

## **TOWN OF GYPSUM, COLORADO**

### **ORDINANCE NO. 03 SERIES 2024**

#### **AN ORDINANCE PROVIDING FOR THE REPEAL AND READOPTION OF TITLE 12 OF THE GYPSUM MUNICIPAL CODE**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, by Ordinance No. 1, Series 1985, and pursuant to the provisions of Section 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, the Town Council adopted the Gypsum Municipal Code (“Code) consisting of a codification of the Town’s ordinances of a general and permanent nature; and

WHEREAS, several titles, chapters, sections and subsections of the Code have been amended and/or repealed and readopted since 1985; and

WHEREAS, in order to reduce liability risks to the Town, add clarity and consistency, and ensure the Code incorporates current legislation and case law, the Town Council has undertaken a comprehensive review of the Code to ensure the Code is adequately serving the community’s needs as the Town grows; and

WHEREAS, the Town Council finds and determines that Title 12 (Streets, Sidewalks and Public Places) should be repealed and its content readopted and codified, as amended, and that the same is necessary and designed for the purposes of updating Title 12 to comply with changes in the Colorado Revised Statutes, and promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants and visitors of the Town;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

**Section 1. Repeal and Readoption of Title 12 (Streets, Sidewalks and Public Places).** Title 12 of the Gypsum Municipal Code is hereby repealed and readopted in its entirety, as attached hereto and incorporated herein.

**Section 2. Public Inspection.** Copies of this ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

**Section 3. Public Hearing:** A public hearing on this Ordinance shall be held on the 12<sup>th</sup> day of March, 2024, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 4. Effective Date.** This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 12<sup>th</sup> day of March, 2024, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

**Section 5. Severability.** If any portion of this Ordinance, or the Gypsum Municipal Code amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 27<sup>th</sup> DAY OF FEBRUARY, 2024.

## **TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES**

### **Chapter 12.01 - ACCESS TO PUBLIC HIGHWAYS, STREETS AND ROADS**

#### **12.01.010 - Approval Required.**

No person shall construct, reconstruct, use, or increase the level of use of any vehicular access to or from any public highway, street, or road without first receiving written approval of the Town Planning Department.

#### **12.01.020 - Approval Process.**

Any person desiring approval from the Planning Department to construct, reconstruct, use or increase the level of use of such vehicular access, shall submit a written request for access, design and construction plans, and estimated use data to the Planning Department, which shall in writing approve or deny, or conditionally approve, such plans. The Planning Department may consult the Town Engineer or any third-party consultant for assistance in evaluating any application for approval of vehicular access, and an applicant shall be responsible for all costs and expenses associated with the review of the proposed design and construction plans. The Planning Department may condition approval on intermediate and final construction inspections and approvals by the Town Engineer and require impact fees or additional roadway improvements to be made to mitigate additional use of Town roads. Notwithstanding the other provisions of this Section to the contrary, any person desiring approval of vehicular access through a request for approval of a subdivision sketch plan, preliminary plan, final plat, or zoning amendment shall submit design and construction plans, and estimated use data as a part of the subdivision and zoning approval process.

#### **12.01.030 - Approval Criteria.**

Applications for approval of vehicular access to public highways, streets, and roads, including sketch plan, preliminary plan, or final plat, shall be evaluated based on the criteria provided in the most recent Colorado State Highway Access Code described in Section 4 of CCR 601-1, and the adopted Town of Gypsum's Master Traffic Study.

#### **12.01.040 - Curb Cuts and Access Points.**

The Public Works Director is authorized to determine the necessity for the location and width of curb cuts or access points, taking into consideration the location of the property affected; the extent of vehicular and pedestrian traffic along the same; the location of other adjacent accesses or intersections; the demand and the necessity for parking spaces; the means of ingress and egress to and from the property; and generally the health, safety

and welfare of the public. Where the use, convenience and necessity of the public require, the Public Works Director is authorized to direct the access owner to repair, alter, construct or reconstruct, or close the access location or replace the curb or to change the width and location thereof, and is further authorized to make such rules and regulations in respect thereof as the Public Works Director deems fit and proper under the circumstances. No closure of an access point shall deny the owner of adjacent property reasonable means of ingress and egress to and from the property. The Public Works Director shall notify by mail or posting notice on the property of the adjacent owner of the property to which curb cuts are maintained at least thirty (10) days prior to any action pursuant to this Section 12.01.040 regarding such curb cuts.

