

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### **Chapters:**

- 12.04 Definitions.**
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#### **Chapter 12.04**

### **DEFINITIONS**

#### **Sections:**

- 12.04.010 Definitions.**

#### **12.04.010 Definitions.**

As used herein, the following words shall have the following meanings:

- A. "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.
- B. "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.
- C. "City development standards" means the current "Development Standards and Specifications Governing the Construction of Public Improvements" on file with the city clerk and available for purchase from the department of public works and utilities. (Ord. 1914 § 1, 1980; prior code § 20.2)

## Chapter 12.08

### NAMING AND NUMBERING OF STREETS\*

#### Sections:

#### I. NUMBERING

- 12.08.010 Lots and buildings running north and south.
- 12.08.020 Streets running east and west.
- 12.08.030 Streets running north and south.

#### II. NAMING

- 12.08.040 Definitions.
- 12.08.045 Guidelines for names.
- 12.08.050 Continuity of numbered streets.
- 12.08.060 East and west prefix.
- 12.08.070 North and south suffix.
- 12.08.080 North of Eisenhower Boulevard, east of Taft Avenue and west of Madison Avenue.
- 12.08.090 North of North 14th Street and west of Taft Avenue.
- 12.08.100 South of North 14th Street, north of First Street and west of Douglas Avenue.
- 12.08.110 North-south avenues lying east of Madison Avenue.
- 12.08.120 South of First Street and west of Garfield.
- 12.08.130 East of Railroad Avenue, north of First Street and south of North 14th Street.
- 12.08.140 East of Garfield and south of First Street.
- 12.08.150 East of Boyd Lake, west of I-25 and north of 37<sup>th</sup> Street (Airport Area), excluding the land within the Myers Group Partnership #949 Addition, which is included in the area described in Section 12.08.160
- 12.08.160 North of Eisenhower Boulevard, east of Madison Avenue, south of County Road No. 30, west of County Road No. 11C continuing south along the east side of Boyd Lake to the east-west projection of 37th Street (County Road No. 24E), south of East 37th Street and its east-west projected line, excluding the area north of the Union Pacific Railroad and west of I-25; the area north of the Union Pacific Railroad, east of I-25, west of Centerra parkway, and south of the east-west projection of 37th Street; and the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.
- 12.08.170 East of I-25 and north of the north boundary of the Millennium Addition
- 12.08.180 North of the Union Pacific Railroad, east of Rocky Mountain Avenue, west of I-25, and south of Crossroads Boulevard (Area A); north of the Union Pacific Railroad, east of I-25, west of Centerra Parkway, and south of the east-west projection of 37<sup>th</sup> Street (Area B)
- 12.08.190 North of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.
- 12.08.200 Council May Grant Exceptions.
- 12.08.210 Director May Grant Exceptions.
- 12.08.220 Minor Corrections to Existing Street Names.

\*For statutory provisions authorizing cities and towns to name and change the name of any street, alley, avenue or other public place, see CRS § 139-32-1(20)(h).

## **I. NUMBERING**

### **12.08.010 Lots and buildings running north and south.**

For the purpose of numbering the lots or buildings on all streets in the city running north and south, First Street shall be used as a base, beginning with one hundred and one on the southeast corner of all blocks on the north side of First Street, thence numbering to the north, the odd numbers on the west side and the even numbers on the east side of all such streets, the numbers continuing regularly until another street is reached, when the number shall commence with another hundred and one, thus continuing numbering the entire length of each street. (Prior code § 20.26(c))

### **12.08.020 Streets running east and west.**

For the purpose of numbering streets running east and west, Railroad Avenue/railroad tracks between Twenty-second Street and Third Street Southeast shall be used as a base. Beyond Twenty-second Street and Third Street Southeast-Garfield Avenue shall be used as a base, beginning on the east side of the railroad track and the east side of Garfield Avenue extended, with one hundred and one on the southwest corner of all blocks immediately east of the track or street, thence numbering east, the odd numbers on the north side and the even numbers on the south side of all streets, the numbers continuing regularly until another street is reached when the numbers shall commence with another hundred and one, thus continuing the numbering the entire length of each street; and on the west side of the railroad track or street, beginning with one hundred and one on the southeast corner of all blocks immediately west of the track, thence numbering west, the odd numbers on the north side of and the even numbers on the south side of all streets, the numbers continuing regularly until another street is reached when the numbers shall commence with another hundred and one, thus continuing the numbering the length of each street. (Ord. 813 § 2, 1963; prior code § 20.26(d); Ord. 4920 § 2, 2004)

### **12.08.030 Streets running north and south.**

All streets running north and south and lying south of First Street shall be numbered consecutively in the same manner as provided in Section 12.08.010, beginning so that the odd numbers south of First Street shall be on the same side of the street as odd numbers on the north side of First Street on the same street or avenue, providing that Garfield Avenue extended south of Third Street Southeast, formerly Mason Street, shall be used as the base dividing line. (Ord. 813 § 5, 1963; prior code § 20.26(j))

## **II. NAMING**

### **12.08.040 Definitions.**

For purposes of naming streets, the following definitions shall be used:

- A. Through streets less than four hundred feet in length shall be designated as "Places." Cul-de-sac streets shall be designated as "Courts."
- B. Streets four hundred feet in length or longer, running north and south, shall be designated as "Avenues." Streets four hundred feet in length or longer, running east and west, shall be designated as "Streets."
- C. Curving streets shall be designated as "Drives" and may be of any length.
- D. A looped street may have only one name if it intersects the same street to form two tee-intersections. Looped streets shall be designated as "Circles." (Ord. 4059 § 2, 1995; prior code § 20.26(e))

### **12.08.045 Guidelines for names.**

The names for streets shall be selected in such a manner so that no repetition shall appear in any of the names given to different streets. The names for streets used in any area shall not be unduly similar to those names used in other areas. The length of the names for streets shall be kept to a reasonable minimum. Anytime that a street makes a directional change of approximately ninety degrees, the street name shall change. A directional change of approximately ninety degrees shall mean a horizontal curve where a reduction in the design speed is required (i.e. a sharp turn vs. a sweeping curve). Street names from each category shall be readily recognizable to the general public. Street names may not reflect any corporate or brand names. Existing street names shall continue across intersections and roundabouts. (Ord. 4557 § 1, 2000; Ord. 4059 § 3, 1995)

**12.08.050 Continuity of numbered streets.**

All numbered streets which are in the same relative position within the city, although not being connected, shall have the same name as though the numbered street were a continuous street. (Ord. 4059 § 4, 1995; Ord. 813 § 7, 1963; prior code § 29.26(1))

**12.08.060 East and west prefix.**

The Burlington Northern Railroad running through the city shall divide all streets running east and west so that all that portion of any and all such streets lying east of the railroad track shall be known by their present names or numbers with the word "East" prefixed thereto, and all that portion of any and all streets lying west of the railroad track shall be known by their present names or numbers with the word "West" prefixed thereto. This shall apply to all streets bounded by the railroad track between Twenty-second Street on the north and Mason Street on the south, and beyond these points Garfield Avenue extended north and south will be the dividing line for purposes of naming and numbering in accordance with the provisions of this section. (Ord. 4981 § 1 (part), 2005; Prior code § 20.26(a))

**12.08.070 North and south suffix.**

First Street shall divide all streets running north and south so that all that portion of any and all such streets lying north of the street shall be known by their present names or numbers with the word "North" prefixed thereto, and any and all such streets lying south of First Street and east of Garfield shall be known by their present names or numbers with the word "Southeast" suffixed thereto and all such streets lying south of First Street and west of Garfield shall be known by their present names or numbers with the words "Southwest" suffixed thereto. (Ord. 1343 § 1, 1974; Ord. 813 § 1, 1963; prior code § 20.26(b))

**12.08.080 North of Eisenhower Boulevard, east of Taft Avenue and west of Madison Avenue.**

In the area north of Eisenhower Boulevard, east of Taft Avenue and west of Madison Avenue, all streets shall have the names of evergreen and deciduous trees, national forests, state parks, and winter and Olympic sports. (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 2, 2000; Ord. 4059 § 5, 1995; Ord. 1084 § 1, 1970; prior code § 20.26(f))

**12.08.090 North of Eisenhower Boulevard and west of Taft Avenue.**

In the area north of Eisenhower Boulevard and west of Taft Avenue, all streets shall have the names of states, Colorado towns, Colorado counties, famous historical persons (not generals or pilots), agricultural (crops, equipment but not animals) and oceans, seas and bays. (Ord. 4778 § 4, 2003; Ord. 4557 § 3, 2000; Ord. 4059 § 6, 1995; prior code § 20.26(g))

**12.08.100 South of Eisenhower Blvd., north of First Street and west of Railroad Avenue.**

In the area south of Eisenhower Boulevard and north of First Street and west of Railroad Avenue all streets shall have the names of pioneers of the Loveland area, Loveland Mayors, native Colorado animals, prominent geographical features of the area, golf terms, Native American tribe names and

