

## CHAPTER 11

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## ARTICLE 1

### Streets, Sidewalks and Snow Management

#### **Sec. 11-1-10. Ordinary and normal maintenance of sidewalks.**

(a) The owner or other person in charge of or having the control or supervision of any premises shall perform ordinary and normal maintenance on the sidewalks adjoining such premises, keep such sidewalks in good and clean condition and remove all weeds, trash, leaves and any other debris from such sidewalks as necessary in order to provide safe, efficient and clean passage to pedestrian traffic. It shall be unlawful for any person to fail or refuse to comply with this requirement.

(b) Sidewalk definition. For purposes of this Article, *sidewalk* shall include only the concrete portion of a pedestrian way fronting or adjacent to any private property.

(c) Owner or other person in charge definition. For purposes of this Article, an *owner or other person in charge of or having the control and supervision of the premises* shall include, without limitation, an owner, tenant, occupant, lessee or other owner of a beneficial interest in the premises. (Ord. 3 §2, 2007)

#### **Sec. 11-1-20. Failure to comply.**

Upon the failure or refusal of an owner or other person in charge of or having the control and supervision of the premises to perform ordinary and normal maintenance and upkeep on any sidewalk, the Town Manager may correct or maintain the same, as the case may be, by day's work or contract. Where any owner or other person in charge of or having control and supervision of the premises adjoining any sidewalk fails to perform ordinary and normal maintenance and upkeep on such sidewalk, said person shall be guilty of a misdemeanor and subject to a maximum fine of one hundred dollars (\$100.00) for each offense. (Ord. 3 §2, 2007)

#### **Sec. 11-1-30. Town's election to maintain not a waiver.**

The Town may, at its election, undertake to maintain any sidewalk as described in Section 11-1-10 above in its sole discretion. Notwithstanding the Town's undertaking to maintain any sidewalks, neither the Town's election to maintain any sidewalks nor the Town's actual undertaking such maintenance shall limit the responsibility of the owner or other person in charge of or having the control and supervision of the premises adjoining such sidewalks to maintain the same as required under this Article. (Ord. 3 §2, 2007)

#### **Sec. 11-1-40. Removal of snow and ice from sidewalks by adjoining parties; sidewalks with snowmelt systems.**

(a) Removal of snow and ice generally. Any owner or other person in charge of or having the control and supervision of any premises adjacent to any sidewalk shall cause to be removed and cleared away snow or ice from a path of at least five (5) feet in width from so much of the sidewalk as is adjacent to said premises. For owners or other persons in charge of or having the control and supervision of any premises with adjacent sidewalks that have snowmelt systems, such persons shall see to it that ice accumulating on sidewalks of neighboring premises that are a result of the heated sidewalk shall be

similarly removed and cleared away. It shall be unlawful for any person to fail or refuse to comply with this requirement.

(b) Sidewalks with snowmelt systems. Where any owner or other person in charge of or having the control and supervision of any premises installs or constructs sidewalks with snowmelt systems, the costs of all equipment and any energy necessary to heat such sidewalks shall be the sole responsibility of the owner or other person in charge of or having the control and supervision of any premises. Where any sidewalk with a snowmelt system is creating a dangerous condition through the build-up of ice on such sidewalk or any curb, gutter street or alley or any neighboring sidewalk curb, gutter, street or alley, the Town may, at its sole discretion, require the owner or other person in charge of or having the control and supervision of such sidewalk to turn off the snowmelt functions on said sidewalk. At all times, the construction and operation of sidewalks with snowmelt systems must comply with applicable Town restrictions and requirements related to snowmelt systems contained in the Town's Energy Conservation Code, as amended. (Ord. 3 §2, 2007)

**Sec. 11-1-50. Failure to comply with snow removal requirements.**

In the event of the failure of any owner or other person in charge of or having the control and supervision of any premises to clear away snow and ice from any adjacent sidewalk as required in Section 11-1-40 above, the Town Manager may, at his or her election, cause such work to be performed by day's work or contract. Where any owner or other person in charge of or having control and supervision of any premises fails to clear away snow and ice from any sidewalk as required by Section 11-1-40, such person shall be guilty of a misdemeanor and subject to a maximum fine of one hundred dollars (\$100.00) for each offense. Nothing contained in Section 11-1-40 or this Section shall affect or otherwise alter the liability of any owner or other person in charge of or having the control and supervision of any premises adjacent to any sidewalk or the Town as it exists under state law, as amended. Notwithstanding the Town's undertaking to clear away snow and ice from any sidewalk, neither the Town's election to perform such work nor the Town's actual undertaking to perform such work shall limit the responsibility of the owner or other person in charge or having the control and supervision of the premises adjoining such sidewalks to clear away snow and ice from any sidewalk as required under Section 11-1-40. (Ord. 3 §2, 2007; Ord. 4 §1, 2009)

**Sec. 11-1-60. Snow management.**

(a) Snow management guidelines. The Town Council shall adopt Town guidelines ("Snow Management Guideline") that address, without limitation, the hauling, dumping, transportation and storage of snow in advance of each upcoming snow season. A current copy of the Snow Management Guidelines shall be kept and maintained in the office of the Town Clerk. The Snow Management Guidelines are adopted herein by this reference and shall be enforced by the Town Manager under the terms set forth herein.

