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CHAPTER 12.04

Official Plat

12.04.010 Adopted.

(a) All blocks, lots, streets and alleys as surveyed and platted by F. F. Brune (said plat bearing a date of 1876), and the number and names affixed thereto on said map, are adopted, except that the names of the following streets on said plat are changed, and the same shall be known and designated hereafter as follows:

- (1) Leavenworth Street shall hereafter be called First Street.
- (2) South Street shall hereafter be called Second Street.
- (3) Hale Street shall hereafter be called Third Street.
- (4) Burrell Street shall hereafter be called Fourth Street.
- (5) Mary Street shall hereafter be called Fifth Street.
- (6) Alpine Street shall hereafter be called Sixth Street.
- (7) Grant Street shall hereafter be called Seventh Street.
- (8) First Street shall hereafter be called Eighth Street.
- (9) Second Street shall hereafter be called Ninth Street.
- (10) Third Street shall hereafter be called Tenth Street.
- (11) Fourth Street shall hereafter be called Eleventh Street.
- (12) Fifth Street shall hereafter be called Twelfth Street.
- (13) Sixth Street shall hereafter be called Thirteenth Street.
- (14) Seventh Street shall hereafter be called Fourteenth Street.
- (15) Eighth Street shall hereafter be called Fifteenth Street.
- (16) Ninth Street shall hereafter be called Sixteenth Street.
- (17) Tenth Street shall hereafter be called Seventeenth Street.
- (18) Eleventh Street shall hereafter be called Eighteenth Street.
- (19) Twelfth Street shall hereafter be called Nineteenth Street.
- (20) Thirteenth Street shall hereafter be called Twentieth Street.

- (21) Fourteenth Street shall hereafter be called Twenty-first Street.
- (22) Fifteenth Street shall hereafter be called Twenty-second Street.
- (23) Sixteenth Street shall hereafter be called Twenty-third Street.
- (24) Mack Street shall hereafter be called Spring Street.

(b) The Board of Selectmen may direct the preparation of an amended and updated plat and/or map from time to time as it deems necessary and appropriate. (Ord. 2 §2; Ord. 2 §1, 2003)

12.04.020 Addressing.

(a) All buildings shall be numbered according to a Town addressing system. The Town Clerk, in consultation with the Building Official, will issue an address when a building permit is issued for any new building.

(b) Building numbers should be constructed of durable material distinctly legible, of contrasting color, at least three (3) inches high, and prominently displayed on the building so as to be readily visible from the street of the address. All buildings under construction shall be assigned an address as soon as any structure above the foundation is erected.

(c) No person shall use an unauthorized address or fail to install or maintain the assigned address in compliance with the requirements of this Section.

(d) Proposed street names shall be subject to approval by the Board of Selectmen. Owners of real property may petition the Board of Selectmen, which may grant a change in street name.

(e) Owners of real property may petition the Town Clerk, who may grant a change in address. (Ord. 441 §1, 1992; Ord. 2 §1, 2003)

CHAPTER 12.08

Sidewalk Construction

12.08.010 Chapter compliance required when.

Sidewalks shall be constructed, reconstructed or repaired by the owners of property abutting upon the same, and at their expense as provided in this Chapter, throughout the Town whenever ordered by the Board of Selectmen. (Ord. 18 Art. I §2; Ord. 29 §1(part), 1891)

12.08.020 Code compliance and inspection required.

Sidewalks shall be constructed, reconstructed or repaired pursuant to the provisions of the currently applicable codes of the Town and subject to any required inspection by the Building Official. (Ord. 18 Art. I §3; Ord. 29 §1(part), 1891; Ord. 299 §1, 1980)

12.08.030 Repair resolution form.

The resolution ordering the sidewalk to be constructed, reconstructed or repaired may be in the following form:

Ordered that a sidewalk be _____ of _____ on the _____ side of _____ Street abutting on Lot No. ____, Block _____, on said _____ Street in conformity to the ordinance relative to sidewalks.

(Ord. 18 Art. I §4; Ord. 29 §1(part), 1891)

12.08.040 Notice; publication required; time limit.

After the passage of any such resolution ordering the construction, reconstruction or repairing of any sidewalk by the Board of Selectmen, the Town Clerk shall cause a notice of the same to appear in a newspaper published in the Town for not less than ten (10) consecutive days or two (2) successive weeks notifying the owners of property adjacent or abutting upon the sidewalk so ordered to be constructed, reconstructed or repaired to construct, reconstruct or repair the same according to the requirements and within the time provided by this Chapter; except that where no newspaper is published in the Town, then the Town Clerk shall cause notice to be mailed by certified mail to each property owner and published not less than one (1) time in a newspaper of general circulation in the Town. The owners of such property shall have not less than thirty (30) days to construct and no less than ten (10) days in which to reconstruct or repair any such sidewalks after the publication and/or mailing of the notice is complete. (Ord. 18 Art. I §5; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.050 Form of notice.

Notice may be in the following form:

Sidewalk Notice

Town Clerk's Office, Georgetown, Colorado

_____, 20___. Notice is hereby given that the Board of Selectmen of Georgetown have ordered a sidewalk to be _____ of _____ as follows on the _____ side of _____ Street abutting on Lot No. ____ in Block _____ on said street. Now unless the same shall be _____ in the manner required by ordinance concerning sidewalks on or before the ____ day of _____, 20__, it will be _____ by the Town and the expense thereof assessed against the respective parties and premises to be chargeable therewith.

Clerk of Georgetown

To _____

(Ord. 18 Art. I §6; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.060 Construction by Town.

Sidewalks shall be built within the time mentioned in Sections 12.08.040 and 12.08.050 by the owner of the adjacent property, and if any sidewalk is not constructed, reconstructed or repaired within

the time required by said notice, the Board of Selectmen may direct the Town Administrator or other appropriate officer to proceed as soon as practicable to construct, reconstruct or repair the same along the property where the same has not been constructed, reconstructed or repaired by the owner of said lot. (Ord. 18 Art. I §7; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.070 Report to Board of Selectmen.

An accurate account shall be kept by the Town Administrator or other appropriate officer of the construction, reconstruction or repair of all sidewalks according to the provisions of Sections 12.08.010 through 12.08.060; and a full report of the same shall be made by him or her, as soon as the work is completed, to the Board of Selectmen, setting out each lot, piece or parcel of land in front of which the sidewalk has been constructed, reconstructed or repaired, together with the cost of the same and the name of the owner. (Ord. 18 Art. I §8; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.080 Notice of lien; publication; form.

If the cost of construction, reconstruction or repairing is not paid within thirty (30) days after the report of the Town Administrator to the Board of Selectmen, the Town Clerk shall cause a notice to be mailed by certified mail to every property owner who has not paid such cost and published in a newspaper of general circulation with the Town not less than one (1) time, which notice may be in substance as follows:

Town Clerk's office _____, 20__

To:

You are hereby notified that pursuant to an order of the Board of Selectmen of Georgetown, due notice of which was given to you by a mailed and published newspaper notice, the Town has _____ a sidewalk upon and in front of Lot No. _____. Block No. _____ in Georgetown, at an expense of \$_____.