Native American chief names. (Ord. 4778 § 4, 2003; Ord. 4557 § 4, 2000; Ord. 4115 § 1, 1995; Ord. 4059 § 7, 1995; Ord. 813 § 3, 1970; prior code § 20.26(h))

**12.08.110 North-south avenues lying east of Madison Avenue.**

Except as provided for in Section 12.08.160, all north-south avenues lying east of Madison Avenue shall be named for state capitols and be designated as "Avenues". All north-south streets lying west of Madison Avenue, shall be named for presidents of the United States, or governors of the state should the supply of names of presidents be exhausted. (Ord. 4981 § 1 (part), 2005; Ord. 4869 § 1, 2004 (part); Ord. 4059 § 8, 1995; Ord. 813 § 4, 1970; prior code § 20.26(i))

**12.08.120 South of First Street and west of Garfield.**

In the area south of First Street and west of Garfield, all streets shall have the names of flowers, felines, names commonly given to girls, colors and cactus. (Ord. 4557 § 5, 2000; Ord. 4059 § 9, 1995; Ord. 813 § 6, 1970; prior code § 20.26(k))

**12.08.130 East of Railroad Avenue, north of First Street and south of Eisenhower Boulevard.**

In the area east of Railroad Avenue, north of First Street and south of Eisenhower Boulevard, all streets shall have the names of minerals, gems, stones, constellations, planets and astrological terms. (Ord. 4778 § 4, 2003; Ord. 4557 § 6, 2000; Ord. 4059 § 10, 1995; Ord. 813 § 8, 1970; prior code § 20.26(m))

**12.08.140 East of Garfield and south of First Street.**

In the area east of Garfield and south of First Street, all streets shall have the names of birds, canines and names commonly given to boys. (Ord. 4059 § 11, 1995; Ord. 813 § 9, 1970; prior code § 20.26(n))

**12.08.150 East of Boyd Lake, west of I-25 and north of 37<sup>th</sup> Street (Airport Area), excluding the area south of Crossroads Boulevard between Rocky Mountain Avenue and I-25.**

In the area east of Boyd Lake, west of I-25 and north of 37<sup>th</sup> Street, known as the Airport Area, excluding the area south of Crossroads Boulevard between Rocky Mountain Avenue and I-25, all streets shall have the names of aircraft, pilots, airports, other names commonly associated with aviation and nautical terms. (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 7, 2000; Ord. 4059 § 12, 1995; Ord. 4920 § 2, 2004)

**12.08.160 North of Eisenhower Boulevard, east of Madison Avenue, south of County Road No. 30, west of County Road No. 11C continuing south along the east side of Boyd Lake to the east-west projection of 37<sup>th</sup> Street (County Road No. 24E), south of East 37<sup>th</sup> Street and its east-west projected line, excluding the area north of the Union Pacific Railroad and west of I-25; the area north of the Union Pacific Railroad, east of I-25, west of Centerra parkway, and south of the east-west projection of 37<sup>th</sup> Street; and the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.**

In the area north of Eisenhower Boulevard, east of Madison Avenue, south of County Road No. 30, west of County Road No. 11C continuing south along the east side of Boyd Lake to the east-west projection of 37<sup>th</sup> Street (County Road No. 24E), south of East 37<sup>th</sup> Street and its east-west projected line, excluding the area north of the Union Pacific Railroad and west of I-25, the area north of the Union Pacific Railroad, east of I-25, west of Centerra Parkway, and south of the east-west projection of 37<sup>th</sup> Street and the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad, all streets shall have the names of Colorado streams, rivers, lakes, mountain valleys, peaks, and passes, fish, wetlands/water (aquatic) plants and animals (not fish), except that within a PUD General Development Plan containing at least 1,000 acres one street may have the marketing name of

the development and one street in this area may be named Kendall Parkway.(Ord. 5208 § 1, 2007; See also Section 12.08.110) (Ord. 5036 § 1, 2005; Ord.4981 § 1, 2005 (part); Ord. 4869 § 1, 2004 (part); Ord. 4557 § 8, 2000; Ord. 4059 § 13, 1995; Ord. 4920 § 2, 2004)

**12.08.170 East of I-25 & north of the east-west projected line of 37<sup>th</sup> Street.**

In the area east of I-25 and north of the east-west projected line of 37<sup>th</sup> Street, all streets shall have the names of generals, battle sites and equestrian terms (horses). (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 9, 2000; Ord. 4059 § 14, 1995; Ord. 4920 § 2, 2004)

**12.08.180 North of the Union Pacific Railroad, east of Rocky Mountain Avenue, west of 1-25, and south of Crossroads Boulevard; and north of the Union Pacific Railroad, east of 1-25, west of Centerra Parkway, and south of the east-west projection of 37th Street.**

In the area north of the Union Pacific Railroad, east of Rocky Mountain Avenue, west of 1-25, and south of Crossroads Boulevard and in the area north of the Union Pacific Railroad, east of 1-25, west of Centerra Parkway, and south of the east-west projection of 37th Street all streets shall have the names of automotive or technological terms. (Ord. 5208 § 1, 2007; Ord. 4981 § 1, 2005)

**12.08.190 North of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.**

In the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad all streets shall have names of railroads and railroad related terms. (Ord. 5208 § 1, 2007)

**12.08.200 Council May Grant Exceptions.**

The City Council may, in its discretion, grant by resolution exceptions to the provisions of this Chapter 12.08 with respect to the naming of streets. (Ord. 5208 § 1, 2007)

**12.08.210 Director May Grant Exceptions.**

The Director of Development Services may, in his or her discretion, grant exemptions to the provisions of this Chapter 12.08 with respect to the naming of streets provided that:

- A. the Loveland Fire Department determines that any such exemption would not create a threat to public safety and welfare and would not likely increase the response time for emergency vehicles;
- B. no addresses are assigned to the street subject to the exemption;
- C. the name of the street subject to the exemption is not a name that would otherwise comply with the street naming standards set forth in Sections 12.08.080 through 12.08.180; and
- D. except for the street naming standards set forth in Sections 12.08.080 through 12.08.180, the name of the street subject to the exemption complies with all other requirements set forth in Chapter 12.08. (Ord. 5208 § 1, 2007)

**12.08.220 Minor Corrections to Existing Street Names.**

The Director of Development Services may authorize minor corrections, such as, but not limited to, suffix, prefix, and spelling errors, to existing street names, provided there are no developed properties addressed on the street subject to the correction. (Ord. 5208 § 1, 2007)

## Chapter 12.16

### USE OF CITY RIGHTS-OF-WAY

#### Sections:

<b>12.16.010</b>	<b>Purpose and objectives.</b>
<b>12.16.020</b>	<b>Definitions.</b>
<b>12.16.030</b>	<b>Police powers.</b>
<b>12.16.040</b>	<b>Permit required.</b>
<b>12.16.050</b>	<b>Permit application; permit contents.</b>
<b>12.16.060</b>	<b>Permit fee.</b>
<b>12.16.070</b>	<b>Insurance and indemnification.</b>
<b>12.16.080</b>	<b>Letter of credit.</b>
<b>12.16.090</b>	<b>Performance warranty; guarantee.</b>
<b>12.16.100</b>	<b>Inspections.</b>
<b>12.16.110</b>	<b>Public safety.</b>
<b>12.16.120</b>	<b>Time of completion.</b>
<b>12.16.130</b>	<b>Traffic control.</b>
<b>12.16.140</b>	<b>General rights-of-way use and construction.</b>
<b>12.16.150</b>	<b>Joint planning and construction; coordination of excavations.</b>
<b>12.16.160</b>	<b>Minimizing the impacts of work in the rights-of-way.</b>
<b>12.16.170</b>	<b>Standards for repairs and restoration.</b>
<b>12.16.180</b>	<b>Construction and restoration standards for newly-constructed and overlaid streets.</b>
<b>12.16.190</b>	<b>Relocation of facilities.</b>
<b>12.16.200</b>	<b>Abandonment and removal of facilities.</b>
<b>12.16.210</b>	<b>Emergency procedures.</b>
<b>12.16.220</b>	<b>Revocation of permits and stop work orders.</b>
<b>12.16.230</b>	<b>Appeals procedure.</b>
<b>12.16.240</b>	<b>Emergency snow removal permit.</b>
<b>12.16.250</b>	<b>Penalty.</b>

#### **12.16.010 Purpose and objectives.**

- A. The purpose of this chapter is to establish principles and procedures for the placement of structures and facilities, construction excavation encroachments, and work activities within or upon the rights-of-way, and to require adequate payment for said activities, in order to protect the integrity of the road system. To achieve this purpose, it is necessary to require permits of private users of the rights-of-way, establish permit procedures, and fix and collect fees and charges.
- B. Public and private uses of rights-of-way for location of facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the city must ensure that the primary purpose of the right-of-way, passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, roadways, facilities, and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the rights-of-way by private users is secondary to these public objectives, and the movement of traffic. This chapter is intended to strike a balance between the public need for efficient, safe transportation routes and the use of

rights-of-way for location of facilities by public and private entities. It thus has several objectives:

