

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 786**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
CHAPTER 11 OF THE MEAD MUNICIPAL CODE WITH REGARD TO
STREETS, SIDEWALKS AND PUBLIC PROPERTY.**

WHEREAS, it is a commitment of the Board of Trustees to continually review the Municipal Code and provide appropriate updates to the Code; and

WHEREAS, in cooperation with the Board of Trustees, staff and the town attorney, the following changes to the Municipal Code have been recommended for adoption and included in the Code as part of the annual update of codification.

Section 1. Section 11-1-10. Definitions, of the *Mead Municipal Code* is hereby amended by the addition of the following definitions:

Adjacent means meeting or touching at some point, or separating from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

Premises shall mean any lot, parcel, outlot or other subdivision of real property, whether occupied or not, and whether or not a structure exists on the lot, parcel, outlot or other subdivision.

Residential street means those public streets whose primary function is to provide access to immediately adjacent land used for single-family or multi-family residential purposes.

Semi-trailer means any wheeled vehicle, without motive power, designed to be used in conjunction with a truck-tractor so that some part of its own weight and that of its cargo load rest upon, or is carried by such truck-tractor and which is commonly used to carry and transport property over the public highways.

Sight distance triangle means the area at the corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than twenty-four (24) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangle is determined as follows:

- (a) At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway or alley from their point of intersection, the third side being a diagonal line connecting the first two (2).
- (b) At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) lines.

Truck-tractor means any vehicle which is generally and commonly designed to draw a semi-trailer and its cargo over the public highways.”

Section 2. Section 11-1-20. Snow and ice removal, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-20. Snow and ice removal.

- (a) Every owner or occupant of any premises within the Town having a public sidewalk on or adjacent to the premises shall have the duty to keep the sidewalk clean of snow and ice.
- (b) All snow and ice on public sidewalks shall be removed within twenty-four (24) hours of accumulation.
- (c) It shall be unlawful to deposit snow on adjacent sidewalks, on the driving lanes of adjacent streets, on stormwater inlets or drainage swales, blocking the driveway access of adjacent properties, or on or against fire hydrants.
- (d) It shall be unlawful for any owner of private property with designated fire lanes to fail to reasonably clear snow and ice from said fire lanes within eight (8) hours after a snowfall of two (2) inches or more has occurred.-
- (e) Snow and ice removal from improved streets under a developer’s or subdivider’s ownership or control that have not been accepted by the Town as a public improvement shall be the responsibility of the developer or subdivider. It shall be unlawful for any developer or subdivider to fail to reasonably clear snow and ice from said streets within eight (8) hours after a snowfall of two (2) inches or more has occurred.

Section 3. Section 11-1-30. Snow and ice removal, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-30. Maintenance of boulevard areas.

- (a) The owner or occupant of property adjacent to a street or alley right-of-way shall be responsible for maintenance of trees, shrubs, grasses and other vegetation growing in the boulevard area adjacent to their property. Trees and shrubs with limbs overhanging a sidewalk or a street or alley shall be kept trimmed to a clear height of no less than nine (9) feet above a sidewalk and twelve (12) feet above a street or alley. Grasses and other vegetation growing in the boulevard shall be trimmed to the same height as similar vegetation growing on the adjacent property.
- (b) The owner or occupant of property adjacent to a street or alley right-of-way shall be responsible for the maintenance of the sight distance triangle free of shrubs, ground covers, berms, fences, structures or other materials or items greater than twenty-four (24) inches in height. Trees shall not be planted in the sight distance triangle.
- (c) The owner or occupant of property adjacent to a sidewalk located within the boulevard area shall be responsible for the repair and maintenance of the sidewalk in a safe condition, i.e., cracks, vertical displacement of sidewalk sections, broken or spalling concrete surfaces, missing sections of sidewalk, etc., shall be repaired within a reasonable time, upon notice given by the Town.”

Section 4. Section 11-1-40. Injury to streets or sidewalks, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-40. Injury to streets or sidewalks.

It shall be unlawful for any person to excavate, remove, damage, destroy or deface any street, sidewalk, curb or gutter, or other surface thereof, the trees or plants located therein, or any property maintained or used in connection therewith, except as authorized by a permit issued in accordance with Article II of this Chapter.

Section 5. Section 11-1-50. Dangerous places fenced, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-30. Dangerous places fenced.

All holes, depressions, excavations or other dangerous places within the Town that are below the natural or artificial grade of the adjacent public right-of-way shall be properly enclosed with fences or walls, or be filled so as to prevent persons and animals from falling into them. The Code Enforcement Officer shall notify the owner or occupant of premises on which dangerous places exist, to cause adequate fences or walls to be built around them or to cause the same to be filled. It shall be unlawful for any owner or occupant so notified to fail to comply with such notification forthwith.”

Section 6. Section 11-1-60. Burning leaves or trash prohibited, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-60. Burning leaves or trash on public right-of-way prohibited.

It shall be unlawful for any person to burn any leaves, trash, rubbish or any other substance upon the public right-of-way of the Town.”

Section 7. Section 11-1-70. Washing of vehicles prohibited, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-70. Washing of vehicles on public right-of-way prohibited.

It shall be unlawful for any person to wash any automobile or other vehicle on the public right-of-way of the Town.”

Section 8. Section 11-1-80. Depositing litter on streets prohibited, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-80. Depositing litter on public right-of-way prohibited.

