CHAPTER 11

Streets, Sidewalks and Public Property

Article I Streets and Sidewalks

Sec. 11-1-10 Removal of snow or ice

Article II Excavations

Sec. 11-2-10 Improvements on public rights-of-way

Sec. 11-2-20 Conformance to established manner and mode

Sec. 11-2-30 Driveways and curb cuts; permission required

Sec. 11-2-40 Street cuts; permission required

Sec. 11-2-50 Paved street cuts; supervision

Sec. 11-2-60 Street cuts; repair

Sec. 11-2-70 Cleanup

Sec. 11-2-80 Noncompliance; stop work order

Sec. 11-2-90 Application

Sec. 11-2-100 Fees

Sec. 11-2-110 Penalty

Article III Parks and Public Places

Sec. 11-3-10 Intent

Sec. 11-3-20 Park hours

Sec. 11-3-30 Park regulations

Sec. 11-3-40 Special events in parks

Sec. 11-3-50 Special event permit required

Sec. 11-3-60 Fees

Sec. 11-3-70 Insurance required; waiver

Sec. 11-3-80 Miscellaneous requirements and conditions

Sec. 11-3-90 Penalties

ARTICLE I

Streets and Sidewalks

Sec. 11-1-10. Removal of snow or ice.

It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four (24) hours from the time of the last accretion of such snow and ice. (Ord. 1-98, 1998, §1)

ARTICLE II

Excavations

Sec. 11-2-10. Improvements on public rights-of-way.

No person, either as owner, as a concrete and paving contractor or in any other capacity, shall commence the construction, installation, alteration or repair of any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way in the Town without first obtaining a permit therefor. (Ord. 1-94, 1994, §1)

Sec. 11-2-20. Conformance to established manner and mode.

Where sidewalks, curbs and gutters have heretofore been constructed on either side of any block along a frontage thereof equal to or in excess of one-quarter (1/4) of the length of any such block, then all sidewalks, curbs and gutters thereafter constructed along such side of a block shall conform to the established manner and mode of construction on such side of the block unless otherwise directed by the Town. (Ord. 1-94, 1994, §2)

Sec. 11-2-30. Driveways and curb cuts; permission required.

No driveway shall be constructed in the Town and no curb cut shall be made if the purpose of the driveway or curb is to provide access to and from a public street without the prior approval of the Town, either through its administrative authority or by the Board of Trustees. (Ord. 1-94, 1994, §3)

Sec. 11-2-40. Street cuts; permission required.

No person shall excavate, cut, open, remove or in any way disturb the paving or compacted material on any street or alley in the Town for the purpose of installing, connecting or repairing any utility or for any other purpose without obtaining a permit and paying the appropriate fees as set forth in this Article. (Ord. 1-94, 1994, §4)

Sec. 11-2-50. Paved street cuts; supervision.

Any street or alley cut which is made upon a paved street shall be done only by or under the supervision of the Town or its authorized agent. (Ord. 1-94, 1994, §5; Ord. 1-98, 1998, §1)

Sec. 11-2-60. Street cuts; repair.

The property owner who will be benefited by the street cut shall be responsible for all costs associated with the repair and restoration of any street cut. Such repair shall include more than one (1) repair project if, after the initial repair, settling at the site of the street or alley cut requires additional repair. In order to ensure compliance with this Section, the Town may require a deposit in an amount determined by the Board of Trustees. (Ord. 1-94, 1994, §6; Ord. 1-98, 1998, §1)

Sec. 11-2-70. Cleanup.

Upon the completion of any sidewalk, curb, gutter, street or alley cut or any other construction or repair upon the public right-of-way, the site shall be cleaned of all rubbish, trash, excavating material and any other dirt and debris and shall be left in a clean and workmanlike manner. (Ord. 1-94, 1994, §7)

Sec. 11-2-80. Noncompliance; stop work order.

(a) Whenever any work is being done contrary to the provisions of this Article, the Town through its administrative authority or by order of the Board of Trustees may order the work stopped immediately, by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until he or she is authorized by the Town to proceed with such work.

(b) If any person fails to abide by such order and it is necessary for the Town to take legal action to stop any work being done in violation of this Article, then the property owner to be benefited by such work shall be responsible for the attorney's fees and costs incurred by the Town in such legal action. If the same are not paid, such fees and costs may be withheld from the deposit paid by the permittee, or if not otherwise paid, shall become a lien upon the property so benefited upon the filing of a lien statement by the Town with the County Clerk and Recorder, which lien may be foreclosed in the manner provided by statute for foreclosure of liens or may be collected by the County Treasurer as taxes and assessments upon such property. (Ord. 1-94, 1994, §8; Ord. 1-98, 1998, §1)

Sec. 11-2-90. Application.