1. To ensure that public safety is maintained and that public inconvenience is minimized;
2. To protect the city's infrastructure investment by establishing repair standards for pavement, facilities, and property in the rights-of-way when work is accomplished;
3. To facilitate work within the rights-of-way through the standardization of regulations;
4. To maintain an efficient permit process;
5. To conserve and fairly apportion the limited physical capacity of the rights-of-way held in public trust by the city;
6. To establish a public policy for enabling the city to discharge its public trust consistent with the rapidly-evolving federal and state regulatory policies, industry competition, and technological development;
7. To promote cooperation among the permittees and the city in the occupation of the rights-of-way, and work therein, in order to: (i) eliminate duplication that is wasteful, unnecessary, or unsightly; (ii) lower the permittees' and the city's costs of providing services to the public; and (iii) minimize street cuts; and
8. To ensure that the city can continue to fairly and responsibly protect the public health, safety, and welfare. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

#### **12.16.020 Definitions.**

As used in this chapter, the following words and phrases shall have the meanings set forth below:

- A. "Access vault" means any structure containing one or more ducts, conduits, manholes, handhole, or other such facilities in the permittee's facilities.
- B. "Appurtenances" means transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, junction boxes, handholes substations, system amplifiers, power supplies, pump stations, manholes, valves and valve housings and other devices that are necessary to the function of electric, communications, cable television, water, sewer, storm water, natural gas and other utilities and services.
- C. "City" means the City of Loveland, Colorado.
- D. "Contractor" means a person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements covered by this chapter, that requires work, workers, and/or equipment to be in the right-of-way in the process of performing the above named operations.
- E. "Degradation" means a decrease in the useful life of the right-of-way or damage to any landscaping within the rights-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the surface and/or subsurface structure of such right-of-way earlier than would be required if the excavation or disturbance did not occur.
- F. "Developer" means the person, partnership, corporation, or other legal entity who is improving a parcel of land within the city and who is legally responsible to the city for the construction of improvements within a subdivision or as a condition of a building permit.
- G. "Director" means the director of public works of the city or his authorized representative.
- H. "Duct" or "conduit" means a single enclosed raceway for cables, fiber optics or other wires, or a pipe or canal used to convey fluids or gases.
- I. "Emergency" means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or

leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged electrical and communications facilities, and advanced notice of needed repairs is impracticable under the circumstances.

- J. "Excavate" means to dig into or in any way remove or penetrate any part of a right-of-way.
- K. "Facilities" means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.
- L. "Fence" means any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected to enclose partition, beautify, mark, or screen areas of land.
- M. "Infrastructure" means any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets, alleys, traffic signal poles and appurtenances, conduits, signs, landscape improvements, sidewalks, and public safety equipment.
- N. "Landscaping" means materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and non-living natural materials commonly used in landscape development, as well as attendant irrigation systems.
- O. "Permit" means any authorization for use of the public rights-of-way granted in accordance with the terms of this chapter, and the laws and policies of the city.
- P. "Permittee" means the holder of a valid permit issued pursuant to this chapter.
- Q. "Person" means any natural person, firm, partnership, government district, association, corporation, company, or other organization or entity of any kind.
- R. "Right-of-way" means any city-owned street, way, place, alley, sidewalk, easement, park, square, plaza, right-of-way, or other grounds dedicated to public use.
- S. "Routine maintenance" means: (a) for all streets, any maintenance activity operating in the right-of-way that is outside of the actual roadway area and does not disrupt the flow of vehicular or pedestrian traffic; (b) for streets classified as local or minor collector, any maintenance activity that does not require a street cut and will not disrupt traffic for more than sixty minutes.
- T. "Specifications" means engineering regulations, construction specifications, and design standards adopted by the city.
- U. "Structure" means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.
- V. "Surplus ducts or conduits" are conduits or ducts other than those occupied by permittee or any prior permittee, or unoccupied ducts held by permittee as emergency use spares, or other unoccupied ducts that permittee reasonably expects to use within three years from the date of a request for use.
- W. "Work" means any labor performed on, or any use or storage of equipment or materials, including but not limited to, construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus loading pads, street lights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation of overhead poles used for any purpose. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

### **12.16.030 Police powers.**

The permittee's rights hereunder are subject to the police powers of the city, which include the power to adopt and enforce ordinances, including amendments to this chapter, necessary to the safety, health, and welfare of the public. The permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the city or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The city reserves the right to exercise its police powers, notwithstanding anything in this chapter or the permit to the contrary. Any conflict between the provisions of the chapter or the permit and any other present or future lawful exercise of the city's police powers shall be resolved in favor of the latter. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.040 Permit required.**

- A. No person shall undertake or permit to be undertaken any construction, excavation, or work in the rights-of-way without first obtaining a permit from the city as set forth in this chapter, except as provided in Section 12.16.210. Each permit obtained, along with associated documents, shall be maintained on the job site and available for inspection upon request by any officer or employee of the city. Notwithstanding anything herein to the contrary, this chapter shall not apply to:
  - 1. The initial development of property as provided in the city development standards and ordinances;
  - 2. The construction, excavation, or work that is part of a city project approved by the city engineer; or
  - 3. Routine maintenance of existing facilities; provided, however, that routine maintenance requiring lane closures or other traffic control (including manhole access on arterial or collector streets and activities that will span multiple locations within the city) shall require a permit.
- B. No permittee shall perform construction, excavation, or work in an area larger or at a location different, or for a longer period of time than that specified in the permit or permit application. If, after construction, excavation, or work is commenced under an approved permit, it becomes necessary to perform construction, excavation, or work in a larger or different area than originally requested under the application or for a longer period of time, the permittee shall notify the director immediately and within twenty-four hours shall file a supplementary application for the additional construction, excavation, or work.
- C. The permittee may subcontract the work to be performed under a permit provided that the permittee shall be and remain responsible for the performance of the work under the permit and all insurance and financial security as required. Permits are transferable and assignable if the transferee or assignee posts all required security pursuant to this chapter and agrees to be bound by all requirements of the permit and this chapter.
- D. Within the city, the physical construction of public infrastructure in new developments is the responsibility of the developer of the land. Ownership of that infrastructure remains with the developer of the land until acceptance by the city. Any developer of land where work is undertaken on infrastructure that is within a right-of-way, but prior to acceptance by the city, shall obtain a permit from the city. The city will not accept public infrastructure improvements where work performed is not in accordance with applicable city specifications and applicable provisions of this chapter.
- E. Any person or utility found to be conducting any excavation activity within the right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A civil penalty to be set by resolution of the city

council shall be required in addition to all applicable permit fees. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.050 Permit application; permit contents.**

- A. An applicant for a permit to allow construction, excavation, or work in the right-of-way under this section shall:
1. File a written application on forms furnished by the city which include the following: the date of application; the name and address of the applicant; the name and address of the developer, contractor, or subcontractor licensed to perform work in the right-of-way; the exact location of the proposed construction, excavation, or work activity; the type of existing public infrastructure (street pavement, curb and gutter, sidewalks, or utilities) impacted by the construction, excavation, or work; the purpose of the proposed construction, excavation, or work; the dates for beginning and ending the proposed construction, excavation, or work; proposed hours of work; itemization of the total cost of restoration based upon R.S. Means Estimating Standards, or at the discretion of the director, other published street repair cost estimating standards; and type of work proposed.
  2. Include an affirmative statement that the applicant or its contractor is not delinquent in payments due the city on prior work.
  3. Attach copies of all permits or licenses (including required insurance, deposits, bonding, and warranties) required to do the proposed work, and to work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, or the ordinances or regulations of the city. If relevant permits or licenses have been applied for but not yet received, the applicant must provide a written statement so indicating. Copies of any such permits or licenses shall be provided to the city within forty-eight hours after receipt.
  4. Provide a satisfactory plan of work acceptable to the director showing protection of the subject property and adjacent properties.
  5. Provide a satisfactory plan for the protection of existing landscaping acceptable to the director when the city determines that damage may occur.
  6. Include a signed statement verifying that all orders issued by the city to the applicant requiring the applicant to correct deficiencies under previous permits issued under this chapter have been satisfied. This verification shall not apply to outstanding claims which are honestly and reasonably disputed by the applicant, if the applicant and the city are negotiating in good faith to resolve the dispute.
  7. Include with the application engineering construction drawings or site plans for the proposed construction, excavation, or work.
  8. Include with the application a satisfactory traffic control and erosion protection plan for the proposed construction, excavation, or work.
  9. Include a statement indicating any proposed joint use or ownership of the facility; any known existing facility or permit of the applicant at this location; any known existing facility of others with which the proposed installations might conflict; and the name, address, and telephone number of a representative of the applicant available to review proposed locations at the site.
  10. Pay the fees prescribed by this chapter.
- B. Applicants shall update any new information on permit applications within ten days after any material change occurs.
- C. There shall be only one applicant for each application. Joint applications are prohibited. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.060 Permit fee.**

