

## Ordinance Number 327

### AN ORDINANCE GOVERNING THE STREETS WITHIN THE TOWN OF SILVER PLUME, COLORADO

WHEREAS, the Town of Silver Plume has adopted the Model Traffic Code for Colorado, ("Model Traffic Code"); and

WHEREAS, the local government has determined that factors within the Town are such that rules pertaining to streets should be instituted.

WHEREAS: the streets within the Town are narrow, ranging from 14 feet to 35 feet, and limit the turning radius of large vehicles. and

WHEREAS, the towns water and sewer infrastructure are buried below the streets and because streets are unpaved, are not capable of dissipating a vehicles weight footprint.

THEREFORE: the Town Board of the Town of Silver Plume has adopted the following Ordinance.

#### **Section 1 – Definitions**

The following terms and phrases shall have the meanings described to them except where the context clearly indicates a different meaning:

Street – The entire width of every dedicated public way and shall include the traveled portion thereof known as the roadway, the roadway known as the parking shoulder and the roadway used for sidewalks.

Director of Public Works – That individual appointed by the Town Board responsible for roads, bridges, water system, wastewater collection system, and maintenance of Town owned structures.

#### **Section 2 – General**

The Town of Silver Plume reserves the right to restrict routes and traffic patterns within the corporate limits of the Town. Further, the Town reserves the right to restrict the issuance of permits for exceptions as described below.

Street Names. The names of all streets within the Town shall be as shown upon the map of the street system that has been in use since the town incorporation in 1884. Maps of the streets are on file in the office of the Town Clerk.

Snow and Ice Removal – Director of Public Works is responsible for clearing snow from streets when snowfall is four inches or greater or when deemed appropriate by the Director of Public Works.

Street Use -- Streets may be used by properly registered vehicles, pedestrians, bicyclists, and non-typical motorized vehicles such as golf carts. Vehicles subject to Colorado or Federal law must comply with such laws including wear of safety equipment (helmets, seat belts, shoulder harness, etc.)

Street Parking – Because of the narrow streets of the town, all street parking shall be parallel and shall abide by fire lane restrictions. Only properly registered vehicles are allowed to park on streets. Encroachment onto streets by placing personal items is prohibited. In this regard, inoperative equipment, watercraft, recreational vehicles and other personal items may be parked on streets for no longer than one week. Long term parking of unregistered vehicles or personal items on streets is prohibited.

The speed limit on all streets within the Town is 10 mph.

The use of Jake Brakes within the Town limits is prohibited.

Movement of Hazardous Materials within the Town is prohibited except on the main portion of US Interstate Highway 70. Local delivery of propane is exempted from this provision.

All emergency service vehicles (e.g. fire trucks, ambulances) are hereby exempted from the provisions of this Ordinance. Additionally, utility and trash service vehicles are exempted from this Ordinance.

### **Section 3 – Maintenance and Excavation**

Street Maintenance -- Streets shall be graded when conditions such are rough surface, potholes, or rutting occurs. The streets shall be maintained so that they are smooth, drained and make minimal dust. Culverts shall be placed, where feasible, in locations to preclude standing water. The Town shall attempt to maintain streets such that emergency vehicles can access each property. Property owners shall not impede road grading by parking vehicles prohibiting access by equipment.

1. Excavations of Streets or Sidewalks – It is unlawful for any person, other than the Director Public Works in the course of his or her employment to construct, reconstruct, repair or alter any curb cut, excavation, driveway or other opening to or intersection with the surface of any street, sidewalk, or other public place or to excavate or make any opening in or under the surface of such streets, sidewalks or other public places with first obtaining a permit therefor. (Excavation for curb stop access is not prohibited.)



Application for permit. An applicant for a permit hereunder shall submit to the Town Clerk, a processing fee (see below) and an application showing:

- Name and address of the owner or agent in charge of the property abutting the proposed work area.
- Name and address of the party doing the work.
- Location of the work area.
- Attached plans showing details of the proposed alteration (the project)
- Estimated cost of the alteration.
- Plans and cost estimate to perform restoration of street to standards at level found prior to work beginning.
- Such other information about the operation as the Director Public Works shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

A processing fee of \$ 150.00 that shall be used for administrative, engineering, legal, and/or law enforcement reviews. Any unused portion of the processing fee shall be returned to the permit applicant. If it is found that the review costs exceed \$ 150.00 the permit shall not be issued until such time as the permit applicant pays the additional costs.

The Town Clerk shall issue the permit when:

- The plans for the proposed alteration (project) have been reviewed, approved and signed off on by the Director Public Works, Building Official, and if necessary – law enforcement authority.
- The work shall be done according to the standard specification of the Town for public work of like character unless the operation abuts or intersects with a State highway, in which case all standards set by the Colorado Department of Transportation for entrances to State highways shall be met.
- Neither the construction nor the use of the completed operation will unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from property affected and adjacent properties.
- The health, welfare and safety of the public will not be unreasonably impaired.

The Town retains the right to revoke the permit if during performance; it is observed that the applicant is not following the compliance requirements. There shall be no refund of permit fees in the event of revocation.

