

TITLE 14

STREETS AND SIDEWALKS, PUBLIC PROPERTY

Chapters:

- 14.01 General
- 14.02 Design and Construction of Public Improvements
- 14.03 Maintenance of Streets and Sidewalks
- 14.04 Excavation in Public Rights-of-Way
- 14.06 Use of Public Streets and Rights-Of-Way by Utilities and Other Service Providers
- 14.07 Vacation of Right-Of-Way Or Easement
- 14.08 Standards and Specifications for Public Facilities And Improvements
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CHAPTER 14.01  
GENERAL

Sections:

- 14.01.010      Applicability
- 14.01.020      Penalties
- 14.01.030      Damages
- 14.01.040      Street Construction Fund

14.01.010      Applicability. (a) All use of public rights-of-way shall be subject to the provisions of this Title. Use of public rights-of-way includes, but is not limited to, the following activities within the legal boundary of such rights-of-way:

- (1)      The operation of a motor vehicle, equipment or machinery;
- (2)      The operation of a non-motorized vehicle;
- (3)      Construction or reconstruction of all types;
- (4)      Excavations;
- (5)      Erection of any permanent or temporary structures;
- (6)      Placing, displaying or storage of any substance;

- (7) Maintenance of public improvements; and
- (8) Physical or sight obstructions. *(Source: Ord. No. 96)*
- (9) The use of public streets and rights-of-way, including the erection of utility poles, by any electric light and power service provider, natural gas service provider, telecommunications service provider, and cable television service provider. *(Source: Ord. No. 204)*

14.01.020 Penalties. Violation of any Section of this Title shall be, upon conviction, punishable as a Class B municipal offense.

Each day such violation continues shall be deemed a separate offense. *(Source: Ord. No. 167)*

14.01.030 Damages. Any person, firm, partnership or corporation violating any of the provisions of this Title shall be liable to the Town for any expenses, loss or damage occasioned by reason of such violation. *(Source: Ord. No. 96)*

14.01.040 Street Construction Fund. The Street Construction Fund is hereby established. The Board of Trustees shall at least annually make a determination as to the appropriate amount of money to be deposited in said Fund and spent there from. In determining the appropriate level of contribution to the Fund, the Board shall consider the design life of the streets, the age of the streets, the replacement cost of the streets and anticipated growth as well as the financial condition of the Town.

Expenditures of Street Construction Funds shall be limited to major repairs, construction, and reconstruction of improvements situated within public rights of way. Appropriate expenditures of Street Construction Funds would include plant mix overlay, installation of traffic signals, street widening, major reconstructions and new construction of streets, storm drainage, and sidewalks.

CHAPTER 14.02  
DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS

Sections:

- 14.02.010 Surveys and Grades
- 14.02.020 Obstructions in Rights-of-Way
- 14.02.030 Construction in Public Right-of-Way
- 14.02.040 Ascertaining Street Grade before Construction

14.02.010 Surveys and Grades. The location and elevation of streets, alleys, curbs and gutters and sidewalks shall be determined by the Town. *(Source: Ord. No. 96)*

14.02.020 Obstructions In Rights-of-Way. (a) It shall be unlawful to construct or place any

obstruction in the public rights-of-way except as duly, authorized in Section 14.02.020 (b). Such obstructions may be physical barriers or impediments to free movement of pedestrian or vehicle traffic or may limit visibility of on-coming traffic.

(b) The Board of Trustees may grant a revocable permit allowing construction or placement of any obstruction in the public right-of-way. Issuance of such a permit shall be irrefutable evidence that the permitted shall indemnify the Town of any liability related to the permitted obstruction.

14.02.030 Construction in Public Right Of Way. (a) It shall be unlawful to construct, reconstruct, excavate or cause any construction, reconstruction or excavation in public rights-of-way without having first obtained a permit from the Town to perform such work.

(b) The minimum specifications for the construction of public improvements shall be determined by resolution of the Board of Trustees.

(c) Any contractor performing construction of public improvements shall expressly warrant and guarantee all such work for two (2) years.

Such warranty periods shall commence upon the date of acceptance by the Town, as evidenced in writing. The warranty shall include repairs made necessary by imperfections or unsuitability of material or composition, too great or too little moisture, defects of workmanship, or settling of fills or excavations or any damage done by expansion of concrete or any other failure resulting in nonconformance with the minimum specifications established by the Town.

14.02.040 Ascertaining Street Grade before Construction. Prior to the issuance of a building permit, the Town shall determine the grade of the street, or streets, adjacent to the proposed building site.

### CHAPTER 14.03 MAINTENANCE OF STREETS AND SIDEWALKS

Sections:

14.03.010	Responsibility for Maintenance
14.03.020	Sidewalk Construction Permit
14.03.030	Construction of Sidewalks
14.03.040	Notice to Repair or Reconstruct Sidewalks, Curbs and Gutters
14.03.050	Driving Across Sidewalks
14.03.060	Snow and Ice Removal
14.03.070	Transporting or Spilling of Substances Injurious to Pavement
14.03.080	Placement of Debris on Streets
14.03.090	Size, Weight and Load of Vehicle
14.03.100	Road Damage

14.03.010 Responsibility for Maintenance. (a) Property owners shall be responsible for maintenance and reconstruction of all sidewalks, driveways, curbs, gutters or any combinations thereof,

after such improvements have been accepted by the Town as properly constructed.

(b) The Town shall be responsible for maintenance of streets and alleys.

