

# Chapter 11 Streets and Public Property

## ARTICLE I Standard Specifications and Construction

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

Pursuant to Article 16 of Title 31, CRS, there is hereby adopted by reference the Standard Construction Specifications Manual, officially approved, adopted and published on September 5, 2017 by the City of Canon City, as revised. The Town Clerk shall certify to the passage of this Article, cause notice of its contents and passage to be published, and make not less than one (1) copy of the adopted Manual available for inspection by the public during regular business hours.

### Sec. 11-2. Applicability and exceptions.

The Standard Construction Specifications Manual adopted herein shall apply to the construction, repair or replacement of streets, water mains, in the Town.

Any provision of the Standard Construction Specifications Manual adopted in Section 11-1 that do not apply to the Town of Williamsburg (e.g. - curbs and gutters) shall not apply.

### Secs. 11-3—11-10. Reserved.

## ARTICLE II Excavations

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

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

No excavation work shall proceed until buried utilities have been located and marked. It is the responsibility of the party doing the excavation to ensure utility locates are performed by calling 811.

### Sec. 11-12. Application for permit; contents and conditions.

1. Any person desiring to obtain a permit for such excavations shall make written application there for to the Town Board or Designee on the form prepared and provided by the Town.
  - a. The application shall give the following information:
    - i. The permit number.
    - ii. The applicant's name, address and telephone number.
    - iii. The date of the application.
    - iv. The location, size, width, length and depth of the proposed excavation.
    - v. The type of pavement to be cut.
    - vi. The purpose of the excavation.
    - vii. The estimated time schedule, including the date the pavement will be broken, the date the excavation will be backfilled and the date of final repair.
    - viii. All streets and abutting property addresses which will be affected by the excavation.
  - b. In making application for a permit, every applicant shall agree to be bound by all of the provisions of this Article.
  - c. Application for a permit shall be accompanied by a set of plans drawn to a minimum scale of one (1) inch to fifty (50) feet, showing in detail the location, size and kind of installation for the excavation.

### Sec. 11-13. Fees for permits.

A fee shall be charged and paid for each application for permit to cover the cost of administration and inspection. Such fee schedule shall be separately established by ordinance of the Board of Trustees.

Scheduled excavations shall be those which the Town Board or Designee is notified of, on a form to be supplied by the Town, at least three (3) days in advance of the work. Such notice shall give the location, size and time schedule for the work.

## Sec. 11-14. Bond and insurance requirements.

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

1. File with the Town an acceptable corporate surety bond or other security approved by the Town, conditioned for the faithful performance of the work covered by the permit within the time allowed by the permit in accordance with the rules, regulations and ordinances of the Town; for the cost of restoration of any street, alley, sidewalk or other public place in which an excavation may be made under the permit to its original condition and to the satisfaction of the Town Board or Designee, for the cost of maintenance of such condition for a reasonable length of time as shall be required by the Town Board or Designee; and for the payment of all fees, costs and charges of the Town in connection with the excavation. Or, in lieu of a bond or other approved security, the applicant may make a cash deposit in the appropriate amount, which deposit shall be held subject to the same conditions as a bond. Such bond or other approved security shall be in full force and effect for a period of one (1) year after the permit expires. For a permit, such bond or other approved security shall be in the amount of one hundred percent (100%) of the amount that the Town Board or Designee estimates will be the cost of restoring the street opening.
2. File with the Town an acceptable certificate of insurance, insuring against all claims for damages which may arise from or out of the performance of work under the permit.

## Sec. 11-15. Requirements for performance of work

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

1. Occupants of neighboring properties shall be notified at least twenty-four (24) hours in advance of the work to be done. Such notice shall include the estimated time schedule and the extent of the work. Written notice shall also be given to all utility companies that may be affected, including but not limited to telephone, electrical, water and gas companies.
2. Noise, dust and debris shall be kept to as low a level as practicable.
3. Excavated material shall be stored in neat, compact piles and not allowed to be scattered by wind, rain, traffic or other means.
4. Private driveways shall be kept open whenever possible. If driveways must be closed, they shall be closed at the most convenient to the users thereof and for as short a time as possible.
5. Not more than two hundred (200) linear feet of trench shall be open at one (1) time without written permission from the Town Board or Designee.

6. When traffic or other conditions warrant, the Town Board or Designee may require that the work be accomplished during slack hours or at particular times or that the work proceed on a twenty-four (24) hour per day basis, or the Town Board or Designee may require other appropriate measures. All such requirements shall be complied with.
7. No excavations shall be made, without written permission from the Town Board or Designee, entirely across a street or across so much of a street that traffic cannot move on said street. Such permission may impose additional requirements, and in such case, such requirements shall be followed.

#### Sec. 11-16. Safety and protective requirements.

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

#### Sec. 11-17. Backfilling of excavations.

All permit holders shall adequately backfill any excavations made under the authority of this Article. Backfilling shall be done in accordance with the Standard Construction Specifications Manual as adopted in Section 11-1 of these ordinances. At the request of the Board of Trustees or Designee, the density of the compacted backfill shall be tested by a soils engineer and a copy of the test results shall be given to the Town Board or Designee. The number and location of soil tests shall meet the approval of the Town Board or Designee. All costs for testing shall be paid by the permit holder. The permit holder must notify the Town Board or Designee before backfilling

#### Sec. 11-18. Inspection of backfilling.

Within forty-eight (48) hours after completion of backfilling, the permit holder shall notify the Board of Trustees or its Designee and request an inspection. The surface of the excavation shall not be replaced until the backfill has been approved on inspection. Any defects in the backfill shall be corrected by the permit holder within the time required by the Town Board or Designee. Upon correction of defects noted, the permit holder shall again request an inspection from the Town Board or Designee.