Any person desiring to make any improvement or street cut pursuant to this Article shall apply for a permit to do the same on a form provided by the Town Clerk. Upon issuance of a permit, a copy of such permit shall be retained by the owner of the property benefited by the permit or the concrete or paving contractor performing the work and shall be displayed to any authority requiring the same. (Ord. 1-94, 1994, §9)

Sec. 11-2-100. Fees.

Any person desiring a permit pursuant to this Article shall file an application therefor with the Town Clerk as set forth above and shall pay a fee of one hundred dollars ($100.00) upon filing the application and shall pay a deposit to the Town Clerk in the amount of five hundred dollars ($500.00) to ensure prompt completion and full compliance with this Article. Upon completion satisfactory to the Town, the five-hundred-dollar deposit, or any portion thereof as determined reasonable by the Board of Trustees, shall be returned to the depositor. Such deposit may not be returned to the depositor until a reasonable time has elapsed from the initial repair to determine whether settling has occurred or whether other repairs may be needed. In the event the repairs and cleanup are not made pursuant to this Article, then the Town shall proceed to make such repairs out of the funds deposited with the Town. If the funds deposited are not sufficient to cover the expenses of repair and cleanup, then the Town may collect such additional sums due from the property owner as set forth in Section 11-1-80. (Ord. 1-94, 1994, §10)

Sec. 11-2-110. Penalty.

Any person violating any section of this Article shall be punished as set forth in Section 1-4-20 of this Code. (Ord. 1-94, 1994, §11; Ord. 1-98, 1998, §1)

ARTICLE III

Parks and Public Places

Sec. 11-3-10. Intent.

The purpose of this Article is to regulate the temporary use or occupation of public parks, streets, sidewalks and other public places. It is not the intent of the Board of Trustees to regulate or establish prior conditions or restraint on the free exercise of personal rights of individuals embraced by the First Amendment to the Constitution of the United States or Article II, Section 10 of the Constitution of Colorado in the use and enjoyment of public places to the fullest extent otherwise permitted by law. Nothing in this Article shall vest, or be deemed to vest, any property right, estate or interest in persons using the public domain under the terms of this Article, the temporary uses and occupations permitted herein being authorized only in order to enhance the public welfare. (Ord. 2004-04, 2004, §1)

Sec. 11-3-20. Park hours.

(a) The hours of public use in the Town parks shall be from 6:00 a.m. to 10:00 p.m. each day.

(b) Changes in the above-listed hours for particular parks can be made at the discretion of the Board of Trustees, and such changes shall be clearly posted at least forty-eight (48) hours in advance of enforcement. (Ord. 2004-04, 2004, §2)

Sec. 11-3-30. Park regulations.

Within any park under control by the Town it is unlawful to:

(1) Enter, remain in or refuse to leave any park during those times when the park is not open for public use as established in Section 11-3-20 above. Such restrictions do not apply to Town personnel performing security or park maintenance services;

(2) Hunt, shoot, kill, injure, trap or maim any animal or bird. Such restrictions shall not apply to Town personnel removing injured or nuisance animals;

(3) Camp overnight except in areas which may be designated for overnight camping;

(4) Bathe, wade or swim in any waters in any park area;

(5) Permit any livestock to graze or remain within a park, except by written permission of the Town Clerk or other appropriate authority;

(6) Destroy or damage any fence, gate, lock, picnic table, playground equipment, shrubbery, trees, sprinkler system or turf; or mutilate, deface, disfigure or injure by other than normal use rocks, trees, wildflowers or other features in the park;

(7) Destroy, leave or bury refuse, trash or litter, except by depositing such refuse, trash or litter in designated trash receptacles. If the receptacles are full, park users shall take the litter out of the park with them when they leave the park. No person shall dispose of trash in the park that is not specifically generated by park activities;

(8) Build a fire at any location other than in Town-installed pits or grills, or leave any fire unattended or fail to completely extinguish any fire;

(9) Discharge explosives or fireworks, except by permit granted by the Town Clerk or proper authority;

(10) Play or practice golf;

(11) Use the area for any private enterprise or to sell or offer for sale any tangible or intangible goods or services, except with a permit for such activity authorized or granted by the Town pursuant to Section 11-3-50 below;

(12) Operate any motor vehicle, except on designated roadways open to public use, or park vehicles anywhere except in designated parking areas unless authorized by the Town Manager or proper authority;

(13) Operate remote control or control-line devices in the air;

(14) Knowingly possess a firearm of any description, or air rifle, spring-gun, bow and arrow, sling, paintball gun or other weapon potentially harmful to wildlife or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, except in any ceremony specifically authorized by the proper authority;

(15) Leave on any park property or in any waters within park property the fecal matter of any animal that one owns, possesses or keeps, as regulated in Chapter 7, Article VI of this Code;

(16) Bring any animal other than dogs into a park. All dogs must be on a leash except in areas posted as authorizing dogs to be off leash;

(17) Bring into, possess or have any glass bottle or container; or

(18) Knowingly deface or vandalize any park facility structure, sign or equipment. (Ord. 2004-04, 2004, §3)

Sec. 11-3-40. Special events in parks.