(c) Property owners shall be responsible for repairs to streets and alleys, sidewalks, curbs and gutters and all other public improvements when such repairs are necessary due to actions by the property owners. Such actions by the property owner include but are not limited to excavations to repair the property owner's water, irrigation, sewer service lines, or other utility connections. (*Source: Ord. No. 96*)

14.03.020 Sidewalk Construction Permit. It shall be unlawful to construct, remove, or in any manner disturb any sidewalk, driveway, curb, gutter, or any combination thereof located in public rights of way without first obtaining a construction permit.

14.03.030 Construction of Sidewalks. It shall be unlawful to construct any sidewalk, driveway, curb, gutter, or any combination thereof of any material or size or on any line, grade, or location except according to the specifications of the Town.

14.03.040 Notice to Repair or Reconstruct Sidewalks, Curbs and Gutters. If any sidewalk, driveway, curb, gutter, or any combination thereof shall be in disrepair or is not constructed on the proper line and/or grade, the Mayor shall order the property owner to repair or reconstruct the improvement within thirty (30) days.

In the event the property owner fails to complete the required work within thirty (30) days, the Town shall cause the work to be completed and the costs thereof, plus eighteen percent (18%) for incidentals, to be assessed to the property owner.

14.03.050 Driving Across Sidewalks. It shall be unlawful to drive any vehicle over any sidewalk unless such sidewalk is of the Hollywood or roll-top variety intended for such use and the purpose of driving across the sidewalk is to go to a lot or structure immediately adjacent to that sidewalk.

14.03.060 Snow and Ice Removal. The property owner shall be responsible for keeping sidewalks clear of ice and snow. The property owner shall remove or cause the removal of ice and snow from sidewalks prior to eight o'clock in the morning (8:00 A.M.) following a snowfall during the previous night or within two (2) hours of a daytime snowfall.

14.03.070 Transporting or Spilling of Substances Injurious to Pavement. It shall be unlawful to spill or allow the placement of any gasoline, oil, kerosene, benzene, or other petroleum based substance on any street unless such substance is applied by or for the Town for maintenance purposes.

14.03.080 Placement of Debris on Streets. It shall be unlawful to place any of the following substances on any street or alley:

(a) Glass or glass bottle;

- (b) Trash;
- (c) Nail or tack;
- (d) Wire;
- (e) Can;
- (f) Snow or ice; or
- (g) Any substance which might reasonably be anticipated to be injurious to any person, animal, vehicle, or the street or alley.

14.03.090      Size, Weight and Load of Vehicle. (a) It shall be unlawful for any person to drive or move or, for any owner, to allow the movement of any vehicle exceeding the size, weight and load limitations set forth in the Model Traffic Code for Colorado Municipalities.

(b) The operator or driver of any laden truck or other commercial vehicle designed and used primarily for the transportation of property, while operating or moving such vehicle within the Town, shall have a gross vehicle weight slip or scale ticket evidencing the total weight of the vehicle and load being transported, issued by a properly licensed or certified scale, which gross vehicle weight slip shall be produced for inspection by any police officer of the Town. Upon being asked to stop by a police officer of the Town, under this Chapter, any driver of such vehicle who fails or refuses to stop, or who fails or refuses to produce such gross vehicle weight slip shall be in violation of this Section, and shall be presumed to be in violation of Section 14.03.090(a).

(c) It shall be unlawful to drive or move any vehicle or to allow any vehicle to be driven or moved when such vehicle exceeds the posted weight limitations.

14.03.100      Road Damage. (a) No person shall operate or move on any street or road within the Town any vehicle, motor vehicle, trailer or semi-trailer, mobile machinery, or self propelled construction equipment having any metal tire or metal tread which contact with the roadway, and no person shall drive, operate, or move upon or over any street or road within the Town any vehicle, object, or contrivance in such a manner so as to cause damage to said street or road.

(b) Further, in the event any police officer of the Town observes an offense of this subparagraph, (14.03.100(b)) such officer shall have the right, in order to prevent further damage, to require the operator or driver of such vehicle to immediately stop such vehicle, and upon such a demand or order of such officer, said operator or driver shall immediately stop said vehicle. Any vehicle so stopped shall not be moved until it can be so moved or removed without causing any further damage to the streets or roads.

(c) Every person violating the terms of this Section shall be liable for all damages which said street or road may sustain as a result thereof. Whenever the driver of such vehicle is not the owner thereof, but is operating, driving or moving such vehicle at the express or implied consent of the owner

thereof, then said owner and driver shall be jointly and severally liable for any such damage, and such liability may be enforced by the Town by a civil action.

(d) No satisfaction of such civil liability shall be deemed to be a release of satisfaction of any criminal liability for violation of the provisions of this Section.

CHAPTER 14.04  
EXCAVATION IN PUBLIC RIGHTS-OF-WAY

Sections:

14.04.010	Excavation Permit Required
14.04.020	Application for Excavation Permits
14.04.030	Conditions of Excavation Permit
14.04.040	Obstruction of Streets
14.04.050	Warning Devices Required
14.04.060	Interfering with or Removing Warning Devices
14.04.070	Backfill Specifications
14.04.080	Insurance Required; Additional and All Inclusive Conditions; Implied Agreement
14.04.090	Bonding Required

4.04.010      Excavation Permit Required. It shall be unlawful to dig, open, excavate, or to cause to be dug opened, or excavated any street, alley, sidewalk, or other public right-of-way without first having obtained an excavation permit from the Town.

Such Permit shall be kept at the site of the excavation while the work is being performed and shall be exhibited upon request to any employee of the Town or any elected official of the Town.  
(Source: Ord. No. 96)

14.04.020      Application for Excavation Permit. Application for an excavation permit shall include the following:

- (a) The reason necessitating the excavation;
- (b) The exact location of the excavation;
- (c) The date and time when the excavation shall be made and the length of time the excavation will remain unfilled;
- (d) The proposed barricading plan; and
- (e) Payment of the excavation permit fee.

