

CHAPTER 11

Streets, Sidewalks and Public Places

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ARTICLE I

Sidewalks, Curbs and Gutters

Sec. 11-1. Removal of snow and ice.

(a) It is unlawful for any owner, or the agent or the tenant of such owner, of any lot, block or parcel of land within the Town to allow any snow, sleet, ice, dirt, debris or any other obstruction to accumulate or to remain upon any sidewalk adjoining such lot, block or parcel of land within the Town, longer than twelve (12) hours from the time of the last accretion of such snow, sleet, ice, dirt, debris or other obstruction.

(b) It is unlawful for any person to deposit or cause any snow or ice to be deposited on or against any fire hydrant or traffic signal control device or appurtenance; or to deposit or cause to be deposited accumulations of snow or ice upon or adjacent to any sidewalk, street, roadway or loading and unloading area of a public transportation system or any designated emergency access lane, such as may retard or in any way interfere with the safe and orderly flow of pedestrian or vehicular traffic by obstructing the view of such traffic on intersection streets or drives or by any other means, or in any way obstruct or impede street or roadway drainage.

(c) Violation of this Section shall be subject to penalty as provided in Section 1-72. (Ord. 435 §1, 1996)

Secs. 11-2—11-20. Reserved.

ARTICLE II

Street Construction

Sec. 11-21. New driveways.

Culverts are required under all new driveways with access to public streets, roads or rights-of-ways. The property owner will bear all expenses for materials and labor to install said culverts on new driveways. The type of construction shall be approved by the Public Works Department, as part of the building permit application process. All materials shall meet the minimum standards as prescribed herein. (Ord. 201 §1, 1981; Ord. 725 §4, 2013)

Sec. 11-22. Existing driveways.

Owners of driveways in existence prior to the passage of the ordinance codified herein may install a culvert under any driveway that has access onto a public street, road or right-of-way. The property owner shall pay the cost for materials. Materials may be purchased through the Town at Town cost plus twenty percent (20%). Culverts shall be installed by the Public Works Department, or by a contractor authorized by the Public Works Director, at the Town's expense. Culverts shall meet the standards prescribed herein. (Ord. 201 §2, 1981)

Sec. 11-23. Culvert standards.

All culverts installed in the Town shall at minimum meet the following specifications:

- (1) Size: minimum eighteen (18) inches diameter; twenty-foot length or length sufficient to go under complete driveway with a minimum of six (6) inches showing at each end.
- (2) Type: CMP culvert, aluminum culvert or concrete drain pipe.
- (3) Grade: culverts being installed must have at least one-quarter ($\frac{1}{4}$) inch of fall per ten (10) feet. (Ord. 201 §3, 1981)

Sec. 11-24. Maintenance.

Maintenance of all culverts on public rights-of-ways shall be, upon being installed according to Town specifications, maintained by the Public Works Department. (Ord. 201 §4, 1981; Ord. 725 §5, 2013)

Sec. 11-25. Compliance.

All required culverts under driveways shall be installed as required prior to a certificate of occupancy being issued. Violation of the terms of this Article when made a condition of a building permit shall constitute a violation of the building permit. (Ord. 201 §5, 1981)

Sec. 11-26. Penalty.

Any person found guilty of violating any provision of this Article and upon conviction thereof shall be punished by a fine as set forth in Section 1-72 of this Code. (Ord. 201 §6, 1981; Ord. 435 §1, 1996)

Secs. 11-27—11-40. Reserved.

ARTICLE III

Excavations

Sec. 11-41. Excavation defined.

Excavation shall mean any operation in which earth is moved or removed by means of any tools, equipment or explosives and includes auguring, backfilling, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling. Earth shall include natural or man-made materials not limited to dirt, rocks, boulders, concrete, asphalt and sand. Excavation shall not include planting of trees or gardens that requires relocation of less than fifty (50) cubic yards of earth. (Ord. 465 §1, 1997)

Sec. 11-42. Excavation permit.

