

## CHAPTER 11

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## ARTICLE I

### Streets and Sidewalks

#### **Sec. 11-1-10. Certain street ordinances not affected by Code.**

(a) Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting the validity of any ordinance:

(1) Dedicating, accepting, naming, establishing, locating, relocating, opening, paving, widening or vacating any street or other public way in the Town.

(2) Relating to municipal street maintenance agreements with the State.

(3) Establishing or prescribing grades for streets in the Town.

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Prior code 7-1-1)

#### **Sec. 11-1-20. Encroachments prohibited.**

No encroachment or obstruction whatever, other than as may be provided by law or authorized by the Board of Trustees, shall be made or placed upon any street, alley, sidewalk, curb, gutter, curbwalk or other public place within the Town. (Prior code 7-1-2)

#### **Sec. 11-1-30. Notice and removal of encroachments.**

Whenever any encroachment or obstruction, including ice, snow, mud, dirt, debris, rubbish and filth, is made, located, permitted or maintained contrary to this Chapter, the Town shall give notice to the person who made, caused or permitted the same, or to the person who owns or controls the premises on which the same is located or connected, directing such person to remove such encroachment or obstruction within forty-eight (48) hours after receipt of the notice. In the event such notice is not obeyed, the Town may order the removal of the encroachment or obstruction, and the costs and expenses of such removal shall be assessed against the responsible person. (Prior code 7-1-3; Ord. 532, 2001)

#### **Sec. 11-1-40. Adoption of specifications.**

The Board of Trustees has adopted standard specifications and drawings for design and construction, copies of which are available at the office of the Town Clerk. Any construction or alterations performed by any person within the Town must comply with said specifications and drawings in all respects. (Prior 7-1-4; Ord. 532, 2001)

#### **Sec. 11-1-50. Permit for construction.**

(a) Any person desiring to construct a sidewalk, curb or gutter shall first procure from the Building Inspector a permit therefor, which shall give an accurate description of his or her lot, describe the size of said sidewalk and the character of the material to be used in construction thereof, and state the date when construction will commence.

(b) Where proceedings are had to lay sidewalks, curbs or gutters under any special law of the State where the entire work in a district is let by the Town as one (1) contract, it shall not be necessary for the property owners to procure a permit.

(c) The Building Inspector shall collect from the property owner the appropriate fee before issuing said permit. (Prior code 7-1-5)

**Sec. 11-1-60. Parade permits.**

No funeral procession or parade, except the forces of the United States Armed Forces, the military forces of this State and the forces of the police and fire departments, shall occupy, march or proceed along any street or sidewalk or upon other public property except in accordance with a permit issued by the Town and such other regulations as set forth in this Code which may apply. (Prior code 7-1-6; Ord. 532, 2001)

**Sec. 11-1-70. Removal of snow and ice.**

(a) It is unlawful for any person to cause or permit snow or ice to accumulate or to remain for more than twenty-four (24) hours upon any public sidewalk abutting or adjacent to property which he or she owns or occupies.

(b) Any violation of this Section, in addition to being prosecuted as an ordinance violation, may be corrected or abated pursuant to Section 7-1-120 of this Code. (Prior code 13-17-109; Ord. 532, 2001)

**Sec. 11-1-80. Repair and maintenance.**

The owner, occupant, lessee or person in possession or control of any premises or property shall maintain the sidewalks adjoining such premises or property in good repair and in a safe, unobstructed condition, free of snow, weeds and debris. (Ord. 532, 2001)

**ARTICLE II**

**Street Numbering and Naming**

**Sec. 11-2-10. Numbers issued.**

The Public Works Director shall assign to every building its proper number. The expense of such numbering shall be paid by the owner or occupant of the building. (Prior code 7-2-1)

**Sec. 11-2-20. System of numbering.**

The system of numbering buildings on Town streets shall be determined by the Board of Trustees. (Prior code 7-2-2)

**Sec. 11-2-30. Placing numbers required.**

The owner or occupant of any building shall, at his or her expense, place assigned numerals in a conspicuous position at the front of each building in the Town which he or she owns or occupies. (Prior code 7-2-3; Ord. 532, 2001)