14.04.030      Conditions of Excavation Permit. Excavation permits shall be subject to the following conditions:

- (a)      The permittee shall indemnify the Town from liability relating to the excavation;
- (b)      The permittee, the permittee's insurance and bonding companies and individual performing the excavation on behalf of the permittee shall be solely responsible for all costs relating to the excavation;
- (c)      Excavations, barricading, traffic control, backfills and public improvement repairs will be performed in accordance with the minimum specifications of the Town;
- (d)      Payment of the excavation permit fee; and
- (e)      No permit shall be issued for more than one (1) excavation site.

14.04.040      Obstruction of Streets. (a) It shall be unlawful to block more than one (1) driving lane of any paved street without having first obtained the written permission of the Town.

(b)      It shall be unlawful to block a driveway overnight. A permittee shall give notice to the occupant of a residence prior to blocking any driveway in a residential area.

(c)      It shall be unlawful for the permittee to leave the site of an open excavation unless barricades, signs and other such warning devices are first installed in accordance with the conditions of the excavation permit.

(d)      All backfilling and pavement replacement shall be done in accordance and in compliance with specifications relating to street and alley excavations adopted by resolution of the Board of Trustees.

14.04.050      Warning Devices Required. (a) It shall be unlawful for any person to dig or cause to be dug any hole, drain, ditch or any other excavation in any street, alley, sidewalk, or other public place within the Town without providing during the nighttime sufficient flares, red lights or other suitable warning devices to be placed with a suitable barricade or temporary fence around such hole, drain, ditch or other excavation, including backfilled areas which have not been patched, in order to prevent persons, animals or vehicles from sustaining injury or damage.

(b)      During the daytime, the barricades shall be maintained, but flares are not required.

(c)      Every excavation shall further be protected at all times by traffic safety appliances as prescribed by the Town, in order to minimize the disruption of the flow of traffic in the vicinity of the excavation.

14.04.060      Interfering with or Removing Warning Devices. It shall be unlawful to damage, displace, remove, or interfere with any barricade, warning lights, flares, or any other safety appliance which is lawfully placed around or about any street, alley, sidewalk, or other excavation or construction work in the Town.

14.04.070      Backfill Specifications. Backfilling of excavation shall be made in accordance with the specifications of the Town adopted by resolution of the Board of Trustees.

In the event of settlement or subsidence of a particular excavation or part thereof, the permittee who performed the excavation work shall be responsible for all repaving costs and repair costs occasioned thereby for a period of two (2) years after the excavation is back filled.

14.04.080      Insurance Required; Additional and All Inclusive Conditions; Implied Agreement. (a) Any person who shall apply for a permit to dig in, open or excavate any street, alley, sidewalk or other public place in the Town shall be conclusively deemed to have agreed to indemnify and save harmless the Town, its authorized agents, officers, representatives and employees from and against any and all claims, penalties, liability or loss resulting from claims or court action, whether civil, criminal or in equity, arising directly or indirectly out of any act or omission of the applicant, his agents, officers, representatives, or employees in digging in, opening, or excavation of such street, alley, sidewalk or other public place.

(b) The applicant shall post with the Town Clerk certification of general liability insurance covering such excavation work with minimum coverage commonly described as one hundred thousand dollars (\$100,000); three hundred thousand dollars (\$300,000); twenty-five thousand dollars (\$25,000); as shall be approved by the Town Attorney as to form, to insure such indemnity. Such insurance shall remain in full force and effect for a period of two (2) years from and after the date of application for each permit issued there under. Failure to maintain such insurance shall not relieve any applicant from liability hereunder.

(c) Such proof of insurance shall contain a clause to the effect that the Town shall be notified by the insurer not less than thirty (30) days prior to any change in or cancellation of such policy.

14.04.090      Bonding Required. (a) Any person who shall apply for a permit or permits to dig in, open or excavate any street, alley, sidewalk or other public place in the Town shall post a bond in the sum of five thousand dollars (\$5,000.00) with the Town Clerk. The condition of such bond shall be that the permittee shall comply with all the ordinances and specifications of the Town relating to the digging in, opening or excavating, any street, alley, sidewalk, or other public place in the Town. Such bond shall be approved by the Town as to sufficiency and by the Town Attorney as to form, and for each excavation shall remain in full force and effect for a period of two (2) years from and after the date any excavation made within the twelve (12) month period is backfilled.

(b) In the event of a breach of any of the conditions of such bond, the Mayor shall give notice of same to the surety, shall cause to be remedied the condition wherein the bond is breached, and the Town Attorney shall bring action, in the name of the Town to recover the penalty of the bond, or so much thereof as may be necessary to reimburse all costs and expenses incidental thereto.

(c) No permit shall be issued to any applicant whose bond or any portion thereof has been declared forfeit unless and until such bond shall have been reinstated or a new bond filed as provided herein.



