

Chapter 11

Streets, Sidewalks and Public Property

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ARTICLE I

General

Sec. 11-1. Street Superintendent.

The Board of Trustees, upon taking office, shall appoint a Street Superintendent, who shall, subject to the control of the Board of Trustees, have the charge and control of the construction, maintenance and repair of the streets, alleys and sidewalks within the Town. (Prior code 20.1)

Sec. 11-2. Definitions.

As used in this Chapter, the following words shall have the following meanings;

(1) *Street* means the entire width of every dedicated public way, and shall include the traveled portion thereof known as the roadway, the portion used for sidewalks, and the portion between the property line and the roadway known as the parking. The term shall also include an alley.

(2) *Sidewalk* means that portion of the street which is set aside for the use of pedestrians and which has been surfaced with cement, stone or other similar material. (Prior code 20.2)

Sec. 11-3. Grades of streets and sidewalks.

For the purpose of establishing uniformity in the construction of streets, sidewalks, curbs and gutters, as well as to provide suitable surface drawings of the Town streets, it shall be the duty of the Board of Trustees to cause the several streets to be surveyed to determine the grades for streets, sidewalks, curbs and gutters, and to establish said grades by ordinance. Until such time as the Town shall establish such grades by ordinance, the Town Engineer shall establish the grades and lines of all streets, sidewalks, curbs and gutters. It shall be unlawful to construct any sidewalk, curb or gutter upon any grade or line other than the one (1) furnished by the Town Engineer. (Prior code 20.3)

Secs. 11-4—11-20. Reserved.

ARTICLE II

Excavations

Sec. 11-21. Excavations; permits required.

At such time as there is required by any nonexempt person, agency or organization, any street cut, alley cut or excavation of any kind upon or across public property, an excavation permit must be obtained from the Town Clerk prior to commencement of such cut or excavation. (Ord. 275, § 2, 1986)

Sec. 11-22. Fee for permits.

Cost of each excavation permit, payable upon issuance, shall be two hundred dollars (\$200.00) for cuts up to and including two (2) square yards in area; for three (3) to twenty (20) square yards

inclusive, an additional fifteen dollars (\$15.00) per square yard or fraction thereof, and thereafter, an additional ten dollars (\$10.00) per square yard, where cuts are continuous. The license fee for a street cut is one hundred fifty dollars (\$150.00) minimum. (Ord. 275, § 3, 1986; Ord. 293, § 9, 1987)

Sec. 11-23. Refund of fees.

Upon proof of proper filling, compaction and patching, all fees posted, except for one hundred fifty dollars (\$150.00), shall be refunded. (Ord. 275, § 4, 1986)

Sec. 11-24. Annual permit for public utilities.

Any public utility operating under the jurisdiction and control of the Colorado Public Utilities Commission, upon written application made upon a form provided for that purpose, and upon filing an annual bond and the payment of an annual fee of one hundred dollars (\$100.00), shall be granted a permit under the provisions hereof for the installation, maintenance or repair of any public utility installations in the public streets, good for a period of one (1) year from the date thereof. Every such utility performing any construction work thereunder, at the end of each week or whenever required by the Street Superintendent, shall file a written report showing all construction work performed by it within the Town during such period under the provisions of such permit. Such annual permit shall not authorize any opening in any concrete, asphalt or other permanent pavement without the specific permission of the Street Superintendent in each case, but it shall relate only to the payment of the fee. (Prior code 20.9)

Sec. 11-25. Annual fee for utilities.

All utility companies which own facilities or carry on functions in the Town for the purpose of installing, maintaining or operating such utility within the Town, and of supplying services to the inhabitants of the Town, including, but not limited to, telephone, artificial or natural gas, and electricity or electrical energy, shall be subject to a fee, unless furnished, of nine hundred dollars (\$900.00) per year, payable monthly, in advance. Notwithstanding the general licensing provisions of this Chapter, the payment required by this Section is deemed to be an occupation tax imposed upon the privilege of providing utility services within the Town. (Ord. 293, § 9, 1987)

Sec. 11-26. Openings controlled by Street Superintendent.

