

Title 12

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Chapter 12.04

General Provisions

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12.04.010 Definitions.

12.04.010 Definitions.

As used in this title, the following words have the following meanings:

A. "Sidewalk" means that portion of the street which is set aside for the use of pedestrians and which has been surfaced with cement, stone or other similar material.

B. "Street" means the entire width of every dedicated public way, and includes the traveled portion thereof known as the roadway, the portion used for sidewalks, and the portion between the property line and the roadway known as parking. The term also includes an "alley." (Prior code §11-2)

Chapter 12.06

Access To Public Streets

Sections:

12.06.010 Permit--Required.

12.06.020 Access Code--Adopted--Copy on File.

12.06.030 Access Code--Interpretation and definitions.

12.06.040 Access Code--Amendments, modifications and deletions.

12.06.050 Access Code—Reimbursement

12.06.010 Permit--Required.

A. No person shall construct any access providing direct vehicular movement to or from any street from or to property in close proximity or abutting a street without an access permit issued by the town engineer.

B. Access permits shall be issued only in compliance with the Access Code adopted pursuant to Section 12.06.020, and permits may include terms and conditions authorized by the Access Code. The board of trustees and town engineer are authorized to impose terms and conditions as necessary and convenient to meet the requirements of the Access Code. In no event shall an access permit be issued if it is detrimental to the public health, welfare and safety.

C. Direct access from a subdivision to a street shall be permitted only if the proposed access meets the purposes and requirements of the Access Code. Local traffic from a subdivision in close proximity to or abutting a street shall be served by an internal street system of adequate capacity, intersecting and connecting with the general street system in a manner that is safe and is consistent with the assigned access category under the Access Code and the design requirements of the Access Code.

D. The town may require that any driveway, whether constructed before, on or after the effective date of the ordinance codified herein, be reconstructed or relocated to conform to the Access Code at the property owner's expense if a reconstruction or relocation is necessitated by a change in the use of the property which results in a change in the type of driveway operation. The necessity for the relocation or reconstruction shall be determined by reference to the standards set forth in the Access Code.

E. The issuance of any access permit, agreement, plat, subdivision, plan or correspondence shall not abrogate or limit the police powers of the town exercised in the protection of the public health, safety and welfare. (Ord. 356 §1(part), 1997)

12.06.020 Access Code--Adopted--Copy on file.

Pursuant to the power and authority conferred by Sections 43-2-147(7) and 31-16-201 et seq., C.R.S., there is hereby adopted by reference as if set out at length the Colorado Department of Transportation State Highway Access Code, September 30, 1985 Edition, promulgated and published as such by the Colorado Department of Transportation, 4201 East Arkansas Ave., Denver, Colorado 80222, and set forth in 2 Code of Colorado Regulations 601-1 ("Access Code"). The Access Code is adopted in full except for those provisions amended, modified or deleted as set forth in Section 12.06.040, and as so adopted is for application to public streets within the jurisdiction of the town. The subject matter of the Access Code relates primarily to comprehensive standards for the design and location of driveways and other points of access to public highways, including streets under the jurisdiction of the town that are not part of the state highway system. The purpose of the Access Code is to provide the procedures and standards necessary to protect the public health, safety and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage and to protect the functional level of public highways while meeting state, regional, local and private transportation needs and interests. Three (3) copies of the Access Code, as adopted by the town, are now filed in the office of the town clerk and may be inspected during regular business hours. (Ord. 356 §1(part), 1997)

12.06.030 Access Code--Interpretation and definitions.

A. This chapter, the Access Code adopted in this chapter and all words and phrases in the Access Code shall be interpreted, construed and applied to streets within the jurisdiction of the town in order to effectuate the purpose of such chapter and Access Code, as stated in Section 12.06.020.

B. As used in this chapter, "Access Code" means the Colorado Department of Transportation State Highway Access Code, as adopted by reference in Section 12.06.020, including all amendments, modifications and deletions set forth in Section 12.06.040. Any words or phrases in this chapter which are defined in the Access Code shall have the meanings set forth in the Access Code.

C. Article and section headings of this chapter and the adopted Access Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 356 §1(part), 1997)

12.06.040 Access Code--Amendments, modifications and deletions.

The following amendments, modifications and deletions are made to the Colorado State Highway Access Code, September 30, 1985 Edition:

A. Subsection 1.3, Implementation, is deleted.

B. Subsection 1.5, References, is amended to read as follows:

1.5 References

The standards and specifications contained in sections three and four of this Code are based on engineering judgment and the following standard engineering references used by the Department and issuing authority.

1. A Policy on Geometric Design of Highways and Streets, 1990, American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, Washington, D.C. 20001, 202-624-5800.

2. Transportation and Traffic Engineering Handbook, Institute of Transportation Engineers, Washington, D.C., 1992.

3. Manual on Uniform Traffic Control Devices for Streets and Highways, (M.U.T.C.D.), a standard of the U.S. Department of Transportation and the Federal Highway Administration, Washington, D.C., as amended.

4. The Colorado Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways, State Department of Transportation, as amended.

5. The current editions of the following manuals and standards of the Colorado Department of Transportation:

- a. Roadway Design Manual.
- b. Materials Manual.
- c. Construction Manual.
- d. Standard Specifications for Road and Bridge Construction.
- e. Colorado Standard Plans.
- f. Bicycle Facility Design Guide, Colorado Supplement.
- g. Utility Manual.
- h. Right-of-Way Manual.

6. Trip Generation, Fifth Edition, Institute of Transportation Engineers, Washington, D.C. 1991. [525 School Street, S.W., Suite 410, Washington D.C. 20024-2729, phone (202)554-8050].

7. Roadside Design Guide, American Association of State Highway and Transportation Officials, Washington, D.C., 1989.

8. Highway Capacity Manual, Special Report 209, 3rd Edition revised 1994, Transportation Research Board, Washington D.C.

9. Highway Capacity Software, Release 2.3, 1994, a computerized capacity and level of service analysis software for highways and intersections, University of Florida, Gainesville, Florida.

10. Passer II-90, Version 2.0, December 1993, a computerized traffic signal and operation analysis software, Texas Transportation Institute, Texas A & M University.

C. **Subsection 2.1, Purpose**, is amended to read as follows:

2.1 Purpose

This section provides the administrative procedures and related information and requirements for the implementation of the Code.

D. **Subsection 2.3, Obtaining a Permit**, is retitled and amended to read as follows:

2.3 Obtaining and Applying for a Permit

1. The Act provides to the Town the authority to issue access permits to streets under its jurisdiction.

2. Persons wishing to apply for direct access to a street under the jurisdiction of the Town should contact the Town Clerk to determine who is responsible for processing permit applications. Requests must be submitted on standard access permit application forms obtainable from the Town. The Town may require any of the following items or others, when relevant to the evaluation of an access application or construction of an access: A) highway and driveway plan and profile, B) complete drainage plan of the site showing impact to the highway right-of-way, C) map and letters detailing utility locations before and after development in and along the highway, D) a subdivision zoning or development plan, E) property map indicating other access and abutting public roads and streets, and F) proposed access design.

3. Prior to submitting a formal application, interested parties may request a preliminary application conference with appropriate Town staff. The purpose of such a conference shall be to review preliminary plans of an applicant and to allow reaction and recommendation from Town staff prior to submission of formal application. At such conference, applicants should provide preliminary maps, plans and documents to illustrate the site, ownerships, size and type of land use, estimated traffic volumes and vehicle types generated, adjacent public roads, existing and available access points, and other adjacent accesses. At the conference, participants will discuss Code requirements, site specific conditions, various options for access location and design, and those items that should be submitted with the formal application. These preliminary conferences, comments and recommendations will in no way bind the Town or the applicant in future decisions on a formal application submission.

4. Applications for access shall include a completed access permit application form and any required attachments necessary to review and assess the application or complete the permit. Attachments necessary may include plans, maps, traffic studies, surveys, deeds, agreements, designs, documents, data, drainage, utilities and proof of insurance. The scale, location and anticipated impacts of the access proposal will determine the scope of the attachments necessary in the application. The applicant may be required to submit information needed to evaluate the impacts of the proposed access on the general street system. All such submittals become the property of the Town. Items without

relevance on the approval or denial of the application or completion of the permit will not be requested. If the applicant is other than the surface rights owner of the property to be served, then the applicant must include sufficient evidence of concurrence or knowledge in the application by the surface rights owner and proof of property rights. Complete names, addresses and telephone numbers of the property owners and the applicants shall be given on the application, along with the expected dates of construction and commencement of use of the access. When the owner or applicant is a company, corporation or other agency, the office and the name of the responsible officer will be provided. The corporation must be licensed to do business in Colorado. Misrepresentation of existing or future conditions or of information requested for the application shall be considered sufficient grounds for permit denial or revocation.

E. Section 2.4, Application for an Access Permit to the State Highway When the Appropriate Local Authority is the Issuing Authority, is retitled and amended to read as follows:

2.4 Processing of an Access Permit Application

1. The applicant shall submit no less than two (2) complete copies of the application and attachments to the Town Clerk, for forwarding to the Town Engineer. The Town may refuse to accept the application when information the Town Engineer considers reasonably necessary or desirable is missing from the application or when there is no written evidence that the owners of the property surface rights or access rights concur in the application. The applicant shall be notified in a timely manner of what is missing from the application. On the date the Town Engineer determines that the application is complete, Town staff shall date and initial or stamp the original application copy with such date, which shall be the date of acceptance of the application. A forty-five-day review period begins on the date of acceptance of the application.