You are further notified and requested to be and appear before the Board of Selectmen of Georgetown at their place of meeting on the ____ day of _____, 20__, at the hour of _____ o'clock p.m. then and there to show cause, if any you have, why the cost and expense of said sidewalk should not be assessed against and become, if not paid, a lien upon the above described premises.

If you fail to appear as herein notified, said Board of Selectmen will assess against you the cost of _____ such sidewalk, to be a lien upon said premises, and will cause the amount thereof to be certified to the County Treasurer of Clear Creek County to be placed by him or her upon the tax list for the current year as a lien against said lot to be collected in the same manner as other taxes are collected, plus any applicable penalty.

Town Clerk of Georgetown

(Ord. 18 Art. I §9; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.090 Hearing; assessment.

The Board of Selectmen shall, at the time named in the notice for its meeting, hear and determine any and all questions raised by the Town Administrator's report or said notice by any person interested therein touching the construction, reconstruction or repairing of any such walk; shall determine the liability and the amount due for the same; and shall charge or assess the amount due to the respective lot or property owners properly chargeable therewith and shall so order. From and after the passage of said order, the same shall become a lien upon said lots, parcels or pieces of land in front of which such sidewalk was constructed, reconstructed or repaired as provided in this Chapter, and the sum so found to be due by the Board of Selectmen shall be certified by the Town Clerk to the County Treasurer and by him or her be placed upon the tax list as a lien against each of said lots for the current year, and shall be collected together with any authorized statutory penalties, in the same manner as other taxes are collected. (Ord. 18 Art. I §10; Ord. 29 §1(part), 1891)

12.08.100 Report of grade; supervision of construction.

The grade upon which all sidewalks shall be constructed shall be given by the Building Official and shall conform to the grade of the street upon which the same is to be constructed. The Building Official shall supervise the construction, reconstruction and repairing of all sidewalks so far as may be necessary to compel their construction of the material and in the manner described in said order. (Ord. 18 Art. I §11; Ord. 29 §1(part), 1891; Ord. 2 §1, 2003)

12.08.110 Notice; filing.

On all notices published in a newspaper as required in this Chapter, the Town Clerk shall cause the published notice, together with the affidavit of the publisher, to be filed with the other papers in the cause in his or her office. (Ord. 18 Art. I §12; Ord. 29 §1(part), 1891)

CHAPTER 12.12

Sidewalk Regulations

12.12.010 Structures obstructing sidewalk or public right-of-way prohibited.

No porch, stoop, window, wall, step, cellar door, stair, railing, platform or other obstruction shall be erected or placed in or upon any public sidewalk or right-of-way. If any person erects, keeps or maintains any obstruction in or upon any public sidewalk or right-of-way in violation of the provisions of this Section, or if any person permits any obstruction to be or remain in or upon such sidewalk or right-of-way in front of any lot or building owned or occupied by him or her, in violation of this Section, he or she shall, upon conviction thereof, be fined for each day for which such obstruction shall be allowed to remain in or upon such sidewalk or right-of-way, and each day of violation shall be deemed and held to be a separate and distinct offense. (Ord. 18 Art. II §1; Ord. 2 §1, 2003)

12.12.020 Removal of structures obstructing sidewalk and other public rights-of-way.

Any step, stoop, window, wall, platform, gallery, cellar door, stair, railing or other obstruction erected or placed in or upon any public sidewalk or right-of-way in violation of Section 12.12.010 may be removed by the Town within a reasonable time after written notice to that effect has been served upon the owner, agent, occupant or other person in possession of the premises where such violation

occurs, and the owner, agent or party causing such obstruction or violation shall pay all expenses and costs of such removal in addition to the penalties aforesaid. Notwithstanding the foregoing, any obstruction presenting an imminent threat to the safe movement of pedestrians or vehicles, or otherwise endangering the public safety, may be abated and removed by the Town immediately without prior notice. (Ord. 18 Art. II §2; Ord. 2 §1, 2003)

12.12.030 Window, awning, sign and cellar door specifications.

Except as may be authorized in an encroachment license or other permit issued by the Town for its placement, no bow or other window shall extend into or over any sidewalk or right-of-way more than twelve (12) inches, nor shall any sign or awning project from any store or other building into or over any sidewalk or street more than twelve (12) inches, unless the same is at least ten (10) feet above the sidewalk, nor shall any cellar door raise or project above the surface of the sidewalk, nor the hinges thereof or any other thing connected therewith project or rise above the door. (Ord. 18 Art. II §3; Ord. 2 §1, 2003)

12.12.040 Signs and posts prohibited; exception.

No sign or other post shall be erected or placed, or, if heretofore erected or placed, shall be permitted to remain in or upon any sidewalk or street or other public way, except as authorized by an encroachment license or other permit issued by the Town. Notwithstanding the foregoing, nothing herein shall prohibit the Town from installing and maintaining traffic control or other public safety directional or informational signs in or on a public sidewalk or right-of-way, or authorizing the installation of public utility poles or facilities therein. (Ord. 18 Art. II §4; Ord. 2 §1, 2003)

12.12.050 Awning and lamppost specifications.

Except as may be authorized in an encroachment license or other permit issued by the Town for its placement, all awnings hereafter erected within the Town shall be elevated at least eight (8) feet at the lowest part thereof above the sidewalks; and, if supported by a rail placed on posts, the awning and all lampposts shall be placed at the outer edge of the sidewalk so that it may be wholly unobstructed thereby. (Ord. 18 Art. II §5; Ord. 2 §1, 2003)

12.12.060 Placing goods for sale; restriction.

No person shall place upon, or suffer to be placed upon, any public sidewalk in the Town any goods, boxes, barrels, sacks, wood, wares or merchandise of any description whatever for sale, show or use beyond twelve (12) inches from the front line of the lot where such goods, boxes, barrels, sacks, wood, wares or merchandise may be so exposed, and only on a temporary basis during regular business hours. (Ord. 18 Art. II §6; Ord. 2 §1, 2003)

12.12.070 Delivering goods; passageway required.

No person receiving or delivering goods, wares or merchandise in the Town shall place or keep upon, or suffer to be placed or kept upon any public sidewalk, any goods, wares or merchandise, which such person may be receiving or delivering, without leaving a passageway clear upon such sidewalk where such goods may be, of at least two (2) feet wide for the use of pedestrians. No person receiving or delivering such goods shall suffer the same to be or remain upon such sidewalk (subject, nevertheless, to the foregoing restrictions) for a longer period than one (1) hour. (Ord. 18 Art. II §7; Ord. 2 §1, 2003)

12.12.080 Obstructing sidewalks with animals prohibited.

No person shall at any time fasten any horse, mule or other animal in such a way as to cause an obstruction to the free use of a sidewalk or other public right-of-way. (Ord. 18 Art. II §9; Ord. 2 §1, 2003)