All openings made in any street shall be made under the supervision of the Street Superintendent, and he or she shall have the right to prescribe the method to be used in the excavation, the width thereof and any other reasonable conditions for the protection of utilities or the public, or for minimizing the interference with vehicular or pedestrian traffic. (Prior code 20.10)

Sec. 11-27. Barricades and lights required.

Barricades shall be required for all excavations, and shall be adequately equipped with flashing lights. (Ord. 275, § 5, 1986)

Sec. 11-28. Unfilled opening.

No excavation or opening shall remain unfilled longer than twelve (12) hours after workmen on the job on a continuous basis have left. (Ord. 275, § 6, 1986)

Sec. 11-29. Restoration of paving.

All restoration of paving surfaces after an opening or excavation has been made shall be made in accordance with the Town specifications, and the entire work of restoration, including back filling, repaving, surfacing and pouring the base, shall be performed directly by the Street Department, except in specific cases where the Street Superintendent shall deem it necessary to do the restoration by contract or to permit public utilities to do the work with their own forces. In the replacement or restoration of the permanent pavement, the Town shall have the right and authority to remove the old concrete for an area extending at least one (1) foot in all directions beyond the edge of the original cut, to replace it with new reinforced concrete, not less than six (6) inches thick, but equal in thickness to that of the adjacent pavement, made in accordance with the latest Town specifications for a permanent foundation. The new wearing surface shall extend at least six (6) inches beyond the joint in the foundation of the pavement and be laid with the same care and in the same manner as the original pavement. If any part of the slab of sidewalk is cracked or damaged in any way, the entire slab shall be replaced. (Prior code 20.12)

Secs. 11-30—11-40. Reserved.

ARTICLE III

Streets

Sec. 11-41. Injury to streets or sidewalks.

It shall be unlawful for any person to injure, cut, mutilate, destroy or deface any street, sidewalk, curb or gutter, the paving or other surface thereof, the trees or plants located therein, or any property maintained or used in connection therewith. (Prior code 20.13)

Sec. 11-42. Obstructions prohibited.

Except as otherwise provided in this Code, it shall be unlawful for any person to obstruct a street or sidewalk with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles, or other material or substance without first obtaining a permit from the Street Department. Such permits may be granted only where the obstruction is necessary for the construction, alteration or repair of the adjoining property, and such permitted obstructions shall be limited to as short a time as is reasonably possible. Each day that such an unlawful obstruction is permitted to exist shall constitute a separate and distinct offense. (Prior code 20.14)

Sec. 11-43. Permit required for flags or banners.

It shall be unlawful for any person to place or cause to be placed across or above any street in the Town any flag, banner or similar sign or symbol, without first obtaining a permit therefor from the Board of Trustees. (Prior code 20.15)

Sec. 11-44. Dangerous places fenced.

All holes, depressions, excavations or other dangerous places within the Town that are below the natural or artificial grades or the surrounding or adjacent highway or street shall be properly enclosed with fences or walls, or be filled up so as to prevent persons and animals from falling into them. The Street Superintendent shall notify the owner or occupant of premises on which dangerous places exist to cause fences or walls to be built around them or to cause the same to be filled up. It shall be unlawful for any owner or occupant so notified to fail to comply with such notification forthwith. (Prior code 20.16)

Sec. 11-45. Duty to construct walkway.

Whenever in the construction, rebuilding or repairing of any building it becomes necessary to blockade, obstruct or remove the sidewalk, the person in charge of such work shall build and maintain a good and substantial walkway, to be approved by the Street Superintendent, around the obstructed portion of such sidewalks. (Prior code 20.17)

Sec. 11-46. Ditches must be bridged.

Any person owning or constructing any ditch, race, drain or flume in, upon or across any public street within the Town shall keep the same open for safe and convenient travel by constructing bridges over the same. Such bridges shall be of substantial construction and shall cover the full width of the street, and after such construction, the owner thereof shall keep the same in good condition and repair. (Prior code 20.18)

Sec. 11-48. Washing of vehicles prohibited.