2. Upon acceptance of the application and any required attachments, the Town Engineer shall use this Code, the Act and any other applicable local, state and federal laws for evaluating and acting on the application. The Town Engineer may grant the access as proposed, require design and location modifications as the Town Engineer considers appropriate, restrict one or more turning movements as necessary to reduce traffic and safety impacts, or deny the access, all as determined by the standards of the Code. Any access permit prepared by the Town Engineer shall conform to all sections of this Code, except that variances may be considered pursuant to subsection 2.8 for any design standard of this Code not applicable or feasible given proposed access site specific physical and traffic operation conditions. The Town Engineer shall complete a review and take final action to approve or deny the application within forty-five (45) days of the date of acceptance.

3. If an applicant wishes to seek a variance from the standards of the Code, a request must be submitted as an attachment to the permit application form. See subsection 2.8 for further information.

4. If the proposed access cannot meet the requirements or standards of the Code including variance criteria, the Town Engineer shall deny the application. If the Town Engineer denies the permit application, the Town Engineer shall transmit to both the applicant and the Town Board a copy of the permit application marked "denied" and a written explanation of the reasons for denial. The date of transmittal of a denial shall be the date the denied application and written explanation are placed in the U.S. mail, postage prepaid, addressed to the applicant at the address stated in the application. An appeal of a denial by the Town Engineer may be taken to the Town Board in the manner set forth in subsection 2.7.

5. If the Town Engineer approves the application, the Town Engineer shall prepare a permit which shall include all terms and conditions necessary to meet the requirements of the Code. The Town Engineer shall transmit the permit with all attachments and pertinent information to the applicant, for signature. It is the responsibility of the applicant to obtain the signature of the permittee(s). The permittee(s) shall sign the permit if the terms and conditions are acceptable and return the entire permit to the Town at the noted address, together with any required reimbursements to the Town. In accepting the permit, the permittee agrees to all terms and conditions of the permit. If the Town has not received the signed copy and any outstanding reimbursements, if any, from the applicant within fourteen (14) days of the date of transmittal, the permit shall be considered void. After receiving the signed permit and any required reimbursements, if any, the Town Engineer shall mark the permit paid, sign the permit and return a copy to the applicant. The Town Engineer shall provide a copy of the completed permit to the Town Board. If the permittee(s) do not agree to all the terms and conditions of the permit, the permit shall be considered denied. Each approved permit shall have a unique permit number assigned by the Town.

6. When the Code requires the signature of the permittee(s) or applicant, such signatures must be that of the specific individual who is the permittee, or if a corporation or partnership, the duly authorized officer of the corporation or partnership. The name of the corporation shall be included with the signature.

7. The issue date of the permit is the date the Town Engineer signs the permit.

8. Denial of an application to alter, improve, relocate, enlarge or modify an existing lawful access shall in no way impair the permit for or right to the existing access for its historical use.

9. If in the determination of the Town Engineer, a certain level of design or construction detail is not necessary for approval of a permit but is necessary to ensure proper design and construction, the permit may require that detailed design and/or construction plans and related documents be submitted prior to access construction rather than during the application review. All such plans and related documents must receive the written approval of the Town Engineer prior to proceeding with any construction within the highway right-of-way. If for any reason the Town Engineer and the permittee(s) cannot resolve disagreements regarding the approval of the final plans or other conditional requirements, the permit shall be considered denied and the permittee given sixty (60) days from receipt of notification to file an appeal pursuant to subsection 2.7. Such appeals shall be limited to the plans and related conditional items required subsequent to the issuance of the permit.

10. The granting of an access permit conveys no rights, title or interest in Town rights-of-way to the permit holder or property served. A permit for direct access to a Town street does not entitle the permit holder to control or have any rights or interests in any portion of the design, specifications or operation of the street, including those portions of the street built pursuant to the terms and conditions of the permit.

F. Subsection 2.5, Application for an Access Permit to the State Highway When the State Department of Highways is the Issuing Authority, is deleted.

G. Subsection 2.6, Access Requests by Local Authorities, is amended to read as follows:

2.6 Access Requests by Local Authorities

1. Requests by appropriate local authorities for new access or for the reconstruction of existing access to the street system shall be administered by the Town as provided in subsection 2.4 or by written agreement between the Town and the local authority. The local authority shall be considered the applicant. Access to subdivisions and other developments shall be processed in the same manner as a private access and applied for pursuant to subsection 2.4 until the access is constructed, completed and accepted as a public access and public way by the appropriate local authority.

2. Where a private development accessing the roadway of an appropriate local authority necessitates access improvements where the local roadway connects to a Town street, the permittee may either be the local jurisdiction, the developer or a combination, at the discretion of the local authority.

H. **Section 2.7, Appeals**, is amended to read as follows:

2.7 Appeals

1. Should the permittee or applicant object to the denial of a permit application by the Town Engineer or object to any of the terms or conditions of a permit placed there by the Town Engineer, an appeal to the Town Board of Trustees ("Board") must be filed in writing with the Town Clerk within thirty (30) days of transmittal of notice of denial or transmittal of the permit for signature.

2. Applications for an appeal hearing shall be made on forms designated by the Town, if any, and shall include a concise statement of the decision being appealed, the reasons for the appeal, the relief sought, including a statement of any changes, revisions or conditions that would be acceptable to the permittee or applicant, and copies of all nontestimonial evidence which the applicant intends to rely on at the hearing.

3. Upon the receipt of a complete application for appeal, a hearing shall be scheduled within thirty (30) days after the filing of the complete application, unless the applicant consents to a later date. Notice of the date and time of the scheduled hearing shall be given to the applicant. The applicant may request a postponement of a hearing for the purpose of gathering additional information or evidence to support the applicant's case, provided the request is made in writing to the Town Clerk no later than fifteen (15) days prior to the date of the originally scheduled hearing. An applicant may withdraw an appeal application at any time before the hearing on the application is closed for Board deliberation.

4. At the appeal hearing, all witnesses shall be sworn. The procedure at a hearing shall be substantially as follows:

a. Mayor opens the hearing, announces the subject matter of the hearing and describes the procedure for conducting the hearing.

b. Board member disclosure of site visits, ex parte contacts, conflicts of interest.

c. Introduction of exhibits and appropriate documents into the record including, if applicable, the application, staff reports, reference maps and plans and applicable Code sections by reference.

d. Town Engineer presentation of the staff position, facts and recommendation, followed by questions.

- e. Applicant's presentation, followed by questions.
- f. Testimony from any expert witness the Board has retained for that purpose.
- g. Applicant's response.
- h. Staff summary.
- i. Board questions of applicant or staff.
- j. Board discussion.
- k. Close of public hearing.
- l. Board action, as permitted by ordinance.

5. The Board shall not be required to observe formal rules of evidence during hearings, but may consider any matter which the Mayor concludes is reasonably reliable and calculated to aid the Board in reaching an accurate determination of the issue involved. Rulings on questions of admissibility of evidence and exhibits will be made by the Mayor and will stand unless objected to by a member of the Board, in which event the question of admissibility will be decided by a majority vote of the members of the Board present. Exhibits shall be marked and identified for the record for admission into the record of the hearing.

6. The final disposition of any appeal shall be in the form of a motion, either sustaining, reversing or modifying the order, decision or determination which is the subject of the appeal. Written notice of the Board's decision, signed by the Mayor, shall be sent to the applicant within thirty (30) days after a hearing. The decision of the Board shall be final on the date the notice of decision is made and signed.

7. Whenever, in the opinion of the Board, a hearing cannot be completed at a reasonable hour on the original hearing date, or for good cause shown, the Board may continue the hearing to a later date.

8. The Town Engineer may consider any objections and requested revisions at the request of the applicant or permittee. If agreement is reached, the Town Engineer may revise the permit accordingly, or issue a new permit, or require the applicant to submit a new application for consideration. Changes in the original application, proposed design or access use will normally require submittal of a new application. Regardless of any such communications, meetings or negotiations with the Town Engineer regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Town Engineer's decision to the Town Board, the appeal must be brought within sixty (60) days of transmittal of notice of denial or transmittal of the permit.

9. If the terms and conditions or denial of a permit is not appealed, the Town may record the decision and related documents with the County Clerk and Recorder.

I. **Section 2.8, Variance Procedure**, is amended to read as follows:

2.8 Variance Procedure

1. If an applicant wishes to seek a variance from the standards of this Code, a request, in the form prescribed by the Town, must be submitted as an attachment or addendum to a permit application form. The request for variance shall state specific reasons why a variance is appropriate and include documentation to support such reasons. The request shall address the variance criteria of this subsection. The request and supporting documents should be submitted at the time of permit application. Variances cannot be issued for procedural requirements. A separate variance request may be necessary where several variances are requested and where the variances may be approved in whole or in part.

2. The applicant may supplement an application with a variance request if the Town Engineer determines that sufficient time remains in the review period to consider the variance. If the Town determines that it is in the public interest to do so, the Town Engineer may supplement a permit application with a variance.

3. No variance shall be granted unless the applicant has demonstrated to the Town Engineer or, on appeal to the Town Board, that (a) absent approval of the variance request, there is exceptional and undue hardship on the applicant; (b) the variance would meet acceptable engineering, operation and safety standards; (c) the variance is reasonably necessary for the convenience and welfare of the public; (d) the variance would not be contrary to the public interest; (e) the variance would not be inconsistent with the purposes of this Code as set forth in subsection 1.2. All variances shall consider the orderly development plan of the Town.