## Sec. 11-19. Restoration of surface.

1. Upon receiving approval of the backfill from the Town Board or Designee, the permit holder shall restore the surface of the excavation in the manner required by this Section, or, at the option of the permit holder, such work may be done by the Town and charged to the permit holder, in which case the permit holder shall reimburse the Town for such work within thirty (30) days after it is billed.
2. All patches shall have straight and vertical edges and shall cover the total width of the excavation. Patches in concrete pavements shall be six (6) inches thick, shall be made from concrete conforming to specifications of the Town and shall be finished to the same surface texture as the adjacent existing concrete. The existing concrete shall be saw-cut to a depth of one and one-half (1½) inches to assure a straight edge and uniform patch. Patches in asphalt pavements shall consist of four (4) inches of base course material and asphalt surfacing equal to the total thickness of adjacent existing pavement. The concrete and asphalt shall conform to the specifications of the Town. Asphalt surfacing shall be compacted to conform to the specifications of the Town. Permanent asphalt patches shall not be put in during freezing weather. Upon completion of work, all surplus earth, rubbish and other materials shall be immediately removed, and the Town Board or Designee shall be notified that the job is completed

## Sec. 11-20. Conformance to permit required; supplemental applications.

In no case shall any permit holder open or remove a greater area of surface or make such removal at a location other than that specified in the permit. In the event it shall be necessary to open or remove a greater area than originally applied for, the applicant shall first notify and obtain the consent of the Board of Trustees or Designee and, if required, file a supplemental application and make an additional deposit. No person shall exceed the time limit specified on the permit without the express consent of the Town Board or Designee.

## Sec. 11-21. Permittee liable in case of nonconformance,

In the event any permit holder fails to do anything required of him or her hereunder, the Town Board or Designee may cause the same to be done, the cost of the same shall be charged to the holder of the permit, and he or she shall be liable therefore.

## Sec. 11-22. Permittee liable for injuries to person or property.

Every permit holder acting under a permit issued pursuant to this Article shall be responsible to anyone for injury to person or property by reason of the work done under the permit and shall indemnify and hold the Town harmless from any expenses, costs, claims or other charges or fees arising out of such work. The permit holder shall be responsible for adequately protecting the work, the surrounding property and the public and shall adequately safeguard the work regardless of whether any specific requirements in connection with the work are made by the Town Board or Designee.

Secs. 11-23--11-40. Reserved.

## ARTICLE III Encroachments and Obstructions

### Sec. 11-41. Encroachments and obstructions prohibited.

No encroachment or obstruction whatsoever, other than that provided by law or by this Article or some other Town ordinance, shall be made or placed upon any street, alley or other public place within the Town.

Secs. 11-42--11-70. Reserved.

## ARTICLE IV Moving of Buildings

### Sec. 11-71. Permit required; liability.

1. It shall be unlawful for any person, persons or corporation to use or occupy any street, alley or other public ground in the Town for the purpose of moving a building or other structure greater than fourteen (14) feet in width, across or thereon without first having obtained a permit therefor from Fremont County.
2. The Code of Fremont County shall determine whether the applicant possesses the technical qualifications and the necessary equipment for the moving of buildings and structures and shall issue or deny the permit based upon such determination.
3. Any such person shall also be responsible for any damage caused to any property by virtue of use of the streets, alleys and other public grounds of the Town for the purpose of moving such buildings or other structures.

### Secs. 11-72--11-80. Reserved.



## ARTICLE V Public Parks, Recreational Facilities and Trails

### Sec. 11-81. Hours of closure.

All public parks, recreational facilities and trails within the Town shall be closed to the public between the hours of 10:00 p.m. and 5:00 a.m. It shall be unlawful for any person to be in any park or recreational facility or to use any trail within the Town during those hours.

### Sec. 11-82. Possession of glass containers prohibited.

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park, recreational facility or on any trail within the Town.

### Sec. 11-83. Dumping prohibited.

It shall be prohibited for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, tree leaves and limbs, garbage, refuse or other trash in or upon any park, recreational facility or trail within the Town.

### Sec. 11-84. Trash disposal required.

It shall be unlawful for any person utilizing any park, recreational facility or trail within the Town to leave such park, recreational facility or trail without first placing in provided trash disposal receptacles all trash, of whatever nature, generated by his or her usage of the park, recreational facility or trail. In the event no trash disposal receptacle is available, then such person shall carry away said trash and dispose thereof in a proper and legal manner.

### Sec. 11-85. Dogs.

Dogs shall be allowed in public parks and on trails within the Town under appropriate supervision and specifically in accordance with the provisions in Chapter 7 of this Code Book concerning dogs.

### Sec. 11-86. Removal of dog waste required.

The owner or keeper of any dog shall be responsible for the removal of any feces deposited by such animal in any public park or on or adjacent to any trail within the Town.

### Sec. 11-87. Operation of motor vehicles prohibited.

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, automobiles, trucks, motorcycles, motorbikes, motor scooters, go-carts or motorhomes in any public park, recreational facility, and public open space or on any trail within the Town. This provision shall not apply to duly authorized employees of the Town in the performance of work activities in the scope of their employment.

## Sec. 11-88. Posting of signs and notices.

The Town Board shall cause to be erected in public parks, recreational facilities, and upon trails, such signs or notices as may be necessary to adequately inform the citizens of the Town of the restrictions set forth in this Article.

## Sec. 11-89. Town Hall public meeting areas.

1. Definition: The Town Hall public meeting areas shall include the main meeting room, the kitchen, and the Americans With Disabilities Act accessible restroom.
2. Facilities Rental Agreement: Persons wishing to utilize Town Hall public meeting areas may reserve the facilities by completing a Facilities Rental Agreement and making the required rental deposit at Town Hall.

## Secs. 11-90—11-100. Reserved.