

**ORDINANCE 495**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD REPEALING THE BAYFIELD TOWN CODE CHAPTER 13 REGARDING STREETS AND SIDEWALKS AND REENACTING CHAPTER 13, REGARDING STREETS AND SIDEWALKS SECTION 13-1 THROUGH 13-11**

**WHEREAS**, major portions of Chapter 13 were adopted 40 to 50 years ago; and

**WHEREAS**, the outdated Chapter 13 street and sidewalk codes no longer reflect modern standards; and

**WHEREAS**, implementing the current Chapter 13 is confusing; and

**WHEREAS**, the Board of Trustees have determined that Chapter 13 requires an entire overhaul; and

**WHEREAS**, the Board of Trustees find it necessary to amend Chapter 13.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO,**

**That the Bayfield Town Code, Chapter 13 shall be repealed and Chapter 13, streets and sidewalks, Section 13-1 through 13-11 shall be reenacted pursuant to the following:**

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**Repeal Chapter 13 Streets and Sidewalks**

**AMENDMENT REMOVAL PLUS ALL SUBSECTIONS**

Article I. In General

Article II. Snow Removal; Street Cleaning

Article III. Excavations of Right-of-Ways

Article IV. Infrastructure Design Standards and Construction Specifications

Article V. Sidewalks, Shared Use Paths, and Trails

**CHAPTER 13, STREETS AND SIDEWALKS IS HEREBY REENACTED BY ADDING SECTIONS 13-1 THROUGH 13-11, WHICH SECTIONS READ AS FOLLOWS:**

**SEC. 13-1 IN GENERAL**

- (a) Fees, application requirements and fines shall be adopted by resolution or comply with section 1-5 of this Code.

**SEC. 13-3 UNIFORM NUMBERING SYSTEM**

- (a) Uniform system of numbering for houses and buildings
  - (1) The Community Development Director or delegated staff shall review all proposed address numbers with the appropriate Town and La Plata County agencies prior to assignment to verify consistency with the current numbering system.
  - (2) The Community Development Director shall review all address inconsistencies and change requests and propose address numbers with the appropriate Town and La Plata County agencies prior to re-assignment to verify consistency with the current numbering system.
  - (3) The west and north side of a street shall have odd numbers; the south and east side of a street shall have even numbers.
  - (4) Annexation into Bayfield will require addressing in accordance with the system adopted.
  - (5) The Community Development Director shall review all development proposed street

- names for future streets and annexed county roads with the approval of the planning commission and board of trustees.
- (6) Community Development Director shall assign address numbers to all newly created lots.
  - (7) The Town shall coordinate address review and address changes with the appropriate local agency including the property owner.
- (b) Posting of numbers and notice
- (1) The numbers assigned to any house, building or other structure, shall be posted near the front entrance of the house, building or structure and shall be displayed in such a manner that they are clearly visible from the street at all times. Numbers should be of a reflective material or should be lighted to be clearly visible at night.
  - (2) The Community Development Director or designee shall give written notice to the property owner of the number assigned to a particular house, building or other structure and shall further notify the property owner of the posting requirements of this section. The notice shall state that compliance with the posting requirement of this section must be accomplished within a specified period of time from the date of the notice, such period not to exceed 30 days and shall further advise the property owner of the penalties for failure to comply.

#### **SEC. 13-5 PARKING PROHIBITED AND PRIVATE PROPERTY**

- (a) Parking Prohibited for Snow Removal
- (1) Every year between November 1 and May 1, all parking of motor vehicles or other vehicles of any sort is prohibited between the hours of 11:00pm and 7:00am on parking spaces adjacent to east bound traffic of Mill Street in order that the removal of snow may be effectively accomplished by the Town snow plows or by a private equipment operator engaged in assisting the Town in the removal of snow from such portions of Mill Street.
  - (2) Between November 1 and May 1, parking of motor vehicles or other vehicles of any sort on any portion of the Town right of way deeded or prescribed is hereby prohibited between the hours of 11:00pm and 7:00am, on priority one streets as designated by the Snow Route Map adopted by Resolution.
  - (3) Any violation of this section is hereby declared to be and to constitute a public nuisance and obstruction to such street, and such motor vehicle or other vehicle may be removed, forcibly or otherwise.
- (b) Parking Prohibited for Street Cleaning
- (1) No person shall park any vehicle or permit any vehicle to remain parked on any right of way in the street has been posted as a street-cleaning route 24 hours in advance.
  - (2) Any violation of this section is hereby declared to be and to constitute a public nuisance and obstruction to such street, and such motor vehicle or other vehicle may be removed, forcibly or otherwise.
- (c) Private Property
- (1) The town shall not be responsible for damage of any type to any mailboxes, landscaping, fences, or other improvements located within the right-of-way arising from snow removal or other maintenance operations. The town shall not be

responsible for any damage to any vehicle in any street arising from snow removal, street cleaning or other maintenance operations following. It shall be the duty of the owner of any vehicle or other property located in any street to flag or otherwise clearly mark such vehicle or property during periods when such property may be covered or obstructed due to environmental conditions.

