

CHAPTER 11

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ARTICLE I

Standard Specifications and Construction

Sec. 11-1-10. Adoption of standards.

Pursuant to Article 16 of Title 31, C.R.S., there is hereby adopted by reference the Standard Specifications and Construction Manual, officially approved, adopted and published on November 12, 1979, by the Town. The Town Clerk shall certify to the passage of this Article, cause notice of its contents and passage to be published, and make not less than one (1) copy of the adopted Manual available for inspection by the public during regular business hours. (Prior code 11-1; Ord. 2006-1236 §1)

Sec. 11-1-20. Applicability.

The Standard Specifications and Construction Manual adopted herein shall apply to the construction, repair or replacement of streets, curbs, gutter, sidewalks, water mains, sewer mains and storm sewer in the Town. (Prior code 11-2; Ord. 2006-1236 §1)

Sec. 11-1-30. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to establish specifications for the construction of streets, curbs, gutters, sidewalks, water mains, sewer mains and storm sewers in the Town. Article and section headings of this Article and the adopted Standard Specifications and Construction Manual 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. (Prior code 11-3; Ord. 2006-1236 §1)

ARTICLE II

Excavations

Sec. 11-2-10. Permit required; exception in the case of emergency.

It shall be unlawful for any person, firm or corporation, other than a duly authorized Town official or employee, to make or cause or permit to be made any excavation or opening in or under the surface or pavement of any street, alley, sidewalk or other public place within the Town, without first having obtained and having in force a permit therefor; provided, however, that, in case of actual emergency, it shall be lawful to make such excavation without a permit in order to repair utilities if a present danger to life or property exists. (Prior code 11-11; Ord. 2006-1236 §1)

Sec. 11-2-20. Types of permits.

Permits under this Article shall be of two (2) types: permits for a single excavation (hereinafter referred to as Type I permits); and blanket permits to cover all excavations during a calendar year made by a public utility company (hereinafter referred to as Type II permits). A *public utility company* is defined as a company providing public utility services to the Town, including but not

limited to the Public Service Company, U.S. West and any cable television company licensed, franchised or permitted within the Town. (Prior code 11-12; Ord. 2006-1236 §1)

Sec. 11-2-30. Application for permit; contents and conditions.

(a) Any person desiring to obtain a permit for such excavations shall make written application therefor to the Director of Engineering on the form prepared and provided by the Town.

(1) For a Type I permit, the application shall give the following information:

- a. The permit number.
- b. The applicant's name, address and telephone number.
- c. The date of the application.
- d. The location, size, width, length and depth of the proposed excavation.
- e. The type of pavement to be cut.
- f. The purpose of the excavation.
- g. The estimated time schedule, including the date the pavement will be broken, the date the excavation will be backfilled and the date of final repair.
- h. All streets and abutting property addresses which will be affected by the excavation.

(2) For a Type II permit, the application shall give the following information:

- a. The applicant's name, address and telephone number.
- b. The date of the application.
- c. Such other information as is required by the Director of Engineering.

(b) Every applicant shall agree in making application for a permit to be bound by all of the provisions of this Article. Application for a Type I permit shall be accompanied by a set of plans drawn to a minimum scale of one (1) inch to fifty (50) feet, showing in detail the location, size and kind of installation for the excavation. (Prior code 11-13; Ord. 2006-1236 §1)

Sec. 11-2-40. Fees for permits.

A fee shall be charged and paid for each application for each Type I or Type II permit to cover the cost of administration and inspection. Such fee schedule shall be separately established by resolution of the Town Board. Scheduled excavations shall be those which the Department of Engineering is notified of, on a form to be supplied by the Town, at least three (3) days in advance of the work. Such notice shall give the location, size and time schedule for the work. Holders of Type II permits shall report all excavations not previously reported to the Director of Engineering, on a form to be supplied by the Town, within five (5) days after the work has begun. Other than as set forth herein, there shall

be no additional fee for the permit. If the permit is denied, the fee shall not be refunded. (Prior code 11-14; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-2-50. Bond and insurance requirements.

In addition to the above, every applicant for an excavation permit shall meet the following requirements:

(1) File with the Town an acceptable corporate surety bond or other security approved by the Town, conditioned for the faithful performance of the work covered by the permit within the time allowed by the permit in accordance with the rules, regulations and ordinances of the Town; for the cost of restoration of any street, alley, sidewalk or other public place in which an excavation may be made under the permit to its original condition and to the satisfaction of the Director of Engineering, for the cost of maintenance of such condition for a reasonable length of time as shall be required by the Director of Engineering; and for the payment of all fees, costs and charges of the Town in connection with the excavation. Or, in lieu of a bond or other approved security, the applicant may make a cash deposit in the appropriate amount, which deposit shall be held subject to the same conditions as a bond. Such bond or other approved security shall be in full force and effect for a period of one (1) year after the permit expires. For a Type I permit, such bond or other approved security shall be in the amount of one hundred percent (100%) of the amount that the Director of Engineering estimates will be the cost of restoring the street opening or two hundred dollars (\$200.00), whichever is greater. For a Type II permit, such bond or other approved security shall be in the amount determined by the applicant, but the permit shall only authorize the holder thereof to have open at any one (1) time only such excavations as can be repaired at the cost of the amount of the bond as determined by the Director of Engineering.