- A. Before a permit is issued pursuant to this chapter, the applicant shall pay to the city a permit fee, which shall be determined in accordance with a fee schedule adopted by the city council by resolution. Fees will be reasonably related to the costs inherent in managing the rights-of-way. As used in this chapter, these costs include, but are not necessarily limited to, the costs of permitting rights-of-way occupants, verifying rights-of-way occupation, mapping rights-of-way occupations, inspecting job sites and rights-of-way restorations, administering this chapter, and costs incurred by the city relating to the degradation of the rights-of-way, i.e., the cost to achieve a level of restoration as determined by the city at the time the permit is issued.
- B. The portion of the permit fee relating to degradation/restoration costs shall be reduced by the city in cases where the applicant demonstrates to the satisfaction of the director that the excavation proposed will be used by two or more entities, legally and financially unrelated, for the installation, maintenance, or repair of facilities. The degradation/restoration cost portion of the permit fee shall be further reduced in cases where the applicant demonstrates to the satisfaction of the director that the excavation to be made will be commenced and completed during the twenty-four month period immediately prior to the scheduled repaving or resurfacing of a street, as indicated in the most recent edition of the city's repaving plan.
- C. Any permit for temporary use or occupation of the rights-of-way, where there is no construction involved, shall not require payment of a degradation fee as part of the permit fee.
- D. That portion of any permit fee relating to degradation/restoration costs shall be segregated by the city into an account to cover general street maintenance and construction. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.070 Insurance and indemnification.**

- A. Unless otherwise specified in a franchise agreement between the permittee and the city, prior to the granting of any permit, the permittee shall file with the city a certificate of insurance in a form satisfactory to the city with coverage as follows:
  - 1. The permittee shall carry and maintain in full effect at all times a commercial general liability policy, including broad form property damage, completed operations contractual liability, explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, for limits not less than one million dollars each occurrence for damages of bodily injury or death to one or more persons; and five hundred thousand dollars each occurrence for damage to or destruction of property; and
  - 2. Workers compensation insurance as required by state law.
- B. Whenever any person has filed with the city evidence of insurance as required, any additional or subsequent permit holder in the employ of said initial person may, at the discretion of the city, be excused from depositing or filing any additional evidence of insurance if such employee is fully covered by the permittee's insurance policy.
- C. Each permittee shall construct, maintain, and operate its facilities in a manner which provides protection against injury or damage to persons or property in accordance with the permit conditions. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.080 Letter of credit.**

- A. Except as provided in Section 12.16.240, before any permit required by this chapter shall be issued to an applicant, the applicant shall file with the director a letter of credit in favor of the city in an amount equal to the total cost of construction, including labor and

materials, or five thousand dollars, whichever is greater. The letter of credit shall be conditioned upon the applicant fully complying with all provisions of city ordinances, rules, and regulations, and upon payment of all judgments and costs rendered against the applicant for any material violation of city ordinances or state statutes that may be recovered against the applicant by any person for damages arising out of any negligent or wrongful acts of the applicant in the performance of work done pursuant to the permit. The letter of credit must be approved by the city attorney as to form and as to the responsibility of the surety thereon prior to the issuance of the permit. However, the city may waive the requirements of any such letter of credit upon finding that the applicant has financial stability and assets located in the state to satisfy any claims intended to be protected against the security required by this section.

- B. A letter of responsibility will be accepted in lieu of a letter of credit from all public utilities, all franchised entities, and all metropolitan, water, and sanitation districts operating within the city.
- C. The letter of credit or letter of responsibility shall remain in force and effect for the duration of the warranty period. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.090 Performance warranty; guarantee.**

- A. Performance warranty and guarantee requirements applicable to this chapter are set forth in Chapter 24 of the Larimer County Urban Area Street Standards.
- B. At any time prior to completion of the warranty period, the city may notify the permittee in writing of any defects in need of repair. If a defect is determined by the director to be an imminent danger to the public health, safety, or welfare, the director may authorize the repair of said defect, and the permittee shall reimburse the city for actual costs, including administrative costs. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.100 Inspections.**

The city may inspect the permittee's work as it deems necessary within its sole discretion. If the work is unsatisfactory, the director may issue a stop work order or draw against the posted security. Any fee(s) related to city inspections shall be adopted by resolution of the city council. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.110 Public safety.**

The permittee shall maintain a safe work area, free of safety hazards. The city may make any repair necessary to eliminate any safety hazards not performed as directed. Any such work performed by the city shall be completed and billed to the permittee at overtime rates. The permittee shall pay all such charges within thirty days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the city may, in addition to taking other collection remedies, seek reimbursement through the warranty surety. The city shall not issue any further permits of any kind to said permittee until all outstanding charges have been paid in full; provided, however, that permits shall not be withheld for outstanding charges which are honestly and reasonably disputed by the permittee, if the permittee and the city are negotiating in good faith to resolve the dispute. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.120 Time of completion.**

All work covered by the permit shall be completed by the date stated on the application. Permits shall be void if work has not commenced six months after issuance, unless an extension has been granted by the director. Letters of credit or letters of responsibility deposited as a performance/warranty surety for individual permits will be returned after voiding of the permit,

with administrative and any other city costs deducted. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

**12.16.130 Traffic control.**

- A. When it is necessary to obstruct traffic, a traffic control plan shall be submitted to the city prior to starting construction. No permit will be issued until the plan is approved by the city. No permittee shall block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the permittee provides the city with written verification of written notice delivered to the owner or occupant of the facility, equipment, or property at least forty-eight hours in advance. If a street closing is desired, the applicant will request the assistance and obtain the approval of the director. It shall be the responsibility of the permittee to notify and coordinate all work in the right-of-way with police, fire, ambulance, other government entities, and transit organizations.
- B. Traffic control devices, as defined in Part VI of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the permittee. If used at night, they must be reflectorized and must be illuminated or have barricade warning lights.
- C. Oil flares or kerosene lanterns are not allowed as means of illumination. Nighttime work area flood lighting shall not be allowed to spill out of the construction area in such a way as to disturb or endanger the comfort, health or peace of others.
- D. Part VI of the Manual on Uniform Traffic Control Devices or any successor publication thereto shall be used as a guide for all maintenance and construction signing. The permittee shall illustrate on the permit the warning and control devices proposed for use. At the direction of the director, such warning and control devices shall be modified.
- E. The permittee shall be responsible for maintaining all work area signing and barricading during construction operations as well as any signs and barricades that are needed to protect roadway users and pedestrians during non-work hours. During non-work hours, all construction work area signs that are not appropriate shall be removed, covered, or turned around so that they do not face traffic. Any deficiencies noted by the city shall be corrected immediately by the permittee. If the permittee is not available or cannot be found, the city may make such corrections, and the permittee shall pay the actual costs, including administrative costs, plus a civil penalty to be set by resolution of the city council. (Ord. 5232 § 2, 2007)

**12.16.140 General rights-of-way use and construction.**

- A. The permittee shall make reasonable efforts to attend and participate in meetings of the city, of which the permittee is made aware, regarding right-of-way issues that may impact its facilities, including planning meetings to anticipate joint trenching and boring. The permittee shall identify the person(s) it desires to attend the meetings and the manner in which said person(s) is to be notified of the meetings. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, permittee shall work with other providers, licensees, permittees, and franchisees so as to reduce so far as possible the number of right-of-way cuts within the city and the amount of pedestrian and vehicular traffic that is obstructed or impeded.
- B. Work in the right-of-way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. The permittee's

facilities shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, or any other property of the city, or with any other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the rights-of-way by, or under, the city's authority. The permittee's facilities shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, existing utilities, new improvements the city may deem proper to make, or unnecessarily hinder or obstruct the free use of the rights-of-way or other public property. The permittee's facilities shall not interfere with the travel and use of public places by the public during the construction, repair, operation, or removal thereof, and shall not obstruct or impede traffic except in accordance with Section 12.16.130.

C. Underground construction and use of poles.

1. When required by general ordinances, resolutions, regulations, or rules of the city or applicable state or federal law, the permittee's facilities shall be placed underground at no cost to the city. Placing facilities underground does not preclude the use of ground-mounted appurtenances.
2. Where all facilities are installed underground at the time of the permittee's construction, or when all such facilities are subsequently placed underground, all permittee facilities shall also be placed underground at no expense to the city unless funding is generally available for such relocation to all users of the rights-of-way. Related equipment, such as pedestals, must be placed in accordance with the city's applicable code requirements and rules. In areas where existing facilities are aerial, the permittee may install aerial facilities.
3. For above ground facilities, the permittee shall utilize existing poles wherever possible. Said use shall be conditioned upon the permittee's entrance into a pole attachment agreement and payment of the pole attachment fee.
4. Should the city desire to place its own facilities in trenches or bores opened by the permittee, the permittee shall cooperate with the city in any construction by the permittee that involves trenching or boring, provided the city has first notified the permittee in some manner that it is interested in sharing the trenches or bores in the area where the permittee's construction is occurring. The permittee shall allow the city to place its facilities in the permittee's trenches and bores, provided the city incurs any incremental increase in cost of the trenching and boring. Should the city desire to install ducts or conduit for the possible use of other entities, then the permittee shall allow the city to place these facilities in the permittee's trenches and bores, provided the city shares proportionally in the cost of trenching and boring. The city shall be responsible for maintaining city facilities buried in the permittee's trenches and bores under this subsection.