### **SEC. 13-7 SIDEWALK SNOW AND ICE**

#### **(a) Removal Required**

- (1) No person shall allow snow and/or ice to remain on any pedestrian infrastructure open to the public and abutting or adjoining the property controlled, owned, or occupied by such person. Any snow and/or ice remaining on any such pedestrian infrastructure more than twenty-four (24) hours after the cessation of snowfall with an accumulation of two inches (2") or more or the formation of a snowdrift is a public nuisance that may be summarily abated, and/or a summons and complaint may be issued.
- (2) In the event that snow and/or ice on the pedestrian infrastructure becomes so hard within such twenty-four (24) hour period that it cannot be removed, sand or another abrasive material shall be applied to the pedestrian infrastructure to make pedestrian travel reasonably safe.
- (3) It shall be unlawful to remove snow or ice from pedestrian infrastructure by utilizing a method that damages the pedestrian infrastructure. Any person who damages the pedestrian infrastructure shall be responsible for payment of all costs incurred by the town to repair or replace the same.

#### **(b) Notice; Failure to Comply**

- (1) In the event that the provisions of this Article are violated, an authorized Town official may cause to be served upon the owner, occupant or person in control of the property, either personally, by mail, or by posting on the premises, a notice requiring the owner or tenant to remove snow and ice from the pedestrian infrastructure within twenty-four (24) hours of such notice. The notice shall also state that failure to comply may result in the issuance of a summons and complaint and that the Town may remove such snow and ice and assess the cost against the premises abutting the pedestrian infrastructure.

#### **(c) Depositing Snow in Streets**

- (1) No person shall deposit or cause to be deposited in any public street, alley, or roadway within the Town, any snow taken or removed from property privately owned or occupied, unless the Town has specifically designated a portion of such street, alley, or roadway for snow storage.

#### **(d) Town Removal of Snow**

- (1) The Town is responsible for removing snow and ice from
  - a. pedestrian infrastructure abutting or adjoining buildings and facilities owned or leased by the Town;
  - b. parking lots and pedestrian infrastructure that primarily serve and lead to municipal buildings and facilities; and
  - c. pedestrian infrastructure abutting or adjoining parks and trails owned or leased by the Town, provided that such areas are designated on a snow removal plan.

## SEC. 13-9 RIGHT OF WAY WORK INCLUDING EXCAVATION

### (a) Permit Required

- (1) No person shall make or permit to be made any curb cut, road access, driveway access, or excavation or opening in or under the surface of any road, street, alley, sidewalk, right-of-way (ROW), or other public place, or to install, repair or perform miscellaneous work above, in, or under such areas, or bore in or under such areas without first obtaining a permit from the Town. All permits shall be issued in the name of the owner of the property except for permits for extensions or replacement of mains, laterals, or service lines being installed by utility companies. Permits for extensions may be issued in the name of the utility if the service line in the trench is to remain the property of that utility company. Permits to perform work expire one (1) year from the date of issuance. Unused permits will result in the forfeiture of the permit fee and the return of the bond to the applicant. Permits are issued at the discretion of the Town. The Town will provide a written determination to the applicant if a permit application is denied.

### (b) Bond Required

- (1) **Asphalt or Concrete (Paved) surfaces.** Work requiring a permit that impacts paved surfaces, including road bores, requires a minimum bond set by the adopted Town of Bayfield Fee Schedule at the time of the application. The minimum bonding for work affecting paved surfaces allows up to a three-foot-wide (3) by fifteen-foot-long (15) opening. Openings larger than three (3) feet in width and/or longer than fifteen (15) feet long will require additional bonding and will incur an additional charge per square foot.
- (2) **Gravel or dirt surfaces.** Work requiring a permit that impacts gravel surfaces, including road bores, requires a minimum bond amount set by the adopted Town of Bayfield Fee Schedule at the time of the application. The minimum bonding for work affecting gravel or dirt surfaces allows for up to a three-foot wide (3) by fifteen-foot-long (15) opening. Openings larger than three (3) feet in width and/or longer than fifteen (15) feet long will require additional bonding and will incur an additional per square foot.
- (3) **Warranty Bond.** Bonding can be secured with cash, check, or other acceptable bonding instrument. All bonds will be held until release is granted in accordance with Section 17.2.3. The Town may grant special bonding provisions, which assure adequate protection of the Town's property, compliance with the standards and requirements for work requiring a permit under this Article, and the public safety. Such special conditions may include bonding several projects at less than the total aggregate amount calculated under this Section, if the bonded amount is reasonably adequate relative to the number and scope of the projects permitted at one time, and the frequency of payment being called for under previous bonds for similar work by the permittee.