### **12.01.050 - Appeals.**

(1) Applicants may appeal the denial or conditional approval of a request for vehicular access to public highways, streets, and roads.

(2) The owner of the adjacent property to which curb cuts are maintained may appeal the decision.

(3) Appeals pursuant to this Section shall be brought by filing a written notice of appeal with the Town Clerk, listing the reasons for the appeal, within ten (10) days of issuance of a denial or conditional approval of an application permit to construct within the public way, or receiving by certified mail notice of action pursuant to Section 12.01.040. The Town Planning Commission shall conduct an administrative appeal hearing, with ten (10) days' notice to the appellant by certified mail. At the hearing, the appellant and the Town through the Planning Department, the Public Works Director, or other Town staff may present evidence. The Town Planning Commission's decision shall be rendered within thirty (30) days after the conclusion of the hearing, shall be final and subject to review in the district court pursuant to Rule 106, C.R.C.P.

## **Chapter 12.02 - STREET EXCAVATIONS**

### **12.02.010 - Short title.**

This Chapter 12.02 shall be known and may be cited as the "Street Right-of-Way Excavation Ordinance".

### **12.02.020 - Definitions.**

For the purposes of this Street Right-of-Way Excavation Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

(1) "*Applicant*" is any person making a written application to the Public Works Director for a Right-of-Way Excavation permit hereunder.

(2) *"Excavation"* is the excavation and other work permitted under a Right-of-Way Excavation permit and required to be performed pursuant to the Street Right-of-Way Excavation Ordinance.

(3) *"Permittee"* is any person who has been granted and has in full force and effect a Right-of-Way Excavation permit issued hereunder.

(4) *"Public Works Director"* shall mean the Town Director of the Public Works Department or their designee.

(5) *"Street"*, for the purpose of this Chapter 12.02 shall have the meaning provided in Section 1.02.010 and shall specifically include any public sidewalk or public grounds.

(6) *"Town Engineer"* is the Town Engineer of the Town of Gypsum.

#### **12.02.030 - Public Works Director to Enforce.**

The provisions of the Street Right-of-Way Excavation Ordinance shall be carried out and enforced by the Public Works Director. Any power, duty or action provided in the Street Right-of-Way Excavation Ordinance to be carried out by the Public Works Director may be delegated to the Town Engineer or other designee when, as determined by the Public Works Director, it would be beneficial to the Town.

#### **12.02.040 - Right-of-Way Excavation Permit.**

It shall be unlawful for any person to dig up, cut, break, excavate, tunnel, undermine, or in any manner break up any street or to excavate in or under the surface of any street for any purpose or to place, deposit, or leave upon any street any excavated material obstruction or tending to interfere with the free use of the street, unless such person shall first have obtained a Right-of Way Excavation permit from the Public Works Director. No road cuts will be allowed between November 15th through April 15th of each calendar year, except as specifically allowed by the Town of Gypsum. Pavement restoration shall be as thick as existing structure, but no less than 4-inch asphalt over 8-inch base course in residential streets, and no less than 5" asphalt over 12" base course for all other streets.

#### **12.02.050 - Application.**

No Right-of-Way Excavation permit shall be issued unless a written application is submitted to the Public Works Director. The written application shall state the name and address of the applicant, the name and address of the firm doing the actual excavation work, the nature, location, and purpose of the excavation, the date of commencement and date of completion of excavation, and other data as may reasonably be required by the

Public Works Director. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions, and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Public Works Director. A copy of the Right-of-Way Excavation Permit must be kept on the job site at all times during work activities.

#### **12.02.060 - Right-of-Way Excavation Permit Fees.**

Permit fees shall be paid prior to issuance of a Right-of-Way Excavation permit and shall be in addition to any other fees for permits or charges relative to the proposed work. The fee shall be based on the type of surface to be excavated in or under and will be set by resolution of the Town Council.