4. The reasons for a grant or denial of a variance shall be clearly stated and included in the Town files. Restrictions on the use of the permit should be imposed as necessary to keep potential safety problems to a minimum. By the terms and conditions of the permit, the permittee may be required to improve, modify, eliminate or correct the condition giving rise to the variance when it becomes evident that the reason for the variance no longer exists. If the variance and remainder of the application meets Code criteria, a permit shall be approved and the approved variance included in the permit file.

5. If a variance is granted to allow access to an arterial street where the access proposal cannot meet access Code standards, or when the property would be without reasonable access absent the variance, the access permit may contain specific terms and conditions providing for its expiration at such time as the necessity for the variance no longer exists.

6. If the variance request is denied, the Town Engineer shall continue to process the permit application in a standard manner and may issue a permit if it can be approved without a variance.

J. Subparagraph 2.10.6, Use of Access (relating to driveways), is deleted.

K. Subsection 2 of Section 2.11, Illegal Access to the Highway, contains a penalty clause which states as follows:

2. When a permitted driveway or any access is constructed or used in violation of this Code, permit terms and conditions, or the Act, either the issuing authority or the Department or both may obtain a court order enjoining violation of the Access Code, permit terms and conditions or the Act. Such access permits may be revoked by the issuing authority if, at any time, the permitted access and its use fail to meet the requirements of the Act, the Access Code or the terms and conditions of the permit.

L. Subsection 2.13, Conformance of Subdivisions, is deleted.

M. Subparagraph 4.3.2, Reference and Data Sources (relating to values), is amended to strike "third" and insert "fifth" and to strike "1982." (Ord. 356 §1(part), 1997)

12.06.050 Access Code--Reimbursement.

The applicant for an access permit shall be responsible for all costs of processing and reviewing an access permit application, including costs of review of an application or an appeal by engineers, other consultants and legal counsel retained by the town. Each application shall be accompanied by a signed cost agreement for such purpose, in the form provided by the town and available from the town clerk. No application shall be considered complete until a cost agreement has been executed by the applicant and any amounts required thereunder have been deposited with the town. (Ord. 356 §1(part), 1997)

Chapter 12.08

Street Excavations

Sections:

- 12.08.010 Permit--Required.
- 12.08.020 Permit--Application.
- 12.08.030 Cash deposit or bond required.
- 12.08.035 Warranty.
- 12.08.040 Insurance and indemnification required.
- 12.08.050 Permit--Fee
- 12.08.060 Annual permit for public utilities.
- 12.08.070 Supervision.
- 12.08.075 Responsibilities of persons working in the public way.
- 12.08.080 Barricades and lights required.
- 12.08.085 Traffic control and access
- 12.08.090 Inspections.
- 12.08.095 Surface to be restored.

12.08.010 Permit – Required.

A. It is unlawful for any person other than an officer or employee of the Town acting in the course of employment to make or cause or permit to be made any excavation or opening in or under the surface of any street, alley, sidewalk or other public place or way, or leave upon any such area any earth or other excavated material obstructing or tending to interfere with the free use of any street, alley, sidewalk or other public place or way, without first obtaining a permit therefor as provided in this Chapter, or to make any such excavations in any manner which does not comply with the permit issued therefor.

B. The sole exception to this requirement shall be in the case of an emergency, defined as a serious happening or situation endangering life, health or property, which needs prompt attention. In the event of an emergency, a permit must be obtained at the first possible opportunity, defined as the beginning of the next occurring regular business day.

C. A current permit shall be kept at the described site while the work is in progress and shall be exhibited upon request of any police officer or authorized representative of the Town. No permit shall be effective until signed and dated by the Town Manager. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998; Ord. 235 §1, 1987; prior code §11-3)

12.08.020 Permit – Application.

Any person desiring a permit to excavate or place material in any street, alley, sidewalk or other public place or way shall make application therefor to the Town Clerk upon forms furnished for that purpose at least two working days, not including holidays or weekends, before the time set for beginning the proposed work. No application shall be accepted or acted upon unless the application form is complete and is accompanied by such additional application information and materials as may be required by the Town, which additional information may include, by way of example and not limitation, plans and specification for the work, a traffic control plan, drainage reports and soils reports. (Ord. 402 §1(part), 1998; Ord. 246 §138, 1988; prior code §11-4)

12.08.030 Cash deposit or bond required.

A. Before a permit for excavation is issued, the Town Clerk shall require that the applicant pay to the Town Clerk a cash deposit of such sum of money as shall be deemed by the Commissioner of Streets sufficient to cover and pay all the expenses for making inspection and furnishing such material, doing such work, and taking such means as shall be required properly to restore and secure against settlement of street and sidewalk, pavement, curb and gutter necessary to be replaced in consequence of making such an excavation, opening or disturbance.

B. In lieu of the cash deposit required by Subsection A, the applicant may deposit with the Town Clerk a surety bond or letter of credit which shall accomplish the same purposes as the cash deposit. Such surety bond or letter of credit must be:

1. With a good and sufficient surety or financial institution;
2. By a surety company or financial institution authorized to transact business in the state; and
3. Satisfactory to the Town Attorney in form and substance.

C. Should the applicant not properly restore, replace and repair the excavated area in the sole discretion of the Commissioner of Streets or Town Manager, the cash deposit, bond or letter of credit so collected shall be forfeited to the Town for the purpose of paying for such restoration, replacement and repair. After the expenses and costs of such restoration, replacement and repair by the Town have been determined and subject to the warranty provisions contained in this Chapter, any excess deposit shall be returned to the applicant. However, any public utility to which a yearly or specific permit has been issued pursuant to this Code, in lieu of making such deposit, shall pay the fees, post bonds and provide the securities required by this Code. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998; Ord. 246 §139, 1988; prior code §11-5)

12.08.035 Warranty.

A. By acceptance of a permit, the permit holder expressly warrants and guarantees complete performance of the work in a manner acceptable to the Town and warrants and guarantees all work done under the permit

for a period of one year after the date of acceptance. The date of acceptance shall be the date that the warranty period begins to run, and shall be the date that the Town provides written notice of acceptance of the work, subject to the warranty provisions hereof. During the warranty period, the permit holder shall at its expense take all actions necessary to maintain the work and make all needed repairs and replacements which, in the reasonable opinion of the Town, shall become necessary. The warranty shall include all maintenance, repairs and replacements needed as a result of, by way of example and not limitation, the following: defects in workmanship, settling of fills or excavations, any unauthorized deviations from approved plans and specifications, failure to barricade, failure to clean up or restore the site during or after performance of the work, or any other violation of this Chapter or other ordinances of the Town. Any maintenance, repairs or replacements made during the warranty period shall be subject to acceptance by the Town, and shall be subject to the warranty and guarantee provisions of this Chapter. The warranty on any maintenance, repairs or replacements shall commence on the date of Town acceptance of the maintenance, repair or replacement work.

B. Upon issuance of the Town's written notice of acceptance of the work, the cash deposit, bond or letter of credit deposited with the Town shall, upon request of the permit holder, be reduced to fifteen percent of its total original amount, and such reduced cash, bond or letter of credit shall remain on deposit until the warranty period has expired and until the permit holder has requested return of the remaining amount on deposit. In the event a permit holder does not request return of any amount on deposit within one year after the date on which the amount on deposit became distributable, such amount shall be deemed unclaimed property subject to the provisions of Chapter 2.50 of this Code. (Ord. 402 §1(part), 1998)

12.08.040 Insurance and indemnification required.

A. Each applicant for a permit for excavating must (1) have or obtain a Category B excavating license, as provided for in this Code, current for all times for which the permit is sought; or (2) furnish, with the application for an excavation permit, proof of insurance, current for all times for which the permit is sought, providing for the following minimum coverage: worker's compensation insurance, public liability insurance coverage not less than two hundred fifty thousand dollars for injury or death to more than one person, not less than five hundred thousand dollars for injury or death to more than one person in a single accident or event, and public property damage insurance not less than one hundred twenty-five thousand dollars for damages to or destruction of property for any one accident. The applicant must keep current the license or insurance at all times for which the permit is issued and must file with the Town Clerk a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies and worker's compensation and public liability and property damage insurance as required above naming the Town as an additional insured, the limits of each policy, the policy number, the name of the insurer, the effective date and the expiration date of each policy, and a copy of an endorsement placed on each policy requiring ten days' notice by mail to the Town Clerk before the insurer may cancel the policy for any reason. Nothing in this Section shall be construed to be a waiver of the Town, its officers, employees or agents of the monetary limitations or any other rights, immunities, and other protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as amended from time to time, or otherwise available to the Town, its officers or its employees.