It shall be unlawful for any person to deposit on or litter any public right-of-way with ashes, sod, earth, grass clippings, sand, gravel, rubbish, waste paper, garbage or any other waste material.

Section 9. Section 11-1-90. Transportation of loose materials, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-90. Transportation a loose materials.

It shall be unlawful for any person to convey or cause to be conveyed through the Town any 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.”

Section 10. Section 11-1-110. Trees and shrubs, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-110. Trees and shrubs on public right-of-way.

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 reviewed by the Public Works Director. The care and pruning of such trees and shrubs shall be the responsibility of the property owner.

Trees that may be planted are those recommended by the CSU Extension Service. The following trees are prohibited in the Town:

- (a) Russian Olive;
- (b) Lombardy Poplar;
- (c) Siberian Elm;
- (d) Boxelder Maple;
- (e) Cotton-bearing Cottonwood;
- (f) Salt Cedar or Tamarisk;
- (g) Male Ginko.”

Section 11. Section 11-1-120. Dead or dangerous trees or limbs removed, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-120. Dead or dangerous trees or limbs removed.

It shall be the duty of the owner of any property having a dead or diseased tree with limbs overhanging the public right-of-way, to remove the tree or the overhanging dead limbs, upon receipt of written notice from the Code Enforcement Officer to do so, within such reasonable time as specified in the notice. If the owner fails to remove the tree or limbs within the required time, the Code Enforcement Officer shall remove or cause to be removed the trees or limbs at the expense of the owner, and the cost of the removal may be recovered in a proper action of law.”

Section 12. Section 11-1-130. Truck-tractors and semi-trailers restricted from local streets, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-1-130. Truck-tractors and semi-trailers restricted from local streets.

- (a) It is unlawful to drive any truck-tractors and semi-trailers on any public street within the town, unless the roadway is specifically designated and posted as a truck route.
Exception: This provision shall not apply to emergency vehicles, or other vehicles operated by a local, state or federal governmental agency.
- (b) It is unlawful to leave or park any semi-trailer and truck-tractor, or either of them, on or

at the side of any residential street, except during the expeditious loading or unloading of property;

- (c) It is unlawful to leave any truck-tractor and semi-trailer on any nonresidential public street or at the side of any street, or on any public property or thoroughfare for over seventy-two (72) consecutive hours, except that pickup trucks rated at one and one-half (1½) ton or less shall be subject to the parking regulations applicable to passenger motor vehicles.
- (d) It shall be an affirmative defense to paragraphs (a), (b) and (c). that the driver was in the immediate process of delivering or picking up materials or merchandise, was providing services, or was reaching the final business destination. Excluded truck-tractors and semi-trailers may leave the truck route only at the point nearest the destination and must return to the truck route by the shortest route.”

Section 13. Section 11-1-140. Truck-tractors and semi-trailers on streets, of the *Mead Municipal Code* is hereby repealed in its entirety.

Section 14. Section 11-1-150. Violations and penalties, of the *Mead Municipal Code* is hereby repealed in its entirety.

Section 15. Section 11-2-30. Restoration of excavations and obstructions, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-2-30. Restoration of excavations and obstructions.

The permit holder shall restore the street, alley, sidewalk or other public place to its original condition to the extent practicable. Excavations shall be mechanically tamped or recompact to the full depth of the excavation at no less than ninety-five percent (95%) of Standard Proctor Maximum Density. Any removal, damage or disruption of asphalt or concrete pavement, curb and gutter, drainage structures or sidewalks shall be repaired in the manner prescribed by the Town Engineer. The permit holder shall warrant the repair for a period of two years from the date of completion.”

Section 16. Section 11-2-70. Permit fees, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-2-70. Permit fees.

Before a permit shall be issued under this Code, a fee of forty dollars (\$40.00) shall be paid to the Town Clerk.”

Section 17. Section 11-2-80. Review, inspection and restoration charges; payment before permit issuance, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 11-2-80. Review, inspection and restoration charges; payment before permit issuance.

Additional charges, to cover the reasonable costs and expenses of any required engineering review, additional inspection and worksite restoration, may be charged by the Town to each applicant in addition to the permit fee. Applicants required to pay such additional charges shall, at the time of application for permit and before issuance of the permit, pay an estimated amount to cover the cost of

engineering review, additional inspection and worksite restoration, which shall be computed by the Town Engineer. No permit shall be issued and no work shall be performed under any permit for which required fees and charges have not been paid.”

Section 18. Sec. 11-2-120. Violations, of the *Mead Municipal Code* is hereby repealed in its entirety.

Section 19. Chapter 11. Streets, Sidewalks and Public Property, of the *Mead Municipal Code* is hereby amended by the addition of a new Article IV. Violations and Penalties, to read as follows:

“ARTICLE IV. Violations and Penalties.

Sec. 11-4-10. Violations and penalties.

- (a) It shall be a violation of this Chapter for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in this Article.
- (b) Violations of the provisions of this Chapter shall be noncriminal offenses and punishable in accordance with Section 1-4-20 of this Code.
- (c) In addition to any of the foregoing remedies, the Town Attorney, acting on behalf of the Board of Trustees, may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.”

Section 20. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 21. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 22. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 23. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 12th DAY OF October , 2015.

ATTEST:

TOWN OF MEAD

By Linda Blackston
Linda Blackston, CMC, Town Clerk

By Gary R. Shields
Gary R. Shields, Mayor