(2) File with the Town an acceptable certificate of insurance, insuring against all claims for damages which may arise from or out of the performance of work under the permit. (Prior code 11-15; Ord. 2006-1236 §1)

Sec. 11-2-60. Requirements for performance of work.

Anyone making excavation by virtue of a permit issued under this Article shall do work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and to occupants of neighboring properties. In particular, the following requirements shall be followed:

(1) Occupants of neighboring properties shall be notified at least twenty-four (24) hours in advance of the work to be done. Such notice shall include the estimated time schedule and the extent of the work. Written notice shall also be given to all utility companies that may be affected, including but not limited to telephone, electrical, water and gas companies.

(2) Noise, dust and debris shall be kept to as low a level as practicable.

(3) Excavated material shall be stored in neat, compact piles and not allowed to be scattered by wind, rain, traffic or other means.

(4) Private driveways shall be kept open whenever possible. If driveways must be closed, they shall be closed at the time most convenient to the users thereof and for as short a time as possible.

(5) Not more than two hundred (200) linear feet of trench shall be open at one (1) time without written permission from the Director of Engineering.

(6) When traffic or other conditions warrant, the Director of Engineering may require that the work be accomplished during slack hours or at particular times or that the work proceed on a twenty-four (24) hour per day basis, or the Director of Engineering may require other appropriate measures. All such requirements shall be complied with.

(7) No excavations shall be made, without written permission from the Director of Engineering, entirely across a street or across so much of a street that traffic cannot move on said street. Such permission may impose additional requirements, and in such case, such requirements shall be followed. (Prior code 11-16; Ord. 2006-1236 §1)

Sec. 11-2-70. Safety and protective requirements.

Whenever any person, under authority of this Article or otherwise, shall place any obstruction in any street, alley, sidewalk or other place, or make any excavation therein or alteration thereto, such person shall keep such obstruction, excavation or alteration properly safeguarded by substantial barricades, and between dusk and daylight adequate warning lights or flares shall be placed around the obstruction, excavation or alteration. In all instances, fire hydrants shall be kept clear of all building material, dirt and rubbish, with clear and adequate access to such hydrant from the roadway. Existing gutters and other drainage courses shall be kept open so as to allow adequate drainage. All excavations shall be made in such a way as to protect any existing surveying monuments and existing utilities. The Director of Engineering shall have authority to specify protective measures and minimum clearances regarding existing utilities, and any such specifications shall be followed. Sufficient shoring of excavations shall be provided whenever needed or whenever deemed necessary by the Director of Engineering. (Prior code 11-17; Ord. 2006-1236 §1)

Sec. 11-2-80. Backfilling of excavations.

All permit holders shall adequately backfill any excavations made under the authority of this Article. Backfilling shall be done in accordance with the Standard Specifications and Construction Manual for the Town. At the request of the Director of Engineering, the density of the compacted backfill shall be tested by a soils engineer and a copy of the test results shall be given to the Director of Engineering. The number and location of soil tests shall meet the approval of the Director of Engineering. All costs for testing shall be paid by the permit holder. The permit holder must notify the Director of Engineering before backfilling. (Prior code 11-18; Ord. 2006-1236 §1)

Sec. 11-2-90. Inspection of backfilling.

Within forty-eight (48) hours after completion of backfilling, the permit holder shall notify the Department of Engineering and request an inspection. The surface of the excavation shall not be replaced until the backfill has been approved on inspection. Any defects in the backfill shall be corrected by the permit holder within the time required by the Department of Engineering. Upon correction of defects noted, the permit holder shall again request an inspection from the Department of Engineering. (Prior code 11-19; Ord. 2006-1236 §1)

Sec. 11-2-100. Restoration of surface.

(a) Upon receiving approval of the backfill from the Department of Engineering, the permit holder shall restore the surface of the excavation in the manner required by this Section, or, at the option of the permit holder, such work may be done by the Town and charged to the permit holder, in which case the permit holder shall reimburse the Town for such work within thirty (30) days after it is billed.

(b) All patches shall have straight and vertical edges and shall cover the total width of the excavation. Patches in concrete pavements shall be six (6) inches thick, shall be made from concrete conforming to specifications of the Town and shall be finished to the same surface texture as the adjacent existing concrete. The existing concrete shall be saw-cut to a depth of one and one-half (1½) inches to assure a straight edge and uniform patch. Patches in asphalt pavements shall consist of four (4) inches of base course material and asphalt surfacing equal to the total thickness of adjacent existing pavement. The concrete and asphalt shall conform to the specifications of the Town. Asphalt surfacing shall be compacted to conform to the specifications of the Town. Permanent asphalt patches shall not be put in during freezing weather. Upon completion of work, all surplus earth, rubbish and other materials shall be immediately removed, and the Department of Engineering shall be notified that the job is completed. (Prior code 11-20; Ord. 2006-1236 §1)

Sec. 11-2-110. Conformance to permit required; supplemental applications.