CHAPTER 14.06  
USE OF PUBLIC STREETS AND RIGHTS-OF-WAY BY UTILITIES  
AND OTHER SERVICE PROVIDERS

Sections:

14.06.010	Applicability
14.06.020	Construction in Public Rights-Of-Way
14.06.030	Removal and Relocation of Facilities
14.06.040	Interference with Traffic and Travel
14.06.050	Notice by the Town of Street Improvements
14.06.060	Raising and Lowering of Wires
14.06.070	Tree Trimming
14.06.080	Enforcement

14.06.010      Applicability. In addition to all other requirements contained in this Title and any applicable franchise or license granted by the Town, any electric light and power service provider, natural gas service provider, telecommunications service provider and cable television service provider shall comply with the requirements contained in this Chapter pertaining to use of the Town's public streets and rights-of-way by such providers. *(Source: Ord. No. 204)*

14.06.020      Construction in Public Rights-Of-Way. No pavement, sidewalks, curbs, gutters or other such street installation shall be disturbed and no excavation in any of the Town's streets shall be made, or any poles erected or installed within the Town's rights-of-way, except with the express written permission of the Town. All construction and installation activity shall be done at such locations and in such manner as are approved by the Town. The utility service provider shall repair any disturbance or excavation to the extent that the pavement, sidewalk, curb, gutter or other street installation is returned to the condition as it existed prior to such disturbance or excavation. Plans and specifications must be submitted to the Town in advance for approval. The utility service provider shall provide a reasonable means to field locate all portions of its system and shall provide a location service to the inhabitants of the Town in accordance with applicable law. *(Source: Ord. No. 204)*

14.06.030      Removal and Relocation of Facilities. Any utility service provider using the Town's public streets and rights-of-way shall, at its sole cost and expense, protect, support, temporarily disconnect, relocate in the same street or right-of-way or other public street, place or right-of-way, any property or facilities and appurtenances of the service provider when required by the Town by reason of traffic conditions, public safety, public convenience, street vacation, street construction, change in establishment of street grade or installation of sewer, water, and drainage facilities, or any other type of structural improvement by any public agency. The Town shall give the utility service provider at least forty-five (45) days advance written notice of the necessity to relocate the provider's facilities and appurtenances. In the event the provider believes it needs additional time to accomplish the removal or relocation of its facilities, the service provider may request the Board of Trustees to grant an extension of time for the removal or relocation of such facilities and appurtenances. Following a public hearing, the Board of Trustees may grant or deny such request for an extension of time, but such request shall not be unreasonably denied. *(Source: Ord. No. 204)*

14.06.040      Interference with Traffic and Travel. All wires, conduits, cables, pipes and other property and facilities of any utility service provider shall be located, constructed, installed and maintained so as not to endanger or unnecessarily interfere with the usual customary trade, traffic and travel upon the streets and public places of the Town. In the event of such interference, the Town may require the removal of the service provider's lines, conduits, cables, pipes or other facilities and appurtenances from the property in question, at the service provider's sole cost and expense. (*Source: Ord. No. 204*)

14.06.050      Notice by the Town of Street Improvements. The Town shall give every utility service provider using the Town's public streets and rights-of-way at least forty-five (45) days written notice of the Town's plans for street improvements where paving or resurfacing of a permanent nature is involved. The Town shall endeavor to give the service provider sufficient time to make any additions, alterations, or repairs to its facilities as it deems necessary in advance of the actual commencement of the Town's work, so as to permit the service provider to maintain continuity of service. (*Source: Ord. No. 204*)

14.06.060      Raising and Lowering of Wires. Any electric light and power service provider, telecommunications service provider, and cable television service provider using or occupying the Town's public streets and rights-of-way shall, at the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and a service provider shall have the authority to require such payment in advance. (*Source: Ord. No. 204*)

14.06.070      Tree Trimming. (a) Any electric light and power service provider, telecommunications service provider, and cable television provider using or occupying the Town's public streets and rights-of-way shall have the authority to trim trees overhanging upon streets, alleys, sidewalks, and any public place of the Town so as to prevent the branches of such trees from coming in contact with the wires and cable of the service provider. All trimming shall be done under the supervision and direction of the Town's Public Works Department and at the expense of the service provider. The service provider shall make every effort to preserve the aesthetic beauty and viability of any trees or shrubbery trimmed. The service provider may contract for such services; however any firm or individual shall obtain Town approval prior to commencing such activity. Any property owner whose property may be effected shall be given written notice of the service provider's intent to undertake such actions at least ten (10) days prior to such trimming in order that said property owner may undertake the required trimming itself and to consult with the service provider in that regard. All tree limbs and other refuse shall be removed by the service provider at its expense.

(b) Notwithstanding the foregoing, in the event of any emergency by reason of a tree having contact with the equipment and apparatus of a service provider, the service provider shall be entitled to trim the trees as necessary without notice to prevent injuries or damage to property or any person, including the service provider. (*Source: Ord. No. 204*)

14.06.080      Enforcement. Any electric light and power service provider, telecommunications service provider or cable television service provider violating any of the terms or provisions of this Chapter shall be subject to the penalties and damages provided in Chapter 14.01. In addition, the Board of Trustees may authorize the Town Attorney to commence a legal action in any court of competent jurisdiction for injunctive or other equitable or legal relief. (*Source: Ord. No. 204*)

#### Chapter 14.07

#### VACATION OF RIGHT-OF-WAY OR EASEMENT

##### Sections:

14.07.010 Vacation of Right-of-Way/Easement Purpose.

14.07.020 Vacation of Right-of-Way/Easement Application Process.

14.07.030 Vacation of Right-of-Way/Easement Review Criteria.

##### 14.07.010 Vacation of Right-of-Way/Easement Purpose.

- A. The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, et seq.

