**

#### **12.12.010 Applicability.**

This Chapter shall apply to all public parks, open space or recreational lands, water or park facilities owned or operated by the Town which are managed or administered by the Parks and Recreation Department. The term *recreation area* is used in this Chapter to refer to such public areas and facilities. (Ord. 92-12 §1(part), 1992)

### **12.12.020 Permitted uses.**

The Parks and Recreation Department is authorized to place appropriate signage in the recreation areas to advise the public of the permitted activities and prohibitions within the recreation areas. (Ord. 92-12 §1(part), 1992)

### **12.12.030 General rules and regulations.**

The following rules and regulations shall apply to all recreation areas. Additional rules and regulations may apply to specific recreation areas as promulgated by the Parks and Recreation Department and posted at such site:

A. Closed Areas. It shall be unlawful to enter, use or occupy a recreation area during the time such recreation area is closed to entry, use or occupancy.

B. Vandalism. It shall be unlawful for any person or persons to remove, damage, deface or destroy any real or personal property, wildlife habitat or vegetation.

C. Litter. It shall be unlawful to deposit or leave any refuse, trash or litter in or upon any recreation area except by depositing such refuse, trash or litter in designated refuse receptacles.

D. Fires. It shall be unlawful to build, start or light any fire of any nature in any recreation area except in outdoor fireplace grills or camp stoves within designated areas.

E. Hunting. It shall be unlawful in any recreation area to hunt, trap, catch, molest, harm, kill or chase any wild animal or bird, or to molest their habitat.

F. Firearms and Deadly Weapons. Except for law enforcement officers in the performance of their duties, it shall be unlawful for any person to openly carry a firearm upon any recreation area upon which the Town Manager has directed to be posted a notification that the carrying of firearms is prohibited. It shall be unlawful to discharge or use explosives, firearms, BB guns, pellet guns, air guns, crossbows, long bows or slingshots while upon any recreation area, except in designated areas or by law enforcement officers on official duty.

G. Motorized Vehicles. Parking or driving of unauthorized motor vehicles on a recreation area is not permitted, except on designated roadways and parking areas.

H. Camping. It shall be unlawful to camp overnight in any recreation area, except in areas which are designated for camping.

I. Dogs. Dogs are not permitted to run at large in any recreation area. All dogs must be on a leash, cord or chain and held by a person physically able to control the dog.

J. Dumping. It shall be unlawful to dump commercial or household refuse or any hazardous substances within any recreation area or in any trash containers placed on such land.

K. Hazardous Activities. It shall be unlawful for any person to engage in any activity on any recreation area which constitutes a hazard to the safety of other persons, except in areas where such activity is specifically authorized.

L. Signs. Posting of signs of any kind is prohibited, with the exceptions of signs erected and maintained pursuant to and in the discharge of any governmental function, or as required by any law, ordinance or governmental regulation, except as authorized in writing by the director of parks and recreation.

M. Fireworks. It shall be unlawful to discharge fireworks on any park or open space lands except when authorized in writing by the director of parks and recreation.

N. Commercial Activity. It shall be unlawful to conduct any commercial activity, or provide any service, product or activity for which a fee is charged, on any park or open space lands, except when such activity is authorized in writing by the director of parks and recreation.

O. Alcoholic Beverages. As provided in Chapter 9.12 of this Code, it shall be unlawful for any person to consume, serve, sell or possess or have under his or her control, in any recreation area, any alcoholic beverage, except when a special events permit is issued pursuant thereto.

P. Hours of Use. All park and open space areas shall be closed to public use between the hours of 11:00 p.m. and 5:00 a.m. unless excepted in writing by the Director of Parks and Recreation.

Q. Encroachment on Public Property. It shall be unlawful to construct or place any unauthorized permanent or temporary structure or obstruction on any public property or to block access of said public property to the general public.

These regulations shall not be applicable to nor prohibit any act by any officer or employee of the Town who is engaged in the performance of any act within the scope of his or her employment. (Ord. 2003-41 §2, 2003; Ord. 99-43 §1, 1999; Ord. 93-24 §1, 1993; Ord. 92-12 §1(part), 1992)

**12.12.040 Violations and remedies.**

A violation of the rules and regulations set forth in Section 12.12.030 shall be punishable by incarceration for a period not to exceed one (1) year or a fine not to exceed one thousand dollars (\$1,000.00), or both. (Ord. 92-12 §1(part), 1992)

**Chapter 12.16**

**Curbs, Gutters and Sidewalks**

- 12.16.010 Applicability**
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### **12.16.010 Applicability.**

This Chapter shall be applicable to the construction of new and maintenance of existing curbs, gutters and sidewalks within the municipal limits of the Town and shall affect all property owners with such public improvements upon or immediately adjacent to their property. *Immediately adjacent to* means such public improvements located in a right-of-way which is adjacent to privately owned property. (Ord. 86-39 §1, 1986)

### **12.16.020 New construction.**

A. Construction of curbs, gutters and sidewalks in new developing areas in the Town shall be accomplished by the developer of the property in accordance with applicable Town standards as required by the Town Council at the time of final platting.