In no case shall any permit holder open or remove a greater area of surface or make such removal at a location other than that specified in the permit. In the event it shall be necessary to open or remove a greater area than originally applied for, the applicant shall first notify and obtain the consent of the Director of Engineering and, if required by said Director, file a supplemental application and make an additional deposit. No person shall exceed the time limit specified on the permit without the express consent of the Director of Engineering. (Prior code 11-21; Ord. 2006-1236 §1)

Sec. 11-2-120. Permittee liable in case of nonconformance.

In the event any permit holder fails to do anything required of him or her hereunder, the Department of Engineering may cause the same to be done, the cost of the same shall be charged to the holder of the permit, and he or she shall be liable therefor. (Prior code 11-22; Ord. 2006-1236 §1)

Sec. 11-2-130. Permittee liable for injuries to person or property.

Every permit holder acting under a permit issued pursuant to this Article shall be responsible to anyone for injury to person or property by reason of the work done under the permit and shall indemnify and hold the Town harmless from any expenses, costs, claims or other charges or fees arising out of such work. The permit holder shall be responsible for adequately protecting the work, the surrounding property and the public and shall adequately safeguard the work regardless of whether any specific requirements in connection with the work are made by the Director of Engineering. (Prior code 11-23; Ord. 2006-1236 §1)

Sec. 11-2-140. Excavations under sidewalks.

It shall be unlawful for any person, persons or corporation to make any excavation or opening at a depth greater than one (1) foot and/or two (2) inches in diameter under any sidewalk or upon any street, alley or public ground of the Town, for the purpose of installing permanent areaways thereunder, without first obtaining a right so to do from the Director of Engineering; and no such right or privilege shall be granted by the Director of Engineering, except upon written application therefor and upon conditions to be prescribed by the Director of Engineering respecting the continued occupancy and use of such areaways after the same have been constructed. (Prior code 11-24; Ord. 2006-1236 §1)

ARTICLE III

Encroachments and Obstructions

Sec. 11-3-10. Encroachments and obstructions prohibited.

No encroachment or obstruction whatever, other than that provided by law or by this Article or some other Town ordinance, shall be made or placed upon any street, alley or other public place within the Town. (Prior code 11-41; Ord. 2006-1236 §1)

Sec. 11-3-20. Application for occupation of street.

(a) Any person desiring to occupy any portion of a street, alley or other public place in connection with the erection, construction, remodeling or demolishing of any building or improvement on property abutting or adjacent thereto shall make written application to the Department of Engineering on a form prepared and provided by the Town. The application shall give the following information:

- (1) The applicant's name, address and telephone number.
- (2) The street, alley or other public place affected and the amount thereof.
- (3) The address of the property on which the work is to be done.
- (4) The reason for blocking the street.
- (5) The amount of time the permit is needed.

(b) The applicant shall agree in making the application to be bound by all of the provisions of this Article and the rules and regulations of the Department of Engineering. (Prior code 11-42; Ord. 2006-1236 §1)

Sec. 11-3-30. Term of permit; renewal and revocation.

No permit required under Sections 11-3-10 through 11-3-70 shall be issued for a period of more than ninety (90) days, provided that the Director of Engineering may renew any such permit for additional ninety (90) day periods upon written application. Any permit issued under this Article may

be revoked by the Director of Engineering if the holder thereof violates any of the provisions of this Article or the rules and regulations of the Department of Engineering or if the work allowed by the permit unduly interferes with pedestrian or vehicular traffic. (Prior code 11-43; Ord. 2006-1236 §1)

Sec. 11-3-40. Surety bond required.

Any person applying for a permit under Sections 11-3-10 through 11-3-70 shall file with the Town an acceptable corporate surety bond conditioned for the faithful performance of the work in accordance with the rules, regulations and ordinances of the Town and the terms of the permit, and indemnifying and saving harmless the Town against and from any and all damages or claims for damages, loss, costs and charges or expenses that may be brought against it by any person for or on account of injury to persons or property resulting from or occasioned by reason of the occupation of the street, alley or public place. (Prior code 11-44; Ord. 2006-1236 §1)

Sec. 11-3-50. Protection of pedestrian and vehicular traffic.

The holder of any permit issued under Sections 11-3-10 through 11-3-70 shall provide whatever fencing the Director of Engineering requires to protect pedestrian and vehicular traffic on the abutting public property. If required, the permit holder shall build and maintain a good and substantial protected walkway around the obstruction. The permit holder shall adequately light and mark the obstruction so as to protect pedestrian and vehicular traffic. (Prior code 11-45; Ord. 2006-1236 §1)

Sec. 11-3-60. Adequate drainage and access to fire hydrants required.