(b) Hauling, dumping, transportation and storage. All hauling, dumping, transportation and storage of snow shall be undertaken as, when and where identified and described in the Snow Management Guidelines. No person shall dump, deposit or store snow on any Town-owned property, any public rights-of-way or on any street or alley, except as otherwise permitted by the Town in writing.

(c) Prohibited activities. No snow from outside the Town's boundaries shall be dumped, transported, stored or otherwise deposited, for any period of time, within the Town, other than where passing through

Town to destinations outside of Town, without the prior written permission of the Town. Snow permitted to be dumped and stored within the Town shall contain no foreign debris, trash or other materials. No petroleum products, foreign agents or hazardous substances and hazardous wastes (as defined by the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA], 42 U.S.C. § 9601, et seq., the Hazardous Materials Transportation Act, 49 U.S.C. § 1802 and Resource Conservation and Recovery Act [RCRA], 42 U.S.C. § 6902, et seq.) shall be used in the hauling, dumping and depositing of snow, other than as inherent in the function and operation of machinery used therefor.

(d) Enforcement; penalties. No person shall haul, dump, transport or store snow without strictly complying with the requirements of this Section, inclusive of the Snow Management Guidelines. Any person who violates this Section shall be guilty of a misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) per offense or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Each day any such activity shall exist out of compliance with this Section shall be a separate offense hereunder. The Marshal's Department or the Town Manager may enforce the penalties provided hereunder, including, without limitation, by proper summons to appear in a court of competent jurisdiction. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or otherwise remove any violation of this Section. In the event that the Town elects to abate or remove such a violation, the Town's reasonable costs and expenses in conjunction with such abatement shall be properly chargeable to the offending person. No election by the Town to so abate a violation shall limit the responsibility or liability of the offending party or cause the Town to incur such responsibility or liability. Remedies provided in this Section are cumulative and concurrent and not intended to be exclusive, and the same are in addition to all other rights provided at law and in equity. (Ord. 27 §2, 2008; Ord. 4 §1, 2009)

## **ARTICLE 2**

### **Excavations**

#### **Sec. 11-2-10. Scope.**

Any person, other than as agent or contractor for the Town, desiring to cut, excavate or otherwise damage or destroy any sidewalk, curb, drainage ditch, landscaping or other improvement located within the Town rights-of-way as such rights-of-way currently appear on the official plat of the Town may only do so after securing the permit required by this Article and after complying with the other terms and conditions of this Article. (Prior code 19-1-1; Ord. 4 §1, 2009)

#### **Sec. 11-2-20. Notice of proposed damage or destruction.**

(a) Any person desiring to cut, excavate or otherwise damage or destroy any sidewalk, curb, pavement, drainage ditches, landscaping or other street improvements located within the Town's rights-of-way as above-referenced shall notify the Town, in writing, at least fifteen (15) days before the commencement of such work, of the person's desire to commence any of the work as aforementioned. Such notice shall state:

- (1) The person contracting and/or paying for such legal work.
- (2) The person who will perform the work.

- (3) The exact location at which such work will be performed.
  - (4) The nature of damage or destruction of street improvements necessitated by such work.
  - (5) The purpose for which said damage or destruction of street improvements is undertaken.
  - (6) The proposed period of time such work will take from the date of initiation, which shall be specifically set forth, to the date of completion.
  - (7) That the person supplying the notice desires a permit to damage or destroy Town right-of-way improvements.
  - (8) Any knowledge the applicant or any other entity involved in such work has regarding service lines and utilities that may be affected by such work.
- (b) The Town shall waive the fifteen-day prior written notice in the event that the applicant can show good cause for failing to give such prior written notice. In such cases the applicant's notice states in clear and concise terms the reason for such failure to give timely notice, all other requirements shall remain the same; except that the penalty set forth under Section 11-2-60 below shall not be imposed against an applicant, for those days that the applicant has shown good cause for failing to give timely notice to the Town as required by this Article. (Prior code 19-1-2; Ord. 4 §1, 2009)