B. The construction of new curbs, gutters and sidewalks in areas of the Town which have been previously platted and developed, but where no existing curbs, gutters and sidewalks exist, shall generally be accomplished through the means of a special improvement district; however, nothing contained in this Chapter shall preclude the owner of affected property from constructing such improvements upon or adjacent to his or her land in accordance with Town approved plans at his or her own cost. (Ord. 86-39 §2, 1986)

### **12.16.030 Repair and maintenance; existing facilities.**

A. It shall be the responsibility of all private property owners within the Town, as well as employees of the Town, to pay attention and maintain observation of the condition of all curbs, gutters and sidewalks upon or immediately adjacent to their properties. Repair and maintenance of sidewalks shall be the responsibility of the property owner adjacent to or upon whose property the sidewalk is located; whereas, repair and maintenance of curbs and gutters shall be the responsibility of the Town. In the event that any such curbs, gutters and sidewalks are found to be in disrepair, then notice shall be given by the party observing the same in accordance with this Chapter.

#### **B. Notification.**

1. If the observation of disrepair is made by the owner of the property where the disrepair is located or adjacent to, then such owner shall give written notice to the Town within ten (10) days of such observation; such written notice to contain specific information regarding the location, nature and extent of the disrepair, together with a statement of the owner's intent with regard to the repair of the same. The owner shall advise the Town whether or not he or she intends to repair the damaged sidewalks at his or her own immediate expense, or whether he or she desires the Town to conduct such repair and assess the cost thereof back to the property owner in accordance with the provisions of this Chapter.

2. In the event that the disrepair of such curbs, gutters and sidewalks is observed by employees of the Town, then it shall be the responsibility of such employees to bring this matter to the attention of the director of public works who, with respect to sidewalks only, shall give written notification to the owner of the property whereon the disrepair is located or adjacent to such disrepair. Such notification shall advise the owner of the location, nature and extent of the damage and of his or her option to repair the same at his or her own immediate cost or to have the repair done by the Town, in which case the repair cost shall be assessed to the owner of the property. The notice provided to the owner of the property shall further provide a time schedule set forth therein in accordance with the provisions of this Chapter.

C. Owner's Option.

1. The owner of the real property upon which the damaged sidewalk is located or which is adjacent to such damage shall have the option to repair the same in accordance with Town standards and specifications at his or her own cost and in accordance with the time table set forth in this Chapter.

2. The second option available to the owner of the property is to allow the Town to cause the repairs to be done, either by Town employee or by contracting for the repairs in such a manner deemed appropriate by the Town, and to thereupon bill and assess such cost to the property owner. The cost shall be determined by the director of public works in accordance with the contract for repair if done by an outside contractor, or, in accordance with the hourly rates and material costs of the Town personnel, and shall include in addition to such labor and material costs an assessment of five percent (5%) for inspections and other incidental costs in connection therewith.

3. The owner of the property shall express his or her option to the Town within twenty (20) days of the notification set forth in subsection B of this Section.

D. It shall be the further responsibility of all property owners in the Town to maintain all curbs, gutters and sidewalks on or adjacent to their property free from all obstructions, snow and other hazards. In the event that permanent obstructions, such as asphalt, concrete or other permanent material, are found upon the sidewalk or in the gutters, the Town shall utilize the notification procedure set forth in subsection B of this Section prior to removing the same and assessing the cost to the property owner. It is deemed appropriate that snow and ice shall be removed from the sidewalks within forty-eight (48) hours following the termination of any weather condition which causes two (2) or more inches accumulation upon such sidewalks. (Ord. 87-35 §1, 1987; Ord. 86-39 §3, 1986)

**12.16.040 Repair; time table.**

A. In the event a property owner deems it proper to assume the responsibility and cost for immediate repair to damaged sidewalks on or adjacent to his or her property, then such repairs shall be accomplished within the next following forty-five (45) calendar days between April 15th and October 15th in any given calendar year. Such time computation shall commence upon the property owner declaring such option and may be split between two (2) calendar years dependent upon the date of notification.