### (c) Standards and Requirements

#### (1) General information and requirements

- a. All work requiring a permit under this Article shall be conducted in a manner that does not unduly impede traffic, create public hazards, or damage private property. All work that affects traffic circulation must incorporate a traffic control plan in accordance with the most recent edition of the *Manual for Uniform Traffic Control*

*Devices.* All personnel and individuals working within the ROW must be properly trained and exercise all safety precautions associated with traffic control and the work being performed. Appropriate safety measures must be incorporated when conditions warrant the use of such equipment. Additional information regarding requirements is included with the permit.

- b. All utility locates are the responsibility of the permit holder and must be completed before work commences. Failing to follow the Colorado One Call Law (C.R.S. Title 9) will result in the violation being reported to the Colorado Underground Damage Prevention Safety Commission.
  - c. All openings must be properly protected and secured from the public at all times. Failure to correct deficiencies or hazards within two (2) days of written notification from the Town shall result in forfeiture of the bond, at which time the Town is authorized to repair the deficiency or hazard. Hazards that remain overnight must be secured with safety tape, temporary covers, barricades, warning devices, and/or appropriate signage. Additional Town permits should be submitted if roads are closed or traffic is affected. Town personnel will provide consultation on allowable road closures, opening security, detour and signage requirements, and any other necessary provisions. No opening is allowed for more than three (3) days unless special exceptions or conditions exist, subject to approval by the Town. Any violation that creates a public hazard due to lack of performance or negligence by the permit holder and that is secured or remedied by Town personnel will result in additional fees being assessed for costs incurred by the Town, including personnel and abatement costs.
  - d. All known utility failures must be repaired in a timely manner to avoid unnecessary road sub-grade and surface damage. Emergency repairs by utility owners are allowed to proceed immediately. Timely notification of the failure and resulting repair must be made to the Town. A permit for the work must be submitted in a reasonable timeframe. Road damages resulting from utility failures will require restoration and repair of all damaged road sub-grade and surfaces. The Town will determine any necessary repairs.
  - e. A roadway, street, and/or alleyway includes the surface prepared for vehicular travel, multimodal travel, and/or the area to the flowline of the drainage structure(s) or back edge of the curb(s).
- (2) Paved road work requirements
- a. Work under paved roads must begin with saw cuts on all affected surfaces. The sawcut width must extend at least one (1) foot beyond the edge of the excavated trench (T-Section Patching).
  - b. Following completion of work and acceptable bedding of affected utilities, openings must be backfilled with Controlled Low Strength Material (Flowable-fill), as defined by the American Concrete Institute, to the bottom elevation of surrounding paved surface. Flowable-fill needs to be protected from traffic until it has reached eighty (80) percent of its designed strength. All flowable-fill must be approved by the Town. With prior approval, compaction meeting ninety-five (95) percent of a modified proctor test and verified by a licensed engineer will be accepted for backfill.

- c. Asphalt patches must be properly installed and compacted with an even transition to adjoining surfaces. The patching must follow a T-Section Patch profile. Asphalt patches may need to be installed in lifts at the discretion of the Town. All asphalt edges must be coated with tack oil. The opening must be topped with hot asphalt with the same thickness as surrounding asphalt surfaces or three (3) inches compacted, whichever is greater. A cold asphalt patch must be installed to the top of the opening during winter seasons and maintained until a hot asphalt patch can be installed and completed satisfactorily. Flowable-fill may be filled to the top of the opening and maintained until a hot asphalt patch can be installed; temporary surfaces must be approved by the Town.
  - d. Concrete patches must be properly installed with an even transition to adjoining surfaces. The patching must follow a T-Section Patch profile. All new concrete shall be doweled to existing concrete with No. 4 rebar dowels, eight (8) inches in length with four (4) inches embedment depth and epoxied, one (1) dowel per 12 inches or minimum two dowels. Re-bar within the patch should match the size, type, and occurrence in the surrounding pavement. Large patches may require an engineered rebar plan. The thickness of the concrete should match or exceed the thickness of the removed section. The concrete finish must match the surrounding finish.
  - e. The site (including road bore access locations) must be restored to original condition and all excess debris removed.
  - f. Bonds will be refunded when all work is completed satisfactorily, accepted by the Town and a one-year (1) warranty period has passed. All re-work is the responsibility of the permit holder. Any re-work that is not completed by the permit holder that must be remedied or abated by the Town will be assessed as a fee against the permittee, including personnel and abatement costs.
- (3) Gravel road or alley work requirements
- a. Following completion of work and acceptable bedding of affected utilities, openings must be backfilled with clean, similar sized gravel to the surrounding surface and compacted in eight-inch-thick lifts. Compaction must meet ninety-five (95) percent of a modified proctor test for the backfill material, or flowable-fill can be used if topped with acceptable gravel. Flowable-fill needs to be protected from traffic until it has reached eighty (80) percent of its designed strength. All openings must transition evenly to adjoining surfaces.
  - b. The site (including road bore access locations) must be restored to its original condition and all excess debris removed.
  - c. Bonds will be refunded when all work is completed satisfactorily, accepted by the Town, and a one-year (1) warranty period has passed. The one-year (1) warranty period begins on the date of the final inspection on the permit. All re-work is the responsibility of the permit holder. Any re-work that is not completed by the permit holder that must be remedied or abated by the Town or its designee will be assessed as a fee against the permittee, including personnel and abatement costs.
- (4) Miscellaneous work requirements.
- a. Following completion of work, openings must be backfilled with clean, three-quarter inch (3/4) gravel to the surrounding surface, compacted in eight-inch-thick