**Sec. 11-2-30. Permit required.**

After receipt of the notice required in Section 11-2-20 above, the Town Manager shall issue a permit to the person submitting the above-referred notice, stating that said person may proceed with the proposed destructive work when each of the following conditions are met:

- (1) The person applying for the permit posts a cash bond in an amount determined by the Town Manager to be sufficient to pay for the repair of any damage or destruction to any sidewalk, curb, pavement, base course, landscaping or other improvement necessitated by the applicant's proposed work; said repair shall be to engineering specifications sufficient to permanently restore said street improvement. In any event, said bond shall be at least five hundred dollars (\$500.00), unless reduced or waived as set forth in Section 11-2-40 below.
- (2) The person applying for the permit signs a memorandum agreement with the Town wherein the applicant agrees to allow the Town to name an inspector of the Town's choice to inspect and certify the satisfactory completion of the work and restoration of street improvements, the cost of said inspector to be paid for by the applicant from funds to be deducted from the cash bond required in Paragraph (1) above. (Prior code 19-1-3; Ord. 4 §1, 2009)

**Sec. 11-2-40. Waiver of bond requirement.**

The Town Manager may, at his or her discretion, waive all or part of the cash bond required by Paragraph 11-2-30(1) above, if he or she determines that the proposed damage or destruction of the Town's right-of-way improvements is so insignificant as to require a lesser bond to adequately guarantee a full repair of street improvements. (Prior code 19-1-4; Ord. 4 §1, 2009)

**Sec. 11-2-50. Review of repair and restoration; return of bond.**

Upon completion of the work for which a permit is required by this Article, the Town Manager shall review the restoration of the street improvements. If the repair work is deemed acceptable by the inspector required in Paragraph 11-2-30(2) above and by the Town Manager, the cash bond shall be returned less any amount expended for the hiring of said inspector. If the repair and restoration of street improvements is deemed unacceptable, the Town shall contract for the adequate repair and restoration of said street improvements. Upon completion of said repair and restoration, the bond posted by the applicant shall be used to pay for said repair and restoration, with the remaining bond funds, if any, to be returned to the applicant together with a statement accounting for the amount used by the Town to secure the needed repair and restoration. (Prior code 19-1-5; Ord. 4 §1, 2009)

**Sec. 11-2-60. Penalty.**

Any person who excavates, cuts or otherwise damages or destroys any sidewalk, curb, pavement, base course, landscaping or other improvement within the Town right-of-way which, by this Article requires the obtaining of a permit, without first obtaining said permit, shall be guilty of a misdemeanor and punished in accordance with the provisions of Section 1-4-20 of this Code. Each day any such work proceeds without the proper permit in effect shall be deemed a separate offense. (Prior code 19-1-6; Ord. 4 §1, 2009)

**Sec. 11-2-70. Additional remedies.**

In addition to the penalties provided in Section 11-2-60 above, the Town may bring such civil action as it deems necessary for the purposes of enjoining, abating or seeking damages for the violation of the terms of this Code. (Prior code 19-1-7; Ord. 4 §1, 2009)

**ARTICLE 3**

**Public Parks**

**Sec. 11-3-10. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein:

*Director* means the person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

*Park* means a park, stream bank margins, playground, recreation center or any other area in the Town, owned or used by the Town, and devoted to active or passive recreation.

*Vehicle* means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. An exception is made for baby carriages and vehicles in the service of the Town parks. (Prior code 19-2-2; Ord. 4 §1, 2009)

**Sec. 11-3-20. Park property.**

(a) Buildings and other property. No person shall:

(1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures, equipment, facilities, park property or appurtenances whatsoever, either real or personal.

(2) No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, plants, wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(4) Construct, erect or create any building or structures of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(b) Trees, shrubbery and lawns. No person shall:

(1) Damage, cut, carve, transplant or remove any tree or plant; or injure the bark or pick the flowers or seeds of any tree or plant; attach any rope, wire or other contrivance to any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or backstops or upon any other property not designated or customarily used for such purposes.

(c) In addition to the provisions of Section 7-5-80 of this Code pertaining to dogs, all other animals are prohibited from the Town parks. (Prior code 19-2-3; Ord. 4 §1, 2009)

**Sec. 11-3-30. Traffic.**

(a) No person shall ride, drive, park or otherwise have a vehicle in a Town park, except in areas specifically designated for such vehicles by the Director, or as provided herein as to specific vehicles.

(b) In areas designated for vehicle operation, in all instances pedestrians shall have the right-of-way.

(c) Bicycles. No person shall:

(1) Ride a bicycle on other than a paved vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over grassy areas or trail or on any paved area reserved for pedestrian use, but specifically not including playing fields.