#### **12.02.070 - Warranty of Performance.**

(1) Any permittee who performs excavation work shall warrant the quality of such work to Town for a period of 24 months from the completion of such work. The warranty shall secure all performance as required by the permit and shall require the permittee to backfill, restore, and place in good and safe condition as near as practical to its original condition before the excavation and to the satisfaction of the Public Works Director. All streets where excavation is made shall remain in good condition for the 24-month warranty period, usual wear and tear excepted. Any settlement of the surface within the 24-month warranty period shall be deemed conclusive evidence of defective backfilling by the permittee.

(2) If, during the 24-month warranty period, any repairs or maintenance are necessary due to defective performance by the permittee, the Town may in its sole discretion make such necessary repairs or maintenance and charge the costs to the permittee. The permittee shall not be required to maintain any repairs to pavement made by the Town if such repairs prove defective. Until paid, all such costs of repair or maintenance shall constitute a lien against the property benefited by the permittee's street excavation and may be enforced by the Town in the Municipal Court. In the alternative, any unpaid repair or maintenance costs may be collected through certification of the charges of the County Assessor.

(3) The permittee may, at the time of application for a street excavation permit, deposit with the Town Clerk a surety bond, letter of credit, or cash deposit (referred to in combination or singularly as "Deposit") in an amount sufficient to ensure performance during the 24-month warranty period. Bonds may only be used for road projects paid for by the Town directly. Private projects require a letter of credit or cash deposit. No Deposit shall be less than the estimated amount necessary to restore an excavation, as determined in the sole discretion of the Town. Any surety deposited with the Town must be issued by a surety company authorized to transact business in the State of Colorado. In

the event a Deposit is made by the permittee, any costs of repair or maintenance incurred by Town during the warranty period due to defective performance shall be paid first from Deposit, with any overage collected pursuant to subsection 2 above.)

(4) Warranty fees will be set via resolution of the Town Council.

#### **12.02.080 - Routing of Traffic.**

During the performance of the excavation work the permittee shall at all times maintain traffic conditions as nearly normal as practicable so as to cause as little inconvenience as possible to the occupants of the abutting property and to the public. The Public Works Director may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the Public Works Director. The following steps shall be taken before any street may be closed or restricted to traffic:

(1) The permittee must receive the approval of a Traffic Control Plan by the Public Works Director.

(2) The permittee shall notify the Public Works Director before traffic is returned to its normal flow so that any necessary adjustments may be made.

(3) Where flagmen are deemed necessary by the Traffic Control Plan, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. If necessary, the Public Works Director will designate detours. The Town shall maintain roadway surfaces of existing streets designated as detours without expense to the permittee. If there are no existing streets the permittee shall construct all detours at its expense and in conformity with the specifications of the Public Works Director. The permittee is responsible for any unnecessary damage caused to any street's utilities, and any other items of value by the operation of its equipment.

(4) Contact fire, police, and ambulance districts twenty-four (24) hours in advance of closure and again when road is opened.

(5) The permittee is also responsible for notifying residents affected by road closures at least twenty-four (24) hours in advance.

#### **12.02.090 - Clearance for Fire Equipment.**

The excavation work shall not interfere with access to fire stations and fire hydrants. Obstructions shall not be placed within 15 feet of fire hydrants without the approval of the Chief of the Gypsum Fire Protection District. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of obstructions.

### **12.02.100 - Protection of traffic.**

The permittee shall confine excavated material with suitable barriers to encroach upon streets as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across streets under improvement to accommodate vehicular and pedestrian traffic at all street intersections that are not closed. Vehicular and pedestrian crossings shall be designed, constructed, and maintained to accommodate traffic safely and shall be approved by the Public Works Director. Pedestrian crossings shall be not less than 3 feet in width.

### **12.02.110 - Removal and Protection of Utilities.**

The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The permittee shall not interfere with any existing utility without the written consent of the Public Works Director and the utility company or person owning the utility. No utility owned by the Town or privately owned shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee or unless other arrangements are made with the owner. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and if the same are damaged, they shall be repaired by the agency or person owning them at the expense of the permittee, and its Deposit shall be liable therefore. The permittee is responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit, or other utility, and its Deposit shall be liable therefore.