B. By acceptance of a permit, the permit holder agrees to indemnify and save harmless the Town, its officers, employees and agents, against and from any and all damages and claims for damages, loss, costs, charges or expenses that may be brought against the Town by any person or entity for or on account of injury to persons or property resulting from or occasioned by reason of the act, omission or other fault of any person or entity making such excavations or otherwise acting under such permit, including excavation or backfill of

underground structures or failure to repair street surfaces as herein provided. By acceptance of a permit, the permit holder further agrees to hold harmless the Town, its officers, employees and agents, from liability for injury to persons or damage to property resulting from the inadequacy of barricades, lights or other proper warning devices. In those instances where indemnification is precluded by law, the entity performing work provided hereunder shall be responsible for its own, or its contractor's or agent's, acts or omissions. (Ord. 402 §1(part), 1998; Ord. 246 §140, 1988; prior code §11-6)

12.08.050 Permit – Fee.

An application fee of two hundred dollars shall be charged for the issuance of each excavation permit. (Ord. 571 §6, 2005; Ord. 402 §1(part), 1998; Ord. 246 §141, 1988; prior code §11-7)

12.08.060 Annual permit for public utilities.

Any public utility operating under the jurisdiction and control of the Colorado Public Utilities Commission, upon written application made upon a form provided for that purpose, and upon filing an annual bond and the payment of an annual fee, the amount of each of which may be set by the Board of Trustees from time to time by resolution, shall be granted a permit under the provisions hereof for the installation, maintenance or repair of any public utility installations in the public streets, good for a period of one year from the date thereof. Every such utility performing any construction work thereunder, at the end of each week or whenever required by the Commissioner of Streets or the Town Manager, shall file a written report showing all construction work performed by it within the Town during such period under the provisions of such permit. Such annual permit shall not authorize any opening in any concrete, asphalt or other permanent pavement without the specific permission of the Commissioner of Streets or Town Manager in each case, but it shall relate only to the payment of the fee. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998; Ord. 246 §142, 1988; prior code §11-8)

12.08.070 Supervision.

All excavations for which permits are issued shall be supervised by the Commissioner of Streets, Town Manager or other official as may be designated by the Board of Trustees to insure compliance with this Code. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998; Ord. 246 §143, 1988; prior code §11-9)

12.08.075 Responsibilities of persons working in the public way.

Responsibilities of persons performing work in the streets, alleys, sidewalks or other public places or ways in the Town shall be as follows:

A. Good practices and standard safety precautions shall be observed at all times. For open cuts, no more than one hundred lineal feet shall be opened during a work day, and there shall be no open trenches left at the end of the work day.

B. Thirty days prior to commencement of work involving construction or extension of water mains, sewer mains, storm sewers, curb and gutter, sidewalk, street construction or other aboveground or underground facilities, engineering plans and specifications shall be presented to the Town for review. These plans and specifications shall be approved by the Town prior to issuance of a permit for the work included.

C. The Town must approve all tunnel or bore construction prior to construction. Tunnel and/or bore construction may be required in lieu of open excavation if the Commissioner of Streets or the Town Manager, upon consultation with the Town Engineer, deems it to be in the best interest of the Town.

D. A permit may be revoked or suspended by the Town, after notice, for:

1. Violation of any condition of the permit of any provision of this Chapter.
2. Violation of any provision of any other ordinance of the Town or state law relating to the work.
3. Existence of any condition or the doing of any act that constitutes or causes a condition endangering life or serious damage to property.

E. A permit suspension or revocation and any stop work order shall take effect immediately upon notice to the person performing the work in the street, alley, sidewalk or other public place or way. The only work permitted after receipt of a stop work order will be that required by the Town to open the affected public property to use. A stop work order may be issued by the Commissioner of Streets or Town Manager to any person or persons doing or causing work to be done in the public way without a permit or in violation of any provision of this Chapter or any other ordinance of the Town. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998)

12.08.080 Barricades and lights required.

A. All work areas will be provided with complete and adequate barricades by day and adequate barricades and lights by night until the work is complete and/or the persons responsible hereunder are relieved of the responsibility for traffic control by the Town.

B. All barricading plans shall be submitted to the Town for approval. Failure to provide barricades shall result in such barricades being provided by the Town, the costs of which shall be assessed against the permit holder or persons causing the need for barricading.

C. During the development phase in new subdivisions while streets are being laid out, constructed and/or surfaced, or while utility lines are being laid or installed, authorization may be granted to totally barricade the streets in the interest of public safety. This authorization by the Town will be in writing, and shall state the time period when such total barricading will be allowed and any special conditions required for closure of the public way. (Ord. 402 §1(part), 1998; prior code §11-10)

12.08.085 Traffic control and access.

To avoid interference with traffic, the following conditions must be observed when working in the public way:

A. All work in the public way shall be conducted in a manner as not to impede traffic. All permit holders must develop a traffic control plan that provides safe methods for movement of pedestrians and motorists through the work zone and a safe area for workers engaged in the construction activity, which traffic control plan must be approved by the Town prior to commencement of any work being conducted under the permit. The traffic control plan shall be site-specific unless otherwise allowed by the Town, and shall include the name and emergency phone numbers of the permit holder and the permit holder's

designated traffic control supervisor. Any warning and traffic control devices proposed for use during construction shall be noted in the traffic control plan.

B. It shall be the responsibility of the permit holder performing the work to coordinate all work in the public way with appropriate fire, ambulance, police and transit authorities of the times and locations of any impediment of traffic.

C. When necessary for public safety, the permit holder shall employ flag persons whose duties shall be to control traffic around or through the construction site. Flag persons shall be trained in flagging operations and shall be certified. The use of flag persons may be required by the Town as part of the traffic control plan.

D. As a guide for all maintenance and traffic signing, Part VI of the "Manual on Uniform Traffic Control Devices" and the Colorado Department of Transportation Standards shall be used.

E. The permit holder shall be responsible for furnishing, erecting and maintaining traffic control devices and facilities required by the traffic control plan throughout the life of the permit, including any periods of suspension.

F. Traffic control devices other than those that generally inform the public of work zones ahead that face oncoming traffic shall be turned away from oncoming traffic or otherwise masked from view during nonworking hours. Signs that are specific in nature, such as lane drop signs, flagman ahead signs, road closed signs and other signs, which in the opinion of the Commissioner of Streets or Town Manager, upon consultation with the Town Engineer, are inappropriate for display during nonworking hours are subject to confiscation by the Town. Confiscated signs may be released by the Town to the owner after payment of a fifteen-dollar redemption fee for each confiscated sign. Traffic control devices shall not be placed on sidewalks, nor shall they block pedestrian access.

G. No permit holder shall interrupt access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures or any other vital equipment unless permission is obtained from the owner of that facility.

H. Work shall be conducted in a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the work, the permit holder shall take appropriate measures to reduce noise, dust and unsightly debris. No work shall be done between the hours of 7:00 p.m. and 7:00 a.m., or at any time on Saturday, Sunday or holidays, except with written permission of the Town or in case of emergency.

I. All public rights-of-way and private property shall be thoroughly cleaned up of all rubbish, excess dirt, rock and other debris as the work progresses. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998)

12.08.090 Inspections.

A. All work made under a permit issued pursuant to this Chapter must be inspected by the Town before surface restoration is begun.

B. Requests for inspections by the Town shall be made at least twenty-four hours in advance. For Saturdays, Sundays, holidays or inspections to be performed outside regular business hours of 9:00 a.m. to 5:00 p.m., such request shall be made at least forty-eight hours in advance. In the event that the inspection is performed on Saturday, Sunday, a holiday or outside regular business hours, the permit holder will be required to pay to the Town any overtime costs incurred by Town personnel assigned to observe and test the work being performed during such time.

C. It is the permit holder's responsibility to contact the Town Clerk to request inspections of the work contained under the permit. The permit holder will be responsible for any additional costs incurred by the Town for special testing of work performed without such notice and opportunity for inspection. If, in the opinion of the Commissioner of Streets or Town Manager, upon consultation with the Town Engineer, the completed work cannot be adequately tested or was placed not in accordance with the approved plans and specifications and applicable Town standards and requirements, it shall be removed and replaced at the permit holder's sole cost.

D. The inspection and/or testing of portions of the work and materials shall not relieve the permit holder of any obligation to construct the work in accordance with the approved plans and specifications and applicable Town standards and requirements. Work and materials not meeting such requirements shall be made good, and unsuitable work or materials may be rejected, notwithstanding that such work and/or materials may have been previously inspected and/or tested by the Town. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998)

12.08.095 Surface to be restored.

All restoration of disturbed surfaces after an opening or excavation has been made shall be made in accordance with the applicable Town standards and any permit conditions, and the entire work of restoration of the surface, including backfilling and any repaving or resurfacing, shall be performed by the holder of the permit, except in specific cases where the Commissioner of Streets or Town Manager shall deem it necessary to do the restoration by contract or to permit public utilities to do the work with their own forces. Immediately upon completion of any work under the permit, the permit holder at its sole expense shall also restore the surface of any unimproved areas and shall restore any structures or improvements disturbed by the work to the same or better conditions than those than existed immediately prior to commencement of the work. The permit holder's obligations under this Section shall include, but not be limited to, restoration of disturbed landscaping and installation of seed, sod and mulch as necessary to restore disturbed ground cover. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 402 §1(part), 1998; Ord. 246 §144, 1988; prior code §11-1)

Chapter 12.12

Street Obstruction

Sections:

- 12.12.010 Obstruction prohibited.
- 12.12.015 Permit.
- 12.12.020 Placement of signs, flags and banners.
- 12.12.030 Dangerous places fenced.
- 12.12.040 Duty to construct walkways.
- 12.12.050 Ditches must be bridged.

12.12.010 Obstruction prohibited.

A. Except as otherwise provided in this code, it is unlawful for any person other than an officer or employee of the town in the course of his or her employment to obstruct any street, alley, sidewalk or other public right-of-way with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles, trees or shrubs or other material or substance without first obtaining a permit as provided in Section 12.12.015, or to undertake such an activity in any manner that does not comply with the permit issued therefor.