It shall be unlawful for any person, firm or corporation to commence excavation without first having obtained an excavation permit; provided, however, that in a residential zoning district of the Town (HDR, MDR, MR, LDR), no excavation permit shall be required for an excavation that (1) is on private property and does not affect directly or indirectly the right-of-way for adjoining property; (2) is of a quantity of earth of less than fifty (50) cubic yards; and (3) is not in the floodplain or wetlands. (Ord. 465 §1, 1997)

Sec. 11-43. Fees required.

At the time of filing an application for an excavation permit, a nonrefundable filing fee as set forth in the Town's fee schedule shall be paid to the Town. (Ord. 465 §1, 1997; Ord. 665 §2, 2008)

Sec. 11-44. Application for and issuance of permit.

(a) Application for an excavation permit shall be made to the Town on forms provided by the Town. Such application shall require the following information:

- (1) The name, address and telephone number of the landowner, developer and permittee.
- (2) A plan showing the location and description of the proposed excavation and construction to be performed in relation to the boundaries and other improvements on the property.
- (3) The approximate size of any excavation to be made and the purpose for such excavation.
- (4) The location of any street, public utility and any adjacent properties that will be affected by the excavation. If the excavation affects a street, utility or an adjacent property, a copy of an agreement between the Town, or the utility company, or the property owner and the applicant which authorizes the applicant to undertake the excavation.
- (5) Location of any structure or natural feature on the site, such as stream channels, trees, rock outcroppings or wetlands on the site of the excavation and within fifty (50) feet of the excavation site boundary.
- (6) Elevations, dimensions, location, extent and the slope of all proposed grading, including building and driveway grades.
- (7) The approximate time which will be required to complete all work, including backfilling any excavation and removal of all materials, equipment and debris from the site, and removal of all obstructions from the property.
- (8) A schedule of the duration of the proposed excavation.
- (9) The plan for, and estimated total cost of, backfilling, compaction and resurfacing of any excavation and removal of all materials, equipment and debris from the site, and removal of all obstructions from the property.
- (10) A copy of the site plan approved by a certified engineer.
- (11) Environmental and geotechnical investigation reports prepared by a licensed geologist or engineer, if requested by the Town due to unstable geological conditions or slopes greater than six percent (6%).
- (12) Erosion and revegetation plans for restoration of the excavation site to its natural condition which shall include, but not be limited to, a landscape plan consistent with the provisions set forth in the design standards.

(13) Transportation plan should warrant for safety and flow of traffic.

(14) Such further information as may be required by the Town to efficiently administer and enforce the provisions of this Article.

(b) The excavation permit shall consist of the site plan and any other information or conditions that may be attached thereto and made part of the permit by the Town. The conditions stated in both the site plan and the excavation permit shall be conditions of the excavation permit. The conditions of the excavation permit shall include all of the plans and information submitted with the application.

(c) The Town shall deny any application for a permit for any of the following reasons:

(1) The application is incomplete and the deficiencies therein are not remedied after reasonable notice to the applicant.

(2) The work, for which the application for the permit is to be issued, is improper or in violation of Town ordinances, rules or regulations.

(3) The applicant is in default, without good cause of the provisions or conditions of any previous permit or plan approved by the Town.

(4) The applicant has failed to obtain insurance or has failed to post the required letter of credit.

(5) The applicant has failed to pay the required permit fees.

(6) The applicant's contractor and/or engineer is operating without a current valid license or permit.

(7) The permittee has failed to obtain approval of a site plan.

(8) The environmental and geotechnical investigation reveals that environmental action levels on heavy metals are exceeded, or other environmental, geotechnical or inactive mine hazards are indicated; provided, however, that if the applicant takes action to remedy the hazards, and submits a report establishing that such hazards have been remedied to the satisfaction of the Town, a permit may be issued.

(9) There is not adequate assurance that the applicant has provided protection to adjacent properties or rights-of-way for the effects of the proposed excavation on the adjacent properties. Such protection may include assurance of subjacent support and indemnification for any damages resulting from the excavation to adjacent properties. (Ord. 465 §1, 1997)

Sec. 11-45. Term of permit.