12.12.090 Projecting signs prohibited.

No owner or occupant of any dwelling house, store or other building shall fix, put up or erect, or suffer to remain fixed, put up or erected, any sign, show bill, showcase, canvas or other thing projecting from any building or hanging over the sidewalk, unless the same is at least ten (10) feet above the sidewalk (unless a different height is specified for a given zone district) and the necessary sign permit has been obtained from the Town. (Ord. 18 Art. II §11; Ord. 2 §1, 2003)

12.12.100 Obstructing crosswalk prohibited.

All crosswalks in the Town shall be kept and reserved free from obstructions, except so far as may be necessary in crossing the same. (Ord. 18 Art. II §12; Ord. 2 §1, 2003)

12.12.110 Snow and ice removal required.

Any and all persons in the Town owning or occupying property in the Town contiguous to any sidewalk now constructed, or which may hereafter be constructed, shall, within twenty-four (24) hours after the cessation of any snow or sleet storm, cause the snow, ice or sleet to be removed from the sidewalk lying contiguous to the premises so owned or occupied. (Ord. 18 Art. II §14; Ord. 2 §1, 2003)

12.12.120 Skateboards, inline skates, roller skates, bicycles and similar devices prohibited.

(a) No person shall ride, operate or use any skateboard, inline skates, roller skates, bicycle, coaster or similar device upon any public sidewalk, trail or other public way or area where the use of such device is prohibited by official signage.

(b) Any person riding, operating or using a skateboard, inline skates, roller skates, coaster, bicycle or similar device on a public sidewalk, trail or other public way shall yield the right-of-way at all times to pedestrians and shall otherwise obey all posted regulations and official signage. (Ord. 509 §1, 2000)

CHAPTER 12.16

Street Construction

12.16.010 Street grading defined.

Street grading consists of all grading above or below subgrade elevation, of whatever nature, required to construct or bring a street to the proper elevation, including necessary excavation for curb, gutter and/or ditches, sidewalk and alley returns, construction of embankments, the excavation and proper sloping of all cuts and fills, the removal or installation of minor structures and other work incidental thereto. (Ord. 248 §1(A)(1), 1974; Ord. 2 §1, 2003)

12.16.020 Street excavations.

All street or alley excavations shall be made to subgrade elevations approved by the Town and shall be finished to grade. Material below subgrade elevations in cuts shall not be loosened by plowing or other methods during the process of the work except with the approval of, or as directed by, the Town. No excavation shall be made below subgrade elevation except to remove unsuitable material. In the event a contractor excavates any area below subgrade elevation, the contractor shall replace the excavated material with satisfactory material and shall thoroughly compact the same. (Ord. 248 §1(A)(2), 1974; Ord. 2 §1, 2003)

12.16.030 Cut-slope and ditches.

Whenever a street or alley excavation requires the creation of a cut-slope, the surface of the slope shall be no steeper than one (1) foot vertical rise for each two (2) feet of horizontal run. Ditches shall be not less than six (6) inches deep and not less than three (3) feet wide measured perpendicular to the run of the ditch from the road surface right-of-way line, and shall have a slope adjacent to the road surface of not more than one (1) foot vertical drop to four (4) feet of horizontal run. (Ord. 248 §1(A)(3), 1974; Ord. 2 §1, 2003)

12.16.040 Excavation below subgrade.

Whenever a street or other excavation below subgrade elevation to remove unsuitable material is ordered by the Town, the contractor shall remove the same to a depth directed by the Building Official and shall replace it with satisfactory material obtained from excavation sources where possible, in layers not to exceed eight (8) inches in loose thickness and thoroughly compacted as directed by or acceptable to the Building Official. (Ord. 248 §1(A)(4), 1974; Ord. 2 §1, 2003)

12.16.050 Embankments.

Embankments shall be constructed to subgrade elevations in layers not to exceed eight (8) inches in loose thickness and for the full width of the embankment. Each layer shall be thoroughly compacted as directed by the Building Official before the next layer is placed. All embankments are to be compacted according to AASHO T-180 or as directed by the Town. (Ord. 248 §1(A)(5), 1974; Ord. 2 §1, 2003)

12.16.060 Subgrade; scarification and rolling.

After street or alley excavating has been completed to approximate grade, upon direction of the Town, the subgrade shall be scarified to a depth of six (6) inches, wetted or aerated as needed, and rolled until a density equal to ninety-five percent (95%) of the density determined by the Proctor method modified (AASHO Designation T-99 or T-180) is obtained. (Ord. 248 §1(A)(6), 1974; Ord. 2 §1, 2003)

12.16.070 Subgrade; curbs, gutters and sidewalks.

Subgrade area occupied by curbs, gutters and sidewalks shall be excavated, backfilled and compacted as directed by the Building Official to the established grade. No concrete may be placed prior to inspection and approval of the Town. (Ord. 248 §1(A)(7), 1974; Ord. 2 §1, 2003)

12.16.080 Disposal of excavated material.

Excavated material that is not required for the construction of embankments or the backfilling of excavations from which unsuitable material has been removed shall be properly disposed of by the contractor or as directed by the Building Official. The contractor shall not deposit waste material on private property without first securing the written consent of the owner and filing a copy of such consent with the Town. In the event the contractor desires to dispose of waste material on dump areas, the material shall only be stockpiled at locations as directed by the Town. (Ord. 248 §1(A)(8), 1974; Ord. 2 §1, 2003)

12.16.090 Responsibility for street damage; axle loads.

Every contractor shall be responsible for any damage to street surfaces in any manner resulting from the contractor's operations. Axle loads shall conform to state statutes or as posted by the Town, whichever is more restrictive. (Ord. 248 §1(A)(9), 1974; Ord. 2 §1, 2003)

12.16.100 Protection of utility lines.

Contractors shall at all times take proper precautions for the protection of utility lines, the presence of which are known or should be known or determined by the examination of appropriate maps, utility locates or other commonly utilized means. Any contractor damaging any utility lines or appurtenant facilities shall be financially responsible for the repair or replacement of the same. (Ord. 248 §1(A)(10), 1974; Ord. 2 §1, 2003)

12.16.110 Protection of installations and access.

A contractor shall at all times take proper precautions for the protection of and replacement or restoration of driveway culverts, street intersection culverts or aprons, irrigation crossings, mailboxes, driveway approaches and all other public and private installations that may be encountered during construction. Written approval by the Town of completed replacement or restoration work may be required. In the event that a change of grade renders any existing private or public access unusable in the opinion of the Town, the contractor shall be responsible for the replacement or restoration of such access. (Ord. 248 §1(A)(11), 1974; Ord. 2 §1, 2003)

12.16.120 Blading and shaping.

In areas where base course surfacing has been placed previously under contract or otherwise, a contractor shall blade and shape the surface of the base course so as to permit completion of paving work if contemplated. The blading and shaping shall conform to slopes, dimensions and other details of the established as directed or approved by the Town. Excess base course material shall be removed and disposed of as directed by the Town. (Ord. 248 §1(B)(1), 1974; Ord. 2 §1, 2003)

12.16.130 Subgrade material; procurement.

In the event unsuitable material is encountered during grading or excavation, it shall be removed and replaced as specified in Section 12.16.020. In the event that suitable material is not available in the roadway excavation area, the contractor shall procure select subgrade material approved by the Town. (Ord. 248 §1(C)(1), 1974; Ord. 2 §1, 2003)