Any person holding a permit issued under Sections 11-3-10 through 11-3-70 shall take such measures as may be required to ensure that adequate drainage is maintained around the obstruction. All fire hydrants shall be kept clear of all building materials, rubbish and other obstructions, and easy access to such hydrants shall be provided and kept clear at all times. Upon completion of the work, the permit holder shall remove all obstructions, materials, debris and rubbish within ten (10) days. (Prior code 11-46; Ord. 2006-1236 §1)

Sec. 11-3-70. Permittee liable in case of nonconformance.

In the event any permit holder fails to do anything required of him or her hereunder, the Department of Engineering may cause the same to be done, and the cost of the same shall be charged to the holder of the permit, and such holder shall be liable therefor. (Prior code 11-47; Ord. 2006-1236 §1)

Sec. 11-3-80. Permit application for encroachment.

Any person desiring to erect a building, fence, barrier, post or other obstructions or encroachments upon any street, avenue, alley, sidewalk, highway, public right-of-way or other public ground within the Town shall file a written application for a permit therefor upon a form prepared and provided by the Town. Said application shall state therein the following:

- (1) The applicant's name, address and telephone number.
- (2) The location of the proposed encroachment, obstruction or structure.

- (3) The type of encroachment, obstruction or other structure.
- (4) The purpose of the proposed encroachment, obstruction or other structure.
- (5) That the applicant agrees to abide by the provisions of Sections 11-3-80 through 11-3-110 of this Article. (Prior code 11-48; Ord. 2006-1236 §1)

Sec. 11-3-90. Investigation; fee; revocation of permit.

The application provided for in Section 11-3-80 shall be made to the Department of Engineering. Such Department shall make an investigation of the information contained in the application and, prior to the issuance of a permit, shall determine that the proposed encroachment, obstruction or other structure does not constitute a nuisance, destroy or impair the use of the right-of-way by the public or constitute a traffic hazard. No permit shall be issued where the above conditions are found to exist. At the time of issuance of a permit hereunder, the applicant shall pay a fee equal to the cost of recording the permit with the County Clerk and Recorder. The Department of Engineering shall so record a copy of the permit. Any such permit so issued may be revoked by the Department of Engineering at any time the conditions above referred to are found to exist, or when it is determined that the property upon which the encroachment, obstruction or structure exists is required for use by the public. (Prior code 11-49; Ord. 2006-1236 §1)

Sec. 11-3-100. Notice to remove encroachment.

(a) Whenever any encroachment, obstruction or structure is made or located contrary to the terms of the permit therefor or without a permit or at such time as the permit is revoked as above provided for, the Town Manager or his or her authorized agent shall give notice to the person who made or located such encroachment, obstruction or structure or caused or permitted the same to be done, or who owns or controls the premises with which such encroachment, obstruction or structure is connected, to remove such encroachment, obstruction or other structure. The same shall be removed within ten (10) days after notice.

(b) It shall be unlawful for any person to continue any encroachment, obstruction or other structure for a period of ten (10) days after receipt of the notice provided for above. (Prior code 11-50; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-3-110. Noncompliance with notice.

(a) In case any notice given under Section 11-3-100 shall not be complied with, the Town Manager or his or her authorized agent is hereby authorized and empowered to cause the removal of the encroachment, obstruction or structure.

(b) Upon completion of such removal, the Town Manager or his or her authorized agent shall certify to the Town Clerk the cost of said removal, and the Town Clerk shall thereupon, by certified mail addressed to the owner of the premises with which the obstruction is connected, give notice of such removal and the cost incurred for such work, together with a statement that the cost of the work will be assessed against the owner's lot, tract or parcel of land if such cost is not paid to the Town within thirty (30) days after mailing of such notice.

(c) If such person fails to make payment within the aforesaid thirty (30) days, the Town shall make assessment by ordinance against the lot, tract or parcel of land in connection with which the encroachment, obstruction or structure was made, and such assessment shall be certified to the County Treasurer for the purpose of having the same placed upon the tax rolls and collected in the same manner as general taxes are collected. (Prior code 11-51; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE IV

Moving of Buildings

Sec. 11-4-10. Permit required; fee; liability; revocation; term.

(a) It shall be unlawful for any person, persons or corporation to use or occupy any street, alley or other public ground in the Town for the purpose of moving a building or other structure greater than fourteen (14) feet in width across or thereon without first having obtained a permit therefor from the Director of Public Works.

(b) Application for a permit hereunder shall be made upon forms to be furnished by the Director of Public Works and shall set forth such information as may be required thereon. At the time of making application, the applicant shall pay a permit fee as established by resolution by the Town Board and shall file the bond required herein.