The excavation permit shall expire one (1) month after the estimated date of completion as indicated by the applicant on the permit, or within one hundred eighty days (180) days of issuance of the permit, whichever is earlier. The Town may, for good cause shown, grant an extension of up to ninety (90) days. An additional permit and fees shall be required in the event the permit has expired and the work is not substantially completed as determined by the Town. (Ord. 465 §1, 1997)

Sec. 11-46. Security required.

(a) To ensure rehabilitation of the site and repair of any damages caused on- or off-site by the excavating, there shall be required, at the time the original permit is issued for any work within or affecting public property or the right-of-way, a letter of credit acceptable to the Town naming the Town as the protected party. Such security shall be at least ten percent (10%) of the total cost of the excavation or one thousand dollars (\$1,000.00), whichever is greater. Such security shall not be released until two (2) years after final inspection and approval has been completed by the appropriate officer.

(b) A contractor performing more than one (1) excavation project in the Town for which security is required by this Section may consolidate the security posted pursuant to this Article so that the total posted equals the highest amount required to be posted for all of the projects requiring security if all of the following conditions are met by the contractor:

(1) The contractor has not had a permit revoked or security drawn upon by the Town in the past five (5) years;

(2) The security posted is amended to provide that it may be drawn upon for any of the projects for which the contractor is then responsible; and

(3) The contractor agrees that within five (5) days of the Town drawing on all or any part of the security posted pursuant to this Article, the contractor will post additional security equal to the amount due for each of the projects for which the contractor is then responsible. (Ord. 465 §1, 1997; Ord. 473 §1, 1998; Ord. 484 §1, 1998)

Sec. 11-47. Revocation of permit.

(a) The Town may revoke the permit granted by this Article if the applicant is found to have violated any of the provisions listed in Subsection 11-44(c) above, or in any of the following circumstances:

(1) The permittee violates any of the provisions of the ordinances of the Town or any other applicable federal, state or local laws governing the activities permitted by the permit;

(2) The permittee obtains a permit by fraud or misrepresentation;

(3) Revocation is necessary to maintain the public health, safety and welfare; or

(4) The permittee fails to maintain the required insurance, bond, letter of credit or other guarantees of performance during the course of the construction and of the warranty period specified by the Town.

(b) The Town shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may be allowed to appeal such revocation to the Board of Trustees. (Ord. 465 §1, 1997)

Sec. 11-48. Permittee responsibility.

(a) The applicant for the permit provided herein shall be responsible for all work performed under the permit whether or not the applicant, the applicant's employees or subcontractor performs the work.

(b) The Town shall be notified five (5) working days prior to the initiation of any excavation.

(c) The Town shall be notified within forty-eight (48) hours after the completion of excavation.

(d) Upon completion of excavation, the applicant will request final inspection.

(e) The Town shall have, at any time, the right of access to the construction site to inspect all materials and workmanship and to inspect the installation to determine compliance with the permit, the general conditions of this Article, specifications adopted by the Town and all other ordinances or resolutions adopted by the Town. The Town shall have the right to stop work if items or situations are unacceptable or in the event access to the site for inspection is denied.

(f) No person shall excavate an area larger or at a location different than that specified in the application or on the permit. However, if it becomes necessary to excavate a larger area than originally requested, the permittee shall notify the Town immediately and within twenty-four (24) hours shall file a supplementary application for the additional excavation.

(g) The permittee shall comply with all applicable Town, federal, state and local laws, rules and regulations. (Ord. 465 §1, 1997)

Sec. 11-49. Corrective measures.

The Town, upon discovery of any defect in the work or for the permittee failing to complete the excavation including backfilling and removal of debris for which an excavation permit is issued, may:

(1) In the event of an emergency, order a private contractor to do everything necessary to complete such work to acceptable standards, particularly where hazards exist due to the failure of the permittee to restore or maintain the site in accordance with the provisions and conditions of this permit.

(2) In the event of a nonemergency, give notice to the permittee and his or her sureties in writing of the nature and location of such defects, including notice of a reasonable time, not less than twenty-one (21) calendar days, within which such defects are to be repaired. Such period of time may be extended by the Town upon application, for cause shown.