##### 14.07.030 Vacation of Right-of-Way/Easement Application Process.

- A. Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a vacation of right-of-way/easement application.
- B. Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit fifteen (15) copies of a complete vacation of right-of-way/easement application to the Town Clerk who shall forward the application to the Town Planner, Public Works and other applicable review agencies. The application shall be submitted a minimum of forty-five (45) days prior to the Board of Trustees meeting at which the application will be reviewed. The vacation of right-of-way/easement application shall include:
  - 1. Land Use Application Form.
  - 2. A narrative describing the vacation and justification for the request.
  - 3. Application Fee and Agreement for Payment Form - A non-refundable fee is collected to cover the cost of review. The applicant shall pay the costs of town consultants involved with reviewing the application. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall make available a copy of the most current fee schedule and fee agreement form.
  - 4. Petition for Vacation of Right-of-Way/Easement.
  - 5. Title Commitment - The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way/easement submittal.
  - 6. Surrounding and Interested Property Ownership Report - For vacation of right-

of-way applications (NOT vacation of easement applications), provide the Town Clerk with a current (not more than thirty (30) days old) list of the names and addresses of the surrounding property owners within two hundred (200) feet of the property, mineral interest owners of record and oil and gas lessees for the property. The applicant shall certify that the report is complete and accurate.

7. Vacation of Right-of-Way/Easement Map - The vacation of right-of-way/easement map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and provide the following information:
  - a. Title of map.
  - b. North arrow, scale (whatever is appropriate) and date of preparation.
  - c. Vicinity map.
  - d. Legal description of right-of-way/easement to be vacated.
  - e. Graphic representation of property to be vacated.
  - f. Acreage of property to be vacated.
  - g. Names and boundaries of adjacent subdivisions and streets.
  - h. Lot and block numbers of adjacent lots and blocks.
  - i. Existing and proposed rights-of-way in and adjacent to subject property.
  - j. Existing and proposed easements in and adjacent to subject property.
  - k. Existing and proposed utility lines and/or facilities in and adjacent to subject property.
  - l. All waterways and ditches in and adjacent to subject property.
  - m. Type and location of existing structures and paved areas on the subject property.
8. Public Notice Envelopes - If the application is for the vacation of right-of-way, the applicant shall provide the Town Clerk with one (1) set of stamped, addressed, and certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners within two hundred (200) feet of the property, mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.
- C. Completeness Review. Within ten (10) days of application submittal, Staff shall certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk.
- D. Application Referral to Utility Providers and Other Affected Agencies. Within ten (10) days of date, the application is deemed complete, the Town Clerk shall refer the application to all affected utility providers or other agencies, affected by the vacation requesting input on the request. Utility providers and affected agencies shall have twenty-one (21) days to provide input to the Town.

- E. Staff Review and Board of Trustees Report. Staff shall review the submittal and prepare a report to the Board of Trustees on the application.
- F. Board of Trustees Action on Vacation of Right-of-Way or Easement. Forty-five (45) days after receipt of a complete application, the Board of Trustees shall schedule a public hearing at the next regular Trustee meeting in accordance with Section 15.01.060 to approve, conditionally approve or deny the vacation of right-of-way ordinance. In the case of a vacation of easement, the Board of Trustees may approve, conditionally approve or deny the vacation of easement ordinance. Notice of public hearing is not required for an easement vacation.

14.07.030 Vacation of Right-of-Way/Easement Review Criteria.

- A. The right-of-way or easement being vacated is not needed in the short or long term.
- B. If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application, which proposes a new right-of-way or easement.
- C. The applicant is relocating all public facilities or utilities within the right-of-way or easement.
- D. The public and surrounding properties will not be negatively impacted by the vacation.

Chapter 14.08

STANDARDS AND SPECIFICATIONS FOR PUBLIC FACILITIES AND IMPROVEMENTS

Sections:

- 14.08.010 Promulgation of Standards and Specifications.
- 14.08.020 Applicability.
- 14.08.030 Compliance Required.
- 14.08.040 Construction.
- 14.08.050 Inspection Authority.
- 14.08.060 Performance Guarantee - Letter of Acceptance.
- 14.08.070 Subdivision Improvements Agreement.
- 14.08.080 Disposition of Collateral.
- 14.08.090 Noncompliance - Construction to Be Stopped.
- 14.08.100 Notice of Noncompliance - Appeals.
- 14.08.110 Amendments.
- 14.08.120 Compliance Required.

14.08.010 Promulgation of Standards and Specifications. The Town Administrator, in consultation with the Town Engineer, shall promulgate minimum standards and specifications related to the construction and design of certain public facilities, including, but not limited to, water, sanitary sewers, curb, gutter, sidewalks, streets, storm drainage, signs, culverts, bridges, fire hydrants, bicycle paths and street lighting within the Town. Said standards and specifications shall

become effective upon adoption by resolution by the Board of Trustees and shall be known as the Town of Collbran Public Works Manual. The purpose of said construction and engineering regulations, standards and specifications shall be to provide a certain level of performance. At any time that it can be shown that an alternate design, material or procedure will provide performance equal to or better than the required design, material or procedure, said alternate may be approved by the Town Administrator based upon recommendations from the Town Consulting Engineer.

14.08.020 Applicability. Design, construction and engineering regulations, standards and specifications promulgated pursuant to this Chapter shall apply to all construction of specified public facilities within the corporate limits of the Town or to extensions of service from the Town facilities outside the corporate limits.

14.08.030 Compliance Required. No person, firm, corporation, other entity or nonentity shall construct any public facilities specified in this Chapter or said standards and specifications, which are located in the territorial limits of the Town, unless he has complied with the standards and specifications promulgated and shall have applied for a permit.