B. Except as otherwise provided in this code, it is unlawful for any person other than an officer or employee of the town in the course of his or her employment to obstruct, close, barricade or otherwise restrict access to or impede the normal traffic flow upon any street, alley, sidewalk or other public right-of-way without first obtaining a permit therefor as provided in Section 12.12.015, or to undertake such an activity in any manner which does not comply with the permit issued therefor.

C. Each day that such an unlawful obstruction is permitted to exist shall constitute a separate and distinct violation.

D. This section shall not be deemed to prohibit or require a permit for traffic control undertaken by persons at the scene of a motor vehicle accident or in the case of an emergency, defined as a serious and unforeseen happening or situation endangering life, health or property, which needs prompt attention. All such persons acting under this subsection shall comply with the instructions of the chief of police and other authorized town and emergency services personnel. (Ord. 500 §1, 2002; Ord. 246 §145, 1988; prior code §11-13)

12.12.015 Permit.

A. A permit to undertake an activity prohibited by Section 12.12.010 of this code may be requested from the town pursuant to the following procedures and criteria:

1. Any person desiring a permit shall make application therefor to the town clerk upon forms furnished for that purpose. The application shall be submitted at least ten working days, not including holidays or weekends, before the time the applicant proposes to obstruct any street, alley, sidewalk or other public right-of-way, which for purposes of this section are collectively referred to as the "right-of-way." The application shall be accompanied by a nonrefundable permit fee of fifty dollars. There shall also be submitted with the application a traffic control plan that provides safe methods for movement of pedestrians and motorists through the area of the proposed activity. The plan shall list the dates and hours of the proposed activity; the proposed method of closure or control over the right-of-way; the names and contact information of the persons proposed to perform the closure or traffic control work; and such additional information as the town may require. The plan shall be accompanied by a map showing the portion of the right-of-way to be obstructed, closed or restricted and the exact location of any barricades or other traffic control devices.

2. Within three working days after receipt of a complete permit application, application fee, street closure plan and additional information as may be required by the town, the town shall approve or disapprove the request upon its review of whether the application and proposed activity are in compliance with the requirements and criteria of this section. The applicant shall be notified in writing of the reasons for denial of an application.

3. If a permit is approved, the permit holder shall post notice of any permitted street closures and traffic restrictions at locations within the rights-of-way at least three working days prior to the commencement date of the closure. Notice of the street closure shall also be provided by the town to entities on the town's street closure notice distribution list, as on file with the town and updated from time to time.

B. A permit may be issued under this section only if the applicant demonstrates that all of the following criteria and requirements are and will be met with regard to the proposed activity:

1. The proposed activity is necessary in connection with construction, alteration, repair or other work on the adjoining property.

2. The proposed obstruction, closure or control within the right-of-way is the least intrusive alternative and is limited to as short a time as is reasonably possible.

3. The proposed obstruction, closure or control within the right-of-way can be undertaken in a manner protective of the public health, safety and welfare.

4. The proposed closure of or control over the right-of-way is consistent with applicable requirements of the Manual on Uniform Traffic Control Devices.

5. If the proposed closure of or control over the right-of-way is for work associated with existing oil and gas wells or facilities, the work requires the use of workover truck, rig or similar equipment that must be stood up for the work and which, when stood up, has a height in excess of seventy-five feet.

6. If the proposed closure of or control over the right-of-way is for work associated with existing oil and gas wells or facilities, the area to be covered by the proposed permit is within a one-hundred-fifty-foot radius of the wellhead.

7. The proposed activity does not include the placement or storage upon the right-of-way of any equipment or other personal property in excess of ten thousand pounds.

C. A current permit issued under this section shall be kept at the site at all times while the activity permitted thereunder is in progress and shall be exhibited upon request of any police officer or authorized representative of the town.

D. The following conditions shall be observed with regard to all activities permitted within the right-of-way under this section:

1. The activity shall be conducted in a manner as to not unduly impede vehicle, pedestrian or other traffic in the right-of-way. The activity shall be conducted in compliance with the town-approved traffic control plan. The plan shall be site specific and shall include the name and emergency phone numbers of the permit holder and the permit holder's designated traffic control supervisor. The permit holder shall employ flag persons as required in the plan, and such persons shall be trained and certified in flagging operations. Any traffic control devices shall be consistent with the Manual on Uniform Traffic Control Devices unless otherwise approved in the traffic control plan.

2. The permit holder shall coordinate all activities in the right-of-way with appropriate fire, ambulance, police and transit authorities, and with the holders of any franchise or other authorization to undertake activity within the right-of-way.

3. The permit holder shall be responsible for furnishing, erecting and maintaining traffic control devices and facilities required by the traffic control plan throughout the life of the permit. All barricades and other devices shall be approved and maintained under the traffic control plan, and shall include adequate lighting if maintained at night.

4. Traffic control devices, other than those that generally inform the public of an obstruction ahead, that face oncoming traffic shall be turned away from oncoming traffic or otherwise masked from view during any period in which the obstruction is not present within the right-of-way. Signs that are specific in nature, such as "Flagman Ahead" signs, "Road Closed" signs and other signs, which, in the opinion of the chief of police, are inappropriate for display during hours when the obstruction is not in place or the activity is not underway are subject to confiscation by the town, and may be released only after payment of a fifteen-dollar redemption fee for each sign.

5. No permit holder shall interrupt access to and from private property of a person other than the permit holder; and no permit holder shall block emergency vehicles, access to fire hydrants, fire stations, fire escapes, water valves or any other vital equipment unless permission is obtained from the owner thereof.

6. All rights-of-way shall be thoroughly cleared and cleaned of all obstructions no later than the date of expiration of the permit.

E. The permit holder, its agents, employees and contractors, and any other person under the permit holder's direction or control shall comply with all directions of the chief of police respecting the placement of obstructions and conduct of activities within the right-of-way.

F. By acceptance of a permit under this section, the permit holder agrees to indemnify and save harmless the town, its officers, employees and agents against and from all liability, claims, damages, losses and expenses, including but not limited to attorneys' fees arising out of, resulting from or in any way connected with any negligent act or omission or other fault of the permit holder, its officers, directors, agents, employees and contractors in the exercise or performance of activities permitted under such permit or within the right-of-way.

G. A permit may be revoked or suspended by the town after notice to the permit holder or persons conducting activity under the permit or within the area covered by such permit. Suspension or revocation shall take effect immediately upon notice, and the only activity permitted thereafter will be that required to open the right-of-way. A permit may be revoked or suspended for:

1. Violation of any condition of the permit or any provision of this section;
2. Violation of any provision of any other ordinance of the town or state law relating to the activity subject to the permit; or
3. The existence of any condition or the doing of any act that constitutes or causes a condition endangering life or serious damage to persons or property. (Ord. 500 §2, 2002)

12.12.020 Placement of signs, flags and banners.

It is unlawful for any person to place or cause to be placed on, over, across or above any street, public right-of-way or public property in the town any flag, banner or sign, including but not limited to real estate signs; special event signs; garage, yard and estate sale signs; and election/campaign signs, unless the same is explicitly allowed pursuant to Chapter 17.31 and, unless explicitly exempt, a revocable permit has been obtained pursuant to Chapter 17.30. Town employees may remove and destroy any prohibited sign in any public right-of-way of the Town. This Section shall not apply to traffic control devices, signs erected by the Town or other signs erected by a governmental entity to protect the public health, safety and welfare. (Ord. 696 §1, 2008; Prior code §11-14)

12.12.030 Dangerous places fenced.

All holes, depressions, excavations or other dangerous places within the town that are below the natural or artificial grades or the surrounding or adjacent highway or street shall be properly enclosed with fences or walls or be filled up so as to prevent persons and animals from falling into them. The commissioner of streets shall notify the owner or occupant of premises on which dangerous places exist to cause fences and walls to be built around them or to cause the same to be filled up. It is unlawful for any owner or occupant so notified to fail to comply with such notification forthwith. (Ord. 246 §146, 1988; prior code §11-15)

12.12.040 Duty to construct walkways.

Whenever in the construction, rebuilding or repairing of any building it becomes necessary to blockade, obstruct or remove the sidewalk, the person in charge of such work shall build and maintain a good and substantial walkway, to be approved by the commissioner of streets, around the obstructed portion of such sidewalks. (Ord. 246 §147, 1988; prior code §11-16)

12.12.050 Ditches must be bridged.

Any person owning or constructing any ditch, race, drain or flume in, upon or across any public street within the town, shall keep the same open for safe and convenient travel by constructing bridges over the same. Such bridges shall be of substantial construction, shall cover the full width of the street, and after such construction the owner thereof shall keep the same in good condition and repair. (Prior code §11-17)

Chapter 12.16

Street Usage

Sections:

- 12.16.010 Injury to street or sidewalk.
- 12.16.020 Burning leaves or trash on streets.
- 12.16.030 Depositing litter in street prohibited.
- 12.16.040 Transportation of loose materials.
- 12.16.050 House moving permit.
- 12.16.060 Hauling offensive or foul-smelling material restricted.
- 12.16.070 Solicitation on or near streets or highways.
- 12.16.080 Temporary street closures.