It shall be unlawful for any person to wash any automobile or other vehicle on the streets of the Town. (Prior code 20.20)

Sec. 11-49. Depositing litter in streets prohibited.

It shall be unlawful for any person to deposit in or litter any street with ashes, sod, earth, grass clippings, sand, gravel, rubbish, waste paper, garbage or any other waste material. (Prior code 20.21)

Sec. 11-50. Transportation of loose materials.

It shall be unlawful for any person to convey or cause to be conveyed through the streets of the Town earth, manure, mortar, shavings, rubbish, waste paper, garbage or loose material of any description except in tight receptacles, boxes or truck bodies equipped with covers which prevent the escape of any material contained therein. (Prior code 20.22)

Sec. 11-51. Hauling offensive or foul-smelling material restricted.

It shall be unlawful for any person to transport any offensive or foul-smelling material over, across or upon any of the streets within the Town, or to allow any wagon, truck or other vehicle loaded with such material to stand upon any of the streets unless such material is carried in water-tight tanks or containers and not overloaded so as to allow such materials to fall over the sides thereof. (Prior code 20.25)

Sec. 11-52. Restrictions on tire equipment.

It shall be unlawful for any person to operate or move upon any surfaced street in the Town any vehicles equipped with metal or solid rubber tires or tires which have any flange, cleat, spike or other protuberances of any material other than rubber. See also Chapter 18. (Prior code 20.23)

Sec. 11-53. Permits for house moving.

It shall be unlawful for the owner of any building or the contractor for its removal, or either of them, to move any building over the streets of the Town without first obtaining a permit therefor from the Town Engineer. In granting such a permit, the Town Engineer may impose such restrictions or conditions as he or she deems necessary to protect the streets of the Town or any utilities from damage, and the Town Engineer may make any other reasonable requirements which he or she deems necessary for the protection of the public. (Prior code 20.24)

Sec. 11-54. Trees and shrubs.

No property owner or occupant shall set out or plant any shade trees, ornamental trees, shrubs or plants in that part of the street between the property line and the curb line abutting such property without first obtaining a permit therefor. Applications for permits for such plantings shall be made to the Town Clerk, and the trees or shrubs set out shall be of a kind and quality and located in a line or place according to a plan approved by the Street Superintendent. The care and pruning of such trees and shrubs shall be the responsibility of the property owner. (Prior code 20.27)

Sec. 11-55. Dead or dangerous trees or limbs removed.

It shall be the duty of the owner of any property to remove any dead trees or dead overhanging limbs which are dangerous to life or property and which are located on the premises of such owner or upon the public property abutting the premises of such owner, upon receipt of written notice from the Board of Trustees. If such owner fails to remove the same within the time prescribed by the Board, the Board shall remove or cause to be removed such trees or limbs at the expense of such owner, including reasonable attorney fees. (Prior code 20.28; Ord. 526, § 1, 1999)

Sec. 11-56. Assessment for charges; collection.

Failure to pay for the removal of the dead trees or dead overhanging limbs, including reasonable attorney fees, within ninety (90) days of the billing date thereof shall result in the certification to the County Treasurer of the amount of the unpaid charges, the name of the property owner and legal address of the property. Such certified charges are to be collected and paid over by the County Treasurer in the same manner as taxes are authorized pursuant to state law. (Ord. 526, §2, 1999)

Sec. 11-57. Street addressing.

(1) Definitions. The following words and phrases are guidelines in the naming of streets:

Avenue means a street running north and south and more than five hundred (500) feet in length.

Boulevard means a street that is an arterial and is otherwise known as a Weld County Road. A boulevard runs north and south.

Circle means a horseshoe-shaped street beginning and ending with a major block.

Court means a street running north and south and less than five hundred (500) feet in length.

Drive means a curving street of more than five hundred (500) feet in length.

Lane means a curving street of less than five hundred (500) feet in length.

Parkway means a street that is an arterial and is otherwise known as a Weld County Road. A parkway runs east and west.

Place means a street running east and west and less than five hundred (500) feet in length.

Road means a street running diagonally, northwest-southeast or northeast-southwest and more than five hundred (500) feet in length.