D. Unless otherwise restricted by tariff, the city may install or affix and maintain its own facilities for city purposes in or upon any and all of the permittee's ducts, conduits, or equipment in the rights-of-way and other public places, at a charge to be negotiated between the parties, to the extent space therein or thereon is reasonably available, and pursuant to all applicable ordinances and codes. For the purposes of this subsection, "city purposes" includes, but is not limited to, the use of the structures and installations for city fire, police, water, wastewater, power, telephone, traffic, signal systems, and parks.

E. Common users.

1. The rights-of-way have a finite capacity for containing facilities. Therefore, whenever the city determines it is impracticable to permit construction of an underground conduit system by any other entity which may at the time have authority to construct or maintain conduits or ducts in the rights-of-way, but excluding entities providing services in competition with the permittee, and unless otherwise prohibited

by federal or state law or regulations, the city may require the permittee to afford to such entity the right to use the permittee's surplus ducts or conduits in common with the permittee, pursuant to the terms and conditions of an agreement for use of surplus ducts or conduits entered into by the permittee and the other entity. Nothing herein shall require the permittee to enter into an agreement with such entity if, in the permittee's reasonable determination, such an agreement could compromise the integrity of the permittee's facilities, or if the permittee requires the availability of the surplus ducts or conduits for other reasonable business uses.

2. All facilities shall meet all applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of contracts executed between the permittee and the other common user. The permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay the permittee for any fines, fees, damages, or other costs the common user's attachments cause the permittee to incur. (Ord. 5232 § 2, 2007)

**12.16.150 Joint planning and construction; coordination of excavations.**

- A. Any permittee owning, operating, or installing in the rights-of-way facilities in providing water, sewer, gas, electric, communication, video, or other utility services shall meet annually with the director, at the director's request, to discuss the permittee's excavation master plan. At such meeting, to the extent not already in possession of the city, the permittee shall submit documentation, in a form required by the director, showing the location of the permittee's existing facilities in the city rights-of-way. The permittee shall discuss with the director its excavation master plan and identify planned major excavation work in the city. The director may make his own record on a map, drawing, or other documentation of each permittee's planned major excavation work in the city; provided, however, that no such document prepared by the director shall identify a particular entity, or the planned major excavation work of that particular entity. The permittee shall meet with the director to discuss an initial excavation master plan no later than sixty days after submitting its first permit application. Thereafter, each permittee shall submit annually, on the first regular business day of January, a revised and updated two-year excavation master plan. Such revised and updated plan shall be submitted in both hard copy and digital format. As used in this subsection, the term "planned major excavation work" refers to any future excavations planned by the permittee when the excavation master plan or update is submitted that will affect any right-of-way for more than five days, provided the permittee shall not be required to identify future major excavations planned to occur more than three years after the date that the permittee's master plan or update is discussed. Between the annual meetings to discuss planned major excavation work, the permittee shall use its best efforts to inform the director of any substantial changes in the planned major excavation work discussed at the annual meeting.
- B. The director shall prepare a two-year repaving plan showing the street resurfacing planned by the city. For purposes of this section, the repaving plan shall include a landscaping or other right-of-way improvement plan. The repaving plan shall be revised and updated on an annual basis after meeting to discuss the permittee's and city department's master plans and updates. The director shall make the city's repaving plan available for public inspection. In addition, after determining the street resurfacing work that is proposed for each year, the director shall send a notice of the proposed work to all permittees that have had an annual meeting with the director.

- C. In addition to the meeting described in subsection A. above, all permittees shall attend any meeting scheduled by the director, provided the permittee is given at least thirty days prior written notice. (Ord. 5232 § 2, 2007)

**12.16.160 Minimizing the impacts of work in the rights-of-way.**

All work performed in the rights-of-way shall be done in accordance with Chapter 25 of the Larimer County Urban Area Street Standards. (Ord. 5232 § 2, 2007)

**12.16.170 Standards for repairs and restoration.**

- A. The permittee shall be fully responsible for the cost and actual performance of all work in the rights-of-way. The permittee shall do all work in conformance with any and all engineering regulations, construction specifications, and design standards adopted by the city. These standards shall apply to all work in the rights-of-way unless otherwise indicated in the permit.
- B. All pavement cuts shall be restored in accordance with Chapter 25 of the Larimer County Urban Area Street Standards. (Ord. 5232 § 2, 2007)

**12.16.180 Construction and restoration standards for newly-constructed and overlaid streets.**

No person shall cause an open trench excavation or potholing of utilities in the pavement of any right-of-way for a period of three years from the completion of construction or resurfacing except in compliance with the provisions of this section.

- A. Any application for a permit to excavate in a right-of-way subject to the requirements of this section shall contain the following information:
  - 1. A detailed and dimensional engineering plan that identifies and accurately represents the rights-of-way or property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.
  - 2. The street width or alley width, including curb and gutter, over the total length of each city block that will be impacted by the proposed excavation.
  - 3. The location, width, length, and depth of the proposed excavation.
  - 4. The total area of existing street or alley pavement in each individual city block that will be impacted by the proposed excavation.
  - 5. A written statement addressing the criteria for approval.
- B. No permit for excavation in the right-of-way of new streets shall be approved unless the director finds that all of the following criteria have been met:
  - 1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.
  - 2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.
  - 3. The proposed excavation cannot reasonably be delayed until after the three year deferment period has lapsed.
- C. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the city to perform emergency maintenance operations within the rights-of-way shall be exempted from this section. Any person commencing emergency maintenance operations shall submit detailed engineering plans, construction methods, and remediation plans no later than three working days after initiating the emergency maintenance operation.
- D. A permittee may apply to the director for an exemption under this section when the construction is necessary in the public interest or to provide a public service. By way of

example, but not by limitation, an exemption could be requested in order to provide services to a part of the city where no service would be available without construction. If a non-emergency exemption is granted to disturb a right-of-way within the three year period, the director may, in his sole discretion, impose additional restoration requirements, including, but not necessarily limited to, repaving of a larger area, such as an entire block in which the construction occurs.

- E. The streets shall be restored and repaired in accordance with design and construction standards adopted by the city and guaranteed in accordance with Section 12.16.090. (Ord. 5232 § 2, 2007)

#### **12.16.190 Relocation of facilities.**

- A. If at any time the city, on its behalf or on behalf of any other public entity, requests, in the exercise of its police power, a permittee to relocate its facilities located within a right-of-way, the city shall notify the permittee at least ninety days in advance, except in the case of emergencies, of the city's or other public entity's intention to perform or have such work performed. The permittee shall thereupon, at no cost to the city or other public entity, accomplish the necessary relocation, removal, or change within a reasonable time from the date of the notification, but in no event later than three working days prior to the date the city has notified the permittee that it intends to commence its work, or immediately in the case of emergencies. Upon the permittee's failure to accomplish such work, the city or other public entity may perform such work at the permittee's expense, and the permittee shall reimburse the city or other public entity within thirty days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction by the permittee at the permittee's expense. Notwithstanding the requirements of this section, a permittee may request additional time to complete a relocation project. The director shall grant a reasonable extension if, in his sole discretion, the extension will not adversely affect the city's or other public entity's project. Notwithstanding anything herein to the contrary, the owner of any facility installed prior to the dedication of the right-of-way shall not be required to pay for the initial relocation of said facility requested by the city, which shall be done at the city's sole cost and expense; provided, however, that all subsequent relocations of said facility shall be done without cost to the city or other public entity as set forth herein.
- B. The city recognizes that from time to time certain projects performed by developers within the rights-of-way benefit the city as a whole, and are in the best interests of the public safety, health, and welfare of the city and its inhabitants. Accordingly, the director, in his sole discretion, may designate such projects as "city projects." Upon such designation the utility relocation provisions of Section 12.16.190 shall apply to said project on the same terms as if the project were commenced by the city or other public entity, and the city may require any affected permittee to relocate its facilities at no cost to the city, the other public entity, or the developer. (Ord. 5232 § 2, 2007)

#### **12.16.200 Abandonment and removal of facilities.**

- A. Any permittee that intends to discontinue use of any facilities within the rights-of-way shall notify the director in writing of the intent to discontinue use. Such notice shall describe the facilities for which the use is to be discontinued, a date of discontinuance of use (which shall not be less than thirty days from the date such notice is submitted to the director), and the method of removal and restoration. The permittee may not remove, destroy, or permanently disable any such facilities during said thirty day period without written approval of the director. After thirty days from the date of such notice, the

permittee shall remove and dispose of such facilities as set forth in the notice, as the same may be modified by the director, and shall complete such removal and disposal within six months, unless additional time is requested from and approved by the director.