**Sec. 11-2-40. Authority to name streets and subdivide streets and lands.**

The Board of Trustees shall have the power to name or rename any of the streets or public highways of the Town and the power to divide or subdivide any of the streets, public highways or public lands into streets, roadways, gutters, sidewalks and parks. (Prior code 7-2-4; Ord. 532, 2001)

**ARTICLE III**

**Excavations**

**Sec. 11-3-10. Title.**

This Article may be cited and referred to as the *Excavations Regulations of the Town*. (Prior code 7-3-1)

**Sec. 11-3-20. Permit required.**

It is unlawful for any person to make, construct, reconstruct or alter any opening, excavation, tunnel, sidewalk, curb, gutter, driveway or street, to place any facility of any kind or to perform any other work of any kind within any public property, easement or right-of-way in the Town unless such person first obtains a permit for the performance of such work, as provided in this Article. (Prior code 7-3-2)

**Sec. 11-3-30. Application for permit.**

(a) Any person desiring to perform any work of the kind described in Section 11-3-20 above may apply for a permit by submitting the following to the Town Clerk:

(1) Written application on a form provided by the Town Clerk, providing all information requested on such form.

(2) A costs deposit in an amount reasonably determined by the Public Works Director as sufficient to cover the costs described in Section 11-3-160(c) below, to be held and administered pursuant to the provisions of Subsections 17-6-120(c) and (d) of this Code.

(3) Scaled engineering plans, specifications and sketches showing the proposed work in sufficient detail to permit the Town to determine the relationship of the proposed work to existing and proposed facilities within affected property, easements or rights-of-way, and whether the proposed work complies with the engineering regulations, construction specifications and design standards of the Town. The Public Works Director or Town Engineer may require additional submissions during the engineering review provided in Section 11-3-40 below, and the application shall be deemed suspended until such submissions are made.

(4) Unless specifically waived by the Public Works Director, a certificate of insurance in form acceptable to the Town showing that the applicant has public liability, property damage and motor vehicle liability insurance providing coverage of not less than two hundred thousand dollars (\$200,000.00) per person and not less than one million dollars (\$1,000,000.00) per occurrence, and workers' compensation insurance.

(b) No application shall be deemed made until all submissions set forth above have been made to the satisfaction of the Town. (Prior code 7-3-3; Ord. 523 §20, 2001; Ord. 532, 2001)

**Sec. 11-3-40. Engineering review.**

When the applicant has filed all required submissions, the Public Works Director or the Town Engineer shall review and approve or disapprove the application, in writing, stating the reasons for disapproval if the application is disapproved. (Prior code 7-3-4; Ord. 523 §21, 2001)

**Sec. 11-3-50. Performance of work.**

(a) No work of any kind described in Section 11-3-20 of this Article shall be commenced until the permit therefor has been issued.

(b) All work performed under any permit issued pursuant to this Article shall conform to any and all engineering regulations, construction specifications and design standards adopted from time to time by resolution of the Board of Trustees, to any and all additional conditions and requirements established by the Town and set forth on the permit, and to all laws, rules and regulations of any and all other governmental entities or agencies having jurisdiction.

(c) The permittee shall notify the Public Works Director at least forty-eight (48) hours before commencing any work subject to this Article.

(d) The permittee shall determine, initiate, maintain and supervise all measures necessary to protect the public during construction. Such safety measures for excavation in public rights-of-way shall conform at a minimum to the current edition of the *Model Traffic Code for Colorado Municipalities* in effect in the Town. Excavations shall be barricaded at all times and, between sunset and sunrise, shall be properly lighted.

(e) Trees, bushes and other vegetation or landscaping shall be disturbed only to the extent reasonably required for safety and to accomplish the permitted work.

(f) After any excavation has been made, the permittee shall restore the general surface of the ground as nearly as may reasonably be done to the grade and condition it was in immediately before excavation. Topsoil and sod, if any, shall be replaced in cultivated and landscaped areas, and any excess earth resulting from the excavation shall be removed, at the sole expense of the permittee. Roadways, sidewalks, driveways and other paved areas affected by the excavation shall be repaved upon the completion of the excavation project at the sole expense of the permittee. The provisions of this Subsection may be altered by specific conditions attached to or made a part of the permit, which conditions may include a requirement that the permittee repair, replace or provide reasonable compensation for improvements that are damaged as a result of the excavation.