14.08.040 Construction.

- A. Construction of specified public facilities shall be done in accordance with engineer's construction plans for the work, prepared under the direction of a registered professional engineer and approved by the Town. Plans shall conform to the Town minimum design standards promulgated.
- B. All construction of any public facilities specified in this Chapter or in the minimum design standards promulgated shall be done by a contractor licensed by the Town. A permit shall be secured by the contractor from the Town, and notice given by the contractor at least forty-eight (48) hours prior to commencing construction. No permit shall be required for repairs to existing water and sewer lines not on public property or in public easements.

14.08.050 Inspection Authority. All work shall be inspected by a Town representative having authority for the maintenance or improvement of the public facilities under construction. Town representatives having inspection authority shall include the Town Administrator, the Town Engineer or consulting engineer, the Public Works Director, the building official or any other individual appointed by the Town Administrator. The Town Administrator shall, on the permit obtained by the contractor, indicate the Town representative responsible for inspections.

14.08.060 Performance Guarantee - Letter of Acceptance. The contractor or developer shall warrant all work to be free of defects or workmanship or materials for a period of two (2) years from the date of acceptance by the Town. If work meets the standards and specifications promulgated by the Town Administrator, a letter of preliminary acceptance shall be given at the time of completion by the Town Administrator. A final letter of acceptance and release of the performance guarantee shall be given upon final inspection at the end of the warranty period provided the work still complies with said standards and specifications. In the event deficiencies are discovered during the warranty period, they shall be corrected by the contractor or developer prior to final acceptance.

14.08.070 Subdivision Improvements Agreement. A subdivision improvement agreement with guarantees as provided herein shall be executed between the developer and the Town wherein the developer shall agree to install drainage structures, fire hydrants, curb and gutter, complete

paving sidewalks, bicycle paths, culvert and bridges, street lights and signs, and other improvements where required, at his expense, either prior to acceptance of the final plat or within a specific time, no later than six (6) months from the start of any phase of the development, as approved by the Board of Trustees. In said subdivision improvement agreement, one (1) or more security arrangements shall be agreed to by the developer and the Town to secure the construction of such public facilities as are required by Town subdivision regulations or any other ordinance. The arrangements shall include collateral such as, but not limited to, performance or property bonds, private or public escrow agreements, irrevocable letters of credit, assignment or receivables, liens on property, deposit of certified funds, or other similar surety agreements, subject to approval by the Town Attorney.

14.08.080 Disposition of Collateral. As improvements are completed in accordance with Town minimum design standards, the sub divider or contractor may apply to the Town Administrator for a release of part or all of the collateral deposited with the Town. Upon inspection and approval, the Town Administrator shall release the collateral at the end of the warranty period stated in the subdivision improvement agreement, or earlier if the Town Administrator determines. If the Town Administrator determines that any such improvements are not constructed in substantial compliance with specifications, he shall furnish the developer and contractor a list of specific deficiencies and shall be entitled to withhold collateral sufficient to insure such substantial compliance. At the end of the period stated in the subdivision improvement agreement, or earlier if the Town Administrator determines that the developer or contractor will not construct any or all of the improvements, in accordance with the agreement and all of the specifications, he may with the concurring resolution of the Board of Trustees liquidate and withdraw and employ from the deposit of collateral such funds as may be necessary to construct the facilities or improvements in accordance with the specifications and agreements. Upon a determination of sub divider default, the Town Clerk shall record an affidavit of default in a form approved by the town attorney, with the Mesa County Clerk and Recorder's Office.

14.08.090 Noncompliance - Construction to Be Stopped. When in the opinion of the inspecting official, or the Town Administrator, the specifications and standards of the Town are not being followed; said inspecting official shall have the authority to halt construction. Whenever any portion of the design standards is violated, the Town Administrator, by written notice, shall order further construction to cease until all deficiencies are corrected. A copy of the order shall be filed with the contractor's license. If deficiencies are not corrected, the Town may exercise all remedies as provided herein or at law.

14.08.100 Notice of Noncompliance - Appeals. In the event the construction has been stopped for noncompliance with the standards and specifications of the Town, or in the opinion of the developer or contractor the requirements of said standards and specifications are unreasonable, the contractor or developer may petition the Town Administrator for a hearing. The contractor or developer may also, within thirty (30) days of receiving notice of noncompliance, petition the Board of Trustees and upon a majority vote of the entire membership, the Board of Trustees may approve said appeal or take other action consistent with the provisions of this Chapter.

14.08.110 Amendments. Due to rapid changes in both construction materials and methods, the Town Administrator is directed to review promulgated design standards and specifications at least every twelve (12) months from the effective date and report those findings to the Board of Trustees.

14.08.120 Compliance Required. All construction within the public right-of-way in the Town of Collbran or on private property in association with a land-use approval requiring installation of public improvements shall conform to the design requirements, standards and specifications in the Town of Collbran Public Works Manual. It shall be unlawful to construct any such improvements that do not conform to those requirements.

#### Chapter 14.09

### PUBLIC PARKS RULES AND REGULATIONS

#### Sections:

14.09.010 Definitions, applicability and scope.

14.09.020 Sanitation.

14.09.030 Public behavior and preservation of public property and resources.

14.09.040 Occupancy of parks.

14.09.050 Regulation of vehicles.

14.09.060 Park hours and special event uses.

14.09.070 Promulgation of rules and regulations.

14.09.080 Fees and charges.

14.09.090 Violations, penalties and procedures.

#### 14.09.010 Definitions, applicability and scope.

The provisions of this Chapter shall apply to any park owned or operated, or hereafter owned or operated, by the Town, whether within or without the Town limits. This Chapter also applies to any park located within the Town limits owned or operated by any other public entity, if enforcement of Town regulations is requested by the other public entity. This Chapter applies to all persons entering, using or visiting such parks.