12.16.140 Subgrade material; specifications.

If appropriate material cannot be obtained from roadway excavations, the Building Official may specify a source from which suitable material may be obtained. In the event an outside source is used, pit run material shall be free of frozen lump, wood or other organic substances with a maximum size of six (6) inches. The material shall be a mixture consisting of sound aggregate particles and sufficient soil filler or other binding material which when placed and compacted will result in a firm, dense, unyielding foundation. (Ord. 248 §1(C)(2), 1974; Ord. 2 §1, 2003)

12.16.150 Crushed gravel base course; specifications.

Crushed gravel base course shall consist of a foundation course composed of crushed gravel or crushed stone and filler placed on the prepared subgrade in accordance with the specifications of this Chapter and in conformity with the lines, grades and typical cross-section established by the Town. The finished base course surface shall be such that it will not vary more than two hundredths (.02) of a foot from a twelve-foot straight edge applied to the surface parallel to the centerline and also at right angles thereto. (Ord. 248 §1(D)(1), 1974)

12.16.160 Crushed gravel base course; materials.

(a) Crushed gravel or crushed stone base course material shall consist of hard, durable particles or fragments of stone or gravel crushed to required size and a filler of sand or other finely divided mineral matter. The portion of the material retained on a No. 4 sieve shall be known as coarse aggregate, and that portion passing a No. 4 sieve shall be known as filler. When produced from gravel, not less than sixty percent (60%) by weight of the coarse aggregate particles shall be particles having at least one (1) fractured face, and, if necessary to meet this requirement or to eliminate an excess of the filler, the gravel shall be screened. The composite base coarse material shall be free from vegetable matter and lumps or balls of clay, and shall meet the following grading requirements:

<i>Standard Size of Sieve</i>	<i>Percentage by Weight- Passing Sieve</i>
1½ inch	100
¾ inch	60 – 90
No. 4	30 – 60
No. 200 (by washing)	5 – 15

(b) The filler shall have a liquid limit of not greater than thirty (30) and plasticity index of not more than six (6).

(c) Coarse aggregate shall have a percent of wear of not more than fifty (50) at five hundred (500) revolutions when tested using the Los Angeles abrasion test (A.S.T.M. C131-39). (Ord. 248 §1(D)(2), 1974)

12.16.170 Crushed gravel base course; filler for blending.

Filler used in meeting grading requirements, or for the satisfactory bonding of material, shall be uniformly blended with the base course material at the screening and crushing operation. The material for such purpose shall be obtained from sources approved by the Town, shall be free from hard lumps

and shall not contain more than fifteen percent (15%) of material retained on a No. 4 sieve. (Ord. 248 §1(D)(3), 1974; Ord. 2 §1, 2003)

12.16.180 Crushed gravel base course; placing and spreading.

All base course material shall be placed on the prepared subgrade and compacted in layers to the thickness shown on the plans. The material shall be deposited and spread in a uniform layer and without segregation of size to such loose depth that, when compacted, the layer shall have a thickness not to exceed four (4) inches. If the layer exceeds four (4) inches, a single layer shall be compacted with approved compacting equipment. Spreading shall be from dump boards, spreader boxes or other approved mechanical equipment customarily utilized for such purpose. Material may be initially placed by an approved windrow method whenever the spreading equipment so requires. (Ord. 248 §1(D)(4), 1974; Ord. 2 §1, 2003)

12.16.190 Crushed gravel base course; rolling.

Immediately following final spreading and smoothing for any street, all material placed shall be rolled with a pneumatic or other approved roller type until a density equal to one hundred percent (100%) of the density determined by the Proctor method modified (AASHTO Designation T-180 c or d) is obtained. Rubber tired rollers shall be of the double-axle type equipped with pneumatic tires of equal size and type. The space between the sidewalls of adjacent tires shall not exceed five (5) inches, and the rear tires shall be staggered with relation to the front tires. The rolling width of the unit shall not be less than sixty (60) inches exclusive of the power unit. The roller shall be so constructed that the contact pressure is uniformly distributed among all the tires, and the tires shall be inflated to maintain the air pressure in the several tires within a total tolerance of five (5) pounds per square inch. The roller shall be so constructed that the total weight of the roller can be varied to produce an operating weight per tire of between one thousand (1,000) and two thousand (2,000) pounds. The operating weight of the roller shall be as approved by the Town. Any irregularities or depressions that develop under rolling shall be corrected by loosening the material at such places and adding or removing material until the surface is smooth and uniform. Along curbs, headers and walls and at all places not accessible to the roller, the base course material shall be tamped thoroughly with a mechanical tamper or hand-operated tamper. The material shall be sprinkled with water during rolling, tamping and blading when and if directed by the Town. Immediately before asphaltic prime coat is to be placed, the base course surface shall be rolled smooth with a flatwheel roller having a minimum weight of six (6) tons. (Ord. 248 §1(D)(5), 1974; Ord. 2 §1, 2003)

12.16.200 Water.

At the request of the Town, water shall be furnished by the contractor to insure the compaction of subgrade, select material and gravel at an optimum moisture content. The contractor shall furnish necessary equipment and water for dust abatement during any portion of the construction. (Ord. 248 §1(E)(1), 1974; Ord. 2 §1, 2003)

12.16.210 Rolling performance.

To insure proper compaction of subgrade, select material and gravel base course, rolling shall be performed as directed by the Building Official using one (1) of the types of equipment specified in Section 12.16.180. (Ord. 248 §1(F)(1), 1974; Ord. 2 §1, 2003)

12.16.220 Asphalt paving.

Asphalt paving shall consist of furnishing and placing asphaltic prime or asphaltic concrete pavement to a minimum compacted thickness of not less than two (2) inches in areas of low or medium traffic volume, and a minimum compacted thickness of not less than four (4) inches in areas of heavy traffic volume and truck routes, or as otherwise directed by the Town. (Ord. 248 §1(G)(1), 1974; Ord. 2 §1, 2003)

12.16.230 Asphaltic materials.

Asphaltic materials shall conform to the Colorado Department of Transportation specifications. (Ord. 248 §1(G)(2), 1974; Ord. 2 §1, 2003)

12.16.240 Gravel surfacing.

In the event a gravel surface is to be installed or maintained on a street or road, the gravel shall be spread in a thickness of not less than four (4) inches or more than six (6) inches across the entire right-of-way surface except for such portions thereof that may be required for necessary drainage, and in any event shall not be less than twenty-four (24) feet in width and shall be of the type specified in Section 12.16.150 for the finished base course surface. (Ord. 248 §1(H), 1974; Ord. 2 §1, 2003)

12.16.250 Town defined.

When the specifications of this Chapter refer to the *Town*, it means the Town streets supervisor, Building Official, Town Administrator or other person designated by the Town. (Ord. 248 §2, 1974; Ord. 2 §1, 2003)

12.16.260 Installation of utility lines.

(a) Street surfacing and final grading shall not be accomplished until the installation of all subsurface utility main and/or trunk lines and service line stuff-outs; and, wherever possible, service lines from the main and/or trunk lines to the lot lines of the adjacent property.