(3) In the event of failure of the permittee to perform the required work within the period provided by such notice, a private contractor on order of the Town shall make such repairs as may be necessary.

(4) The Town shall recover any and all costs of work performed by its personnel or by a private contractor, including the cost of labor, equipment, materials and administrative costs at the expense of the permittee by applying any deposit, bond, letter of credit or other security in its

possession to payment thereof, and shall recover any remaining unpaid balance of such costs from the permittee. (Ord. 465 §1, 1997)

Sec. 11-50. Protection of adjoining property.

(a) The permittee shall at all times, and at his or her own expense, preserve and protect from injury any adjoining property by providing proper foundations and by taking other measures suitable for the purpose of preventing damage to any adjoining property.

(b) When for the protection of adjacent property it is necessary to enter upon such property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the owner of such property to enter thereupon.

(c) The permittee shall, at his or her own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of his or her excavation work, and the permittee shall be responsible for all damage to public or private property or highways resulting from his or her failure to properly protect and carry out the work.

(d) Whenever it may be necessary for the permittee to trench through any lawn area, such area shall be reseeded or the sod shall be carefully cut, rolled and replaced after the excavation has been backfilled as required in this Article.

(e) All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. (Ord. 465 §1, 1997)

Sec. 11-51. Certificate of insurance.

Every permittee, before commencing operations, shall be insured to the extent of two hundred thousand dollars (\$200,000.00) per person, five hundred thousand dollars (\$500,000.00) per occurrence, against liability arising from production, activities or operations incidental thereto conducted or carried under or by virtue of any law, resolution or condition imposed by this Chapter; and such insurance shall be kept in full force and effect during the period of such operation, including site rehabilitation. A certificate indicating protection by such insurance shall be filed with the application for the permit. Such insurance shall not be released until final inspection and approval has been completed by the Town. The insurance policy shall contain a clause that if the policy is changed or canceled, the Town is entitled to written notice ten (10) days prior to any change or cancellation. (Ord. 465 §1, 1997)

Sec. 11-52. Inspections.

(a) The Town shall make such inspections as are necessary for the enforcement of this Article.

(b) The Town shall have the authority to enforce such regulations as may be reasonably necessary to enforce and carry out the intent of this Article. (Ord. 465 §1, 1997)

Sec. 11-53. Burying of construction and organic materials.

Regardless of whether an excavation permit is required for work being done, no person shall bury or allow to be buried construction materials or organic materials resulting from the excavation or the clearing of land or similar activities within the Town limits. All such materials shall be removed from the site and properly disposed of by the person performing such work. (Ord. 532 §1, 2000)

Sec. 11-54. Violation and penalties.

(a) Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed three hundred dollars (\$300.00). Each day during which a violation exists shall constitute, and shall be punishable as, a separate offense.

(b) In addition, the Town is authorized to enforce this Article by injunction, including both the enjoining of contemplated actions or inactions in violation of this Article, including excavation or fill activities undertaken without or in violation of the terms of a permit; and mandatory injunction to require the removal of excavation or fill accomplished without or in violation of the terms of such a permit. In any such injunction action, the municipality shall be awarded its costs of suit, and any costs incurred in the removal of fill and/or restoration of areas where fill or excavation activities have been undertaken in violation of the provisions of this Article. In addition, the Town shall be entitled to recover its attorney fees incurred in bringing any action to compel compliance with the provisions of this Article or to compel compliance with any plan approved hereunder. (Ord. 465 §1, 1997)

Secs. 11-55—11-60. Reserved.

ARTICLE IV

Limited Use Public Road Standards and Private Driveway Standards

Sec. 11-61. Purpose.

This Article is to set forth the standards required for construction of streets and driveways within the Town. Streets and driveways are classified by the average daily trips (ADT) anticipated on the street or driveway and the terrain of the anticipated street or driveway. The use of "street" for purpose of this Chapter shall include driveways. (Ord. 458 §1, 2000)

Sec. 11-62. Average daily trip standards.

