

CHAPTER 11

Streets, Sidewalks and Public Property

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ARTICLE 1

Snow Removal

Sec. 11-1-10. Duty to keep sidewalks, bike and pedestrian paths and curbs clean.

It shall be the duty of all owners or occupants of every premises to keep the sidewalks, driveways constructed as continuation of sidewalks, bike or pedestrian paths, curbs and curbwalks in public rights-of-way or easements located on, in front of or adjacent to the tenements and grounds owned, leased or otherwise occupied by them free and clear of snow, ice, mud, dirt, debris, rubbish and filth. Such sidewalks, driveways constructed as continuation of sidewalks, bike or pedestrian paths, curbs and curbwalks shall be entirely cleared. Such snow and ice shall be removed within twenty-four (24) hours following a snowfall or accumulation of a snowdrift. (Prior code 7-6-1)

Sec. 11-1-20. Maintenance.

It shall be unlawful for any person to remove snow, ice, mud, dirt or debris from the sidewalks, driveways constructed as continuation of sidewalks or bike or pedestrian paths, or clear the sidewalks, driveways constructed as continuation of sidewalks or bike or pedestrian paths utilizing a method that damages the sidewalks, driveways constructed as continuation of sidewalks or bike or pedestrian paths, or in any fashion to damage the sidewalks, driveways constructed as continuation of sidewalks, bike or pedestrian paths, curbs, curbwalks, trees located in the sidewalks or street lights of the Town. (Prior code 7-6-2)

Sec. 11-1-30. Placement of snow.

In order to prevent destruction, it shall be unlawful for any person to place snow on any portion of a traveled street, alley, public highway, sidewalk, driveway constructed as a continuation of sidewalk or bike or pedestrian path in the Town. (Prior code 7-6-3; Ord. 330 §1, 2007)

Sec. 11-1-40. Penalty.

(a) It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with this Article; the violating of this Article shall be punished as provided in Section 1-4-10 of this Code. In addition, if a person damages the Town sidewalks, roadways, driveways constructed as continuation of sidewalks, curbs, curbwalks, bike or pedestrian paths, drainage swales, trees in sidewalks or street lights, he or she shall be totally responsible for all costs of the Town in repairing said sidewalks, driveways constructed as continuation of sidewalks, curbs, curbwalks, bike or pedestrian paths, asphalt, concrete, drainage swales, trees in the sidewalks or street lights, and shall promptly pay the costs thereof upon notification by the Town of the cost.

(b) In the event that a person does not pay such costs, the Town at its sole option may sue for the cost, together with reasonable costs of collection including attorneys' fees, or certify to the County Assessor the amount due which shall become a lien against the property, if the person involved is the owner or tenant, which shall be certified to the County Treasurer for collection in the same manner as other general property taxes are collected. Such costs and expense required to be paid shall accrue interest at one and one-half percent (1.5%) per month commencing thirty (30) days after first due. In

addition, the Town may enforce this Article by injunction, mandatory restraining orders and any other equitable or legal relief available to it. (Prior code 7-6-4; Ord. 330 §1, 2007)

ARTICLE 2

Design and Construction Standards

Sec. 11-2-10. Standards adopted.

(a) The Board of Trustees has adopted separate design and construction standards ("Standards") governing various aspects of development and construction within the Town. Those Standards include, but are not necessarily limited to:

(1) The Town of Fraser Street and Roadway Standards;

(2) The Town of Fraser Water Utility Minimum Design Criteria and Construction Standards;

(3) The Grand County Storm Drainage Design and Criteria Manual, Chapters 2—10; and

(4) The Town of Fraser Sanitary Sewer Minimum Design Criteria and Construction Standards.

(b) Copies of such Standards are available to the public at the Public Works/Planning offices in the Fraser Town Hall.

(c) Such Standards are applicable within the Town according to their terms and as provided in this Code. (Ord. 323 Part 1, 2007; Ord. 360 Part 1, 2009)

Sec. 11-2-20. Compliance required.

Among other things, such Standards specify minimum design requirements for streets, driveways, drainage facilities, utilities, water and sanitary sewer facilities and other public and private facilities, and include permit and fee requirements for driveway construction and excavations or installations in public streets or rights-of-way. All persons undertaking any activities that are subject to such Standards are required to fully comply with all such Standards and requirements. (Ord. 323 Part 1, 2007; Ord. 360 Part 1, 2009)

Sec. 11-2-30. Security for access permits.

(a) In cases involving driveway construction, excavations or installations in public streets or rights-of-way or other instances where an access permit is required pursuant to such Standards, as a condition of issuance of such permit, the applicant shall provide to the Town a cashier's check or letter of credit in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees, to be held as security for proper completion of the excavation work provided in the permit. The formula established by the Board of Trustees for determining the amount of financial security required is set forth in Appendix A to this Code. The Board of Trustees authorizes the Town staff to accept financial security provided in accordance with said formula and to

approve the form of security, unless, in the Town staff's judgment, special circumstances require review by the Board of Trustees.

(b) In the event the permittee fails to complete the work provided in the permit or fails to correct any deficiency found to exist during the warranty period provided in the Standards, then the Town may utilize all or a portion of such security as necessary to complete the work or correct the deficiency, including payment of all administrative costs and reasonable attorney fees incurred by the Town as a result of such failure.

(c) After expiration of all warranty periods, and provided that the work has been completed in accordance with the permit, the remaining balance of said security, if any, shall be refunded or released.