(b) If the street is to be gravel surfaced, manholes for sewer lines and valve boxes for water lines shall be two (2) inches to four (4) inches below the finished surface grade, and in the event that a street is to be paved, the manhole covers and valve box covers shall be at even grade with the surface of the finished pavement. Manholes and valve boxes shall be capable of being extended to final pavement elevations. (Ord. 248 §3, 1974; Ord. 2 §1, 2003)

12.16.270 Drainage.

All roads and streets shall be shaped and graded and provided with necessary ditches and culverts to handle a twenty-year storm, and all driveways leading from roads and streets shall have proper ditches equipped with a culvert of not less than ten (10) inches in diameter installed so as not to interfere with the normal drainage along the ditch. (Ord. 248 §4, 1974)

12.16.280 Signs.

Upon the completion of grading of any street or road, appropriate signs designating the name or number of the street or road shall be installed at all intersections, and the design of the sign and its

supporting structure shall be approved by the Design Review Commission prior to installation. (Ord. 248 §5, 1974; Ord. 2 §1, 2003)

CHAPTER 12.20

Street Regulations

12.20.010 Placing materials on streets without permission prohibited.

No person shall encumber or obstruct any street, alley, sidewalk or other public place by placing therein or thereon any building materials, or any article or thing whatsoever, without first having obtained permission from the Town. Each day such encumbrance or obstruction continues shall be deemed a separate violation. (Ord. 19 Art. I §1; Ord. 2 §1, 2003)

12.20.020 Removal of obstructions authorized when.

The Town Administrator and Town Marshal are authorized to order any article or thing whatsoever which may encumber or obstruct any street, alley, sidewalk or other public place to be removed within such time as deemed necessary for public safety upon notice to the owner thereof to remove the same, and to cause the same to be removed to some suitable place. The owner of any such article so removed shall reimburse the cost of such removal to the Town, which cost shall be recoverable in the same manner as all the expenses for the removal of nuisances. (Ord. 19 Art. I §2; Ord. 2 §1, 2003)

12.20.030 Building materials and goods placement time limit.

No person shall place or keep any building materials in or on any of the streets, alleys or sidewalks of the Town for a longer period than that time period as may be authorized by the Town Administrator or Town Marshal. Such permission shall not authorize the obstructing of more than one-half (½) of the sidewalk, except in cases of urgent necessity, and for short periods; and such permission shall be deemed void whenever the person to whom the same is granted shall extend the obstruction beyond the limits prescribed in this Section. (Ord. 19 Art. I §3; Ord. 2 §1, 2003)

12.20.040 Buildings on streets prohibited.

No person shall erect, place or maintain any building or other structure, in whole or in part, upon any street, alley, sidewalk or other public grounds within the Town absent a duly approved encroachment license or other permit issued by the Town. (Ord. 19 Art. I §4; Ord. 2 §1, 2003)

12.20.050 Buildings on streets; removal required.

The owner of any building, fence or other obstruction now standing, or which may hereafter be erected or placed upon any street, alley, sidewalk or public ground within the Town shall remove the same within thirty (30) days or such shorter time as required by written notice, unless an encroachment license or other permit allowing the same is issued by the Town. (Ord. 19 Art. I §5; Ord. 2 §1, 2003)

12.20.060 Removal of buildings on streets; assessment of costs.

Whenever the owner of any building, fence or other obstruction standing or encroaching upon any street, alley, sidewalk or public ground in the Town refuses or neglects to remove the same after notice as provided in Section 12.20.050, the same shall be deemed a nuisance, and it shall be lawful for the Town to cause the same to be removed or taken down, and the expense thereof shall be recoverable against the owner in the manner provided in the ordinances concerning nuisances. (Ord. 19 Art. I §6; Ord. 2 §1, 2003)

12.20.070 Congregating to obstruct streets prohibited.

Whenever any street or alley of the Town is obstructed by vehicles, animals or carriages, loaded or otherwise, or when any two (2) or more persons congregate upon any such street or alleyway in such manner as to obstruct or impede travel, the Town Marshal or any police officer may give such directions in regard to the removal of such vehicles and persons as in the opinion of such officer may be required for the public convenience; and any person refusing or neglecting to obey such directions shall be subject to a fine and/or imprisonment as authorized in this Code. (Ord. 19 Art. I §7; Ord. 2 §1, 2003)

12.20.080 Depositing rubbish on street prohibited.

No person shall throw or deposit any straw, dirt, filth, chips, litter, trash or other rubbish in any street, alley or other public place in the Town. (Ord. 19 Art. I §8; Ord. 2 §1, 2003)

12.20.090 Stream crossings.

No footlogs, planks, poles or other means of crossing any stream running through the Town shall be allowed, except for bridges or footwalks at least three (3) feet wide with railings on each side. The construction of all such bridges and footwalks shall be subject to the issuance of a building permit by the Building Official prior to construction or installation. (Ord. 19 Art. I §9; Ord. 2 §1, 2003)

12.20.100 Lighting and fencing of excavations.

No person shall make any excavation or dig any hole, drain or ditch in any street, alley, highway or thoroughfare in the Town without placing both a temporary fence around the same and placing at each end thereof at least one (1) light or illuminated warning device at night at least three (3) feet above the surface of such excavation, such fence to be sufficiently strong to prevent persons, animals and vehicles from falling into such excavation, and said lights to be kept burning at all times from the hour of quitting work in the evening until the next morning at the hour of commencing work again. The fact that such excavation is made by the permission of the Town shall be no defense to the provisions of this Section. (Ord. 19 Art. I §10; Ord. 2 §1, 2003)

CHAPTER 12.24

Excavations

12.24.010 Permit required; exception.

(a) No person shall construct, install or connect any private street, driveway or access on or to any public street, alley or other right-of-way, or disturb any public pavement, sidewalk, trail, driveway or other surfacing, or dig or excavate in, on, over or through any public street, alley, sidewalk, trail or other public way, without first securing a permit to do so from the Town Administrator or Building Official and paying the applicable fee; except in cases of clear emergency where an excavation is immediately required to protect public safety and property, in which event a written report of said action shall be made to the Town Administrator or Building Official as soon as possible thereafter and a permit secured for said action after the fact. Additionally, an access permit need not be applied for or obtained if a proposed access was previously and specifically reviewed and approved as part of a subdivision, planned unit development or other site specific development plan; except that the Town Administrator or Building Official must be notified in advance of when the access is to be constructed and all work performance requirements shall be complied with.

(b) The fees for permits issued under this article shall be established by the Board of Selectmen. No portion of a fee shall be refundable.