### **12.02.120 - Protection of Adjoining Property.**

The permittee shall protect all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public, or private property resulting from its failure to properly protect and carry out said work. Where it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the private property owner, and in emergency situations the Public Works Director may authorize him to enter the private premises solely for the purpose of making the property safe. When trenching through any lawn area, the sod shall be carefully cut and rolled and replaced after excavations have been backfilled. All work shall be done in a manner calculated to leave the area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. Unless specifically provided by an easement document, the permittee shall not remove, even temporarily, any trees or shrubs from any rights-of-way or easements across private property without first having notified and obtained the consent of the property owner, or in the case of public property, the appropriate Town Department or Town official having control of such property.

#### **12.02.130 - Sidewalks Excavations.**

Any excavation made in or under a sidewalk shall provide an adequate footbridge at least three feet wide and securely railed on each side over said excavation on the line of the sidewalk.

#### **12.02.140 - Protective Measures.**

The permittee shall erect and maintain such fence, railing, or barriers about the excavation site as shall prevent danger to persons using the Town Street or sidewalks. At twilight there shall be placed upon the place of excavation and upon any excavated materials or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided for the protection of the public.

#### **12.02.150 - Care of Excavated Material.**

All excavated material shall be confined in such a manner as not to endanger those working in the excavation, pedestrians, or users of the streets, and to minimize the inconvenience to adjoining property. Where the immediate site will not permit piling of excavated material beside the excavation, such as might be the case in a narrow alley, the Public Works Director may require the permittee to haul the excavated material to a storage site and return it at the time of backfilling. The permittee shall secure the necessary permission and arrangements for storage and disposal sites for excavated material.

#### **12.02.160 - Damage to Existing Improvements.**

All damage done to existing improvements during excavation work shall be repaired by the permittee in conformity with all applicable codes or ordinances. If, upon being ordered, the permittee fails to make such repairs, the Public Works Director may make such repairs and the cost shall be charged against the permittee, and its surety bond shall also be liable.

#### **12.02.170 - Property Lines and Easements.**

Property lines and limits of easements shall be indicated on the excavation plan submitted with the excavation permit application. The permittee shall confine excavation work within easement limits.

#### **12.02.180 - Clean-Up.**

From time to time as may be ordered by the Public Works Director, and in any event immediately after completion of work, the permittee shall thoroughly clean all public and private properties of all rubbish, excess earth, rock, unused material, and other debris resulting from the work to the satisfaction of the Public Works Director. Upon failure to effect clean-up within 24 hours after having been notified by the Public Works Director, clean-up may be done by the Public Works Director and the cost thereof charged to the permittee, and its surety bond shall also be liable.

#### **12.02.190 - Protection of Water Courses.**

The permittee shall provide for the flow of all water courses, sewers, or drains intercepted during the excavation work and shall return them to as good a condition as it found them or make such provisions as the Public Works Director may direct. The permittee shall use all proper measures to provide for the free passage of surface water and shall not obstruct the gutter of any street. The permittee shall contain, and properly dispose of, all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

#### **12.02.200 - Breaking Through Pavement.**

Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be 4 feet or over in depth, the pavement shall be removed to at least twenty-four (24) inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and a 6-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. When a tee-patch is proposed, an additional twenty-four (24) inches adjacent to the removed asphalt, shall be roto-milled to a depth of one-half the original asphalt thickness (minimum 1.5 inches). The roto-milled area shall have a twelve (12) inch wide petrotac centered on the edge and be repaved in the final overlay of the entire trench area. A power-driven concrete saw shall be used to permit complete breakage of concrete pavement or without ragged edges. Asphalt paving shall be cut in a straight line. No pile driver may be used in breaking up the pavement. For additional information, refer to the Public Works Manual.

#### **12.02.210 - Tunnels.**

Tunnels under pavement are not permitted except by permission of the Public Works Director and, if permitted, shall be designed and certified by an engineer and approved by the Town.