(g) For a period of one (1) year from the date work is completed and accepted by the Town, the permittee shall be obligated to make, at his or her sole expense, any repairs, including those resulting from settling or subsidence, to the general surface of the ground, specifically including street or sidewalk surfacing, in the area where the excavation was made.

(h) No excavation shall be undercut or have a greater width at the bottom than at the top. In no case shall more than one-half (½) of the width of any street, alley or other public right-of-way be opened or excavated at any single time, and, in all cases, one-half (½) of such street, alley or other public right-of-way shall remain untouched for the accommodation of traffic until the other one-half (½) is restored for safe use. All excavations shall be made in such a way as to cause minimum inconvenience and restriction to the public and to both pedestrian and vehicular traffic.

(i) Excavations shall be performed in such a manner so that no unnecessary dirt or other materials are placed upon sidewalks or in gutters. All excavations shall permit the free flow of water and drainage along the gutter.

(j) The permittee shall be responsible for the location of all underground utilities prior to the commencement of excavation work. (Prior code 7-3-5)

**Sec. 11-3-60. Performance bond.**

(a) Before any permit under this Article shall issue, and unless specifically waived by the Public Works Director, the permittee shall provide the Town with a cash deposit or surety bond to ensure that the excavation and surface restoration are made in full compliance with the provisions of this Article and the terms and conditions of the permit. The amount thereof shall be sufficient to include estimated closing and restoration expenses. If the Public Works Director or the Town Engineer does not specify a higher amount in his or her review of any specific application, the bond or deposit shall be in the amount of two thousand dollars (\$2,000.00). A letter of responsibility will be accepted in lieu of such deposit or bond from any public utility company, special district or school district.

(b) The bond shall remain in full force and effect or the deposit shall be held for a period of one (1) year after completion and acceptance of the work by the Town. The bond or deposit may be used by the Town to ensure the proper completion of the permittee's obligations under this Article. Any portion of a deposit unused by the Town will be returned to the permittee without interest. (Prior code 7-3-6; Ord. 532, 2001)

**Sec. 11-3-70. Notice of work.**

If the excavation will affect the use of properties abutting or adjoining the project, or other utility installations in the area of the excavation, the permittee shall notify affected property owners and occupants and the owners of such utility facilities of the proposed work not less than forty-eight (48) hours before the commencement thereof. (Prior code 7-3-7)

**Sec. 11-3-80. Permit duration.**

Each permit application shall state the starting date and estimated completion date of the work. The permit shall be valid for the time specified. If the work is not completed during such period, the

permittee may apply to the Town for an additional permit or an extension, which may be granted by the Town if the requirements of this Article are satisfied. (Prior code 7-3-8)

**Sec. 11-3-90. Assignment of permits.**

No permit issued pursuant to this Article shall be assignable or transferable, either as to permittee or the location of excavation, but nothing herein shall prevent a permittee from subcontracting the work to be performed under such permit. (Prior code 7-3-9)

**Sec. 11-3-100. Suspension or revocation of permit; stop orders.**

(a) Any permit issued under this Article may be revoked or suspended by the Town upon notice to the permittee, for any of the following causes:

(1) Violation of any condition of the permit or any provision of this Article.

(2) Violation of any provision of any other standard, specification, rule, ordinance or law of any governmental authority having jurisdiction.

(b) A suspension or revocation of a permit, or any stop order issued by the Town, shall take effect immediately upon the entry thereof by the Town and notice to the person performing the work. A stop order may be issued and directed to any person doing or causing work to be done without a permit or in violation of this Article or the terms and conditions of the permit, or whenever the Town suspends or revokes a permit.