## Supervision of excavation work, cost, and bond.

- All work for which an excavation permit has been issued shall be supervised by the Director Public Works who shall have the right to prescribe the method to be used in the construction or excavation, the width thereof and any other reasonable condition for the protection of the public, utilities, and for minimizing interference with vehicular or pedestrian traffic.
- All operations performed pursuant to permits granted hereunder shall be done solely at the expense of the property owner requesting the same.
- Bond – The Town shall require a maintenance and construction bond, either cash or surety, to be filed with the application for a permit hereunder, in an amount equal to the estimated cost of the project. The bond will be conditioned upon the work being done in accordance with the Town's standard specification, or if applicable, in accordance with the CDOT standards, and guaranteeing the same for a period of two years. Upon expiration of two years from the completion of the work covered by the permit in conformity with this Section as determined by the Director of Public Works the cash deposit will be refunded to the permittee or a surety released. The Town may use any or all of such deposit or bond to pay the cost of any work the Town performs to complete, restore or maintain the operation in the event the permittee fails to perform such work in accordance with the plans and specification or the work product fails within the two year period.

2. Retaining Walls - The maintenance, repair and replacement of all retaining walls existing on, abutting or adjacent to Town streets and rights-of-way shall be the obligation of the owners of the property abutting such streets and rights-of-way. The Town Board may order construction, repair or replacement of retaining walls where such construction repair or replacement is necessary to provide or maintain lateral support for Town streets and rights-of-way. Provisions for ordering construction of a retaining wall shall be the same as provided in the existing Building Codes.

3. Signage - The Director Public Works shall place signs designating No Parking for Fire Lanes and for No Parking for snow removal. All signs must meet DOT standards (wording, reflectivity, size).

## **Section 4. Street Closure**

The Director Public Works is hereby authorized to close streets within the Town to the passage of vehicles and pedestrians when required in the opinion of the Town. This may be to facilitate street maintenance, excavation, construction and repair, utilities service or when necessary to promote public safety. The Director Public Works may use



whatever method deemed appropriate to demarcate such closures so long as the barricades or other methods are visible to the public.

It is unlawful for any person to enter a closed street that has been so designated by barricade or other method. It is unlawful for any person to remove or otherwise disturb barricades or other street closure demarcation devices.

Barricades and Lights -- If at any time a street is to be closed (construction, public event, etc.) it shall be barricaded and between sunset and sunrise, shall be lighted so as to warn all persons of danger. Such barricades and lights shall be of substantial construction and shall be furnished by the person closing the street.

### **Section 5 - Street Weight and Length Limitations**

a. Weight Limits – Weight limits of the State of Colorado shall apply to all streets unless a more restrictive limit is imposed in this section.

The streets of Silver Plume are all unpaved (no hard surface). The town's water and sewer infrastructure are buried in the town streets. Precautions must be taken to protect such infrastructure; accordingly weight limits are imposed on the streets as follows:

The gross vehicle weight limit for all vehicles using Town streets is 33,000 pounds

If an exception to the 33,000-pound gross vehicle weight limit is required, the beneficiary of the services received from the oversized vehicle services, may make application to the Board of Trustees of the Town for an exception. (See paragraph 5.c below.)

Mining Zoned Streets – Per Ordinance 201, no motor vehicle with a gross weight of greater than 15,000 pounds, engaged in hauling materials to or from an accepted use in M districts may make use of the streets of the Town unless the owner or representative of the owner of the property on which said use is located has made application to the Board of Trustees of the Town. This Ordinance does not modify such restriction.

Mining Material Hauling - Vehicles hauling mining materials from mining activities outside the Municipal Limits of the Town may not traverse any street within the municipal limit unless the hauling vehicles abide by the same weight limit specified for Mining Zoned streets.

#### **b. Length Limits**

The narrowness of the Town's streets precludes vehicles with large turning radius from using them. Accordingly, vehicles exceeding thirty-five feet in length shall not be permitted to use Town Streets unless a permit for exception has been granted.

c. Permit for weight/length Exceptions – If an exception to the weight or length limit is required, the beneficiary of the services may make an application for oversized vehicles that is submitted to the Town Clerk as follows:

An application and a processing fee of \$ 150.00 showing:

- Name and address of the owner or agent in charge of the vehicles that will be utilized.
  - Name and address of the party for whom the hauling is being performed.
  - The streets that are planned for use.
  - The number of trucks to be utilized for hauling and the weight of each vehicle.
  - The number of trucks per day and the number of days planned for use.
  - Attached plans showing details of the proposed hauling to and from the project.
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- Plans and cost estimate to perform restoration of street to standards at level found prior to work beginning.
  - Such other information about the operation as the Director Public Works shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

The Town Clerk shall issue the permit when:

- When expenses related to the permit application are paid. If it is found that the review costs exceed \$ 150.00 permit fee, the permit shall not be issued until such time as the permit applicant pays the additional costs.
- The plans for the weight exception have been reviewed and signed off on by the Director Public Works, Engineering firm, Town Attorney (if required), Building Official, and law enforcement authority.
- The use of the streets contemplated for use by the hauling operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from property affected and adjacent properties.
- The health, welfare and safety of the public will not be unreasonably impaired.

The Director of Public Works shall monitor the hauling operation to ensure compliance by the Permit Holder and report to Town Board as necessary. The Town may perform restoration of the streets to similar condition with costs billed to the Permit Holder.

The Town retains the right to revoke the permit if during performance; it is observed that the applicant is not following the compliance requirements. There is no refund of permit fee if revoked.

The Town may, at its discretion, renew weight and length permits with payment equal to those paid for the initial issue of the permit.

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Minutes attached  
hereto -  
J. Sabado*