#### **12.02.220 - Backfilling and Compaction.**

Backfilling of any excavation shall be compacted to a degree equivalent to that of the undisturbed ground in which the excavation was made. Compacting shall be done by mechanical tappers or vibrators or by rolling in layers as required by the soil in question and sound engineering practices generally recognized in the construction industry as determined by the Public Works Director. Backfilling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers of suitable soil or aggregate wetted to within two (2) percent of optimum moisture content (OMC). Each layer is to be tamped by manual or mechanical means. Layers that are hand tamped shall not exceed 4 inches in thickness. Layers that are power tamped shall not exceed 6 inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in 3-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be filled and tamped as specified above to a depth of 18 inches above the top of the pipe before any additional backfilling is placed thereon. Hydro-compaction using water is not allowed.

#### **12.02.230 - Backfill Material.**

Backfill of  $\frac{3}{4}$ " screened rock may be used to bed the pipe with class 6 aggregate, or suitable structural fill compacted in layers to the top of trench. Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid 6 inches above the rock bottom of the trench and the space under, around, and 6 inches above the pipe shall be backfilled with clean river sand, non-corrosive soil, or one-quarter inch minus gravel. Broken pavement, concrete, large stones, and debris shall not be used in the backfill.

#### **12.02.240 - Backfilling at the Surface.**

Backfilling shall be completed by placing the backfill material well above the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type until the surface is unyielding. The surface shall then be graded as required.

#### **12.02.250 - Restoration of Surface.**

(1) The permittee shall restore the surface of all streets, broken into, or damaged as a result of the excavation work to its original condition in accordance with the specifications of the Public Works Director.

(2) If, in the judgment of the Public Works Director, it is not expedient, by reason of traffic needs, the looseness of the earth, weather conditions, or other reasons, to make a permanent restoration of the street surface before reopening it to traffic or upon completion of the work, he may direct the permittee to lay a temporary pavement to remain until the permanent restoration may be properly made by the permittee. The

permittee shall maintain temporary restorations in safe traveling condition until such time as permanent restorations are made.

(3) The Public Works Director's acceptance, approval, or presence during the performance of any excavation work shall not prevent the Town from asserting a claim against the permittee and his surety bond for incomplete or defective work if discovered within 24 months from the completion of the excavation work.

#### **12.02.260 - Town's Right to Restore Surface.**

If the permittee fails to complete the excavation work or restore the surface of the street to its original and proper condition upon the expiration of the time fixed in the excavation permit, the Public Works Director, if he deems it advisable, may do all work and things necessary to restore the street or complete the excavation work. The permittee shall be liable for the actual cost thereof plus 25%. In addition to general overhead and administrative expenses, the Town shall have a cause of action for all fees, expenses, and amounts paid out and due it for such work and shall apply in payment of the amount due any funds deposited by permittee, and its surety bond shall also be liable.

#### **12.02.270 - Trenches in Pipe Laying.**

Except by special permission from the Public Works Director, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet after pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of the pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the Public Works Director. No timber, bracing, lagging, sheathing, or other lumber shall be left in any trench.

#### **12.02.280 - Urgent Work.**

If, in his judgment, traffic conditions, the safety or convenience of the traveling public, or the public interest require that the excavation work be performed as emergency work, the Public Works Director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day so that the excavation work may be completed as soon as possible.

#### **12.02.290 - Emergency Action.**

In the event of any emergency in which a sewer, main, conduit, or utility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main, conduit, or utility without first applying for and obtaining an excavation

permit shall immediately notify the Public Works Department or Town Manager and take proper emergency measures to cure or remedy the dangerous conditions. An excavation permit shall be applied for not later than the end of the next succeeding day during which the Public Works office is open for business, and permanent repairs shall not proceed without first obtaining an excavation permit.

#### **12.02.300 - Noise, Dust, and Debris.**

Each permittee shall avoid unnecessary inconvenience and annoyance to the public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable noise, dust, and unsightly debris, and adhere to construction hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sunday, except with the express written permission of the Public Works Director, or in case of an emergency action, any tool, appliance, or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

#### **12.02.310 - Preservation of Monuments.**

The permittee shall notify the Public Works Director of any surface monuments or hubs discovered and shall not disturb them until ordered to do so by the Public Works Director. Any monuments disturbed by the permittee shall be reset at permittee's expense by a professional licensed surveyor.

#### **12.02.320 - Inspections.**

The Public Works Director shall make such inspections as are reasonably necessary in the enforcement of this Chapter 12.02. The Public Works Director shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Chapter 12.02.