(2) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit; and bicycles shall be kept in single file when two (2) or more are operating as a group.

Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(3) Ride any other person on a bicycle; except a rider carrying children in equipment or seats reasonably calculated to assure the safe operation of the bicycle. (Prior code 19-2-5; Ord. 4 §1, 2009)

**Sec. 11-3-40. Games.**

No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited except on the fields and courts or areas provided therefor. Roller-skating, skateboarding and Rollerblading are prohibited in all areas of Town parks. (Prior code 19-2-6; Ord. 4 §1, 2009)

**Sec. 11-3-50. Behavior.**

(a) No person shall bring glass containers into the park, or have any glass containers in his or her possession.

(b) No person shall enter a park or be under the influence of intoxicating liquor while in a park. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-60. Fireworks and explosives.**

No person shall bring into, have in his or her possession, or set off or otherwise cause to explode, discharge or burn in the park any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material; or discharge them to throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-70. Fires.**

No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or continuous thereto. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-80. Closed areas, posting of notice.**

No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-90. Frozen water.**

No person shall go onto the ice on any of the waters except such areas as are designed as skating fields, and provided that a safety signal is displayed. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-100. Loitering; boisterousness.**

No person shall sleep or protractedly lounge on the seats, benches or other areas, engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-110. Permit required.**

(a) No person shall fail to produce and exhibit any permit from the Director he or she claims to have, upon request of any authorized person who desires to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(b) No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity under the authority of a permit. (Prior code 19-2-7; Ord. 4 §1, 2009)

**Sec. 11-3-120. Big Mine Skate Park regulations.**

Rules and regulations for the use of the Big Mine Skate Park shall be promulgated by the Town Manager, which rules shall be adopted to maximize safe use of the Big Mine Skate Park, respect for others using the skate park and minimize the impacts of use on the adjacent neighborhood. Such rules and regulations shall be posted at the Big Mine Skate Park by the Town Manager, and also shall be available at the Parks and Recreation Department. A violation of such rules and regulations shall be a misdemeanor offense, subject to the penalties for misdemeanors set forth in Section 1-4-20 of this Code. (Prior code 9-9-9; Ord. 13 §1, 1998; Ord. 20 §1, 2003; Ord. 4 §1, 2009)

**Sec. 11-3-130. Green Lake Trail regulations.**

(a) The following rules and regulations shall govern the public use of the Green Lake Trail:

(1) The trail shall be used only for pedestrian, nonmotorized bicycling and cross-country skiing.

(2) No motorized vehicles, horses or pack animals shall be permitted on the trail.

(3) Where the trail crosses private property, all dogs must be restrained by a leash, rope or other similar device physically connecting the dog to the owner or other person.

(4) All users must stay on the posted trail and avoid trespassing upon the private land over which the trail crosses.

(5) No user of the trail shall litter or otherwise leave trash or other debris on or near the trail.

(6) No user shall damage trees, shrubbery or other natural features, or signs or other constructed improvements while using the trail.

(7) Bicyclists shall yield the right-of-way to pedestrians on the trail.

(8) All users shall obey temporary closure signs and directives.

(b) Any person engaging in any activity not in compliance with the regulations set forth in this Section shall have committed a misdemeanor and shall be fined in accordance with the provisions of Section 1-4-20 of this Code. Nothing herein shall limit the Town from seeking any other remedies that may be provided by law, including restitution or payment of costs and reasonable attorney's fees for enforcement. (Prior code 15-5-3, 15-5-4; Ord. 16 §1, 1998; Ord. 4 §1, 2009)

**Sec. 11-3-140. Vending and peddling.**

No person shall expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception shall be made as to any regularly licensed concessionaire or outdoor vending licensee approved by the Town Manager. (Prior code 19-2-8; Ord. 4 §1, 2009)

**Sec. 11-3-150. Advertising.**

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire. (Prior code 19-2-8; Ord. 4 §1, 2009)

**Sec. 11-3-160. Signs.**

No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park. (Prior code 19-2-8; Ord. 4 §1, 2009)

**Sec. 11-3-170. Hours of operation.**

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. (Prior code 19-2-9)

**Sec. 11-3-180. Closed areas.**

Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary. (Prior code 19-2-9)

**Sec. 11-3-190. Lost and found.**

The finding of lost articles by park attendants shall be reported to the Director, who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost. (Prior code 19-2-9)

**Sec. 11-3-200. Park permit, application.**

A permit shall be obtained from the Director in order to reserve a park or park facility before participating in park activities involving fifteen (15) or more people, commercial or private in nature.