(c) No building permit shall be issued for any new or expanded structure requiring a new, changed or expanded driveway or other access to a public street or right-of-way absent the simultaneous approval and issuance of an access and/or excavation permit as required under this Chapter. (Ord. 224 §1, 1972; Ord. 511 §1, 2000)

12.24.020 Permit types.

Permits under this Chapter should be of two (2) types:

(1) Type 1 permits shall be for a street access (e.g., driveway) or other access to a public right-of-way, and/or for a single excavation; and

(b) Type 2 permits shall be blanket permits to cover multiple excavations within a public right-of-way during any single fiscal year and shall be limited to public utility providers and excavation companies possessing a valid Town business license. (Ord. 224 §2, 1972; Ord. 511 §1, 2000)

12.24.030 Permit application; contents.

(a) Any person seeking to obtain a permit under this Chapter shall make written application therefor to the Town Clerk on a form as provided by the Town.

(b) For Type 1 permits, the application must provide the following information:

(1) The applicant's name, address and telephone number and the application date;

(2) The location, size, type, width, length, depth and grade, as applicable, for the proposed access and/or excavation;

(3) The type of surface to be installed for the access and/or the type of surface to be cut for the excavation;

(4) The purpose or reason of the proposed access and/or excavation;

(5) An estimated work schedule, including the date of initial excavation, the length of time an excavation shall remain open, the dates for backfilling and paving or repaving, and the anticipated date when all work shall be completed;

(6) A sketch, or an engineered drawing when required by the Town Administrator, of any proposed access shall accompany the application;

(7) The street address of all properties abutting the location at which a proposed excavation is to occur or a new access is to be installed;

(8) Utility locates for any and all underground utilities;

(9) Such other information as the Town Administrator or Building Official may deem necessary to evaluate or approve the application and/or proposed work.

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

(1) The applicant's name, address and telephone number and the application date;

(2) The name and address of the bonding company providing the bond required in this Chapter;

(3) If an excavation shall be for the purpose of constructing/connecting a driveway or other vehicle or pedestrian access to a public street or other public right-of-way, then the applicant shall supply all information as identified in Subsection (a) above.

4. Such other information as may be required by the Town Administrator or Building Official to evaluate or approve the application and/or proposed work, including a proposed schedule of excavations.

Any person or company performing excavations under the terms of this Subsection must notify the Town Administrator of any proposed excavation within a public right-of-way not less than seventy-two (72) hours in advance thereof.

(d) Every applicant in making an application for a permit shall be bound by all the provisions of this Chapter and all other ordinances of the Town, and such additional regulations or requirements as may be imposed by the Town Administrator or Building Official. (Ord. 224 §3, 1972; Ord. 511 §1, 2000; Ord. 2 §1, 2003)

12.24.040 Inspection fees; notification of excavation.

Excavation permit holders shall pay in addition to the application fee an inspection fee for each scheduled or unscheduled excavation. Scheduled excavations shall be those which the Town was notified of in writing at least three (3) days in advance of the work. Such notice shall give the location, size and time schedule for the work, the purpose of the excavation and name all street and abutting property addresses which will be affected by the excavation. Holders of utility franchises

shall obtain permits as specified in this Chapter and shall post the required bond, but will not be required to pay excavation license or permit fees. (Ord. 224 §4, 1972; Ord. 487 §7, 1998; Ord. 511 §1, 2000)

12.24.050 Excavations; bond.

Before a permit authorizing an excavation is issued, every applicant shall file with the Town Clerk an acceptable corporate surety bond, cash deposit or other financial security acceptable to the Town, to insure the faithful performance of the work in accordance with the rules, regulations and ordinances of the Town and within the time allowed by the permit, and to secure the cost of restoring any street, alley, sidewalk or other public place in which the excavation is to occur, and the payment of all fees, costs and charges assessed in connection with the excavation. All deposits or other financial security shall remain in full force and effect for a period of six (6) months after completion of the excavation. The minimum security amount shall be established by the Town Administrator or Building Official. (Ord. 224 §5, 1972; Ord. 487 §7, 1998; Ord. 511 §1, 2000)

12.24.060 Work performance requirements.

Anyone constructing an access or making an excavation by virtue of a permit issued under this Chapter shall perform the work in such a way as to avoid unnecessary inconvenience and annoyance to the general public and to occupants of neighboring property. In particular, the following requirements shall be met:

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

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

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

(4) Driveways to abutting properties shall be kept open whenever possible. If driveways must be closed, they should be closed at a time most convenient to the users thereof, and in no event for longer than twenty-four (24) hours.

(5) No more than six hundred (600) linear feet of trench shall be open at any one (1) time.

(6) No excavation shall be made entirely across a street, or across so much of a street, that traffic cannot move thereon without prior written consent of the Town Administrator or Building Official.

(7) The actual number, location and size of any proposed access point to, or cut or excavation to be made in, a public way must be determined or approved by the Town Administrator or Building Official using generally accepted professional engineering standards, inclusive of access standards developed by the Colorado Department of Transportation.

(8) All excavations or cuts to the surface of a public way shall be made by the permittee on both sides of the proposed trench with a concrete saw, pipe saw or other suitable tool. All cut lines shall be neat and straight.

(9) All utility locates must be completed and marked before excavation. (Ord. 224 §6, 1972; Ord. 511 §1, 2000)

12.24.070 Emergency waiver of work requirements.

The requirements of Section 12.24.060 may be waived by the Town Administrator, Building Official or Police Judge in the event of actual emergency, natural disaster or other circumstance beyond the control of the permit holder which could not have been reasonably foreseen either by the Town or the permit holder. Such waiver, however, must be in writing and signed by the aforementioned authority. (Ord. 224 §7, 1972; Ord. 2 §1, 2003)

12.24.080 Barricades, lights and utility protections.

Whenever any person under the authority of this Chapter or otherwise places any obstruction in any street, alley, sidewalk or other place or makes any excavation therein, such person shall keep such obstruction, excavation or alteration properly safeguarded by substantial barricades between dusk and daylight with adequate warning lights placed about the obstruction, excavation or alteration. In all instances, fire hydrants shall be kept clear of all material, dirt and rubbish, with clear and adequate access to such hydrant from the roadway. Existing storm drains and other drainage courses shall be kept open so as to allow adequate drainage. All excavations shall be made in such a way as to protect existing survey monuments and existing utilities. The Town Administrator or Building Official shall have authority to specify additional protective measures and minimum clearances regarding existing utilities, and such requirements shall be followed. Shoring shall be provided whenever in the opinion of the Town it is deemed necessary. (Ord. 224 §8, 1972; Ord. 2 §1, 2003)

12.24.090 Backfill specifications.

All permit holders shall adequately backfill any excavation made under the authority of this Chapter. Backfill materials shall be free of rubbish and organic matter, and no stones over ten (10) inches in diameter may be placed in the backfill within two (2) feet of the facility being repaired or installed. All new facilities installed and all existing facilities uncovered shall be surrounded by hand-tamped granular material extending at least four (4) inches from the facility or to the limit of the excavation, whichever is closer. Backfill shall be compacted to reduce settling and sinking to an absolute minimum, and the surface of the excavated area will not be restored until the backfill has been approved by the Town. (Ord. 224 §9, 1972; Ord. 2 §1, 2003)