(a) Special events as defined in Section 11-3-50 below require a park permit issued by the Town Manager or Board of Trustees and payment of the required park fees.

(b) The Town Clerk or Board of Trustees shall review the use of a park permit application and will consider the following in evaluating applications:

(1) Whether activities will damage public property or resources;

(2) Whether the activities will, in general, result in exclusion of or inconvenience to the public use of the park;

(3) Whether activities will be significantly different from the normal intended uses of the park;

(4) Whether all application requirements have been met;

(5) Whether prior events by the sponsor have resulted in destruction or misuse of the park. (Ord. 2004-04, 2004, §4)

Sec. 11-3-50. Special event permit required.

(a) Before any person or entity may use any park or other public place for the purpose of engaging as a mobile vendor, placing a business extension, kiosk or scheduling any special event or any event which is reasonably expected to attract more than one hundred (100) persons, such person or entity shall apply for a permit for such use from the Town Clerk.

(b) The Town Clerk may be authorized by the Board of Trustees to issue certain permits at the Town Clerk's discretion. Other permits shall be referred to the Board of Trustees to be granted or denied based upon the criteria established in Section 11-3-30 above.

(c) To foster and maintain competitive viability of merchants having fixed costs of doing business, no permit holder shall sell or offer for sale any goods or services within five hundred (500) feet of any business facility or for a period of greater than forty-eight (48) hours.

(d) The following uses shall not require a permit:

(1) Entertainment not presenting a hazard to public safety and which is not anticipated to attract more than one hundred (100) persons.

(2) Traditional park activities.

(3) Organized gatherings, parties, picnics, reunions or similar events not expected to attract more than one hundred (100) persons.

(4) Any event wherein the prime sponsor is any department of the Town.

(e) Any party aggrieved by any administrative official may appeal a denial of a permit to the Board of Trustees by filing a request that the Board of Trustees review the denial. Such appeal shall be heard by the Board of Trustees within thirty (30) days of filing of the appeal. A decision of the Board of Trustees may be appealed pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. 2004-04, 2004, §5)

Sec. 11-3-60. Fees.

(a) The Board of Trustees may charge a reasonable fee to the sponsors of each permitted activity to cover the actual and reasonably estimated costs incurred by the Town in providing maintenance, security and cleanup services as well as any other services required by the sponsor for the activity or event.

(b) In determining the fee, the Board of Trustees or Town Clerk shall consider the following:

(1) Scope of activity. The greater the number participants, the duration of the activity or event and the larger the area in which the activity or event occurs, the greater the fee.

(2) Inconvenience to the public. The larger the area of the park affected, the greater the fee.

(3) Effect on the Town.

a. The greater the cost to the Town as a result of the activity or event, the greater the fee.

b. The greater any responsibility of the Town as a result of the activity or event, the greater the fee.

c. The greater any inconvenience to the Town as a result of the activity or event, the greater the fee. (Ord. 2004-04, 2004, §6)

Sec. 11-3-70. Insurance required; waiver.

No person or entity shall be granted a permit for use of any park or public facility unless such person or entity maintains at all times liability insurance naming the Town as an additional insured in an amount not less than set forth in the Colorado Governmental Immunity Act and evidenced by a certificate signed by an agent of an insurance carrier authorized to conduct business in Colorado. Such certificate shall verify the Town's insured status and set forth the limits of each policy, the policy number, the name of the insurer, the effective and expiration dates of each policy and a copy of an endorsement placed on the submitted policy requiring ten (10) days' notice by mail to the Town prior to policy cancellation for any reason. The applicant for any permit may petition the Board of Trustees for a full or partial waiver of the insurance requirement. The Board of Trustees may grant or deny the relief requested in consideration of the following standards:

(1) That the use or activity proposed does not expose the public or Town property to any significant or unusual hazard or risk.

(2) That the applicant has sufficient resources and financial accountability to demonstrate financial security to satisfy any potential claims. (Ord. 2004-04, 2004, §7)

Sec. 11-3-80. Miscellaneous requirements and conditions.

(a) This Section shall apply to parks and other public facilities, including streets, sidewalks and public meeting facilities.

(b) In any addition to any fee for any special event permit, the Town may, in circumstances where damage may occur to any Town facility, require a security deposit to insure, repair or reconstruction of damage to any facility. (Ord. 2004-04, 2004, §8)

Sec. 11-3-90. Penalties.

Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction of a violation hereof, be fined not more than three hundred dollars ($300.00) and shall be imprisoned for not more than ninety (90) days or both such fine and imprisonment for each violation and, in addition, shall pay all costs and expenses involved in correcting any violation of this Article. Each day during which a condition in violation of this Article exists or is allowed to continue to exist shall constitute a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2004-04, 2004, §9)