- B. At the discretion of the city, and upon written notice from the director, the permittee may either:
  - 1. Abandon the facilities in place, and shall further convey full title and ownership of such abandoned facilities to the city. The consideration for the conveyance is the city's permission to abandon the facilities in place. The permittee is responsible for all obligations as owner of the facilities, or other liabilities associated therewith, until the conveyance to the city is completed.
  - 2. Abandon the facilities in place, but the permittee still retains the responsibility for all obligations as owner of the facilities, or other liabilities associated therewith. (Ord. 5232 § 2, 2007)

**12.16.210 Emergency procedures.**

- A. Any person maintaining facilities in the rights-of-way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. The person doing the work shall apply to the city for a permit on or before the third working day after such work has commenced. All emergency work will require prior telephone notification to the Loveland police department central dispatch.
- B. If any damage occurs to an underground facility or its protective covering, the permittee shall notify the facility's operator promptly. When the facility's operator receives a damage notice, the facility's operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the permittee responsible shall immediately notify the facility's operator and 911 and take immediate action to protect the public and nearby properties. (Ord. 5232 § 2, 2007)

**12.16.220 Revocation of permits and stop work orders.**

- A. Any permit may be revoked or suspended by the director, after written notice to the permittee, for:
  - 1. Violation of any material condition of the permit or of any material provision of this chapter;
  - 2. Violation of any material provision of any other ordinance of the city or state law relating to the work; or
  - 3. Existence of any condition or performance of any act which the city determines constitutes or causes a condition endangering life or damage to property.
- B. A stop work order may be issued by the director to any person or persons doing or causing any work to be done in the right-of-way for:
  - 1. Working without a permit, except for routine maintenance or emergency repairs to existing facilities as provided for in this chapter;
  - 2. Doing work in violation of any provisions of this chapter, or any other ordinance of the city, or state law relating to the work; or
  - 3. Performing any act that the city determines constitutes or causes a condition that either endangers life or property.
- C. A suspension or revocation by the director and a stop work order shall take effect immediately upon notice to the person performing the work in the right-of-way, or to the permittee's last known address. (Ord. 5232 § 2, 2007)

**12.16.230 Appeals procedure.**

Any permit denial or revocation, or suspension or revocation or stop work order, may be appealed by the permittee to the city manager by filing a written notice of appeal within fifteen days of the action. (Ord. 5232 § 2, 2007)

**12.16.240 Emergency snow removal permit.**

- A. The director may issue emergency snow removal permits to metropolitan districts, urban renewal authorities, homeowners associations, and other quasi-governmental agencies to facilitate the removal of snow within the city in the event of an emergency. The city will not provide cost reimbursement for privately-contracted plowing services authorized under the permit.
- B. The director shall set the requirements for minimum snowfall or weather conditions to activate the permit. All permits must be renewed annually between April 1 and June 30 of each year. Any fee associated with the issuance of the permit shall be set by resolution of city council.
- C. Prior to any permit being issued, the city will inspect the qualified commercial area or neighborhood and document current conditions, existing damage, storm drainage inlets and outfalls, and perceived obstructions to snow removal. The city will also identify areas for piling or dumping of plowed snow, as well as identify areas that snow may not be piled for drainage considerations.
- D. The director may require the permittee to supply a letter of credit or cash deposit to be held for protection of the rights-of-way in the case of damage. (Ord. 5232 § 2, 2007)

**12.16.250 Penalty.**

If any person violates or causes the violation of any of the provisions of this chapter, they shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues, or is permitted, and upon conviction of any such violation, such person shall be punished as provided in Section 1.12.010 of this code for each such violation. (Ord. 5232 § 2, 2007)

## Chapter 12.20

### SIDEWALK, CURB AND GUTTER CONSTRUCTION AND REPAIR\*

#### Sections:

<b>12.20.010</b>	<b>Required.</b>
<b>12.20.020</b>	<b>Prior to construction of dwelling.</b>
<b>12.20.030</b>	<b>Permit-Required.</b>
<b>12.20.035</b>	<b>Minimum standards required.</b>
<b>12.20.040</b>	<b>Grade and alignment.</b>
<b>12.20.050</b>	<b>Construction by city order.</b>
<b>12.20.060</b>	<b>Required maintenance.</b>
<b>12.20.070</b>	<b>Time for repair by city notice.</b>
<b>12.20.080</b>	<b>Obstructions prohibited.</b>
<b>12.20.090</b>	<b>Obstruction removal.</b>
<b>12.20.100</b>	<b>Notice for construction, repair or removal-Lien.</b>

\*For statutory provisions authorizing cities and towns to regulate the construction and alteration of curbs and sidewalks, see CRS § 139-32-1(20)(a), (b), and (e) and CRS § 139-78-3(h); for provisions authorizing cities and towns to repair or maintain sidewalks and assess the cost against the property owner, see CRS §§ 139-78-3(h) and 139-37-6. Prior history: Prior code §§ 20.29, 20.32 and 20.33; Ords. 716, 906, 1090, 1914 and 2029.

#### **12.20.010 Required.**

The owner of any property bordering one or more public streets (except as otherwise provided herein) shall provide curb, gutter and sidewalk on that portion of each street in front, alongside and behind the property, constructed and located in accordance with the city development standards. (Ord. 3801 § 1 (part), 1992)

#### **12.20.020 Prior to construction of dwelling.**

No building permit shall be issued or residence commenced until all curb and gutter, except driveway curb cut, have been constructed, and no certificate of occupancy shall be issued for any dwelling or residence until all curb, gutter and sidewalk have been constructed, except:

- A. When, in the opinion of the city engineer, frost conditions prevent such construction, in which case a building permit may be issued subject to curb, gutter and sidewalk being constructed prior to the issuance of the certificate of occupancy provided for in Section 307 of the Uniform Building Code; or
- B. Where the construction of sidewalks is not immediately necessary for the protection of the area residents or the safety of the public generally as determined by the council and an arrangement for the construction thereof suitable to the council is made by the landowner. The arrangement shall provide that construction shall be accomplished at such time as the city engineer determines that the needs of the area residents and the general public would require a sidewalk. (Ord. 3801 § 1 (part), 1992)

#### **12.20.030 Permit Required.**

It is unlawful for any person to construct or reconstruct any curb, gutter, or sidewalk without first obtaining a permit in accordance with Chapter 12.16, except when such improvements are associated with the initial development of property as provided in the city

development standards and ordinances, or when such work is part of a city project reviewed and approved by the city engineer. (Ord. 5232 § 3, 2007; Ord. 3801 § 1 (part), 1992)

**12.20.035 Minimum standards required.**

All curb, gutter and sidewalk improvements on any portion of the public streets or alleys of the city shall meet or exceed the minimum design and construction specifications of the most current development standards. (Ord. 3801 § 1 (part), 1992)

**12.20.040 Grade and alignment.**

The city engineer shall approve the alignment and grade for curb, gutter, sidewalk and other like improvements on streets, alleys or other public places prior to their placement. (Ord. 3801 § 1 (part), 1992)

**12.20.050 Construction by city order.**

The city may order the construction or reconstruction of sidewalks, curbs and gutters, whenever, in the opinion of the city engineer, it is proper because sufficient sidewalks have been laid in the vicinity to make it reasonable that the intervening sidewalk areas shall be provided with sidewalks, or because the safety or welfare of the inhabitants of the area requires such construction or reconstruction. The city engineer shall give not less than thirty days' notice to the owner to construct or reconstruct such walks, curbs and gutters in accordance with plans and specifications approved by the city engineer. (Ord. 3801 § 1 (part), 1992)

**12.20.060 Required maintenance.**

All curbs, gutters and sidewalks 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 curbs, gutters and sidewalks shall be repaired with concrete, except that stone sidewalks may be repaired by setting stones of similar quality and like dimensions. (Ord. 3801 § 1 (part), 1992)

**12.20.070 Time for repair by city notice.**

When any sidewalk, curb or gutter in front, alongside, or behind any lot or premises has been destroyed or is out of repair, the city engineer shall give not less than thirty days' notice to the owner of such premises to repair such sidewalk, curb or gutter. The owner of such premises shall not be required to repair a sidewalk at the owner's cost if such repair is made necessary by a tree lawfully planted and growing in the right-of-way. (Ord. 4035 § 1, 1994; Ord. 3801 § 1 (part), 1992)

**12.20.080 Obstructions prohibited.**

All sidewalks, curbs and gutters shall be kept free of obstructions, depressions or driveway ramps that may in any way impede or diminish the continuous flow of water or pose a hazard to pedestrians, bicycles or vehicles. (Ord. 3801 § 1 (part), 1992)

**12.20.090 Obstruction removal.**

The city may order the removal of any driveway ramp, sidewalk, curb or gutter obstruction. The city engineer shall give not less than thirty days' notice to the owner to remove the driveway ramp or obstruction and restore the curb, gutter and sidewalk to meet city development standards or other specifications approved by the city engineer. (Ord. 3801 § 1 (part), 1992)