12.24.100 Backfill; inspection.

Within forty-eight (48) hours after completion of backfilling, the permit holder shall notify the Town and request an inspection. The surface of the excavation shall not be replaced until the backfill has been inspected and approved. Any defects in the backfill will be corrected by the permit holder within the time required by the Town. On correction of the defects noted, the permit holder shall again request an inspection. For each additional inspection, the permit holder shall pay an additional inspection fee. (Ord. 224 §10, 1972; Ord. 2 §1, 2003)

12.24.110 Exceeding terms of permit prohibited.

In no case shall any permit holder open or remove a greater area of surface or make such removal at a location other than that specified in the permit. In the event that it becomes necessary to open or remove a greater area than originally applied for, the applicant shall first notify and obtain the prior written consent of the Town and, if required, file a supplemental application and make an additional deposit. No person shall exceed the time limit specified on the permit without prior written consent of the Town. (Ord. 224 §12, 1972; Ord. 2 §1, 2003)

12.24.120 Responsibility for injuries; safeguarding required.

Every permit holder acting under a permit issued pursuant to this Chapter shall be responsible to anyone for an injury to person or property by reason of the work done under the permit and shall indemnify and hold the Town harmless from any expenses, costs, claims or other charges or fees arising out of such work. The permit holder shall be responsible for adequately protecting the work, the surrounding property and the public and shall adequately safeguard the work regardless of whether any specific requirement is made in that regard by the Town. (Ord. 224 §13, 1972; Ord. 2 §1, 2003)

12.24.130 Violation; penalty.

It is unlawful for any person to excavate in the streets or alleys of the Town without first having obtained a permit as specified in this Chapter, and any person excavating in violation of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00). (Ord. 224 §14, 1972; Ord. 2 §1, 2003)

CHAPTER 12.28

Parks, Recreation Areas and Open Space

12.28.010 Applicability.

The provisions of this Chapter, unless otherwise indicated from the context, shall apply to all parks, parkways, recreation areas and open space within the Town owned by, leased to or otherwise under the control or in the possession of the Town. The Board of Selectmen may also cause the provisions of this Chapter to apply to Town-owned parks, open space and other property located beyond the Town's boundaries in accordance with state law as it deems appropriate and necessary. (Ord. 404 §1, 1988)

12.28.020 Rules and regulations.

(a) The Board of Selectmen shall have power and authority to adopt rules and regulations for the management, operation, use and control of Town parks, parkways, recreation areas and open space, and all structures and facilities thereon. By way of example, but not by way of limitation, such rules and regulations may provide for the following:

- (1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any object of scientific or historic value or interest;

(2) Restriction on or limitation of the use of any area as to time and manner of activities, or as to permitted activities;

(3) Prohibition of conduct which may reasonably be expected to substantially interfere with the use and enjoyment of parks, recreation areas and open space by the general public or which shall be of a general nuisance;

(4) Require permits for activities, programs, services and the use of any park, recreation areas, open space or facility thereon;

(5) Establishing fees and charges for activities, programs, services and the use of any park, recreation area, open space or facility thereon;

(6) Necessary and reasonable sanitary, health and safety measures;

(7) Camping and picnicking, including place, time and manner in which such shall be permitted;

(8) Use of motor vehicles as to place, time and manner of operation;

(9) Control and limitation of fires and designation of places where fires shall be permitted; and

(10) Requirements which are reasonable or necessary for the preservation and management of parks, recreation areas and open space to include the right to block off an area for repair and/or to revegetate.

(b) Before any proposed rules and regulations shall be adopted by the Board of Selectmen, the Parks and Recreation Commission shall hold a public hearing for the purpose of hearing any comments there may be to the proposals. Notice of hearing shall be given by a minimum of one (1) publication of a summary of the proposed rules and regulations and the date, time and place of the hearing in a newspaper of general circulation in the Town. The Parks and Recreation Commission shall recommend to the Board of Selectmen that the proposed rules and regulations be adopted, not be adopted, or be adopted with changes.

(c) It shall be unlawful for any person to violate any such rule or regulation adopted by the Board of Selectmen. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.030 Fires; violations.

(a) It shall be unlawful for any person to start or maintain, or cause to be started or maintained, any fire in or on any park, recreation area or open space unless confined within a fire pit permanently erected for such purpose by the Town.

(b) Town Administrator is authorized to post signs within any park, recreation area or open space during periods of extreme fire danger, directing that no fires shall be built, started or maintained. It is a violation of this Section for any person to build, start or maintain a fire in any park, recreation area, open space or portion thereof, when signs are posted prohibiting said acts.

(c) It is unlawful for any person to leave a park, recreation area or open space without first having completely extinguished any fire started or maintained by such person. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.040 Trespass; violations.

(a) It shall be unlawful for any person to climb onto any building or portion thereof in a park, recreation area or open space not designed for such activity.

(b) It shall be unlawful for any person to enter a park area, recreation area, open space or portion thereof, whether or not fenced or otherwise enclosed, when such area is posted with signs which forbid entry. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.050 Unlawful to place refuse in certain places.

(a) It shall be unlawful for any person to deposit, leave, dump or cause to be deposited, left or dumped any trash, refuse, garbage or rubble within any park, recreation area or open space at any place other than within containers specifically designated for the deposit of such materials.

(b) If no such containers are provided, or if they are already filled to capacity, all trash, garbage, refuse or rubble shall be carried away from the area by the person responsible for its accumulation, to be properly disposed of elsewhere.

(c) It is unlawful for any person to dump, leave, deposit or cause to be deposited, left or dumped any garbage, refuse, rubble or trash in any designated container unless such trash originated from the park, recreation area or open space activity, such as picnicking. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.060 Motor vehicle regulation; violations.

(a) It shall be unlawful for any person to:

(1) Fail to comply with any traffic sign in a park, recreation area or open space relating to the operation of motor vehicles, including but not limited to signs with respect to speed, direction, caution, stopping, etc.

(2) Drive a motor vehicle within or upon any part of a park, recreation area or open space except on designated roadways or parking areas as may on occasion be specifically designated as temporary parking areas.

(3) Remove or relocate any barricade, barrier or other device erected for the purpose of controlling motor vehicle traffic in a park, recreation area or open space.

(4) Park any vehicle in a manner so as to block or impede travel on or into a designated fire road or other emergency access.

(5) Park a motor vehicle in a manner contrary to posted signs.

(b) The Town Marshal is hereby empowered to post "tow-away" and "no-parking zones" within any park, recreation area or open space for the purpose of clearing parking areas after designated hours

of operation and for the purpose of clearing designated fire roads and other emergency access routes. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.070 Permit required; fees.

(a) The following activities in any park, recreation area or open space are prohibited unless a permit is obtained from the Town Clerk and the fees paid therefor:

(1) A group of twenty-five (25) people or more using a park, recreation area or open space for a period of longer than one (1) hour;

(2) Weddings;

(3) Operation of a public address system or other amplified sound system under circumstances which can reasonably be expected to draw an audience of twenty-five (25) or more people;

(4) The sale or offering for sale of any merchandise, article or thing; and

(5) The use of Georgetown Lake or the surrounding area under Section 12.28.090.

