

Title 12STREETS, SIDEWALKS AND PUBLIC PLACESChapters:

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Chapter 12.04STREETS AND SIDEWALKSSections:

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12.04.010 Maintenance--Generally. All sidewalks, curbs, gutters and curbwalks shall be maintained with an even surface in good repair and in conformity with the established grade of the streets along which they are constructed. (Prior code §9-1-1)

12.04.020 Maintenance--Sidewalks and gutters. It shall be the duty of all owners or occupants of every premises within the town to keep the sidewalks and grounds occupied by them free and clear of snow, ice, mud, dirt, debris, rubbish and filth. (Prior code §9-1-2)

12.04.030 Encroachments prohibited. No encroachment or obstruction whatever, other than provided by law, authorized by the board, or by ordinance of the town, shall be

made or placed upon any street, alley, sidewalk, curb, gutter, curbside or other public place within the town. (Prior code §9-1-3)

12.04.040 Notice and removal of encroachments. Whenever any encroachments or obstruction, including ice, snow, mud, dirt, debris, rubbish and filth, is made, located, permitted or maintained contrary to this chapter, the road commissioner or chief of police shall give notice to the person who made, caused or permitted same, or to the person who owns or controls the premises on which same is located or connected, directing such person to remove such encroachment or obstruction within forty-eight hours after receipt of the notice. In the event such notice shall not be obeyed, the road commissioner or chief of police may order the removal of the encroachment or obstruction and the costs and expenses of such removal shall be assessed against the responsible person. (Prior code §9-1-4)

12.04.050 Grade stakes. It is unlawful for any person to remove or disturb any grade or line stakes or marks set by the town for the purposes specified in this chapter. (Prior code §9-1-5)

12.04.060 Sidewalks--Required. It shall be the duty of every owner of real property within the town to provide, install and maintain a sidewalk, curb and gutter, or curbside in front of or upon his property, and in such location as may be designated by the town. The sidewalk, curb and gutter, or curbside shall be installed and constructed in strict accordance with plans and specifications adopted by the board of trustees of the town. (Prior code §9-1-6)

12.04.070 Sidewalks--Notice--Installation. Whenever any owner of property within the town shall refuse to install a sidewalk, curb and gutter, or curbside in accordance with the provisions of this chapter, the road commissioner or chief of police, pursuant to authority given by the board, shall give notice to such person directing him to install same within ninety days after receipt of the notice. In the event such notice shall not be obeyed, the road commissioner or chief of police may order the installation and construction of such sidewalk, curb and gutter, or curbside and the costs and expenses thereof shall be assessed against the responsible person. (Prior code §9-1-7)

12.04.080 Utility mains. It shall be the duty of every person and every utility company to install all mains, conduits, cables, poles and the like which may be deemed necessary for water, gas, sewer, storm drainage, telephone and electricity facilities prior to the installation,

construction or paving of any streets, alleys, sidewalks and curbswalks. (Prior code §9-1-8)

12.04.090 Authority and supervision. All work on any excavation, cut, trench or opening in or under any street, sidewalk, curb, gutter, curbswalk, alley or other public place shall be done only on authority of a permit issued by the road commissioner and such work shall be supervised by the road commission. (Prior code §9-1-9)

12.04.100 Streetwork permit required--Specifications. It is unlawful for any person, other than those under contract with the town, to excavate, cut open or trench in or under any street, sidewalk, curb, gutter, curbswalk, alley or other public place without having first obtained a permit from the road commissioner. A complete set of rules and regulations shall be prepared by the road commissioner and approved by the board describing the procedures, precautions and specifications under which the excavation work and backfilling shall be done and any other provisions deemed necessary to the best interests of the town in connection therewith. (Prior code §9-1-10)

12.04.110 Excavation permit required--Application. Every person desiring to do any of the excavation work shall apply to the road commissioner for a permit therefor on a form provided by the town, stating the applicant's name, the location, length, width and purpose of the proposed excavation, the amount of the permit fee, the dates of commencement and completion of the work and a statement that the work will be performed in strict compliance with the plans, specifications and procedures furnished by the road commissioner. (Prior code §9-1-11)