(c) A stop order shall remain in full force and effect until the condition or circumstances forming the basis for such order have been terminated, eliminated or corrected. It is unlawful for any person to do work in violation of the terms of any stop order issued pursuant to this Section. (Prior code 7-3-10)

**Sec. 11-3-110. Cure of defects.**

(a) If the Town finds that a violation of this Article or any term or condition of the permit has occurred, it shall give written notice thereof to the permittee and to the surety on the bond, if any. Such notice shall describe the curative work to be done, the estimated cost thereof and the period of time deemed by the Town reasonably necessary for correction or completion of the work.

(b) If the permittee or the surety on any bond fails within a reasonable time following such notice to cure the violation stated in the notice, the Town may perform the work and charge the permittee and his or her sureties, if any, for all costs incurred in connection therewith, including the Town's engineering, legal and administrative expenses. (Prior code 7-3-11)

**Sec. 11-3-120. Emergency.**

(a) Any person owning or operating utility facilities in any public right-of-way may proceed with work upon such facilities without a permit when emergency circumstances require the work to be done immediately in order to prevent serious harm or risk thereof to persons or property.

(b) Any person commencing emergency work in any public way under this Section shall give immediate notice thereof to the Public Works Director, to law enforcement authorities of the Town having jurisdiction over traffic, and to the owners of any other utility facilities affected by the emergency condition or the proposed work.

(c) Any person commencing emergency work under this Section shall apply for a permit for such work on the first regular business day on which Town offices are open for business after such work is commenced. (Prior code 7-3-12)

**Sec. 11-3-130. Relocation of underground facilities.**

By accepting any permit issued under this Article, the permittee agrees that he or she will remove or relocate, at his or her sole cost and expense, any installations or facilities of whatever kind constructed or installed by the permittee under such permit in any public right-of-way or easement upon reasonable advance notice and demand by the Town, when such removal or relocation becomes reasonably necessary because of the installation or construction of any street improvements, storm drainage facilities or water facilities by the Town. If the permittee fails to remove or relocate such facilities as required herein, the Town may do so and assess and charge the costs thereof, including its legal, engineering and administrative fees, to the permittee. (Prior code 7-3-13; Ord. 532, 2001)

**Sec. 11-3-140. Hold harmless and waiver of liability.**

(a) To the extent of its legal authority, the permittee agrees to hold the Town, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit.

(b) The permittee agrees to waive any claim against the Town, its officers, employees and agents for liability for any and all costs and damages which may accrue or be claimed to accrue to it by reason of the use, authorized or unauthorized, of any public property, easement or right-of-way in the Town by the Town, its officers, employees, agents or citizens or any other permittee.

(c) The acceptance of any permit issued under this Article shall constitute such an agreement by the permittee to be bound by the terms hereof, whether such agreement is express or not. (Prior code 7-3-14; Ord. 532, 2001)

**Sec. 11-3-150. Liability of Town.**

(a) This Article shall not be construed to impose upon the Town or any official, employee or consultant thereof, specifically including the Town Engineer, any liability or responsibility for damages to any person injured or property damaged by or by reason of the performance of any work subject to this Article under a permit issued pursuant hereto.

(b) The inspections, testing and reviews to be performed hereunder by the Town, its officials, employees and consultants, are for the sole and exclusive benefit of the Town. No liability shall attach to the Town, its officials, employees or consultants, specifically including the Town Engineer, by reason of any inspections, testing or reviews authorized hereunder, or by reason of the issuance of any permit or the approval of any work pursuant to this Article. (Prior code 7-3-15)

**Sec. 11-3-160. Enforcement and administration.**

(a) In addition to the Public Works Director, the Town Engineer shall have authority to act for and on behalf of the Town in any matter affecting the administration or enforcement of this Article.

(b) Any orders, directives or decisions of the Town or Public Works Director relating to the administration or enforcement of this Article may be appealed, in writing, to the Board of Trustees, within ten (10) days of the effective date of the order, directive or decision.