The street classification required is determined by the ADT as listed below. A traffic analysis may be required to make this projection.* As a general guideline, each housing unit is anticipated to generate ten (10) ADT.

<i>Street Classification</i>	<i>ADT</i>
Arterial	*
Major Collector	*
Residential Collector	*

Local Access	151—
Two Lane Public Street	51—150
Limited Use Public Road	21—50
Private Driveway	10—20

(Ord. 458 §1, 2000)

Sec. 11-63. Design speeds.

Design speed is selected to correlate design of those physical elements of a road that influence vehicle operation. The choice of a design speed is influenced primarily by the terrain classification, functional classification and economics. The design speed is generally slightly higher than the eventual posted speed. Acceptable ranges of minimum design speeds are as follows:

<i>Terrain Classification</i>				
	<i>Flat or Rolling</i>		<i>Mountains</i>	
<i>Functional Classification</i>	<i>Design Speed</i>	<i>Posted Speed</i>	<i>Design Speed</i>	<i>Posted Speed</i>
Arterial	60	45—55	50	30—40
Major Collector	50	35—45	40	30
Residential Collector	35	30	30	25
Local Access	25	20—25	20	20
Limited Use Public Road	15	—	15	—
Private Driveway	15	—	15	—

(Ord. 458 §1, 2000)

Sec. 11-64. Sight distance.

(a) Horizontal alignment must provide at least minimum stopping sight distance for the design speed at all points. This includes visibility at intersections as well as around curves and roadside appurtenances. The minimum stopping sight distance is the distance required by the driver of a vehicle traveling at a given speed to bring the vehicle to a stop after an object on the road becomes visible. Stopping sight distance is measured from the driver's eye which is assumed to be three and one-half (3.5) feet above the roadway surface, to an object six (6) inches high on the road. The required stopping distance for a given design is as follows:

<i>Design Speed (mph)</i>	<i>Stopping Sight Distance (ft.)</i>
15	100
20	150
25	175
30	200

35	250
40	300
50	450
60	650

(b) In some cases passing sight distance may be required on residential collectors, major collectors or arterials. Passing sight distance is given in the Colorado Department of Transportation Roadway Design Manual.

(c) Where an object off the pavement such as a bridge pier, cut slope or natural growth restricts sight distance, the minimum radius curvature is determined by the stopping sight distance. Offset clearance to achieve stopping sight distance on horizontal curves is shown in Figure 4-2 of the *State Highway Access Code*. It is assumed that the driver's eye and the object are centered in the inside lane, and the line of sight is assumed to intercept the obstruction at the mid-point of the sight line and two and one-half (2.5) feet above the inside lane. The offset distance (m) is measured from the centerline of the road to the obstruction. (Ord. 458 §1, 2000)

Sec. 11-65. Vertical alignment.

(a) General consideration. The centerline profile is a reference line by which the elevation or grades of the pavement and other features of the roadway are established. It is controlled mainly by topography structure clearances, horizontal alignment safety, sight distance, design speed, construction costs and the performance of heavy vehicles on a grade. The centerline profile should be positioned with relation to the cross section as follows:

- (1) It should coincide with the road centerline on two-lane and multi-lane undivided roads.
- (2) On multi-lane divided roads, the grade lines should be placed at the edge of the travel lane nearest the median.

(b) Maximum grades. Maximum sustained grades for new roads are related to design speed as follows:

<i>Design Speed (mph)</i>	<i>Maximum Sustained Grades (%)</i>	
	<i>Flat and Rolling Terrain</i>	<i>Mountainous Terrain</i>
15	6	12
20	6	10
25	6	9
30	6	9
40	6	8
50	5	6
60	4	N/A

The maximum design grade should be used infrequently rather than as a value to be used in most cases. At the other extreme, for short grades less than five hundred (500) feet, the maximum gradient may be increased by one percent (1%). In flat or rolling terrain, all grades shall flatten to four percent (4%) for at least one hundred (100) feet approaching intersections and for at least fifty (50) feet entering and leaving turnarounds or cul-de-sacs. In mountainous terrain, all grades shall flatten to six percent (6%) or less for at least fifty (50) feet approaching intersections and entering switchbacks on cul-de-sacs.