(c) Application for a permit hereunder shall be accompanied by a corporate surety bond in an amount established by the Town Board, conditioned upon compliance with all requirements of the ordinances of the Town relating to activities under the permit.

(d) Any person using the streets, alleys or other public ground for the purpose of moving buildings and other structures across or thereon shall be responsible for any damage done to such street, alley or public ground or any improvements situated thereon, including, without limitation, trees and other plantings, signs, utility poles, utility lines, traffic signals and the like. Any such persons shall also be responsible for any damage caused to any private property by virtue of use of the streets, alleys and other public grounds of the Town for the purpose of moving such buildings or other structures.

(e) The Director of Public Works shall determine whether the applicant possesses the technical qualifications and the necessary equipment for the moving of buildings and structures and shall issue or deny the permit based upon such determination.

(f) Any permit granted hereunder may be revoked by the Director of Public Works upon written notice to the holder of the permit, if the permit holder fails to comply with the requirements of the ordinances of the Town relating to the permit or for other good cause relating thereto. In the event of such revocation, no fee paid hereunder shall be refunded. If any permit holder objects to the revocation of a permit by the Director of Public Works, he or she may request a hearing on the question of revocation before the Town Board, which shall make the final determination on the question.

(g) Any permit granted hereunder shall be valid for ten (10) days unless sooner revoked. (Prior code 11-71; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE V

Sidewalks, Curbs and Gutters

Sec. 11-5-10. Construction authorized.

(a) Sidewalks, curbs and gutters may be constructed, repaired and replaced by an owner of property abutting upon the same at his or her expense within the corporate limits of the Town, when streets are laid out, open, improved and in common use by pedestrians and shall be constructed of the character, location, grade, material and in the same manner provided for in this Article.

(b) Except as provided herein, sidewalks, curbs and gutters installed, repaired or replaced by the Town shall be constructed of the character, location, grade, material and in the same manner as provided for in this Article, and the cost of such installation, repair and replacement shall be borne entirely by the Town. (Ord. 2008-1326)

Sec. 11-5-20. Grades to be established by Town.

The grades for sidewalks, curbs and gutters shall be established by the Town. (Ord. 2008-1326)

Sec. 11-5-30. Construction permit required.

Before constructing any sidewalks, curbs or gutters, the owner of the property adjacent thereto shall make application to the Director of Engineering for a permit upon forms furnished by said Director, and the sidewalks, curbs or gutters shall be constructed in conformity with the grades established by the Town. (Ord. 2008-1326)

Sec. 11-5-40. Duties and powers of Director of Engineering.

It shall be the duty of the Director of Engineering to have charge of all sidewalks, curbs, gutters and driveways within the limits of the Town and to see that the same are properly constructed and kept in repair and, if the construction of additional sidewalks, curbs, gutters and driveways shall be required or if existing sidewalks, curbs, gutters and driveways shall become unsafe or out of repair, to order the construction or repair. When a permit shall be issued to any person to construct any sidewalk, curb, gutter or driveway, it shall be the duty of the Director of Engineering to supervise the construction thereof and require the same to be constructed pursuant to the provisions of this Article, all ordinances of the Town in relation thereto and the latest specifications of the Director of Engineering adopted by the Town. The Director of Engineering is hereby charged with the duty of requiring an inspector to see that all sidewalks, curbs, gutters and driveways are constructed as required by this Article and, to this end, shall select and designate a suitable person to act as inspector, and no such work shall be accepted by the Director of Engineering unless the same has been inspected as herein provided. (Ord. 2008-1326)

Sec. 11-5-50. Contents of permit.

The Director of Engineering shall retain a copy of any permits issued under Section 11-5-40, said copy to contain an accurate description of the property where the construction is to be done, the portion of the property which said construction is to affect, the kind of material to be used in the construction and other data necessary for that particular work. The copy of the permit maintained by the Director of Engineering shall become a part of the records of the Director of Engineering and shall be filed together with all pertinent information concerning that particular work. Where proceedings are had to lay sidewalks, curbs and gutters under any special law of the State, and where the entire work in a district is let by the Town as one (1) contract, it shall not be necessary for the property owner to procure a permit. (Ord. 2008-1326)

Sec. 11-5-60. Conformity to specifications required.

The specifications, construction and material for all sidewalks, curbs and gutters shall be in conformity with the specifications heretofore or hereafter adopted by resolutions duly passed by the Town Board, and copies thereof are now and shall be on file in the office of the Director of Engineering. (Ord. 2008-1326)

Sec. 11-5-70. Maintenance.

It shall be the duty of the owner of any real property in the Town adjacent to any sidewalk, curb and gutter to keep such sidewalk, curb and gutter in repair so that the same does not endanger the public. (Ord. 2008-1326)

Sec. 11-5-80. Inspection.

The Director of Engineering or his or her authorized representative shall periodically inspect the sidewalks, curbs and gutters in the Town. (Ord. 2008-1326)

Sec. 11-5-90. Violations.