#### 14.09.020 Sanitation.

(a) The following acts are prohibited at any park:

(1) Failing to dispose of all garbage, including paper, cans, bottles, waste materials and rubbish, by removal from the site or area, or by disposal at places provided by the Town for refuse removal.

(2) Draining or dumping refuse or waste from any trailer or other vehicle except in places or receptacles provided for such uses.



(3) Cleaning food, or washing clothes or articles of household use or eviscerating fish or game at any water faucets, rest rooms or water hydrants, or in any creeks, streams or rivers.

(4) Polluting or contaminating water supplies or water used for human consumption, or any creeks, streams or rivers.

(5) Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any rest room facility or any other public structure, or depositing any bottles, cans, cloths, rags, metal, wood, stone or other damaging substance in any of the fixtures in such stations or structures.

(6) Using refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property.

(b) A violation of this Section constitutes a non-criminal municipal offense subject to Chapter 7.07 of this Code, with the exception of a violation of subsection (a)(4) above, which is a Class A municipal offense subject to the penalties established in Section 11.02.030 and Chapter 7.08 of this Code.

14.09.030 Public behavior and preservation of public property and resources.

(a) The following acts are prohibited within any park:

(1) Any act forbidden by this Code.

(2) Inciting or participating in riots, or indulging in boisterous, abusive, threatening or indecent conduct.

(3) Destroying, defacing or removing any natural feature or plant.

(4) Destroying, injuring, defacing, removing or disturbing in any manner any public building, sign, equipment, marker or other structure or property.

(5) Selling or offering for sale any merchandise without the prior written consent of the Town Administrator.

(6) Distributing any handbills or circulars or posting, placing or erecting any bills, notices, paper or advertising devices or matter of any kind without the prior written permission of the Town Administrator.

(7) Discharging firearms, firecrackers, rockets or any other fireworks, firing paintball guns, CO<sub>2</sub> cartridges or air-pressure-fired weapons, such as BB guns or pellet guns, bow and arrows, crossbows, blowguns, slingshots or any other device which propels a projectile of any kind.

(8) Operating or using any audio devices, including radios, televisions or musical instruments, or any other noise-producing devices such as an electrical generating plant, in such a manner and at such times as to disturb other persons using the park.

(9) Operating or using public address systems, whether fixed or portable, except with the prior written permission of the Town Administrator.

(10) Installing any other aerial or special radio, telephone or television equipment unless previously approved by the Town Administrator in writing.

(b) A violation of this Section constitutes a non-criminal municipal offense subject to Chapter 7.07 of this Code, with the exception of a violation of subsection (a)(2) or (a)(7) above, which are Class A municipal offenses subject to the penalties established in Section 11.02.030 and Chapter 7.08 of this Code.

14.09.040     Occupancy of parks.

(a) The following acts are prohibited within any park:

(1) Occupying a park for other than primarily recreational purposes.

(2) Entering or using a site or portion of a site closed to public use, as established by notices which shall be posted in such locations as will reasonably bring them to the attention of the public.

(3) Building a fire outside of stoves, grills, fireplaces or fire rings provided for such purposes, leaving unattended any fire, failing to extinguish a fire when leaving the park, or allowing burning wood or other fuel sources to extend beyond the confines of fire rings.

(4) Overnight camping, except upon the prior approval of the Town Administrator.

(b) A violation of this Section constitutes a non-criminal municipal offense subject to Chapter 7.07 of this Code, with the exception of a violation of subsection (a)(4) above, which is a Class A municipal offense subject to the penalties established in Section 11.02.030 and Chapter 7.08 of this Code.

14.09.050     Regulation of vehicles.

(a) The provisions of the Model Traffic Code, as adopted in Chapter 12 of this Code, shall apply within the limits of any park. In addition, the following acts shall be prohibited within any developed park:

(1) Driving or parking any vehicle or trailer except in places developed for that purpose.

(2) Driving bicycles, motor bikes, motorcycles or other off-road vehicles off of established roadways or onto trails, unless such trails have been specifically marked for off-road vehicle use.

(3) Operating any motor vehicle in such a manner as will annoy or disturb other users of the park.

(b) A violation of this Section constitutes a non-criminal municipal offense subject to Chapter 7.07 of this Code.

14.09.060 Park hours and special event uses.

(a) Park hours. All persons are welcome to visit any park owned or operated by the Town during operating hours. No person shall be on park property except during operating hours. All parks shall be open from sunrise to sunset.

(b) Special event uses.

(1) The Town Administrator may approve special event use of any park outside the hours of operation

(2) Any scheduled Town-sponsored events or programs are exempt from park hour limitations.

(c) Requirements and penalties. Any person who uses the parks or who receives special event permission to use a park outside operating hours is subject to the following restrictions:

(1) If park use is subject to a special events permit, event participants are required to vacate the premises within thirty (30) minutes following completion of the event.

(2) All park users are required to remove all personal items, belongings, litter and debris from the premises within thirty (30) minutes following completion of any event or park use, provided that all such personal items are removed prior to the closure of any park.

(3) Any violation of the provisions of this Section is a Class B municipal offense subject to the penalties established in Section 11.02.030 and Chapter 7.08 of this Code.