Street means a street running east and west of more than five hundred (500) feet in length.

Way means a street running diagonally, northwest-southeast or northeast-southwest, and less than five hundred (500) feet in length.

(2) Streets - Frequency of numbers.

a. Only one (1) number shall be assigned to each business, use or dwelling unit. Addresses are to be assigned every twenty-five (25) feet.

b. Numbers shall be assigned to vacant lots within platted subdivisions and shall be assigned in such a manner that adequate numbers are reserved for possible future development or replat of parcel.

c. All address numbers shall be assigned for the street upon which the structure fronts. When a street has been determined to be running in predominately one (1) direction, the numbering shall not be changed if there are slight changes in street direction.

(3) Streets - Numbering as to block and side of street.

a. Streets traveling east/west with dwelling unit facing north/south shall follow the numbering system provided at the top of the grid (Exhibit 3-1). Streets traveling north/south with dwelling units facing east/west shall follow the number system provided at the side of the grid. Numbering shall commence with odd numbers assigned to the north or west side of the street and even numbers to the south or east side of the street; the original odd or even designation shall be continued throughout the drive regardless of change in compass direction. Exceptions would apply to Circles and Drives described in Subsections (4) and (5) below.

b. The developer, owner or tenant of each building, house or structure shall post the assigned address number on said structure in such a manner to be clearly visible from the street.

(4) Circles.

a. The interior sides of the circle shall bear even numbers, and the exterior sides shall bear odd numbers.

b. House numbers shall be assigned within the appropriate block as relates to the Town's established grid system.

c. Numbering shall commence from the point closest to the established axis which most nearly parallels the circle.

(5) Drives.

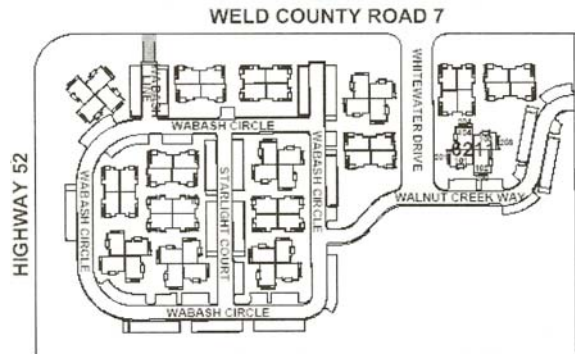
a. House numbers shall be assigned within the appropriate block as it relates to the Town's established grid system.

b. Numbering shall commence from the point closest to the established axis which most nearly parallels the drive. At this point, even numbers shall be assigned to the north or east side of the drive and odd numbers to the south or west side of the drive; the original odd or even designation shall be continued throughout the drive regardless of change in compass direction.

(6) Apartments, condominiums and commercial buildings with multi-tenants.

Two (2) examples of addressing multi-unit addressing:

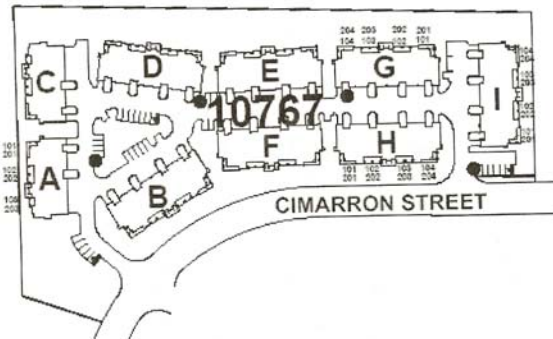
a. Example 1: A numeric address shall be assigned to each actual, approved lot that is in contact with an approved street adjoining it. If there is to be more than one (1) building per lot, there shall still be only one (1) numeric address assigned for the lot, and the individual buildings shall have a letter assigned to designate each; i.e., A, B, C, etc. Each individual unit regardless of if it is a individual numeric addressed building or if it is one (1) of several with a numeric address assigned to the single lot and letters designating the building numbers, shall be numbered starting from the unit on the left side of the FRONT of the building, as if you were facing it, with #101, #102, #103, etc., in a counterclockwise fashion. The FRONT of a building shall be the addressable side of the building for a numeric labeled building and, for those buildings with a letter designee for a multiple building site, the main/front entrance for each individual building shall be its respective FRONT. In the event that the buildings have units on multiple floors, the unit numbering shall remain the same, as listed prior, for the first level, begin with #201, #202, #203, etc., for the second level; #301, #302, #303, etc., for the third level; and so on for additional levels, if necessary. For the event that the second level (or higher) unit's front/main entrance was not the same as the first level, the unit above shall be the same as the unit below with the first number designating the floor number; i.e. #201 above #101, #202 above #102, #301 above #201, etc.