(a) Any person who shall violate any of the provisions of this Article, or who shall change, disturb or alter any grade stakes or pins set by the Director of Engineering or by his or her subordinates, either upon any special work done by said Director or upon the regular pins or monuments set by said Director or by his or her subordinates in establishing grades as provided in this Article or any ordinances of the Town, shall be guilty of a misdemeanor.

(b) Any person or persons who intentionally or negligently shall cause damage to any curb, gutter or sidewalk maintained by the Town shall be guilty of a misdemeanor and shall, in addition, be liable for any cost associated with the repair of any such curb, gutter or sidewalk so damaged. (Ord. 2008-1326)

ARTICLE VI

Curb Cuts and Driveways

Sec. 11-6-10. Definitions.

For the purpose of this Article, the following terms are defined as follows:

Change of use means any change of purpose for which any land, building or structure is occupied, maintained, arranged, designed or intended.

Driveway means any area, construction or facility between the roadway or the street and private property.

Parkway means the space between the street, roadway or curblin e and the property line, with the exception of a sidewalk area.

Roadway means the paved, improved or proper driving portion of a street, designed or ordinarily used for vehicular traffic.

Sidewalk area means that portion of the space lying between the street, roadway or curblin e and the property line which is reserved for sidewalks, either existing or proposed.

Street means any street, alley or other public place within the Town. (Prior code 11-111; Ord. 2006-1236 §1)

Sec. 11-6-20. Driveways required for access to private property.

Any access from any public roadway to private property hereafter provided, constructed, altered or repaired shall be through driveways constructed according to the provisions of this Article. (Prior code 11-112; Ord. 2006-1236 §1)

Sec. 11-6-30. Permit required; application contents and conditions.

(a) Except when included in a building permit, it shall be unlawful for any person, firm, corporation or organization to construct, reconstruct, alter or repair any driveway in the Town without first obtaining a permit therefor and paying the permit fee as required by Section 11-6-40 hereof; provided, however, that no permit fee shall be required of a subdivider constructing driveways as a part of street and sidewalk installation within the subdivision. No permit fee will be required when driveway construction occurs as part of a special improvement district.

(b) Any party requesting such permit shall file a written application with the Director of Engineering. Such application shall be made on a standard Town form provided for that purpose and shall include:

- (1) The applicant's name, address and telephone number.

(2) The name and address of the owner of the property abutting and the street where the work is to be performed.

(3) The exact location of the proposed work, giving the street address or legal description of the property involved.

(4) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features with the limits of the frontage of said property.

(5) The location of buildings, loading platforms or off-street parking facilities being serviced or to be served by such driveways.

(6) The Director of Engineering may require, at his or her discretion, the filing of any other information when, in his or her opinion, such information is necessary to properly enforce the provisions of this Article.

(7) No plan shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this Article or any ordinance of the Town; nor shall issuance of a permit be construed as a waiver of the Zoning Ordinance or other ordinance requirements concerning the plan. (Prior code 11-113; Ord. 2006-1236 §1)

Sec. 11-6-40. Permit fees.

The permit fees for driveways approved by the Director of Engineering shall be established by a fee schedule separately established by resolution of the Town Board. (Prior code 11-114; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-6-50. Notice to reconstruct curbs or driveways.

The Director of Engineering or his or her authorized representative may, at his or her discretion, order the reconstruction, alteration or repair of driveways and associated structures, presently constructed or constructed hereafter under the terms of this Article, where he or she determines such to be an impediment to the free movement of vehicles upon the streets or the uneconomic distribution of parking spaces at the curb of the aforementioned streets, or a hazard to the travel or safety of pedestrians thereon. Such notice to reconstruct, alter or repair shall be given by registered or certified mail to the owner of the premises involved, who shall commence such reconstruction, alteration or repair within thirty (30) days thereafter. In the event that the owner fails to so commence, the Town may make such reconstruction, alteration or repair, billing the costs of the same to said owner, who shall be obligated therefor. (Prior code 11-115; Ord. 2006-1236 §1)

Sec. 11-6-60. Removal of abandoned driveways.

When, in the opinion of the Director of Engineering or his or her authorized representative, an abandoned driveway constitutes a hazard to vehicular traffic or to pedestrians within the Town, the Director of Engineering may order the removal of such driveway, and the reconstruction of the new curb shall be made by the owner of the premises involved, after notice has been given as provided in

Section 11-6-50 hereof, and the owner shall be obligated therefor. (Prior code 11-116; Ord. 2006-1236 §1)

Sec. 11-6-70. Authority of Director of Engineering.

The Director of Engineering, when directed by the Town Board, shall have the authority to order the removal of any driveway if such removal would be in the best interest of traffic movement or safety for pedestrians or vehicles. (Prior code 11-117; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-6-80. Standard plans and specifications; construction procedures.