#### **12.02.330 - Maintain As-built Drawing.**

Users of subsurface street space shall maintain accurate as-built drawings, of plans and profiles showing the location and character of all underground structures including abandoned installations. Per the Gypsum Public Works Manual, AutoCAD, and pdfs of all utilities, rotated to the Town coordinate system, shall be filed with the Engineering Department within 30 days after new installations, changes, or replacements are made.

#### **12.02.340 - Not Applicable to Town Work.**

The provisions of this Chapter 12.02 shall not be applicable to any excavation work under the direction of competent Town authorities by employees of the Town or by any contractor of the Town performing work for and on behalf of the Town.

### **12.02.350 - Insurance.**

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Public Works Department satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than \$1,000,000 per occurrence for bodily injury, death or damage to property, and \$2,000,000 general aggregate, duly issued by an insurance company authorized to do business in this State. In the event of any suit or claim against the Town by reason of the negligence or default of the permittee, upon the Town giving written notice to the permittee of such suit or claim, any final judgment against the Town requiring it to pay for such damage shall be conclusive upon the permittee and against its insurance.

### **12.02.360 - Liability of Town.**

This Ordinance shall not be construed as imposing upon the Town or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

### **12.02.370 - Penalty.**

Any person who violates the requirements of this Chapter 12.02 may be fined the maximum amount for violations of the Gypsum Municipal Code pursuant to section 2.01.100. Separate violations will be deemed to occur each day a person is in violation.

## **Chapter 12.03 - UNIFORM LOT NUMBERING SYSTEM**

### **12.03.010 - Established.**

There is established a uniform lot numbering system for the Town as follows:

- (1) Lots on the south or southerly side and the east or easterly side of the streets within the town shall bear odd numbers.
- (2) Lots on the north or northerly side and the west or westerly side of the streets within the town shall bear even numbers.
- (3) Lots on Highway 6 shall be numbered, beginning at the city limits, and running from east to west.

(4) Lots on Valley Road or Gypsum Creek Road shall be numbered from north to south.

## **Chapter 12.04 - MAINTENANCE**

### **12.04.010 - Duty to Clear All Public Sidewalks and Walkways.**

It shall be unlawful for any owner, manager, lessee or agent of any building, real property, or vacant lot ("property"), or any adult occupant of any single-family dwelling within the Town, to fail to keep all public sidewalks and walkways within or abutting the property or dwelling clear of snow, ice, sleet, and hail. These persons are jointly and severally liable for this responsibility. These persons shall remove or have removed any accumulation of snow, ice, sleet, or hail after any accumulation, as promptly as reasonably possible, and no later than 12:00 noon of the day following the accumulation. Such persons shall remove the snow, ice, sleet, or hail, from the full width of all sidewalks and walkways, except those with a width exceeding five feet, which shall be cleared to a width of at least five feet. No person shall deposit snow, ice, sleet, hail, or other material in or upon any street, sidewalk, alley, public way, or public right-of-way in a manner which obstructs or creates a hazard for vehicle or pedestrian traffic, or interferes with the maintenance of the public right-of-way, or access to trash receptacles or fire hydrants.

### **12.04.020 - Enforcement and fines.**

(1) Notice. If the Town Manager or his designee finds that a violation of this Chapter exists, the Town Manager or his designee shall notify the responsible person that the violation must be immediately corrected, or the person will be subject to fines and costs as provided in this section. Notice under this section is sufficient if in writing and hand-delivered to the responsible person or left in a conspicuous place at the property or dwelling at which the violation exists or given by telephone followed by mailed confirmation to the responsible person.

(2) Fines. If the person so notified fails to correct the violation, they shall be subject to a fine as set by resolution of the Town Council. The Town Manager may correct the violation and charge the costs thereof, to the person so notified.

(3) Collection. Any fine or charge imposed under this Chapter, if not paid when due may be collected in any manner upon the property or dwelling responsible for the violation. The Town Clerk may certify such fines and charges to the County Treasurer of Eagle County, Colorado to be collected, together with the costs of collection, against the property or dwelling in the same manner as though they were part of the taxes assessed against the property or dwelling.