14.09.070      Promulgation of rules and regulations.

The Town Administrator is authorized to promulgate the rules and regulations governing conduct and activities within all parks which are subject to the jurisdiction of the Town. Such regulations shall be designed for the purpose of ensuring the public health, safety and welfare by providing for proper recreational use by all users of the Town's parks, and minimizing the ecological damage to such sites and parks and annoyance to other park users. Such regulations may include, but shall not be limited to, restrictions on motorized vehicles; restrictions on the hours of use; and other similar regulations. The Town Administrator shall promulgate such regulations by submitting them in written form to the Board of Trustees. If the Board of Trustees approves the regulations, they shall become effective when signs are in place within the public park, reasonably calculated to give notice to the public of such regulations. Unless otherwise designated as a criminal offense, a violation of any regulation duly promulgated and posted as required by this Chapter shall be considered a non-criminal municipal offense and shall be punished as provided elsewhere in this Code.

14.09.080      Fees and charges.

The Town may assess fees or user charges for the use of any public park. The amount of such fees shall be as established by resolution of the Board of Trustees and may be amended from time to time by resolution. Such fees shall be posted at Town Hall. All fees and charges imposed by the authority granted within this Section shall be paid to the Town Clerk, in such manner as he or she shall prescribe.

14.09.090      Violations, penalties and procedures.

It is unlawful for any person to knowingly commit any act prohibited by this Chapter. The Municipal Judge shall promulgate a schedule of penalties for all non-criminal municipal violations involving parks, which schedule shall be posted prominently in Town Hall. Any violations not classified constitute Class B municipal offenses.

CHAPTER 14.10

USE AND OPERATION OF CERTAIN OFF-HIGHWAY VEHICLES ("OHV") ON PUBLIC STREETS

Sections:

- 14.10.010 Definitions.
- 14.10.020 Designation of routes.
- 14.10.030 Restrictions.
- 14.10.040 OHV prohibited acts.
- 14.10.050 Required Safety Protection.
- 14.10.060 Insurance/Model Traffic Code.
- 14.10.070 Limitations.
- 14.10.080 Penalties.

14.10.010 Definitions.

*Off-highway vehicle*: any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "OHV" does not include the following:

- a. Vehicles designed and used primarily for travel on, over, or in the water;
- b. Snowmobiles;
- c. Privately Owned Military vehicles;
- d. Golf carts;
- e. Vehicles designed and used to carry disabled persons;
- f. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- g. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

14.10.020 Designation of Routes. OHV travel shall be allowed, subject to the restrictions listed in this Ordinance, on all municipal streets located in incorporated Collbran. The restrictions on operation of OHVs contained in this Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area. The provisions of the adopted Model Traffic Code concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the Town.

14.10.030 Restrictions.

Any person operating an OHV in the incorporated areas of the Town of Collbran shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including, but not limited to, Article 14.5 of Title 33, C.R.S.

- a. Any person operating an OHV pursuant to this Ordinance shall be in possession of a valid motor vehicle operator's license and be at least 16 years of age.
- b. OHVs operating on Town of Collbran streets shall be equipped with:
  1. a muffler in constant operation and properly maintained;
  2. a spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor;
  3. a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour; and
  4. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Division of Parks and Wildlife while being operated between the hours of sunset and sunrise.
- c. OHVs shall not exceed 35 miles per hour or the posted speed limit, whichever is less.

14.10.040 OHV Prohibited Acts. It shall be unlawful to operate an OHV on Town of Collbran streets in any of the following manners:

- a. On any portion of any street except the far right portion of the street (Class C municipal offense);
- b. To ride together in any pattern except in single file (Class C municipal offense);
- c. On any public or private property or roads without express consent of the owner (Class A municipal offense); and
- d. To operate an OHV with any number of riders in excess of the manufacturer's stated seating capacity. (Class C municipal offense). (*Ordinance No. 6, Series 2016*)

14.10.050 Required Safety Protection. The operator or passenger of an OHV must at all times be equipped with the following:

a. Eye Protection. Goggles or eyeglasses with lenses made of safety glass or plastic, except that an operator or passenger need not wear safety glass or plastic if the person is wearing a helmet containing eye protection made of safety glass or plastic or driving an OHV with a windshield (Class C municipal offense); and

b. Protective Helmet. For persons under 18 years of age, a properly secured functioning protective helmet of a type and design manufactured for use by operators of OHVs or motorcycles which conforms to the following specifications (Class C municipal offense):

1. Designed to reduce injuries to the user resulting from head impacts and protects the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;
2. Have a lining, padding, and chin strap; and
3. Meet or exceed the standards established in C.R.S. § 42-4-1502.

(*Ordinance No. 6, Series 2016*)

14.10.060 Insurance/Model Traffic Code. OHVs operating on Town of Collbran streets shall be considered to be motor vehicles for purposes of maintaining at least the minimum liability insurance coverage required by the Colorado Motor Vehicle Financial Responsibility Law, Title 42, Article 7, C.R.S. Section 2.06 All ordinances and regulations pertaining to vehicles or motor vehicles shall be applicable to the operation of OHVs on municipal streets, including but not limited to the Model Traffic Code and penalty provisions of C.R.S. § 42-4-1701 adopted in Town of Collbran. Provisions of the Model Traffic Code which, by their nature, can have no application to OHVs shall not apply. In the event of a conflict between such ordinances and regulations and this Ordinance, this Ordinance shall govern.

14.10.070 Limitations. This Ordinance does not authorize or designate the use of OHV's on lands, roads or trails under the jurisdiction of other political subdivisions or state or federal agencies or on other lands or roads not under the jurisdiction of Town of Collbran. Nothing in this Ordinance shall prohibit the use of OHVs for agricultural purposes on any public road.

14.10.080 Penalties. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, rule, order or regulation. Violations shall be penalized in accordance with the applicable ordinances and regulations of the Town of Collbran pertaining to vehicles or motor vehicles or as municipal offenses.