(a) All construction outlined in this Article shall be located and constructed in accordance with the Town's Standard Specifications and Construction Manual, which shall be drawn up by the Director of Engineering, approved by the Town Board and available and on file in the office of the Director of Engineering, and shall be performed to the satisfaction of the Director of Engineering or his or her authorized representatives.

(b) The type of construction shall be designated and/or approved by the Director of Engineering, and all materials used shall be of satisfactory quality and subject to inspection and approval. No concrete shall be placed until the Director of Engineering or his or her duly appointed agent has inspected and approved the forms. Driveways shall be completely paved with concrete in the area between the roadway and the property line. (Prior code 11-118; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-6-90. Driveway construction regulations.

Every driveway hereafter constructed, reconstructed or altered, in the street right-of-way, shall conform to the following regulations:

(1) Location:

a. No driveway shall be so located as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.

b. Unless otherwise approved by the Director of Engineering, all driveways shall be constructed within lines at right angles to the curbline.

c. No driveway shall be constructed in such a manner as to create a hazard to any existing street lighting standard, utility pole, traffic regulating device or fire hydrant. The cost of relocating any such street structure, when necessary to do so, shall be borne by the abutting property owner. Relocation of any street structure shall be performed only by or through the person holding authority for the particular structure involved.

d. No construction, alteration or repair shall be permitted for any driveway which can be used only as a parking space or which provides access only to the area between the street roadway and private property.

e. All driveways shall be so constructed that they shall not interfere with the drainage system of the street.

(2) Size and number.

a. Except as otherwise provided herein, the width of any business driveway shall not exceed thirty-five (35) feet exclusive of the radii of the curb returns, the measurement being made along the flowline. Where driveways are to enter courts or alleys having a right-of-way width of forty (40) feet or less, the width of the driveways may exceed thirty-five (35) feet and the limitation of the percentage of property frontage in driveways may be waived, provided that the overall plan of the location of such driveways shall meet the approval of the Director of Engineering.

b. Except as otherwise provided above, the total width of all driveways for any one (1) parcel on a street shall not exceed fifty percent (50%) of the frontage of that parcel along the street. Whenever, in a single ownership, the total width of existing driveways on a street is over fifty percent (50%) of the frontage of that parcel on the street, such existing driveways shall be made to conform to the provisions of this Article in the event that any of the following should occur:

1. Any alteration or repair of such existing driveways in excess of twenty-five percent (25%) of the frontage of the ownership on that street, or any widening of any such existing driveways.

2. Any construction of additional driveways in the parcel or the alteration or repair of any driveways in the ownership in excess of twenty-five percent (25%) of the frontage on which the driveways are to be altered or repaired, when the parcel has frontage on two (2) or more streets.

3. Any change of use as defined in Section 11-6-10 hereof.

4. Any new construction, reconstruction or remodeling exceeding twenty-five percent (25%) of the value of the improvements on the land.

c. Upon the alteration or repair of any one (1) or more of the driveways as aforesaid, the Director of Engineering may require such changes in any or all of the driveways of the parcel necessitated for better movement of traffic or to provide better protection to pedestrians.

d. Proposed driveways shall intersect the property lines at right angles. Those driveways providing ingress to and egress from business establishments may, with the prior approval of the Director of Engineering, intersect the property line at an angle no less than sixty degrees (60°).

e. In no case shall the width of any driveway be less than ten (10) feet, the measurement being made parallel to the roadway center line and excluding the curb returns.

f. Driveways shall not exceed twenty (20) feet in width, exclusive of curb returns, for one- or two-family residential units. Driveways for multiple-family units shall not exceed twenty-five (25) feet in width.

g. Unless otherwise provided herein, no more than two (2) service driveways shall be permitted for any one (1) commercial frontage.

h. In the case of commercial parking lots located on a parcel of land abutting two (2) intersecting rights-of-way, the center line of the proposed driveway shall be no closer than fifty (50) feet to the intersection of the pertinent right-of-way lines.

i. Where a single ownership parcel is developed into more than one (1) unit of operation, each sufficient in itself to meet the requirements of off-street parking and/or loading, as may be required by the Zoning Ordinance, and where the safety of pedestrians or vehicular traffic is not endangered, then and in those events, the requirements outlined above may be construed to apply to each separate unit of operation rather than to the entire ownership.

j. No driveway shall be wider than the curb cut between the curb and the property. (Prior code 11-119; Ord. 2006-1236 §1)

ARTICLE VII

Snow and Ice Removal

Sec. 11-7-10. Removal of snow and ice from sidewalks.