(1) Application. A person seeking the appropriate issuance of a permit hereunder shall file the appropriate application with the Director. The application shall state:

- a. The name and address of the applicant.
- b. The name and address of the person, corporation or association sponsoring the activity, if any.
- c. The day and hours for which the permit is desired.
- d. The park or portion thereof for which such permit is desired.
- e. An estimate of the anticipated attendance.
- f. Any other information which the Director shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

The applicant shall tender a deposit for cleanup set by the Director in a reasonable amount to assure that the area used will be returned to its original condition expeditiously. In addition, the applicant shall tender a fee of an amount established by resolution of the Town Council for the permit. Any costs incurred by the Town for damage and cleanup shall be deducted from the deposit and the balance remaining shall be returned to the applicant in a reasonable amount of time.

(2) Standards for issuance. The Director shall issue a permit hereunder when he or she finds:

- a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- c. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- d. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Town.
- e. That the facilities desired have not been reserved for other use at the day and hour required in the application.

(3) Appeal. Within five (5) days after receipt of an application, the Director shall apprise an applicant in writing of his or her reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten (10) days to the Town Council, which shall consider the application under the standards set forth in Paragraph (2) above and sustain or overrule the Director's decision within thirty (30) days. The decision of the Town Council shall be final.

(4) Effect of permit. A permittee shall be bound by park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(5) Liability of permittee. The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person to whom such permit was issued.

(6) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Prior code 19-2-9; Ord. 4 §1, 2009)

## **ARTICLE 4**

### **Cemetery Regulations**

#### **Sec. 11-4-10. Legal agents.**

The Town Manager and Town Clerk are hereby made the legal agents to hold and have full charge of the Crested Butte Cemetery, with full power to do and perform any and all things necessary or proper to protect the same in a good condition. The Town Clerk shall keep a record of all sales made of lots therein, and shall keep a record showing the name of each purchaser, the date of purchase, the number of the lot purchased and the amount paid therefor. He or she shall also keep a book of blank certificates of sale, with stubs showing a memorandum of each sale. (Prior code 17-1-1; Ord. 15 §1, 1999)

#### **Sec. 11-4-20. Sale of lots.**

Any person who desires to purchase a lot in the cemetery shall pay to the Town an amount established by resolution of the Town Council. The Town Clerk will issue to such purchaser a cemetery deed to a lot selected by such purchaser which deed shall be signed by the Town Manager, attested by the Town Clerk and impressed with the seal of the Town. After the initial purchase of a lot from the Town, title to such lot can be transferred only by exchanging the existing deed for a new deed in the office of the Town Clerk. The consideration paid in any such transfer shall not be greater than the original purchase price of the lot. (Prior code 17-1-2; Ord. 31 §1, 1990; Ord 15 §2, 1999; Ord. 15 §1, 2005; Ord. 4 §1, 2009)

#### **Sec. 11-4-30. Lots for indigent persons.**

Block 1, Lots 1 through 116 and Block 24, Lots 1 through 32 of the cemetery are hereby set aside for the burial of poor persons. Upon proper information being furnished to the Town Manager that any poor person has died, leaving property or assets insufficient to cover the cost of purchasing a lot for burial, a certificate shall be issued in accordance with the regulations herein set forth, except that no charge shall be made therefor. If there is no relative or friend who desires to take title to such lot and care for the same, then such certificate shall run to the Town. (Prior code 17-1-3; Ord. 15 §3, 1999; Ord. 4 §1, 2009)

#### **Sec. 11-4-40. Defacing cemetery property or lots.**

Any person who in any manner defaces or damages any fence, monument, tombstone memorial, lot or other fixture or object situated in or belonging to any part of the property known as the Crested Butte Cemetery shall be guilty of a misdemeanor and, on conviction of a violation of this Section, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), together with all costs of prosecution, including reasonable attorney fees, occasioned by reason of such act, and/or by imprisonment not exceeding ninety (90) days. Any person convicted under this Section shall additionally be liable and responsible to the Town for any and all expense, cost, loss and damages occasioned by such violation. (Prior code 17-1-4; Ord. 15 §4, 1999; Ord. 4 §1, 2009)

**Sec. 11-4-50. Rules and regulations.**

The Town Council is hereby authorized to make such reasonable regulations and rules to govern the conduct of the business relating to the cemetery as it may from time to time deem best. (Prior code 17-1-5)

**Sec. 11-4-60. Prohibition of structures.**

No building, memorial or structure of any kind is permitted in or on the cemetery in excess of seven (7) feet in height, and no above-ground mausoleum or crypt of any kind shall be permitted. (Prior code 17-1-7; Ord. 15 §6, 1999)