Example #1

b. Example 2: In the case of the builder/developer assigned street names that were approved by the Town. This allowed for each individual building to have an individual numeric address listed to the adjoining street for each building. In the case/event of this, the address and building number would be one in the same. The individual units would be #101, #102, #103 and #104, for the first level (provided there are only four [4] units). The second level units would be #201, #202, #203 and #204.

If an access driveway/road is not named and therefore had a numeric address assigned to the entire site/lot. The individual buildings would then have a letter designee assigned for each building number; i.e., A, B, C, etc. The individual units would be #101, #102, #103, #104, etc., for the first level. The second level units would be #201, #202, #203, #204, etc.



Example #2

(7) Master numbering plat. A plat showing approved addresses shall be kept in the office of the chief building official, and any person desiring a number for a building shall apply to the building department and receive the proper number belonging to such building as shown by the plat, and no person shall be allowed to place any number upon any building except the number shown by the plat to properly belong thereto.

(8) Street interruptions. A street shall have only one (1) name for its entire length if it extends in a similar alignment, even though it is interrupted at one (1) or more locations prior to continuing.

(9) Street offsets. Streets offset with short jogs of less than a block may carry a continuous name. Where a street changes direction and continues a considerable distance, the name of the street should be changed, as well as the numbering system.

(10) Culs-de-sac or no-outlet streets. Culs-de-sac are to follow the rules outlined in Subsection (4). No-outlet streets are in alignment with an existing, named street or avenue in a grid system, in which case it shall bear the name of the existing, named street or avenue.

(11) Addressing of utilities, parks, telephone and temporary uses. The address should follow number sequence in relationship to the residential or commercial development where located. When assigning addresses to utilities, parks, telephone and temporary uses, each separate use will use the addressed assigned to the parcel and include the predetermined lettering system for that assigned use:

C	Cable Connection
E	Electric Meter
PT	Park – Town
PH	Park – HOA
STR	Storm Sewer
SAN	Sanitary Sewer
T	Telephone Service
TU	Temporary Use
W	Water Meter

(12) Duplication and similar sounding names. The name of a new street shall not duplicate the name of an existing street. Similar sounding names are considered to be duplication, regardless of spelling.

(13) Downtown Frederick. Street names and addresses in the Downtown area would remain as they are. The addressing system and street names in the Downtown area would extend to undeveloped parcels in the Downtown area. The Downtown area is bounded by County Road 13 (Colorado Boulevard) on the west, Frederick Way/Hawthorn Street on the east, 1st Street (County Road 16) on the north and Highway 52 on the south." (Ord. 860 § 1, 2006; Ord. 909 § 1, 2007)

Secs. 11-58—11-70. Reserved.

ARTICLE IV

Sidewalks

Sec. 11-71. Construction of sidewalks; permit required.

All curbs, gutters and sidewalks shall be constructed within ninety (90) days from the time that construction of any dwelling or residence is commenced on any land in the Town. It shall be unlawful for any person to lay out, construct or reconstruct any sidewalk, curb or gutter without first obtaining a permit therefor. (Prior code 20.29)

Sec. 11-72. Application for permit; grade and line set.

Application for such permit shall be made to the Town Engineer on a form furnished for that purpose. Before any such construction or reconstruction is commenced, the Town Engineer shall designate the grade upon which and the line or location at which the sidewalk, curb or gutter shall be constructed. (Prior code 20.30)

Sec. 11-73. Specifications for sidewalks.