The owners or occupants of property abutting upon or adjacent to sidewalks within the corporate limits of the Town shall at all times keep such sidewalks free and clear of snow and ice. In the event such owners or occupants fail to remove snow and ice from such sidewalks within twenty-four (24) hours after the accumulation of snow and ice thereon, the Town may have the sidewalks cleaned and cleared of snow and ice, and the cost thereof, including inspection and other incidental costs and an additional cost for administration not to exceed ten percent (10%), shall be assessed against the property in accordance with the assessment provisions set forth in Chapter 7, Article I of this Code. (Prior code 11-131; Ord. 2006-1236 §1)

ARTICLE VIII

Public Parks, Recreational Facilities and Trails

Sec. 11-8-10. Hours of closure.

(a) General park closure hours. Except as provided in Subsection (b) below, all public parks, recreational facilities and trails within the Town shall be closed to the public between the hours of 10:00 p.m. and 5:00 a.m. It shall be unlawful for any person to be in any park or recreational facility or to use any trail within the Town during those hours.

(b) Night fishing on Windsor Lake. Notwithstanding the general park closure hours set forth in Subsection (a) of this Section, fishing on Windsor Lake is permitted subject to the following conditions:

(1) For purposes of this Subsection, *fishing* is defined as efforts to take fish, amphibians or crustaceans by hook and line from the shore only; which hook and line shall be under the immediate physical control of a person.

(2) For purposes of this Subsection, *fishing* does not include:

a. Efforts to take fish by handline, trotline, jug, seine, net, underwater spearfishing, archery, snagging or gigging; nor

b. Merely accompanying another who is fishing as defined herein.

(3) Fishing on Windsor Lake may take place only along the west edge of Windsor Lake adjacent to State Highway 257, between the southerly pavement edge of the Town's parking lot and the inlet bridge for the Greeley #2 Ditch.

(4) Nothing in this Subsection shall be construed to permit fishing on Windsor Lake from a boat or aquatic vessel of any kind between the hours of 10:00 p.m. and 5:00 a.m. (Ord. 2008-1323)

Sec. 11-8-20. Possession of glass containers prohibited.

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park, recreational facility or on any trail within the Town. (Prior code 11-142; Ord. 2006-1236 §1)

Sec. 11-8-30. Dumping prohibited.

It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, tree leaves and limbs, garbage, refuse or other trash in or upon any park, recreational facility or trail within the Town. (Prior code 11-143; Ord. 2006-1236 §1)

Sec. 11-8-40. Trash disposal required.

It shall be unlawful for any person utilizing any park, recreational facility or trail within the Town to leave such park, recreational facility or trail without first placing in provided trash disposal receptacles all trash, of whatever kind or nature, generated by his or her usage of the park, recreational facility or trail. In the event no trash disposal receptacle is available, then such person shall carry away said trash and dispose thereof in a proper and legal manner. (Prior code 11-144; Ord. 2006-1236 §1)

Sec. 11-8-50. Dogs.

Dogs shall be allowed in public parks and on trails within the Town under appropriate supervision and specifically in accordance with the provisions appearing elsewhere in this Code concerning dogs. (Prior code 11-145; Ord. 2006-1236 §1)

Sec. 11-8-60. Removal of dog waste required.

The owner or keeper of any dog shall be responsible for the removal of any feces deposited by such animal in any public park or on or adjacent to any trail within the Town. (Prior code 11-146; Ord. 2006-1236 §1)

Sec. 11-8-70. Horses.

Except in areas specifically designated for equestrian activities, it shall be unlawful for any person to allow any horse or pony in any public park, recreational facility, public open space or on any trail within the Town. (Prior code 11-147; Ord. 2006-1236 §1)

Sec. 11-8-80. Golfing.

Unless specifically allowed in designated areas, it shall be unlawful for any person to drive or hit golf balls in any public park, recreational facility or on any trail within the Town. (Prior code 11-148; Ord. 2006-1236 §1)

Sec. 11-8-90. Operation of motor vehicles prohibited.

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, automobiles, trucks, motorcycles, motorbikes, motorscooters, go-carts or mobile homes in any public park, recreational facility, public open space or on any trail within the Town. This provision shall not apply to duly authorized employees of the Town in the performance of work activities in the scope of their employment. (Prior code 11-149; Ord. 2006-1236 §1)

Sec. 11-8-100. Posting of signs and notices.

The Town Manager shall cause to be erected in public parks, recreational facilities, and upon trails, such signs or notices as may be necessary to adequately inform the citizens of the Town of the restrictions set forth in this Article. (Prior code 11-150; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE IX

Cemetery

Sec. 11-9-10. Supervision and control; promulgation of rules and regulations.

The Town Board shall exercise exclusive supervision and control over the Town's cemetery known as "Lakeview Cemetery." The rules and regulations governing the laying out and sale of lots in the

cemetery and rules and regulations governing the use of the cemetery shall be promulgated from time to time by resolution of the Town Board. (Prior code 11-161; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 11-9-20. Prices and charges.

The Town Board shall from time to time, by resolution, establish prices and charges for grave space, opening and closing of graves, disinterment and monument foundations. (Prior code 11-162; Ord. 2004-1193 §1; Ord. 2006-1236 §1)