12.04.120 Permit fee. Before any permit for excavation may be issued, the permittee shall pay to the town an excavation fee of fifty dollars per cut up to twenty feet in length, plus twenty-five dollars for each additional twenty feet or fraction thereof. (Ord. 16-1999 §1, 1999: prior code §9-1-12)

12.04.130 Bond required. Every person applying for an excavation permit and prior to the issuance thereof, shall provide a surety bond for each individual contract running to the town in an amount of four dollars for each linear foot of cut or a total of fifty thousand dollars, whichever is greater. Such surety bond shall be for a period of two years. The bond shall be conditioned upon the requirement that the street cut be thoroughly compacted to ninety percent or better of the original ground compaction and that asphalt or concrete resurfacing will be as good or

better than any present asphalt or concrete paving at that location. All work authorized by the permit shall be subject to spot compaction tests at the discretion of the town and at the expense of the contractor. The bond must be either a cash deposit or be written with a corporate surety company or association authorized by law to execute such bond, to be approved by the town administrator or his/her designee. (Ord. 16-1999 §2, 1999: prior code §9-1-13)

12.04.140 Commencement and completion. All work authorized by a permit issued pursuant to this section shall be commenced within a reasonable time after issuance of the permit and shall be diligently and continuously performed until completion. In the event that weather, process of law, or any other unexpected obstacles shall cause work to be stopped for so long a time that public travel shall be unreasonably obstructed, the road commissioner may order the excavation refilled and repaved as if the work contemplated in the permit were actually completed. (Prior code §9-1-14)

12.04.150 Barricades and lights. Every person making or causing to be made any excavation shall keep the excavation barricaded at all times and, between the hours of sunset and sunrise, he shall keep such excavation properly lighted so as to warn all persons thereof. (Prior code §9-1-15)

12.04.160 Width specifications--Public inconvenience. No opening or excavation shall be undercut or have a greater width at the bottom than at the top. In no case shall more than one-half of the width of any street, alley or other public place be opened or excavated at any one time, and, in all cases, one-half of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half is restored for safe use. All such other work shall be performed in such way as to cause minimum inconvenience and restriction to the public and to both pedestrian and vehicular traffic. (Prior code §9-1-16)

12.04.170 Sidewalks and gutter obstructions. It is unlawful for any person performing any excavation work to place any dirt or other materials upon any sidewalk or in any gutters and such work shall be performed so as to permit the free passage of water along the gutters. (Prior code §9-1-17)

12.04.180 Obstructing traffic. It is unlawful for any person to obstruct in any manner any sidewalk, public highway, street or alley in the town, or, for the purpose

of annoyance or mischief, to place in any doorway or driveway, or on any sidewalk, public highway, street or alley in the town, any box, barrel, cask or other thing. (Prior code §10-7-8)

12.04.190 Interfering with use of streets or sidewalks. It is unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregation on any public highway, street, alley or sidewalk in the city shall obstruct, interfere with or prevent the free and unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk, or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the town or other authorized peace officer. (Prior code §10-7-9)

12.04.200 Parades. No funeral, procession, or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments shall occupy, march or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (Prior code §10-7-10)

Chapter 12.08

CONSTRUCTION AND REPAIR

Sections:

- 12.08.010 Construction and supervision.
- 12.08.020 Authority of board.
- 12.08.030 Petition for construction.
- 12.08.040 Action of board--Notice to property owners.

- 12.08.050 Filing of cost schedule.
- 12.08.060 Collection of delinquent payments.
- 12.08.070 Private authority.
- 12.08.080 Permit required--Specifications.
- 12.08.090 Permit--Application.
- 12.08.100 Permit--Fee.
- 12.08.110 Bond required.
- 12.08.120 Barricades and lights.