(c) The permittee will reimburse the Town for all of the actual costs incurred for reviews, inspections, tests, approvals and any other undertakings performed by the Town, its professional consultants or independent contractors in connection with the administration and enforcement of this Article. As used in this Section, *actual costs* shall include all direct and indirect costs incurred by the Town to review and process an application, including engineering, legal, Town personnel expense, supplies, material, equipment and overhead expenses. (Prior code 7-3-16; Ord. 523 §22, 2001)

**ARTICLE IV**

**Cemetery**

**Sec. 11-4-10. Establishment and name.**

The cemetery established by Ordinance No. 80, passed and adopted on January 7, 1947, by the Board of Trustees, shall be known as the Platteville Mizpah Cemetery. Nothing in this Code shall affect the prior establishment of said cemetery. Whenever the term *cemetery* is used in this Article, it shall refer to the Platteville Mizpah Cemetery. (Prior code 8-1-1; Ord. 532, 2001)

**Sec. 11-4-20. Management by Board.**

The cemetery shall be managed by the Board of Trustees. The Board of Trustees may by resolution establish rules and regulations for the management and operation of the cemetery. Copies of any such rules and regulations shall be available for purchase at the office of the Town Clerk at a reasonable cost. (Prior code 8-1-2)

**Sec. 11-4-30. Establishment and management of funds.**

(a) All cemetery funds shall be classified as follows: *Cemetery Perpetual Care Fund* and *Cemetery Operation Fund*.

(b) Not less than fifteen percent (15%) of the moneys received from the sale of burial spaces shall be deposited and carried in the Cemetery Perpetual Care Fund.

(c) All moneys and proceeds derived from the sale of burial spaces shall be deposited and carried in the Cemetery Operation Fund except that portion described in Subsection (b) above. All other revenue derived from the operation of the cemetery from any source whatever shall also be deposited in the Cemetery Operation Fund.

(d) The entire principal of the Cemetery Perpetual Care Fund shall be safely and perpetually kept and invested and not otherwise used or withdrawn, shall be invested in accordance with state law. Under no circumstances shall the principal be used or diminished. Income from the Cemetery Perpetual Care Fund will be transferred to the Cemetery Operations Fund.

(e) All disbursements made for or on account of the cemetery shall be paid out of the Cemetery Operation Fund. (Prior code 8-2-1; Ord. 532, 2001)

**Sec. 11-4-40. Application to Clerk.**

The Town Clerk shall receive all applications for purchase or transfer of burial spaces and shall issue burial orders as provided in the rules and regulations pertaining to the cemetery. (Prior code 8-3-1)

**Sec. 11-4-50. Records.**

(a) The Town Clerk shall keep all records of the cemetery and shall be furnished with suitable books and blanks for that purpose. He or she shall further keep in his or her office a map of the cemetery.

(b) It is the duty of the Town Clerk to prepare and maintain records concerning the ownership of each burial space in the cemetery.

(c) After each burial, the Public Works Director shall make written reports to the Town Clerk setting forth in detail the date of the burial, the name of the decedent interred and the numerical designation of the burial space used for the interment. It shall be the duty of the Town Clerk upon receipt of such report to revise, bring to date and keep current the cemetery plot book.

(d) The Town Clerk shall report all defaults, deficiencies and nonperformances on the part of any persons in connection with unpaid cemetery accounts to the Board of Trustees for action. (Prior code 8-3-2; Ord. 532, 2001)

**Sec. 11-4-60. Burial spaces; prices; fees.**

(a) Each regular burial space shall be four (4) feet wide by eight (8) feet long. Graves for infants, for the purposes hereof defined as persons younger than six (6) years of age, shall be four (4) feet wide by four (4) feet long and shall be located in an area of the cemetery designated for the burial of infants. Cremation burial spaces shall be eighteen (18) inches wide by twenty-four (24) inches long and shall be located in an area of the cemetery designated for cremation burial spaces.

(b) The prices for burial spaces, perpetual care and monument foundations, and the fees for services provided by the Town, including care, shall be as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. (Prior code 8-3-3; Ord. 522 §2, 2001; Ord. 532, 2001)

**Sec. 11-4-70. Veterans' Memorial.**

(a) The Board of Trustees shall make all final decisions regarding the design, installation, maintenance and use of the Veterans' Memorial and the Veterans' Memorial Fund. From time to time, the Board of Trustees may be advised by a volunteer Veterans' Memorial committee.

(b) The Veterans' Memorial is so named to honor veterans; however, the memorial is intended to be used for honoring any person in the community. (Ord. 671 §3, 2011)