## **Chapter 12.05 - PUBLIC PARKS**

### **12.05.010 - Hours of Closure.**

(1) Except as allowed by a special event permit for a special event at any public park, Lundgren Theater, or Town Hall Park, all public parks located within the municipal boundaries of the Town of Gypsum shall be closed between the hours of 11:00 p.m. to 5:00 a.m. each day.

(2) It shall be unlawful for any person to be within any public park during those hours of closure as defined in this Chapter.

(3) Each violation of the provisions of this Section shall constitute a separate offense.

### **12.05.020 - Penalty for violation.**

Any person violating the provisions of section 12.05.010 shall be fined as set by resolution of the Town Council

## **Chapter 12.06 - TRESPASSING ON PUBLIC PROPERTY**

### **12.06.010 - Definitions.**

For purposes of this Chapter, the following words and phrases shall have the following meanings:

(1) *Golf course* shall mean the Gypsum Creek Golf Course, and any other golf course owned or operated by the Town of Gypsum.

(2) *Person of lawful authority*. For purposes of this Chapter, persons with lawful authority include the following:

(a) Police officers, firefighters, peace officers and emergency response personnel while engaged in the performance of their official duties;

(b) A person going upon property in an emergency to rescue a person or animal, such as livestock, pets, or wildlife, from harm's way, or to remove an object that the person reasonably believes to pose an imminent safety risk.

(c) Public property shall mean any publicly owned ground, public place, public building, vacant lot, or other unsupervised place within the municipal boundaries of the town, including, but not limited to, schools, parks, and municipal buildings.

### **12.06.020 - Trespassing on Golf Course Prohibited.**

No person shall enter or remain on the golf course unless he or she:

- (1) is currently engaged in playing golf at the golf course;
- (2) is a Town employee performing required work on the golf course;
- (3) has received permission from the Town to enter or remain on the golf course; or
- (4) is a person of lawful authority.

#### **12.06.030 - Trespassing on Public Property Prohibited.**

No person shall enter or remain on any public property outside of the posted hours of use or permitted hours of operation unless he or she:

- (1) has the permission of the owner or operator of the public property; or
- (2) is a person of lawful authority.

### **Chapter 12.07 - REGULATION OF PUBLIC PLACES**

#### **12.07.010 - Scope.**

This Chapter applies to parks, open space, trails, parkways, pathways, recreational facilities, the Gypsum Creek Golf Course, and buildings and programs owned and/or operated by the Town (collectively, "public places").

#### **12.07.020 - Rules and regulations.**

The manager of any public place or the head of any department with authority over a public place may propose rules and regulations for such public place, including but not limited to restricting the hours, days, and weeks of use. After approval by the Town Manager, the rules, regulations, and any operating hours shall be posted in at least one location at the public place, or otherwise provided to participants and users.

#### **12.07.030 - Restriction on use.**

The manager of any public place or head of any department with authority over a public place may temporarily or permanently restrict, remove, or have removed by any law enforcement officer any user, individual, or group for unsafe, belligerent or disruptive behavior, intoxication, violation of state, federal, or local laws or any other provision of the Gypsum Municipal Code, or violation of any of the rules and regulations of the public place.

#### **12.07.040 - Appeals.**

(1) Appeals to the Town Manager. Any user, individual, or group who is restricted or removed from any public place may appeal such decision by filing a written notice of appeal with the Town Manager, listing the reasons therefore within ten (10) days of the original decision. The Town Manager shall conduct an administrative appeal hearing, upon ten (10) days' notice to the appellant by email or first-class mail. At the hearing, the appellant and original decision-maker may present evidence. The Town Manager's decision shall be rendered within thirty (30) days after the conclusion of the hearing and shall be final.

(2) Appeals to municipal court. The decision of the Town Manager shall be subject to review by the municipal court by filing a complaint that includes the specific allegations of error no more than fourteen (14) days after the final decision by the Town Manager. The municipal court's review shall be limited to a determination of whether the Town Manager exceeded his jurisdiction or abused his discretion, based on the evidence in the record before the Town Manager. Any appeal of the decision of the municipal court shall be brought in district court as a civil matter pursuant to Rule 106 of the Colorado Rules of Civil Procedure.