12.08.010 Construction and supervision. All sidewalks, curbs or gutters built within the town shall be constructed according to this section and under the direction and supervision of the road commissioner. (Prior code §9-2-1)

12.08.020 Authority of board. The board is authorized and empowered to construct and maintain sidewalks, curbs and gutters or any one or more of such improvements and provide for the payment of the expense thereof by special assessments upon the adjacent or abutting property in the manner designated and provided in this chapter. (Prior code §9-2-2)

12.08.030 Petition for construction. Whenever a majority of all of the members of the board of trustees shall decide that improvements are necessary with respect to any sidewalk, curb or gutter pan of any street within the town, the board may at any regular meeting, by resolution, order the construction, repair or maintenance of such sidewalk, curb or gutter pan and the cost thereof shall be paid for by the town. The costs and expenses of repair, replacement and maintenance of curbs and gutter pans damaged, as a result of the actions of an abutting property owner, shall be paid by the owner of such property, if the town determines that the owner has caused the damage. Where the repair, replacement or maintenance of a curb or gutter pan to a driveway which provides ingress and egress to the property which is adjacent and abutting the driveway, is required due to the actions of the owner of the property, as determined by the town, then the owner of the property shall pay for the curb or gutter pan repair, replacement or maintenance. In the event the town determines that it is necessary that a gutter pan be constructed and the applicable property owner requests that a ribbed gutter pan shall be constructed, then the difference in the cost of a ribbed gutter pan and that of a flat gutter pan shall be paid for by the property owner. Subject to the provisions of Title 15, the owner of one-half of the frontage upon any sidewalk, curb or gutter pan, may construct improvements on the sidewalk, curb, or gutter pan of any street at the owner's sole cost and expense. (Ord. 4-1995 §1, 1995)

12.08.040 Action of board--Notice to property owners.

Within three days from the time the board orders the construction of any sidewalk, curb or gutter, the town clerk shall mail a notice to or otherwise actually notify the owners of the abutting property or their agents of the action taken by the board concerning such improvements and shall call for sealed bids for the construction of such improvements to be presented to the board at its next regular

meeting. The notice to the property owners shall state the time and place of the opening of bids. (Prior code §9-2-4)

12.08.050 Filing of cost schedule. After the completion of any sidewalk, curb or gutter, as specified in this chapter and to the satisfaction of the road commissioner, the road commissioner shall prepare and file with the town clerk a schedule showing the whole cost of construction, and exclusive of the street and alley crossings, together with a schedule showing the number of feet abutting on such improvements and the names of the owners of each lot fronting or abutting thereon and showing the number of feet each owner has fronting or abutting on such improvements. After the schedule is placed in the hands of the town clerk, he shall assess and proportion the cost of such sidewalk, curb and gutter among the property owners according to the number of feet of property each owner has fronting or abutting upon such improvement. The amount so assessed shall become a valid and subsisting lien against such fronting or abutting property and shall be due and payable at the time of such assessment by the owner or owners of such property. Such assessment must be paid within thirty days from the time it is made. (Prior code §9-2-5)

12.08.060 Collection of delinquent payments. If the owners of any abutting property shall fail to pay to the town clerk the amount assessed against him for the construction of curbs, gutters or sidewalks within thirty days from the time the assessment is made, the town clerk shall certify the same to the county treasurer, who shall place the same upon the tax list for the current year and collect the same in the same manner as other taxes, with ten percent penalty thereon to defray the cost of collection. Such assessment shall be and remain a lien upon such lots or parcels of land until paid by the owner. (Prior code §9-2-6)

12.08.070 Private authority. All streets, alleys, sidewalks, curbs, gutters and curbswalks constructed within the town shall be done only on authority of an ordinance or on authority of a permit issued by the road commissioner. (Prior code §9-2-7)

12.08.080 Permit required--Specifications. It is unlawful for any person, other than those under contract with the town to construct, reconstruct, alter or repair any street, alley, sidewalk, curb, gutter or curbswalk without having first obtained a permit from the road commissioner. A complete set of rules and regulations shall be prepared and approved by the board, describing the procedures, precautions and specifications under which such work shall be done and any other provisions deemed necessary to the best

interests of the town in connection therewith. (Prior code §9-2-8)