**12.20.100 Notice for construction, repair or removal-Lien.**

The notice for construction or repair of curb, gutter or sidewalk, or for the removal of any obstruction shall be in writing to the property owner and may be served in person upon the owner or

may be served by registered or certified United States mail. In the event the property owner cannot be found, sufficient notice will be by publication for ten days in a daily newspaper in the city. If such construction, repair or removal is not made by the owner within thirty days after service of the notice, the city may make such construction, repair or removal. The entire expense thereof, together with five percent additional charge for administration shall be assessed against the property bordering the improvements. If the expense is not paid within thirty days thereafter, the city clerk may certify such assessment to the county treasurer who shall collect the same in the manner of taxes, together with an additional ten percent penalty thereon to defray the cost of collection. The city council may, by resolution, approve longer time periods for repayment of construction, repair, or removal costs assessed to the owner by the city. The city council may also, by resolution, authorize the use of appropriated street maintenance funds to defray some portion of the cost to construct, repair or remove curb, gutter, sidewalk or obstructions. (Ord. 3801 § 1 (part), 1992)

## Chapter 12.24

### STREET AND SIDEWALK MAINTENANCE\*

#### Sections:

- 12.24.010**      **Dangerous places fenced.**
- 12.24.020**      **Duty to construct walkway.**
- 12.24.030**      **Snow removal.**
- 12.24.035**      **Removal of snow and ice by city-Assessment.**
- 12.24.040**      **House-moving permit.**

\*For statutory provisions authorizing cities and towns to require property owners to keep sidewalks free from obstructions and in good repair, see CRS 1973 § 31-12-101(20)(c).

#### **12.24.010      Dangerous places fenced.**

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

#### **12.24.020      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 superintendent of streets, around the obstructed portion of such sidewalks. (Prior code § 20.17)

#### **12.24.030      Snow removal.**

- A. It is unlawful for any owner or occupant of any lot, block or parcel of ground within the city, 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 hours from the time of the last accretion of such snow or ice.
- B. There is imposed upon the owner or occupant of any lot, block or parcel of ground within the city the duty to take reasonable action to remove snow or ice from any sidewalk alongside or abutting such property within twenty-four hours from the time of the last accretion of such snow or ice, providing such sidewalk is alongside or abutting that person's property and is also alongside or abutting a street.
- C. The owner or occupant shall be liable for any injuries and property damage incurred by any person as a result of the failure of such owner or occupant to comply with the provisions of subsection B of this section. (Ord. 3514 § 1, 1988; prior code § 20.34)

#### **12.24.035      Removal of snow and ice by city-Assessment.**

If any person fails to comply with Section 12.24.030, in addition to the penalty provided therefore, a written notice may be served upon the owner, tenant or agent in charge of such property requiring the removal of such snow or ice, or both. If the snow or ice, or both, is not removed within twenty-four hours after the service of such notice, the city may remove the snow or ice, or both, and

assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lot, block or parcel of real property from which the snow or ice, or both, is removed. Such notice shall be served by delivering a copy thereof to such owner, occupant or agent in charge of said property, or by leaving such copy with some person, above the age of fifteen years, who is a member of such owner's, occupant's, or agent's family and residing with such owner, occupant or agent, if such owner, occupant or agent resides within the limits of the city, or, in the event that no one is on the property from which the snow or ice, or both, is to be removed or at the residence of such owner, occupant or agent in charge, if within the city, then by posting such copy in some conspicuous place on the property from which the snow or ice, or both, is to be removed. The assessment shall be a lien against such lot, block or parcel of real property until paid and shall have priority over all other liens except general taxes and prior special assessments. If such assessment is not paid within thirty days after it is made, the assessment shall be certified by the city clerk to the treasurer of the county, who shall collect the assessment, together with a ten-percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of the state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment. (Ord. 1477 § 1, 1976)

**12.24.040 House-moving permit.**

It is 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 city without first obtaining a permit therefor from the city engineer. In granting such permit, the city engineer may impose such restrictions or conditions as he deems necessary to protect the streets of the city or any utilities from damage, and he may make any other reasonable requirements which he deems necessary for the protection of the public. (Prior code § 20.24)

## Chapter 12.26

### SPECIAL EVENTS

#### Sections:

<b>12.26.010</b>	<b>Intent.</b>
<b>12.26.020</b>	<b>Definitions.</b>
<b>12.26.030</b>	<b>Permit Required.</b>
<b>12.26.040</b>	<b>Application Procedure; Fee.</b>
<b>12.26.050</b>	<b>Action on Application.</b>
<b>12.26.060</b>	<b>Grounds for Denial of Application.</b>
<b>12.26.070</b>	<b>Permit Conditions.</b>
<b>12.26.080</b>	<b>Appeal Procedure.</b>
<b>12.26.090</b>	<b>Permit Issuance.</b>
<b>12.26.100</b>	<b>Indemnification Agreement.</b>
<b>12.26.110</b>	<b>Insurance.</b>
<b>12.26.120</b>	<b>Traffic-Control Fees; Optional Use of Pre-established Event Routes.</b>
<b>12.26.130</b>	<b>Cleanup Deposits for Certain Events.</b>
<b>12.26.140</b>	<b>Duties of Permittee.</b>
<b>12.26.150</b>	<b>Revocation of Permit.</b>
<b>12.26.160</b>	<b>Violations.</b>

#### **12.26.010 Intent.**

This Chapter establishes the standards for the issuance of a permit for special events and demonstrations on any property that is owned, leased or controlled by the city.

#### **12.26.020 Definitions.**

As used in this chapter, the following words and terms shall be defined as follows, unless the context requires otherwise:

- A. "Applicant" mean any person who or organization that seeks a permit from the city to conduct or sponsor an event governed by this Chapter. An applicant must be eighteen (18) years of age or older.
- B. "Block party" means a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.
- C. "Coordinator" means the Chief of Police or his/her designee.
- D. "Demonstration" means a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one (1) person, that occurs on any property that is owned, leased or controlled by the city including, without limitation, streets, highway and sidewalks, and which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any city affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the demonstration or other persons.
- E. "Event" means all demonstrations and special events for which permits have been applied for or given.
- F. "Parade" means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, including sidewalks, which obstructs, delays or interferes with

the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

- G. "Permit" or "event permit" means a permit issued for either a demonstration or special event.
- H. "Permittee" means any person who or organization that has been issued an event permit by the Coordinator.
- I. "Special event" means a parade, athletic contest, street fair, art and craft show, carnival, block party, or other outdoor event which is not a demonstration as defined in this Section, that occurs on any property that is owned, leased or controlled by the city including, without limitation, streets, highway and sidewalks, and which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any city affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons.
- J. "Street or highway" has the same meaning as defined in the Model Traffic Code, adopted by the City of Loveland pursuant to Code Chapter §10.04, and includes bike and pedestrian lanes or paths.

#### **12.26.030 Permit Required.**

Any person desiring to conduct an event in the city shall first obtain a permit from the Coordinator; provided, however, that an event permit shall not be required for the following:

- A. Events that occur exclusively within city natural areas or recreation areas, as the same are defined in this Chapter, and do not involve the closure of any streets or sidewalks that are normally open to the public. All events within city natural areas or recreation areas that do involve the closure of such streets or sidewalks shall be reviewed by the Coordinator and shall be subject to the permit requirements of this Chapter but only with regard to that portion of the event which occurs upon or affects the streets or sidewalks. Other activities conducted within the natural areas or recreation areas in conjunction with such events shall be governed by the City's Natural Areas Policies;
- B. Parades involving a total of forty (40) or fewer pedestrians marching along a route that is restricted to sidewalks and who cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls; provided that pedestrians participating in such parades shall cross streets in groups of fifteen (15) people or less, and shall allow vehicles to pass between each group;
- C. Funeral processions; and
- D. All events that occur solely on privately owned property are not covered by this Chapter 12.26, but remain subject to all other applicable code provisions.

#### **12.26.040 Application Procedure; Fee.**

- A. Any person desiring to sponsor an event not exempted by §12.26.030 shall apply for an event permit by filing a verified application with the Coordinator on a form supplied by the Coordinator. Applications must be submitted not less than twenty (20) business days nor more than one (1) year before the event date.
- B. If the application is for a demonstration, the Coordinator shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause may be demonstrated by the applicant by showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.
- C. If the application is for a block party or other small special event, the Coordinator may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event.

- D. A nonrefundable permit application fee may be set by the City Council in accordance with §3.04.025. The fee, if set, shall cover, but not exceed, the full cost of processing and investigating permit applications and administering the permit program. If established, the fee shall be submitted by the applicant with the permit application; provided however that no permit application fee shall be charged to organizations qualified for exemption from the payment of city sales and use taxes pursuant to §13.16.