12.16.010 Injury to street or sidewalk.

It is unlawful for any person to injure, cut, mutilate, destroy or deface any street, sidewalk, curb or gutter, the paving or other surface thereof, the trees or plants located therein, or any property maintained or used in connection therewith. (Prior code §11-12)

12.16.020 Burning leaves or trash on streets.

It is unlawful for any person to burn any leaves, trash, rubbish, or any other substance upon the streets of the town. (Prior code §11-18)

12.16.030 Depositing litter in street prohibited.

It is unlawful for any person to deposit in or litter any street with ashes, sod, earth, grass clippings, sand or gravel, rubbish, waste paper, garbage or any other waste material. (Prior code §11-20)

12.16.040 Transportation of loose materials.

It is unlawful for any person to convey or cause to be conveyed through the streets of the town, earth, manure, mortar, shavings, rubbish, waste paper, garbage or loose material of any description except in tight receptacles, boxes or truck bodies equipped with covers which prevent the escape of any material contained therein. (Prior code §11-21)

12.16.050 House moving permit.

It is unlawful for any person or entity to move any building over the streets of the town without first obtaining a permit therefor from the town clerk. Before issuing such a permit, the town clerk shall consult with the town engineer or other official, and may impose such restrictions or conditions on the permit as may be necessary to ensure the safety and welfare of people and property of the town. (Ord. 246 148, 1988; prior code §11-23)

12.16.060 Hauling offensive or foul-smelling material restricted.

It is unlawful for any person to transport any offensive or foul-smelling material over, across or upon any of the streets within the town, or to allow any wagon, truck or other vehicle loaded with such material to stand upon any of the streets unless such material is carried in watertight tanks or containers and not overloaded so as to allow such materials to fall over the sides thereof. (Prior code §11-24)

12.16.070 Solicitation on or near streets or highways.

A. The purpose of this Section is to prevent dangers to persons and property, to prevent delays and to avoid interference with the traffic flow. Streets and highways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights or other traffic control signals.

B. It is unlawful for any person to solicit employment, business, contributions or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when:

1. Such solicitation or collection causes the person performing the activity to enter onto the traveled portion of a street or highway.

2. Such solicitation or collection involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.

3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. It is unlawful for any person to solicit or attempt to solicit employment, business or contributions of any kind from the occupant of any vehicle on Firestone Boulevard, Interstate 25 or the Interstate 25 frontage road, including any entrance to or exit from such roadways.

D. For purposes of this Section, the "traveled portion of the street or highway" shall mean that portion of the road normally used by moving motor vehicle traffic.

E. Any person who violates any provision of this Section shall be subject to the penalty provided in Section 1.16.010. (Ord. 498, §1, 2002)

12.16.080 Temporary street closures.

It is unlawful for any person or entity to close, obstruct, barricade or otherwise restrict access to or encroach upon any street of the Town without first obtaining a permit therefor. The Town Manager is hereby authorized to issue permits for the temporary closure of streets of the Town for block parties or similar special events. The Town Manager is hereby further authorized to prescribe forms and promulgate rules and regulations regarding issuance of such permits, including but not limited to the area, location and duration of the street closure, access, permit fees, requirements for consent from affected owners, rules regarding amplified sound and any other restrictions or conditions necessary to ensure the safety and welfare of people and property. This Section shall not apply to an officer, employee or authorized agent of the Town acting in the course of employment or scope of authority. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 584 §1, 2005)

Chapter 12.20

Street Names and Addresses

Sections:

12.20.010 Numbering of houses, mobile homes, buildings or structures.

12.20.020 Excluded structures.

12.20.030 Assignment of numbers.

12.20.040 Assignment of names.

12.20.010 Numbering of houses, mobile homes, buildings or structures.

It shall be the duty of the owner or occupant of every house, building, mobile home, or other structure that is capable of being occupied as a dwelling or is capable of being occupied by a commercial or industrial use to have placed thereon in a position visible from the street, figures at least three inches high, indicating the number

of the house, building, mobile home, or other structure as defined in this section. (Ord. 145 §1(part), 1980; prior code §11-34)*

12.20.020 Excluded structures.

Structures such as fences, poles, lines, cables and transmission lines are excluded from the numbering requirement. Accessory buildings as defined in this code are excluded from the numbering requirement. (Ord. 145 §1(part), 1980; prior code §11-35)*

12.20.030 Assignment of numbers.

All numbers as required to be installed by this code shall be assigned by the town clerk pursuant to regulations adopted by the board of trustees. (Ord. 145 §1(part), 1980; prior code §11-36)*

12.20.040 Assignment of names.

All streets shall be named in conformance with the Firestone Street Name Grid and Policies which are included within the Firestone Development Regulations and available for inspection at Town Hall. (Ord. 397 §1, 1998)

Chapter 12.24

Street Trees

Sections:

12.24.010 Trees and shrubs in parking.

12.24.010 Trees and shrubs in parking.

No property owner or occupant shall set out or plant any shade trees, ornamental trees, shrubs or plants in that part of the street between the property line and the curb line abutting such property without first obtaining a permit therefor. Applications for permits for such plantings shall be made to the town clerk and the trees or shrubs set out shall be of a kind and quality and located in a line or place according to a plan approved by the commissioner of streets. The care and pruning of such trees and shrubs shall be the responsibility of the property owner. (Prior code §11-26)

Chapter 12.28

Sidewalks

Sections:

12.28.010 Construction of curbs, gutters and sidewalks--Permit required.

* Editor's note: There were two sections each numbered 11-34 in the prior code

* Editor's note: There were two sections each numbered 11-35 and 11-36 in the prior code

- 12.28.020 Application for permit--Grade and line set.
- 12.28.030 Specifications--Width.
- 12.28.040 Repair--Duty.
- 12.28.050 Repair--Notice.
- 12.28.060 Repair--By town.
- 12.28.070 Cost report.
- 12.28.080 Assessment--Determination.
- 12.28.090 Assessment--Notice.
- 12.28.100 Assessment--Payment duty.
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12.28.010 Construction of curbs, gutters and sidewalks--Permit required.

All curbs, gutters and sidewalks shall be constructed within ninety days of the day that construction is commenced of any building for dwelling or business on any lot, parcel or tract in the town, or on any property immediately adjacent to the lot, parcel or tract. It is unlawful for any person to lay out, construct or reconstruct any curb, gutter or sidewalk without first obtaining a permit therefor from the town. (Ord. 246 §149, 1988; prior code §11-28)

12.28.020 Application for permit--Grade and line set.

Application for such permit shall be made to the town clerk on a form furnished for that purpose. Before any such construction or reconstruction is commenced, the town engineer shall designate the grade upon which and the line or location at which the sidewalk, curb or gutter shall be constructed. (Ord. 246 §150, 1988; prior code §11-29)

12.28.030 Specifications--Width.

All sidewalks, curbs and gutters which are constructed or reconstructed shall be of concrete and shall be constructed or reconstructed in accordance with specifications adopted by the town board and filed in the office of the town clerk. All sidewalks within the town shall be of a uniform width or four feet except where the town engineer specifies a different width, with the approval of the town board. (Prior code §11-30)

12.28.040 Repair--Duty.

It shall be the joint and several duty of each person, corporation or entity owning, occupying or managing any lot, tract or parcel of land within the town to maintain and repair, in accordance with the specifications adopted by the town board, all curbs, gutters and sidewalks immediately in front of, alongside of, or behind such lot, tract or parcel. (Ord. 246 §151, 1988; prior code §11-31)

12.28.050 Repair--Notice.

The town shall cause written notice to be served upon the owner, occupant or manager of property, the condition of which violates this chapter, to comply with this chapter within thirty days from service of such notice. Such notice may be personally served upon such person or entity, or posted in a conspicuous manner upon the front door of the building, if any, on any such property, or by mailing a copy of such notice to the last known address of such person or entity, or by publication for two times, a week apart in a newspaper

published or distributed in the town. In the case of posting, service shall be complete three days after the notice is posted. In the case of mailing, service shall be complete three days after the notice is postmarked. In the case of publication, service shall be complete on the last day of publication. (Ord. 246 §152, 1988; prior code §11-32)

12.28.060 Repair--By town.

In case of the failure of any owner, occupant or manager of property who has been served notice as set forth in this chapter to maintain or repair the curbs, gutters or sidewalks as set forth above, within the time and in the manner prescribed in this chapter, the town board may order or appoint a person to maintain or repair such curbs, gutters or sidewalks. The person so ordered or appointed shall proceed at once to do such maintenance or repair. (Ord. 246 §153, 1988; prior code §11-33)

12.28.070 Cost report.

The person ordered or appointed by the town board as set forth in this chapter, upon completion of the maintenance or repairs specified by the town board, shall report in writing to the town board a clear statement of the work done by him or his assistants, and the expense incurred in so doing so that the town board may determine the cost of such work. A separate report shall be made for each lot, tract or parcel of land. (Ord. 246 §154(part), 1988; prior code §11-34)*

12.28.080 Assessment--Determination.

After considering each report made as set forth in this chapter, the town board shall determine and assess the whole cost of such work. (Ord. 246 §154(part), 1988; prior code §11-35)*

12.28.090 Assessment--Notice.

The town clerk, as soon as may be after an assessment is made as set forth in this chapter, shall send by registered mail with return receipt requested, addressed to the owners of such property, the occupant of such property, and the manager of such property, if any, at the last known address of such owner, occupant or manager, a notice of such assessments, which notice shall contain a description of the property, the name of the owner, occupant and manager, and the amount of the assessment. (Ord. 246 §154(part), 1988; prior code §11-36)*

12.28.100 Assessment – Payment duty.

It shall be the joint and several duty of the owner, occupant and manager, if any, of property assessed as set forth in this Chapter to pay such assessment or object thereto in writing within thirty days after the mailing of the notice of assessment, and in the case of his or her failure to so do, each shall be jointly and severally liable, personally, for the amount of the assessment and the same shall be a lien upon the respective lot, tract or parcel of land from the time of such assessment. The Town shall have all remedies for collection thereof provided by law, including but not limited to the right to certify the assessment to the proper officers of the County of Weld, State of Colorado, for the purpose of having the same placed upon the tax list and collected in the same manner as taxes are collected at that time. The assessment shall be a lien against such respective lot, tract or parcel of land until paid and shall have priority over all other liens except general taxes and prior special assessments. (Ord. 246 §154(part), 1988; prior code §11-37)

* Editor's note: There were two sections each numbered 11-34, 11-35 and 11-36 in the prior code.