(d) As a condition of issuance of an access permit, the permittee shall agree to indemnify and hold harmless the Town against any and all damages or claims for damages, losses, costs, charges or expenses, that may be brought against it by any person by reason of the work performed pursuant to the permit, and against any losses or expenses, including reasonable attorney fees, incurred by the Town by reason of such work. The Town may draw upon the cashier's check or letter of credit deposited by the permittee to pay any such claims, damages, losses and expenses, and the permittee shall be liable to the Town for any amounts not covered by such security. (Ord. 323 Part 1, 2007; Ord. 330 §1, 2007)

ARTICLE 3

Street Numbering

Sec. 11-3-10. Definitions and street arrangement.

(a) As used in this Article, the word *street* includes avenues, roads, courts, drives, places, boulevards, lanes or any other term used to describe a public way.

(b) Specific rules regarding street arrangement are difficult due to the varying configuration of public ways within the Town; however, wherever possible, the following general rules shall apply:

(1) Hill Avenue shall constitute the base line for all numbering on the streets running predominately north and south, and Norgren Road shall constitute the base line for all numbering on the streets running predominately east and west.

(2) All those portions of streets which are continuations of streets intersecting the above-described base lines shall bear the appropriate prefix of East, West, North and South, as the case may be.

(3) Streets which are not a continuation of streets which intersect the base lines referred to above shall not carry a prefix except as hereinafter provided.

(4) Generally, the continuation of the blocks for addressing purposes will be four hundred (400) feet west to east and two hundred (200) feet north to south. The width of streets shall not be included in the distance. (Prior code 10-4-1)

Sec. 11-3-20. Numbers required; duty of owners and occupants.

It is the duty of the owner or occupant of every building in the Town to number such building in accordance with the provisions of this Article and with the numbers assigned by the Building Official. The Building Official shall assign to every building its proper number. The expense of each numbering shall be paid by the owner or occupant of the building. (Prior code 10-4-2)

Sec. 11-3-30. Structure numbers.

The Building Official is hereby directed to prepare and maintain a uniform system of street addresses to include the Town and an area reasonably adjacent to the Town in which structures are located. All structures facing upon any street shall be assigned a number by the Building Official, beginning at the base lines, with the number 1; and, wherever practical, three (3) numbers shall be assigned to each twenty-five-foot frontage on a street as alternatives. Structures fronting streets predominately from the west and from the north shall bear odd numbers in their last figure, and structures fronting streets from the east and the south shall bear even numbers in their last figure. Diagonal and curvilinear streets shall be numbered in a manner according to their predominate line of direction, the entire length of the street considered. Circle or curve streets extending or departing at less than a right angle direction from another street and returning to the same street shall be treated as if they ran parallel to that street. (Prior code 10-4-3)

Sec. 11-3-40. Assignment; certificate.

The Building Official shall assign to each house or building within the Town its proper street number and shall deliver, on payment of a fee in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees, set forth in Appendix A to this Code, to the owner or occupant, upon application being made therefor, a certificate designating such number. Any certificate so issued shall pertain to the number of only one (1) building or lot. (Prior code 10-4-4; Ord. 330 §1, 2007)

Sec. 11-3-50. Designation of streets.

In conformance with a general plan of numbering or lettering of all streets in the Town, the present names, numbers and designations are hereby modified in conformance with the map approved as part of this Article and, specifically, the unnamed street located along the westerly boundary of the railroad right-of-way shall be named and numbered as "Leonard Lane." The Board of Trustees shall have the power to name or rename any of the streets or public highways of the Town, and the Board of Trustees shall have the power to divide or subdivide any of the streets or public lands into streets, roadways, gutters, sidewalks and parks. (Prior code 10-4-5)

Sec. 11-3-60. Style of numbering of structures.

The numbers as provided by this Article and assigned by the Building Official shall be conspicuously placed on all structures now or hereafter erected and fronting on any street or other public highway, however designated. The number plate, placed upon any building, shall be metal, wood or plastic; provided, however, that such number shall be at least two and one-half (2½) inches in height and such style as to be easily seen from the street upon which such structure fronts. (Prior code 10-4-6)

Sec. 11-3-70. Removal or mutilation.

It shall be unlawful for any person to tear down, take off or in any way mutilate or injure any number placed upon any building within the Town in accordance with the provisions of this Article. (Prior code 10-4-7)

Sec. 11-3-80. Unauthorized numbers prohibited.

No street numbers shall be placed upon any house or building within the Town unless such number has been furnished by the Building Official. (Prior code 10-4-8)

Sec. 11-3-90. Map of streets.

A map of the streets of the Town showing the numbers of all buildings and lots and the names of all streets has been created under the direction of the Board of Trustees. Said map shall be and hereby is made part of this Article, and it shall be the duty of the Building Official to maintain and update the map of the Town and from time to time, when directed by the Board of Trustees, said map shall be redrawn to show the numbers of all buildings and lots and the names of all streets within and adjacent to the Town. (Prior code 10-4-9)

Sec. 11-3-100. Issuance of building permit.

No building permit shall be issued for a new structure until a street number assignment has been made by the Building Official. (Prior code 10-4-10)

Sec. 11-3-110. Appeals.

The majority of the property owners in any block in the Town may appeal in writing to the Board of Trustees the numbering assigned by the Building Official, and the Board of Trustees shall by resolution determine the correct numbering of any such block. (Prior code 10-4-11; Ord. 330 §1, 2007)

Sec. 11-3-120. Interpretation and conflicts.

The provisions of this Article shall be interpreted and applied to be the minimum requirements for the proper protection of the public health and morals and the promotion of safety and general welfare. Whenever the requirements contained in this Article are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is most restrictive, or which requires the highest standards, shall apply. (Prior code 10-4-12)

Sec. 11-3-130. Violation and penalty.

Any person convicted of a violation of the provisions of this Article shall be punished as set forth in Section 1-4-10 of this Code. (Prior code 10-4-13; Ord. 330 §1, 2007)