(c) Vertical curves.

(1) Properly designed vertical curves should provide adequate stopping and passing sight distance, headlight sight distance, comfortable driving, good drainage and pleasing appearance.

(2) Vertical curves shall be parabolic. Figure 4-3 of the *State Highway Access Code* gives the mathematical relations for computing a vertical curve, either at crests or sags. Design controls for vertical curves are given in Table 4-5. The minimum length vertical curve shall be four hundred (400) feet for design speeds above thirty (30) mph and two hundred (200) feet for design speeds of thirty (30) mph and lower. Unequal tangent vertical curves are permitted in special circumstances as approved by the Town.

(d) Sight distance. Minimum lengths of crest vertical curves are controlled by stopping sight distance requirements as shown in Figure 4-4 of the *State Highway Access Code*.

(e) Superelevation.

(1) One of the most important factors to consider in highway safety is the centrifugal force generated when a vehicle transverses a curve. Centrifugal force increases as the velocity of the vehicle and/or degree of curvature increases. The standard superelevation rates shown on Tables 4-1 and 4-4 of the *State Highway Access Code* are such as to hold the side function factor within tolerable limits for those operating speeds expected for the range for curve radius given.

(2) For undivided roads, the axis of rotation for superelevation is usually the centerline. Where curves are preceded by long relatively level tangents, however, the plane of superelevation may be rotated about the edge of pavement to improve perception of the curve. Drainage pockets caused the axis of rotation from the centerline to the inside edge of pavements.

(3) A superelevation transition is variable in length depending upon the amount of superelevation. With respect to the beginning and end of the curve, two-thirds ($\frac{2}{3}$) of the transition is in the tangent approach and one-third ($\frac{1}{3}$) within the curve. This results in two-thirds ($\frac{2}{3}$) of the full superelevation at the beginning and at the end of the curve. Where spiral curves are permitted, the transitions are to be designed using the Colorado Department of Transportation Roadway Design Manual.

(4) After a superelevation transition is computed, profiles of the pavement edge should be platted and irregularities removed by introducing smooth curves. For wide pavements, it is often advantageous to plot intermediate profiles.

(5) On curved roadways, a pronounced sag may develop on the low side of the superelevation. This is corrected by adjusting the grades on two (2) edges of pavement throughout the curve. (Ord. 458 §1, 2000)

Sec. 11-66. Street and shoulder width.

Street and shoulder width as functions of functional classifications and traffic volumes are given in Table 4-6 of the *State Highway Access Code*. The shoulder widths given in Table 4-6 do not apply where curb and gutter sections, speed change lanes or climbing lanes are used; for curb and gutter sections, the shoulder width given is for parking or bike lanes. (Ord. 458 §1, 2000)

Sec. 11-67. Cut and fill slopes.

(a) All slopes should be designed for functional effectiveness, ease of maintenance and pleasing appearance and shall be revegetated with low growing, erosion-resistant grasses. The revegetation seeding plan shall be approved by the Town.

(b) Cut and fill slopes shall be as shown on the typical cross section shown in Standard Drawings 1 and 5 of the *State Highway Access Code*. Flatter slopes shall be required in unstable soils. Cut slopes steeper than the standard may be considered in special situations such as in solid material but require prior approval by the Town.

(c) The top of all cut slopes shall be rounded with a minimum of a ten-foot radius where the material is other than solid rock and shall be revegetated. The backslopes at the ends of all cuts, except rock, shall be flattened. The ditch at the lower end of a cut shall be widened gradually to discharge side ditch drainage away from the base of adjacent fill slopes in order to avoid erosion and improve appearance.

(d) In areas where right-of-way width is fairly constant, a pleasing appearance can be obtained by keeping the catch points for a given cut a fixed distance from the centerline. This constant distance catch point will:

(1) Provide a smooth transition from cut to fill.