- (8) lifts, and topped with acceptable material or flowable-fill can be used if topped with acceptable material. Flowable-fill needs to be protected until it has reached eighty (80) percent of its designed strength. All openings must transition evenly to adjoining surfaces. If the area was previously vegetated, topsoil placement and reseeding with an acceptable seed mix may be required.
- b. Driveway culverts will be installed with measurable slope and not negatively impact the existing drainage of the area. All driveway culverts will be a minimum of ten (10) inch corrugated metal pipe or comparable product. Culvert sizing shall be approved by Public Works Director based on site conditions.
  - c. Bonding is not required for non-road work, excluding boring. The permit holder is fully responsible for the condition of the work for a one-year (1) period. The one-year (1) period begins on the date of the final inspection on the permit. All re-work is the responsibility of the permit holder. Any re-work that is not completed by the permit holder that must be remedied or abated by the Town or its designee will be assessed as a fee against the permittee, including personnel and abatement costs.
- (5) Failure to Comply
- a. All fines and fees for costs or expenses incurred by the Town will be assessed in writing and delivered to the permit holder or employees of the permit holder. The Town may issue fines in addition to any associated costs incurred by the Town. Fines may be assessed for repeated occurrences of non-compliance anytime in the previous ten (10) years or as determined by the Town Council. Fines and fees will be deducted from all bonds, and any fines or fees remaining unpaid following the depletion of bonds must be paid within ten (10) days of delivery of the written assessment.
  - b. All unpaid fines and fees shall be a lien against the property serviced by the work for which the permit was required if the property owner is the permittee, or the utility owner if such utility owner is the permittee.
  - c. The Town shall refuse to issue additional permits and may revoke any existing permits issued to a permittee that owes unpaid fines or fees.
  - d. The Town may refuse to issue a permit to any applicant for up to one (1) year because of repeated violations of this Article, repeated failures of ROW repairs on previous openings, or failure to obtain ROW permits.

### **SEC. 13-11 INFRASTRUCTURE DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS**

- (1) It is the purpose of this article to establish infrastructure design standards and construction specifications in order that through careful design and quality workmanship and materials, the safety of those using the town's streets, roads, curb and gutter, sidewalks, recreational paths, and storm water systems may be promoted.
- (2) The infrastructure design standards and construction specifications shall apply to all streets, roads, curb and gutter, sidewalks, recreational paths, and stormwater systems within the town. If different sections of the standards should require materials, methods of construction or other requirements, the most restrictive shall apply.
- (3) The board of trustees may establish and adopt a schedule of fees to be paid by the developer/builder to defray expenses of the town in reviewing plans and/or inspecting



- work. Further, the town may charge a reasonable fee for copies of these standards.
- (4) No streets, roads, curb and gutter, sidewalks, recreational paths, and/or stormwater systems shall be constructed in violation of the article or amendments thereto without the express approval of the board of trustees. The board, through the town attorney and court of appropriate jurisdiction may initiate legal action to prevent, abate, or remove such unlawful construction in addition to any other remedies provided by law.
  - (5) Any person, whether principal, agent, employee or otherwise, who violates any of the provisions of the Town of Bayfield Infrastructure Design Standards and/or Town of Bayfield Construction Specifications shall be subject to the general penalties as set forth in section 1-5 of this Code.
  - (6) The town, through the board of trustees, hereby adopts the Town of Bayfield Infrastructure Design Standards and the Town of Bayfield Construction Specifications, as either may be amended from time to time [as the governing documents for this article]. One copy of said infrastructure design standards and construction specifications shall be maintained on file at the office of the town clerk and may be inspected during regular business hours.

Effective 30 days from Publish.

**ADOPTED AND TITLE ORDERED PUBLISHED THIS 3<sup>RD</sup> OF OCTOBER 2023.**

*Attest:*

  
\_\_\_\_\_  
Dustin Hayden, Town Clerk

**Mayor:**

  
\_\_\_\_\_  
Ashleigh Tarkington