(a) All sidewalks, curbs and gutters which are constructed or reconstructed shall be of concrete and shall be constructed or reconstructed in accordance with specifications adopted by the Board of Trustees and filed in the office of the Town Clerk.

(b) All sidewalks within the Town shall be four (4) inches thick increasing to six (6) inches thick at driveway entrances and shall be at least four (4) feet wide. Expansion joints shall be provided every thirty (30) feet, false joints at ten (10) feet.

(c) All sidewalks shall be placed adjacent to the curb of the street with subgrade compacted to one hundred percent (100%) AAASHOT 99. (Prior code 20.31; Ord. 401, § 1, 1995)

Sec. 11-74. Repair of sidewalks.

All sidewalks, curbs and gutters shall be maintained with an even surface in good repair and in conformity with the established grade of the streets along which they are constructed. All sidewalks shall be repaired with concrete. (Prior code 20.32)

Sec. 11-75. Notice to repair; collection of costs.

When any sidewalk in front or along side of any lot or premises has been destroyed or is out of repair, the Street Superintendent shall cause notice in writing to be served upon the owner or agent in charge of such premises to repair such sidewalk within thirty (30) days. If the owner is a nonresident or his or her whereabouts are unknown, such notice may be given by publication for two (2) times, a week apart, in a newspaper of general circulation in the Town and by the Town Clerk's mailing a copy of such notice to the last known address of such owner. Service shall be complete on the last day of publication. If such repairs are not made by the owner within thirty (30) days after service of the notice, the Board of Trustees may order such repairs to be made by the Street Department and the expenses connected therewith shall be a lien upon the property alongside such sidewalks until the cost thereof is fully paid. When such repairs are made by the Town, the expense thereof shall be assessed by the Board of Trustees upon the property fronting upon the same, and if the assessment is not paid within thirty (30) days thereafter, the Town Clerk shall certify such assessment to the County Treasurer who shall place the same upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty thereon to defray the cost of collection. (Prior code 20.33)

Sec. 11-76. Removal of snow.

It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain

upon any sidewalk alongside such property longer than twenty-four (24) hours from the time of the last accretion of such snow and ice. (Prior code 20.34)

Sec. 11-77. Properties without sidewalks.

It shall be the responsibility of all owners of property, whether public or private, within the original platted portion of the Town and all owners of property, whether public or private, of subsequently subdivided land, unless previously exempt by the Board of Trustees, to install sidewalks according to the Town specifications within two (2) years from the adoption of the ordinance codified herein by the Board of Trustees. (Ord. 401, § 2, 1995)

Sec. 11-78. Failure to comply.

Property owners failing to comply with Section 11-77 shall be served notice as detailed in Section 11-75. If the owner of the property fails to install the sidewalk within thirty (30) days after service of the notice, the Board of Trustees may order such installation to be made by the Street Department and the expenses connected therein shall be a lien upon the property alongside such sidewalks until the cost is fully paid. (Ord. 401, § 2, 1995)

Sec. 11-79. Relief to property owners on tax assessment.

The Board of Trustees recognizes that the total assessment for sidewalk installation may be burdensome for some property owners. The Board of Trustees will review appeals by property owners for relief and may order that tax assessments be extended over several years at interest rates set by the Board of Trustees. Nothing in this Section, however, shall be construed as relieving any property owner from the responsibility to install sidewalks on their property. (Ord. 401, § 2, 1995)

Sec. 11-80. Uniformity of design.

Although it is the intent of the Board of Trustees to adhere to the placement of sidewalks as detailed in Section 11-73, the Board of Trustees recognizes that some areas of the Town have sidewalks that were installed in the old style of placing the sidewalk away from the curb. The Board of Trustees will not require that these sidewalks be replaced if they are in good repair. (Ord. 401, § 2, 1995)

Sec. 11-81. Wheelchair ramps and alley pans.

It shall be the responsibility of the Town to install wheelchair ramps at street corners and alley pans in the original platted part of the Town. Adjacent property owners will not be responsible for the cost of these facilities. (Ord. 401, § 2, 1995)

Secs. 11-82—11-100. Reserved.