(2) Allow smooth rounding at ends of cuts and fills.

(3) Permit the flattest possible slopes within the right-of-way limitations, thus encouraging better revegetation and erosion control.

(e) The necessity for benches, their width and vertical spacing shall be established only after an adequate materials investigation of the site. Since greater traffic benefits are realized from widening a cut than from benching the slope, benches should be used sparingly and only where they are justified by sound engineering principles.

(f) When benches are allowed, for ease of maintenance, a twelve-foot bench width is satisfactory. Benches should be sloped to form a valley of at least one (1) foot deep with the low point a minimum of four (4) feet from the top of the upper slope. Access for maintenance equipment should be provided to the lowest bench and, if feasible, to the higher benches. (Ord. 458 §1, 2000)

Sec. 11-68. Limited use public road standards.

Limited use public roads are those used primarily for direct access to properties abutting the right-of-way. Limited use public roads are limited to ADTs between 21—50. Under no circumstances will limited use public roads serve as access to more than five (5) living units or ADTs in excess of fifty (50), whichever the Town determines is less. (Ord. 458 §1, 2000)

Sec. 11-69. Requirements for a limited use public road.

- (a) The building owner must own the road in fee simple and dedicate the road to the Town.
- (b) Limited use public roads will be established by a recorded plat dedication.
- (c) If the applicant is unable to comply with the conditions and requirements set forth herein, the applicant must petition the Town for a variance: Site and grading plan report regarding necessity for variance approved by a certified engineer. A variance will not be approved by the Town if the applicant cannot establish to the Town's satisfaction that the variance will not adversely impact life safety concerns and if the applicant has not made adequate provisions for off-street parking year-round.
- (d) The roadway dedicated to the Town must have a minimum thirty-foot width.
- (e) Any access points to the public maintained system must be constructed in accordance with access permits issued by the appropriate public agency.
- (f) If a limited use public road is proposed, the applicant must comply with and satisfy all excavation conditions and requirements as written in Article III of this Chapter. (Ord. 458 §1, 2000)

Sec. 11-70. Private driveway standards.

The building owner must have the legal right to cross other private lands or a permit to cross public lands for vehicle access. That portion of the private driveway that has a traffic volume with the permitted use of that which would be generated by a single-family dwelling unit or ten (10) ADT, but less than thirty (30) ADT, must be constructed to minimum standards, as follows:

- (1) Twelve-foot-wide travel way.
- (2) Eight-foot-wide, sixty-foot-long turn out areas located no further apart than four hundred (400) feet where visibility is less than four hundred (400) feet.
- (3) Twelve percent (12%) maximum sustained grade. The grade may be increased to one percent (1%) for maximum of one hundred (100) feet.
- (4) Forty-foot radius centerline.
- (5) Stable cut and fill slopes no steeper than 1:1.
- (6) Roadside drainage ditches.

- (7) Lines and grades as approved by the Town.
- (8) Minimum twenty-foot easement width.
- (9) Other road and drainage facilities and appurtenances as deemed necessary by the Town.
- (10) A minimum of four (4) inches of aggregate base course Class 6 ($\frac{3}{4}$ ") must be constructed on the surface.
- (11) Any traffic control devices necessary such as stop signs, private road, dead end.
- (12) Cross section flatten to six percent (6%) or less, fifty (50) feet before and after approaching intersections, entries and switchbacks.
- (13) Grade shall flatten to six percent (6%) or less, fifty (50) feet before and after approaching intersections, entries and switchbacks.
- (14) Switchbacks will have a minimum forty-foot turn radius.
- (15) Emergency turnout will be required on driveways steeper than ten percent (10%) and for each one-hundred-foot length of a driveway.
- (16) Improvements must maintain historical drainage flows certified by an engineer.
- (17) Maintenance of driveway improvements must be in good repair at all times. If at such time said improvements adversely impact public rights-of-way or restrict the ability to access for life safety issues, the Town at its discretion may require improvements necessary to provide adequate access, or the Town will execute improvements at the property owner's expense.
- (18) The lot owner must sign a maintenance waiver acknowledging that the Town does not maintain the driveway, which document will be recorded with the County Clerk and Recorder.
- (19) If the driveway proposed by applicant requires the relocation of greater than fifty (50) cubic yards of earth, the applicant must comply with and satisfy all excavation conditions and requirements of Article III of this Chapter.