12.28.110 Assessment – Payment to Town Clerk.

The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer. (Ord. 246 §154(part), 1988; prior code §11-38)

12.28.120 Assessment – objection.

In the event any owner, occupant or manager desires to object to the assessment, he or she shall, within thirty days after the mailing of the notice of assessment, file a written objection thereto with the Clerk, who shall thereupon designate the next regular meeting of the Town Board as the date when the objection or objectors may appear and have a hearing before the Board. (Ord. 246 §154(part), 1988; prior code §11-39)

12.28.130 Assessment – Certification.

In case the owner fails to pay such assessment or object thereto within the required time as provided in this Chapter, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the proper county officers, they to collect the assessment as provided for by law for the collection of delinquent general taxes. (Ord. 246 §154(part), 1988; prior code §11-40)

12.28.140 Snow removal.

A. It is unlawful for any owner, occupant or manager of any lot, tract or parcel of land within the Town, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four hours from the time of the last accretion of such snow and ice.

B. It is unlawful for any owner, occupant or manager of any lot, tract or parcel of land within the Town to plow or pile into the public right-of-way any snow removed from any privately owned driveway or parking area. Commercial snow removal operators shall not plow, pile or store snow removed from private property into the public right-of-way. (Ord. 664 §2, 2007; Ord. 248 §1, 1989; Ord. 246 §154(part), 1988; prior code §11-41)

Chapter 12.32

Parks and Recreation Facilities

Sections:

- 12.32.010 Title.
- 12.32.020 Purpose and intent.
- 12.32.030 Definitions.
- 12.32.040 Hours of operation.
- 12.32.050 Closures.
- 12.32.060 Regulations; prohibited acts.
- 12.32.070 Ball field reservations.
- 12.32.080 Geocaching.
- 12.32.090 Enforcement.
- 12.32.100 Penalties.
- 12.32.110 Use of lakes and reservoirs.

12.32.120 Administrative rules and regulations.

12.32.010 Title.

This Chapter shall be known as the Parks and Recreation Facilities Regulations of the Town of Firestone, Colorado. (Ord. 751 §1, 2010)

12.32.020 Purpose and intent.

The purpose of this Chapter is to regulate the use of the parks and recreation facilities of the Town in order that all persons may enjoy and make use of such parks and recreation facilities and to recognize the interests of residents in areas surrounding such parks and recreation facilities. (Ord. 751 §1, 2010)

12.32.030 Definitions.

The following words and phrases, whenever used in this Chapter, shall have the following meanings:

"Director" means until the Town of Firestone appoints a Director of Parks and Recreation, the term "Director" shall refer to the Public Works Superintendent or his or her designee. Upon the appointment of a Director of Parks and Recreation, the term "Director" shall refer to the Director of Parks and Recreation or his or her designee.

"Park(s)" means all parks, greenbelts, open spaces and trails including all parking lots, roadways and facilities therein, under the ownership or supervision of the Town of Firestone.

"Recreation facilities" means specialized recreation areas such as tennis courts, ball fields, recreation centers, skate parks, trails, playgrounds and similar facilities, including associated parking areas and related facilities, under the ownership or supervision of the Town of Firestone. (Ord. 751 §1, 2010)

12.32.040 Hours of operation.

Unless otherwise posted, parks and recreation facilities within the Town shall be open daily from one hour prior to sunrise until one hour after sunset. Games on ball fields shall not be scheduled to commence later than 9:00 p.m. and shall be allowed to continue until the game is complete. Except for employees of the Town acting in the performance of their duties, no person shall loiter in any parks and recreation facilities at any other time. These hours of operation do not apply to the Firestone Trail or other trails that are located on the periphery of a park and that serve as a sidewalk along a public street. (Ord. 751 §1, 2010)

12.32.050 Closures.

The Board of Trustees may designate all or any portion of a park or recreation facility as closed temporarily, permanently or for an indefinite period of time. Also, the Director may from time to time close all or a portion of a park or recreation facility to the public or to certain animals, or both, as the Director determines necessary or desirable due to wildlife, vegetation, management review, contractual agreement or public safety concerns. A closure by the Director may be for a temporary, fixed period of time or for an indefinite period of time. Within two business days of making a decision to close a park or recreation facility, the Director shall send notification of the closure to the Board of Trustees. The Board of Trustees may, at a regular or special meeting, rescind or modify the decision of the Director. It shall be unlawful for any unauthorized person to enter parks and recreation facilities that are closed. All closures, whether temporary,

permanent or indefinite, and whether by the Director or by the Board of Trustees, shall be posted at the parks and recreation facilities subject to the closure. (Ord. 751 §1, 2010)

12.32.060 Regulations; prohibited acts.

In the use of any parks or recreation facilities, all persons shall comply with all the regulations of this Chapter and it shall be unlawful for any person to:

A. Conduct business, commercial activities or sales for profit in any parks or recreation facilities (such as, by way of example and not limitation, races or events; filming movies or commercials; or equipment demonstrations) without the prior written consent of the Director. Individuals engaging in still camera photography are exempt from this prohibition.

B. Sell, vend, peddle or distribute any merchandise or property whatsoever, or sell tickets (for any event whatsoever) or solicit contributions in any parks or recreation facilities without the prior written consent of the Director.

C. Distribute, circulate, give away, throw or deposit in or on any parks or recreation facilities, any handbills, circulars, pamphlets, papers, advertisement or post or affix the same to any tree, fence or structure in any parks or recreation facilities without the prior written consent of the Director. This Subsection C shall not apply to any person engaged in the distribution of noncommercial information in the exercise of such person's First Amendment rights under the United States Constitution.

D. Utilize any machine or device, including but not limited to amplifiers, loudspeakers, microphones, bullhorns or similar devices, for the purpose of amplification of human voice, music or any other sound in parks or recreation facilities, except Town employees, firemen or law enforcement officers in the performance of their duties and persons participating in Town-sponsored activities.

E. Drive, putt or in any other fashion play or practice golf or use golf balls or golf clubs in any area of the parks or recreation facilities except in areas set aside and posted for that purpose.

F. Operate or park any vehicle as defined in the Model Traffic Code for Colorado within any parks or recreation facilities, except upon areas designated for such use. Vehicles in violation of this Subsection shall be subject to being towed away at the owner's expense. Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to Section 42-3-121, C.R.S., as amended, or otherwise authorized by Section 42-4-1208(4), C.R.S., as amended, shall be displayed at all times while the vehicle is parked in such space.

G. Park, abandon or otherwise allow automobiles, motorcycles, bicycles and other conveyances to remain in parks' or recreation facilities' parking lots between one hour prior to sunrise to one hour after sunset, except as follows:

1. During attendance at a function conducted under the approval of the Town.
2. As a Town employee in the performance of his or her duty.
3. In areas as otherwise posted.

Vehicles in violation of this Subsection G may be towed away at the owner's expense.

H. Wash, repair or service any automobile or other conveyance within any parks or recreation facilities. Town employees acting in the performance of their duties and persons participating in Town-sponsored activities are exempt from this Subsection.

I. Operate, drive or ride upon any motorcycle, snowmobile, auto, off-highway vehicle, farm tractor or any other motorized or nonmotorized conveyance or device or vehicle in any parks or recreation facilities except when posted specifically for such use, provided that nonmotorized cycles shall be permitted to use pathways within any parks or recreation facilities unless such use is specifically prohibited and signs are posted giving notice of such prohibition.

J. Operate or ride a bicycle within any parks and recreation facilities, except on officially designated roads and trails and only when those areas are not posted to prohibit such use. The Director may adopt bicycle use restrictions on specific trails or parks and recreation facilities when such restrictions are necessary for resource protection or safety-related issues. Such restrictions shall be posted at the trailheads. It shall be unlawful for any person to violate the posted restrictions.

K. Exceptions to the requirements of Subsections I and J may be granted to persons with disabilities, by permission from the Director, for the use of single-rider, motorized and nonmotorized vehicles adapted for recreational use by people with disabilities. Town employees acting in the performance of their duties and persons participating in Town-sponsored activities are exempt from Subsections I and J of this Section.