B. At such time as an owner declares to the Town that he or she desires that the Town conduct the repairs of any sidewalks upon or adjacent to his or her property and assess the cost back to the property, then the Town shall have sixty (60) calendar days from the date thereof as the same fall between the dates of April 1st and October 15th of any calendar year. Again, such time period may be split between two (2) calendar years depending upon the date of notification. (Ord. 86-39 §4, 1986)

**12.16.050 Repair; cost assessment.**

As provided in the Sections 31-15-702(1)(b)(I) and 31-15-401(1)(d)(I) and (II), C.R.S., the cost of any repairs of any sidewalks as determined in accordance with the provisions of this Chapter shall be assessed to the owner of the property upon which such repaired sidewalks are located or are adjacent to. (Ord. 86-39 §5, 1986)

**12.16.060 Repair; cost calculation.**

The calculation of a cost to be assessed to the owner of the property shall be made by the director of public works and shall be determined by the labor and material costs allocated to employees of the Town,

or, as the case may be, shall be determined by the cost allocation pursuant to any contract entered into with any contractor for such repair and shall include, in addition thereto, the sum of five percent (5%) of such costs to cover inspections and other incidental costs in connection therewith. (Ord. 86-39 §6, 1986)

**12.16.070 Assessment notice.**

Upon completion of any repairs to any damaged sidewalks, it shall be the responsibility of the director of public works to prepare his or her cost calculation thereof and to send to the property owner an assessment notice advising the property owner of the sum due to the Town and providing the property owner sixty (60) days from the date of the notice within which to make payment to the Town. Such notice shall be sent to the owner of the property by registered or certified mail with a return receipt requested at the last known address of the property owner as disclosed upon the assessment rolls of the treasurer of Douglas County. The property owner shall be deemed to have notice thereof five (5) days following the mailing of such notice. (Ord. 86-39 §71, 1986)

**12.16.080 Payment time period.**

Payment from the property owner to the Town shall be due on or before sixty (60) days following the date of such assessment notice. Nothing in this Chapter shall prohibit the property owner from communicating with and arranging for a payment plan with the Town. (Ord. 86-39 §8, 1986)

**12.16.090 Assessment lien.**

In the event the property owner assessed in accordance with the provisions of this Chapter does not pay such assessment to the Town within the time specified in the assessment notice, such assessment shall be certified by the Town Clerk to the Douglas County Treasurer who shall thereupon collect such assessment together with a ten-percent penalty for the cost of collection, in the same manner as other taxes are collected. Such assessment shall be collected in accordance with the laws of the State for the assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes. (Ord. 86-39 §9, 1986)

**12.16.100 Damage by Town; responsibility.**

Notwithstanding any provision in this Chapter to the contrary, the cost of any repairs necessary to any curbs, gutters or sidewalks as the result of damage occasioned by Town employees, agents or contractors working for or in behalf of the Town shall be borne by the Town rather than the property owner, subject to reimbursement from the negligent or responsible party. (Ord. 86-39 §10, 1986)

**12.16.110 Notice procedure.**

All notices required to be given in accordance with this Chapter shall be made in written form. Notice shall be deemed effective on the date and at the time that such notice has been hand-delivered to the owner, agent for the owner, or an adult person residing on the premises to which the notice applies. Notice shall be further deemed given and effective as of three (3) working days following the mailing of such notice, by certified mail, return receipt requested, to the legal owner of the property as shown on the records of the County Assessor's office for Douglas County. Notwithstanding any of the foregoing, notice with respect to snow and ice removal may be given either in written form or orally, and, if hand-delivered or orally given, there shall be required only sixteen (16) hours' notice precedent to the issuance of a summons and complaint. (Ord. 87-35 § 2(part), 1987; Ord. 86-39 §12, 1986)

#### **12.16.120 Violations and penalties.**

Any person found to be in violation of the ordinance codified in this Chapter, after the completion of proper notice, may be charged under a municipal summons and complaint, and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Any person may be found guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed or continued. A summons and complaint may be issued by any officer or official of the Town and shall be served in accordance with the municipal rules of procedure. If the person accused of violating this Chapter is a partnership, corporation or business entity other than a sole proprietorship, then every partner of a partnership, officer of a corporation and local manager or operator of the business shall be a responsible party. (Ord. 87-35 §2(part), 1987; Ord. 86-39 §13, 1986)