If the applicant is unable to comply with the conditions and requirements set forth herein, the applicant must petition the Town for a variance: Site and grading plan report regarding necessity for variance approved by a certified engineer. A variance will not be approved by the Town if the applicant cannot establish to the Town's satisfaction that the variance will not adversely impact life safety concerns and if the applicant has not made adequate provision for off-street parking year-round. (Ord. 458 §1, 2000)

Secs. 11-71—11-80. Reserved.

ARTICLE V

Public Places

Sec. 11-81. Definitions.

The following words as used in this Article shall have the following meanings:

Accessory use means a subordinate use of a building, other structure or tract of land which is:

- a. Clearly incidental to the use of the principal building, other structure or use of land;
- b. Customary in connection with the principal building, other structure or use of land; or
- c. Ordinarily located on the same lot with the principal building, other structure or use of land.

Campfire means an open fire with open flames, sparks or smoke for the purpose of heating, lighting, cooking or recreation.

Camping means housekeeping, living, residing, sleeping or dwelling, either out of doors, in a car, tent, van, bus, travel trailer, tent trailer, pickup camper, pickup coach, boat, utility trailer or vehicle, truck, horse trailer or similar mobile structure.

Custodian of a campfire means the person utilizing any aspect of a campfire, feeding or fueling the fire, tending the fire, or otherwise maintaining same. (Ord. 231 §1, 1982)

Sec. 11-82. Penalty.

Any person convicted of committing an act declared to be unlawful under this Article shall be punished as set forth in Section 1-72 of this Code. (Ord. 231 §4, 1982; Ord. 435 §1, 1996; Ord. 659 §2, 2008)

Sec. 11-83. Unlawful acts.

The following acts are hereby declared to be unlawful:

(1) To engage in camping on the public streets, rights-of-way, alleys, sidewalks, parks or open spaces within the Town, unless otherwise approved by the Board of Trustees on a case-by-case basis, based on a finding that the approved activity will not negatively affect the health, safety or welfare of the Town's citizens.

(2) To engage in camping on any private property within the Town other than in a campground or mobile home park or as an accessory use to a principal use on a lot with the prior approval of the lot owner.

(3) To build a campfire or to be the custodian of a campfire anywhere within the Town except as an accessory use to a principal use on a lot. (Ord. 231 §2, 1982; Ord. 647 §1, 2008; Ord. 659 §2, 2008)

Sec. 11-84. Regulations for Nathan Lazarus Skate Park.

(a) It shall be unlawful for any person to use the skate park for any purpose other than skateboarding, inline skating or instruction therein.

(b) The skate park is open daily from dawn to dusk. It shall be unlawful for any person, other than authorized personnel, to enter or remain in the skate park after dusk and before dawn or when a sign indicates that the skate park has been closed for maintenance.

(c) It shall be unlawful for any person, without the express written permission of the Town, to temporarily or permanently modify existing skate park facilities in any way, including but not limited to the temporary use of makeshift items in the skate park.

(d) It shall be unlawful for any person to bring upon, have or possess any of the following in the skate park without the express written permission of the Town:

- (1) Tobacco, alcohol or illegal drugs;
- (2) Bicycles, scooters/Razors and motorized devices;
- (3) Glass containers;
- (4) Stickers, cans of spray paint, spray paint nozzles, broad-tipped marker pens, paint pens, glass-cutting tools or glass-etching tools or instruments;
- (5) Food and beverages of any kind, except for water;
- (6) Animals; and
- (7) Equipment for the playing of amplified music.

(e) It shall be unlawful for any child under the age of ten (10) to be in the skate park unless supervised by an adult at all times. (Ord. 659 §1, 2008)

Secs. 11-85—11-100. Reserved.