(b) A permit application and fee payment shall be submitted to the Town Clerk no less than forty-eight (48) hours prior to a scheduled event.

(c) A security deposit shall be paid in addition to the permit fee. If the public land is left in a clean and undamaged condition, the security deposit shall be returned to the applicant.

(d) The Board of Selectmen shall set by resolution all fees and deposits as called for in this Section.

(e) If an applicant requires the use of electricity, the applicant shall file an application therefor no less than seven (7) days prior to the proposed event. In addition to the permit fee and other charges, the applicant shall pay a nonrefundable electricity availability fee.

(f) All fees and charges shall be paid prior to the use of any Town park, recreation area, open space or Georgetown Lake for an organized event, or by any group of twenty-five (25) or more persons.

(g) The Town Administrator may waive, in whole or in part, any fee as might otherwise be imposed under this Section for nonprofit functions sponsored by local organizations.

(h) Persons aggrieved of a decision by the Town Clerk under this Section may appeal the decision to the Board of Selectmen within ten (10) days from the date of the decision sought to be appealed. The Town Clerk shall promptly place the appeal on the next reasonably available meeting agenda for the Board of Selectmen and notify the appellant of the time and place thereof. (Ord. 351 §1, 1983; Ord. 369 §B(1, 2), 1985; Ord. 432 §1, 1991; Ord. 487 §8, 1998; Ord. 2 §1, 2003)

12.28.080 Camping regulations; violations.

(a) The Town Administrator may designate areas within the Town located either on public property or upon private property for camping or temporary lodging.

(b) It shall be unlawful for any person to reside overnight, cook or establish a place of abode in any vehicle, trailer or camper on any public street, way, sidewalk or public place within the Town open for the use of the public, whether publicly or privately owned, including public parking lots, unless specifically designated therefor by the Town.

(c) It shall be unlawful for any person to reside temporarily on any parcel of property in the Town, whether public or privately owned, in any tent, shelter, mobile home, recreational vehicle, trailer or any other temporary or movable shelter, except in areas specifically designed therefor by the Town.

(d) It is unlawful for any person to occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed or other building, without owning the same or without written permission of the owner or person entitled to possession of the same. No such authorized temporary use of a vacant structure shall be for a period of longer than fourteen (14) days. The temporary use of a vacant structure shall be limited to structures that contain operable water and sanitary sewer facilities, or such facilities as are available elsewhere on the same parcel of property upon which the structure is located.

(e) It shall be unlawful for any person to reside temporarily, camp, lodge or sleep on any privately owned vacant land or parcel of property, not open to the use of the public, without owning the same or without written permission of the owner or person entitled to possession thereof. Such temporary use of vacant land shall be restricted to:

(1) Self-contained mobile home, recreational vehicle, trailer or movable shelter which contains its own water and sewer facilities; or

(2) Vacant land which has usable water and sanitary sewer facilities available to the temporary occupants.

(f) No such temporary use of privately owned vacant land shall be for a period longer than fourteen (14) days. (Ord. 351 §1, 1983; Ord. 11 §1, 2008)

12.28.090 Georgetown Lake regulations.

(a) No person shall launch or operate a motor-powered boat or other motor-powered vehicle or craft on Georgetown Lake, excepting authorized emergency services personnel in cases of emergency.

(b) No person shall drive onto or operate a motor vehicle on Georgetown Lake when the lake is frozen without first having obtained a permit from the Town for such privilege, excepting authorized emergency services personnel in cases of emergency.

(c) Permit.

(1) Permits required by this Section shall be issued by the Town Clerk. No permit shall be issued until all requirements, including payment of the fee, have been fulfilled by the permit applicant. Fees for permits shall be set by the Board of Selectmen.

(2) No permit required by this Section shall be issued unless the applicant presents to the Town a form fully executed showing that the applicant agrees to indemnify the Town and hold it harmless and that the applicant has in full force and effect liability insurance as may be required by the Board of Selectmen.

(3) It is unlawful for any person to misrepresent any material matter relating to the insurance coverage herein required and provided for.

(4) The cancellation or lapse of the insurance required under this Section shall require the immediate surrender of any permit issued hereunder to the Town, and the permittee shall not thereafter operate his or her vehicle on Georgetown Lake, or permit his or her vehicle to be operated on the lake unless and until he or she acquires a new permit.

(d) Revocation. Any use or activity on Georgetown Lake while under the influence of liquor, or any other hazardous behavior is prohibited and shall be grounds for revoking a permit. The Town shall have the authority to revoke or suspend any permit if the operator has violated the terms or provisions of this Chapter or this Code. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

12.28.100 Other prohibited conduct.

It shall be unlawful for any person to wash dishes, empty waste liquids or in any other manner pollute the water of any fountain, pond, lake, stream or ditch within any park, recreation area or open space. (Ord. 351 §1, 1983; Ord. 2 §1, 2003)

CHAPTER 12.32

Vacation of Town Property and Rights-of-Way

12.32.010 General policy.

It shall be the general policy of the Town to not vacate public properties solely to advance private interests. (Ord. 339 §1, 1982; Ord. 2 §1, 2003)

12.32.020 Encroachment licenses and leases for public property.

Public rights-of-way or other property not being used by the Town may be made available for private use by lease, permit or encroachment license. All leases, permits and licenses shall reserve to the Town the right to revoke the same at any time for public convenience. (Ord. 339 §2, 1982; Ord. 2 §1, 2003)

12.32.030 Exchange of public property.

If it is in the public interest, the Town may exchange public property, exclusive of public rights-of-way, for equivalent private property which has the potential for public use by the Town. Such action shall be taken by ordinance duly adopted by the Board of Selectmen after receipt of the recommendations of the Planning Commission, the Parks and Recreation Commission and the Town Administrator; however, any proposed exchange of public lands or buildings previously or currently put to governmental use, and any park or designated open space lands, must first be approved by an affirmative vote of the Town electorate at a regular or special Town election. (Ord. 339 §3, 1982)

12.32.040 Sale of public land or buildings.

Public lands or buildings, exclusive of public rights-of-way, may be sold by the Town upon review and recommendation of the Planning Commission after public hearing, if the following conditions are met:

(1) No feasible practical public use for the land or building can reasonably be foreseen for the property, either short- or long-term, or any current or proposed use of the land or building can be more advantageously provided at a different location or facility.

(2) Lease of the land or building, or exchange for equivalent property, is not feasible or preferable.

(3) The land or building must be sold at its fair market value based on an impartial appraisal, unless the Board of Selectmen determines at a public meeting that, due to unusual or unique circumstances, the sale or exchange of the property at less than its appraised fair market value will serve the public interest (e.g., contributing or conveying public property at no or low cost to a regional agency for a regional park or other facility).

(4) All sales of public lands or buildings not currently or previously put to governmental or public use shall be approved by ordinance passed by the Board of Selectmen.

(5) Any proposed sale of public lands or buildings currently or previously put to governmental or public use, and any park or designated open space lands, must first be approved by an affirmative vote of the Town electorate at a regular or special Town election. (Ord. 339 §4, 1982; Ord. 2 §1, 2003)