12.08.090 Permit--Application. Every person desiring to construct, reconstruct, alter or repair any streets, alleys, sidewalks, curbs, gutters or curbswalks shall apply to the road commissioner for a permit therefor on a form provided by the town stating the applicant's name, the location, length, dates of commencement and completion of the work and a statement that the work will be performed in strict compliance with the plans, specifications, lines and grades approved or furnished by the road commissioner. (Prior code §9-2-9)

12.08.100 Permit--Fee. A fee of five dollars shall be paid to the town prior to the issuance of the permit, provided, however, that the fee may be waived by the road commissioner, in his sole discretion, in the event of small or minor installations or repairs. (Prior code §9-2-10)

12.08.110 Bond required. Every person applying for a permit authorized by this chapter and prior to the issuance thereof shall file a surety bond, good for one year in favor of the town in the penal sum of one thousand dollars and conditioned upon the faithful performance of such work in strict compliance with the plans, specifications, rules, regulations and ordinances of the town; that such person will forthwith repair or replace any defective or unskilled work and that such person will indemnify and save harmless the town against and from any and all damages or claims for damages, loss, costs, charges or expenses that may be brought against it by reason of such work. The bond may be waived by the road commissioner in his sole discretion in the event of small or minor installations or repairs. (Prior code §9-2-11)

12.08.120 Barricades and lights. Every person doing or causing to be done any of the work authorized by this chapter shall keep the work barricaded at all times and, between the hours of sunset and sunrise, he shall keep the same property lighted as to warn all persons thereof. (Prior code §9-2-12)

Chapter 12.12PARKSSections:

- 12.12.010 Authority to establish parks.
- 12.12.020 Definitions.
- 12.12.030 Park hours.
- 12.12.040 Destruction of park property.
- 12.12.050 Erection of tents and buildings.
- 12.12.060 Fires prohibited.
- 12.12.070 Riding animals in parks.
- 12.12.080 Huckstering prohibited.
- 12.12.090 Rules and regulations.

12.12.010 Authority to establish parks. The town, which is incorporated under the laws of this state, shall have authority to acquire, establish and maintain in the manner provided for by state law, public parks or pleasure grounds, boulevards, parkways, avenues and roads (CRS 31-25-201, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §9-3-1)

12.12.020 Definitions. For the purposes of this chapter, the following words, unless the context requires otherwise, shall have the following meanings:

"Park" is a park, reservation, playground, beach, recreation center or any other area in the town, either now existing or which shall be subsequently acquired in accordance with the provisions of Section 12.12.010, owned or used by the town, and devoted to active or passive recreation.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (Prior code §9-3-2)

12.12.030 Park hours. The parks shall be open daily to the public from five a.m. until eleven p.m., and no person not an employee of the parks shall remain in them at any other time; provided, however, that the board of trustees may by permit, first having been obtained, extend or limit the time specified in this chapter. (Prior code §9-3-3)

12.12.040 Destruction of park property. It is unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park or recreation area. (Prior code §9-3-4)

12.12.050 Erection of tents and buildings. It is unlawful to build or place any tent, building, booth, stand or other structure in or upon any of the parks, parkways, or other recreational facilities without first having obtained a permit to do so from the board of trustees. (Prior code §9-3-5)

12.12.060 Fires prohibited. It is unlawful to light, make or use any unenclosed picnic or trash fire within the parks, parkways, or other recreation facilities owned or operated by the town; provided, however, that this section shall not apply to authorized park employees. Fires may only be built in fire places or on grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by the board of trustees. (Prior code §9-3-6)

12.12.070 Riding animals in parks. It is unlawful for any person to ride or lead any horse or other livestock in any public park or recreational area except upon paths or other ways expressly provided and posted for that purpose. (Prior code §9-3-7)

12.12.080 Huckstering prohibited. It is unlawful to offer any goods, services or things for sale within parks, parkways, or recreational facilities, or on the streets and sidewalks within three hundred feet of the boundary of the same without first having obtained a license or permit to do so in the manner and pursuant to the terms and conditions fixed by the town board. (Prior code §9-3-8)

12.12.090 Rules and regulations. The board of trustees is empowered and authorized to adopt rules and regulations for the management, operation, and control of parks, parkways and recreational areas. (Prior code §9-3-9)