L. Bring or maintain in or upon any parks or recreation facilities any dog, cat or other animal, unless such dog, cat or other animal is kept at all times on a substantial chain or leash, not to exceed six feet in length, and under full control of its owner or custodian. The only exception to leash control is on designated and signed "dog off-leash" areas, where dogs may be off leash only in accordance with the rules and regulations applicable to such dog off-leash areas. The owner or custodian of such animal is responsible for removal of all droppings left by the animal. Droppings shall be removed promptly but, in any event, no later than five minutes from the time of initial deposit by the animal. Persons shall not leave or deposit dogs, cats, fowl, fish or other animals, whether dead or alive, in any parks, recreation facilities or lakes, ponds, streams, reservoirs or other bodies of water within such parks or recreation facilities.

M. Ride on any horse or any other animal in any parks and recreation facilities except in areas designated and posted specifically for such use. No livestock, including cattle, sheep, goats, horses or any animal, shall be allowed to pasture, graze, maintain, ride or walk in any parks and recreation facilities except in areas designated and posted specifically for such use or as permitted in writing by the Director. The owner or custodian is responsible for removal of all droppings left by the animal. Droppings shall be removed promptly but, in any event, no later than five minutes from the time of initial deposit by the animal.

N. Leave any garbage, trash, cans, bottles, ashes, papers or other refuse elsewhere than in the receptacles provided. It shall be unlawful for any person to use the receptacles provided for in this Subsection for the purpose of depositing yard clippings or other garbage or trash generated on private property. It is unlawful for any person to deposit yard waste, soil or landscaping materials on parks and recreation facilities. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the parks and recreation facilities by the person responsible for its presence and properly disposed of elsewhere.

O. Encroach into any parks and recreation facilities property with any private improvements, including but not limited to gardens, landscaping, fences, paths or compost piles, or store any personal property on parks and recreation facilities.

P. Use, distribute or consume any alcoholic beverages or 3.2 beer in parks or recreation facilities except in conformance with the statutes of the State and ordinances of the Town regarding the sale or consumption of alcoholic beverages.

Q. Take, seize, feed, pursue, trap, disturb, molest, injure or hunt any bird, reptile, fish or animal in any parks or recreation facilities, or portion thereof, unless posted specifically for that purpose and in compliance with the game, fish and wildlife laws of the State of Colorado. State wildlife officers and Town employees acting in the performance of their official duties are exempt from this Subsection Q.

R. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any area of a park or recreation facility, or remove any wood, turf, grass, soil, rock, sand, gravel or any natural or cultural resource from any park or recreation facilities. The building or maintaining of private paths or paths not authorized by the Town (including but not limited to paths consisting of rock, flagstone, or mowed or cut grass or plants) on parks and recreation facilities is prohibited. Duly authorized Town employees in the performance of their duties or persons participating in Town-sponsored activities are excepted from the foregoing provisions.

S. Plant or cultivate any trees, shrubs, gardens, grasses or plants in Town parks and recreation facilities, except for duly authorized Town employees in the performance of their duties, unless otherwise permitted in writing by the Director. Requests for planting in Town parks and recreation facilities shall be directed to the Director with a detailed landscape and irrigation plan. The Director may review and forward the request to the Board of Trustees for approval if the Director deems it appropriate to do so in the Director's discretion. If such a proposal is approved, a permit or agreement will be required. Town employees acting in the performance of their duties, and persons participating in Town-sponsored activities, are exempt from this Subsection S.

T. Cut, break, injure, disfigure, tamper with, displace, mark, write or print upon or otherwise deface or disturb any rock, buildings, bridges, tables, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, cage, pen, monument, sign, fence, kiosk, bench, structure, apparatus, equipment or property in any parks or recreation facilities or other man-made or natural feature or property appurtenances whatsoever, either real or personal; attach thereto any sign, card, display or other similar device, or any other parks or recreation facilities materials, devices or equipment for the purpose of decorating that facility, or for any other purpose except as may be authorized by prior written permission from the Director. Duly authorized Town employees in the performance of their duties shall be excepted from the foregoing provisions.

U. Light or maintain a fire in any parks or recreation facilities, including in a charcoal barbeque grill or stove, unless such fire is lighted and maintained only in a gas barbeque stove.

V. Ignite any fireworks in any parks or recreation facilities or building unless such person has first obtained a permit for the supervised display of fireworks in accordance with Section 9.16.070 of this Code.

W. Discharge or carry any firearms (concealed or otherwise), projectile weapons or explosives of any kind, including but not limited to fireworks, BB guns, pellet guns, rockets, hobby rockets, air guns, paint ball guns, blow guns, crossbows, longbows and slingshots; provided, however, that this Subsection W shall not be construed to prohibit the carrying of a concealed handgun if, at the time of carrying the concealed handgun, the person holds a valid written permit to carry a concealed handgun issued pursuant to Section 18-12-201, et seq., C.R.S., and is otherwise carrying the concealed weapon in accordance with any applicable state or local law. Further, peace officers on official duty are exempt from this Subsection W.

X. Take off or land any motorized or nonmotorized aircraft, including but not limited to airplanes, helicopters, ultralights, gliders/sailplanes and hot-air balloons. Emergency landings, as determined by Town of Firestone law and Code Enforcement Officers, are allowed.

Y. Conduct research projects requiring equipment or resource impacts without written authorization granted in advance from the Director. Passive nature study which does not cause any disturbance to parks and recreation facilities resources is permitted and encouraged.

Z. Fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication and passing safely.

AA. Engage in any of the following activities: hang gliding, paragliding, parapenting, parachuting, parasailing, mountain skateboarding, mountain ski-biking, off-road rollerblading, or use any remote-controlled land, water or airborne devices.

BB. Violate any posted regulatory sign.

CC. Disturb the peace, or use any obscene language or fighting words, commit any assault, battery or engage in fighting.

DD. Camp within any parks or recreation facilities without the prior written consent of the Director.

EE. Bring any glass container in any parks or recreation facilities.

FF. Construct, erect or maintain any temporary structure within any park or recreation facility without the prior written consent of the Director. Examples of temporary structures include but are not limited to inflatable structures, jumping castles, tents, pop-up tents, event tents, overhangs, stages, etc. (Ord. 751 §1, 2010)

12.32.070 Ball field reservations.

Ball field reservations shall be made through the Carbon Valley Recreation District ("CVRD"). (Ord. 751 §1, 2010)

12.32.080 Geocaching.

A. No material caches are allowed on parks or recreation facilities without prior written consent from the Director. All unauthorized caches will be removed or discarded.

B. The Town encourages geocaching through virtual caching or "multi-caching."

C. It is unlawful to mark on, or deface in any way, any sign, structure or natural feature maintained by the Town.

D. All caching activities must be on parks and recreation facilities parcels. No caching will be permitted to occur on passive or undeveloped open space lands.

E. Caches must be made within formal trail corridors. Off-trail caches are not permitted.

F. For purposes of this Section:

1. "Geocaching" is defined as a recreational activity requiring the participant to search for hidden items using global positioning system coordinates retrieved from an internet site or other source.

2. "Multi-caching" is defined as a variation of geocaching requiring the participant to obtain clues by locating numerous physical sites with a global positioning system, which clues eventually lead the participant to a final physical site. (Ord. 751 §1, 2010)

12.32.090 Enforcement.

All persons entering parks or recreation facilities shall abide by the rules and regulations of the Town as provided herein, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the Town acting in their line of duty. The Director and any law enforcement officers acting in the line of duty shall have the authority to eject from any parks or recreation facilities any person acting in violation of these rules and regulations, or any breach or violation of the conditions of a permit. Further, any law enforcement officer may issue a summons to the Municipal Court for violation of any of the provisions of this Chapter, subject to the penalties as set forth in this Code. The Director shall have the authority to deny use of parks or recreation facilities to individuals or groups who refuse to comply with the provisions of this Chapter and regulations promulgated hereunder. (Ord. 751 §1, 2010)

12.32.100 Penalties.

Penalties for violation of this Chapter shall be as set forth in Section 1.66.010 of this Code. (Ord. 751 §1, 2010)

12.32.110 Use of lakes and reservoirs.

A. All rules and regulations set forth in this Chapter shall also apply to the use of public lakes, ponds, streams, reservoirs or other bodies of water within Town-owned parks and recreation facilities. All persons entering such lakes, ponds, streams, reservoirs or bodies of water shall abide by the rules and regulations of the Town, as provided in this Chapter and elsewhere in this Code, the rules and regulations promulgated by the Director, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the Town acting in their official capacity. The rules and regulations shall be posted at such locations as to provide notice to the citizens and members of the public using such facilities.

B. It shall be unlawful to swim, dive, wade, ice skate or ice fish on any lake, pond, stream, reservoir or other body of water within any parks and recreation facilities. Boating is prohibited on any lake, pond, stream, reservoir or other body of water within any parks and recreation facilities.

C. It shall be unlawful to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any parks and recreation facilities or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters. (Ord. 751 §1, 2010)

12.32.120 Administrative rules and regulations.

The Director is authorized to adopt administrative rules and regulations that supplement the provisions of this Chapter, when such rules or regulations are determined necessary for repairs, wildlife, vegetation or public safety concerns. All persons shall comply with such rules and regulations, which shall take effect upon their adoption by the Director. The Director shall, within two days of adopting any administrative rules or regulations pursuant to this Section, send notification to the Board of Trustees of such action. The Board of Trustees may, at a regular or special meeting, rescind or modify the rules or regulations promulgated by the Director. Rules and regulations promulgated by the Director, and as may be modified by Board of Trustees, shall remain in effect until specifically rescinded by the Director or Board of Trustees. (Ord. 751 §1, 2010)