**12.26.050 Action on Application.**

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified below. Such action shall be taken no later than ten (10) business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Coordinator shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. If the Coordinator relied on information about the event other than that contained in the application, he/she shall inform the applicant of such information. If the Coordinator refuses to consider a late application, he/she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

**12.26.060 Grounds for Denial of Application.**

- A. The Coordinator shall approve an application for an event permit unless he/she determines, from a consideration of the application and other pertinent information, that:
1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail; or
  2. The applicant failed to complete the application form after having been notified of the need for additional information or documents; or
  3. Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events; or
  4. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion; or
  5. The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or
  6. The size of the event will require diversion of so great a number of peace officers of the city to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the city; nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event; or
  7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit; or
  8. The event shall occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or
  9. The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard; or
  10. The event will violate an ordinance or statute.

- B. When the grounds for denial of an application for permit specified in subsections A.4. through A.9. above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

**12.26.070 Permit Conditions.**

The Coordinator may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include but are not limited to the following:

- A. Alteration of the date, time, route or location of the event;
- B. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
- C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
- D. Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
- E. Requirements for provision of first aid or sanitary facilities;
- F. Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;
- G. Requirements for use of event monitors and providing notice of permit conditions to event participants;
- H. Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the City of Loveland Fire and Rescue Department;
- I. Requirements for use of garbage containers, cleanup and restoration of city property;
- J. Restrictions on use of amplified sound;
- K. A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents of dwellings along the affected street(s); and/or
- L. Compliance with any relevant law and obtaining any legally required permit or license.

**12.26.080 Appeal Procedure.**

The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the City Manager's office setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The City Manager or his or her designee shall hold a hearing no later than five (5) business days after the filing of the appeal and shall render his or her decision no later than one (1) business day after the hearing. In the event that a notice of appeal is filed in accordance herewith but fewer than six (6) business days prior to the requested date for an event for which a permit has been denied, the City Manager shall hold a hearing and issue his or her decision no later than two (2) business days after the filing of the appeal. If the City Manager determines that circumstances do not permit the completion of such hearing and decision at least one (1) full business day prior to the time and date for the initiation of an event regarding which an appeal is pending, he or she shall notify the appealing applicant of said determination in writing and said applicant shall be entitled, but not required, to seek judicial review of the permit denial with no further administrative review. The City Manager's decision shall be final, subject only to such judicial review as may be permitted by law.

**12.26.090 Permit Issuance.**

If, after review of the criteria contained in §12.26.080 above, the Coordinator determines that a permit should be granted, the Coordinator shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit and the following sections of this Chapter have been complied with:

- A. Section 12.26.100 - pertaining to indemnification;
- B. Section 12.26.110- pertaining to insurance;
- C. Section 12.26.120 - pertaining to traffic-control fees; and
- D. Section 12.26.130 - pertaining to cleanup deposits (when applicable).

#### **12.26.100 Indemnification Agreement.**

Prior to the issuance of an event permit, the Coordinator shall require the applicant and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the city for any costs incurred by it in repairing damage to city property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. The agreement shall also provide that the permittee shall defend the city against, and indemnify and hold the city harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. Persons who merely join in an event are not considered by that reason alone to be "under the control" of the permittee.

#### **12.26.110 Insurance.**

- A. Prior to the issuance of an event permit, the Coordinator may require the applicant and authorized officer of the sponsoring organization (if any) to possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. The Coordinator shall determine whether to require such insurance, and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the city in evaluating loss exposures, including, without limitation, whether the event poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additional insureds the city, its officers, employees and agents.
- B. If insurance coverage is required pursuant to subsection A above, a copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Coordinator no less than five (5) days before the date of the event unless the Coordinator for good cause changes the filing deadline, in which event such documents shall be provided prior to the event.
- C. The insurance requirements of subsections A and B above shall be waived by the Coordinator for demonstrations if the applicant or an officer of the sponsoring organization signs a verified statement that he/she believes the event is a demonstration under the definition in this Chapter, and that he/she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one (1) insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.
- D. If the Coordinator waives the insurance requirements set forth in subsections A and B, the city may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the city. The applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for such insurance coverage would be paid by the city rather than the applicant.

**12.26.120 Traffic-Control Fees; Optional Use of Pre-established Event Routes.**

- A. Upon approval of an application for an event permit, the Coordinator shall provide the applicant with a statement of the estimated cost of providing peace officers for traffic control at the event. The applicant of the event shall be required to pay the actual traffic-control fees no later than thirty (30) days after the event unless the Coordinator extends the payment deadline. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.
- B. Traffic-control fees will be computed based on an hourly rate with a minimum charge of two (2) hours per officer or supervisor. The hourly rate is based upon negotiated benefits for peace officers and will be updated periodically. The Coordinator shall keep a record of such rate.
- C. The Coordinator shall pre-establish several event routes within the city which may be, but are not required to be, used by applicants. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such pre-established event routes and the fee schedule for traffic-control services shall be made available to the public.
- D. Traffic-control fees will be waived by the Coordinator for demonstrations if the applicant signs a verified statement that he/she believes the event's purpose is First Amendment expression, and that he/she has determined that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

**12.26.130 Cleanup Deposits for Certain Events.**

- A. In connection with an event involving the sale of food or beverages, erection of structures, presence of horses or other large animals, or erection of water aid stations, the applicant may be required to provide a cleanup deposit prior to the issuance of a permit. The cleanup deposit shall be in the amount established by the Coordinator, based upon an estimate of the actual costs reasonably estimated to be incurred by the city in the cleanup of an event of like nature and size.
- B. The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.
- C. If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the city for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the applicant disputes the bill, he/she may appeal to the Coordinator within ten (10) days of the date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant. Should the amount of the bill exceed the cleanup deposit, the difference shall be billed to the applicant by the city and the applicant shall pay the same within ten (10) days of the date of the bill.

**12.26.140 Duties of Permittee.**

- A. The permittee shall comply with all terms and conditions of the special event permit.
- B. The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.
- C. The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

**12.26.150 Revocation of Permit.**

- A. The Coordinator or a designee may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.

- B. The Coordinator or a designee may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public.

**12.26.160 Violations.**

- A. It is unlawful for any person to sponsor or conduct a parade, athletic event, other special event or demonstration requiring an event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.
- B. It is unlawful for any person to interfere with or disrupt a lawful parade, athletic event or other special event.
- C. The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.
- D. Any person, firm, corporation or other entity violating any provision of this Chapter 12.26 shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5164 § 2, 2007)

## Chapter 12.28

### PROHIBITED USES OF STREETS AND OTHER PUBLIC PLACES\*

#### Sections:

<b>12.28.010</b>	<b>Injury to streets or sidewalks.</b>
<b>12.28.020</b>	<b>Right-of-way obstruction permit-Generally.</b>
<b>12.28.030</b>	<b>Obstruction of public right-of-way.</b>
<b>12.28.050</b>	<b>Transportation of loose materials.</b>
<b>12.28.060</b>	<b>Hauling offensive smelling material.</b>
<b>12.28.070</b>	<b>Littering.</b>
<b>12.28.080</b>	<b>Burning leaves or trash.</b>
<b>12.28.090</b>	<b>Washing vehicles on city streets.</b>
<b>12.28.100</b>	<b>Restrictions on tire equipment.</b>
<b>12.28.110</b>	<b>Barbed wire fences.</b>
<b>12.28.120</b>	<b>Riding certain devices on streets.</b>

\*For statutory provisions authorizing cities and towns to prevent encroachments, etc., on sidewalks, see CRS § 31-15-702.

#### **12.28.010 Injury to streets or sidewalks.**

It is unlawful for any person to injure, cut, mutilate, destroy, or deface any street, sidewalk, curb, or gutter, the paving or other surface thereof, the streets or plants located therein, or any property maintained or used in connection therewith, except in accordance with a permit issued by the city pursuant to Chapter 12.16. (Ord. 5232 § 4, 2007; Prior code § 20.13)

#### **12.28.020 Right-of-way obstruction permit – Generally.**

Except as otherwise provided in this code, it is 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 in accordance with Chapter 12.16. 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 constitutes a separate and distinct offense. (Ord. 5232 § 5, 2007; Prior code § 20.14)

#### **12.28.030 Obstruction of public right-of-way.**

- A. It is unlawful for any person to intentionally, knowingly, or recklessly: (1) obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway to which the public, or a substantial group of the public, has access or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or (2) disobey a reasonable request or order to move issued by a person he or she knows to be a peace officer, a firefighter, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.
- B. For the purposes of this section, “obstruct” means to render impassable or to render passage unreasonably inconvenient or hazardous except as follows:

1. Any property owner, tenant, or occupant of any business building within the city may display and demonstrate merchandise on the sidewalk adjacent to such building, provided the following conditions are met:
  - a. Not more than fifty percent of the lineal footage of the sidewalk may be so occupied;
  - b. A clear path of not less than six feet in width along the length of the sidewalk shall be maintained for pedestrian access;
  - c. Only merchandise available for purchase or rental inside such building shall be displayed or demonstrated;
  - d. No display shall exceed five feet in height;
  - e. No display which is separated from such building by the path required by subsection B.1.b. of this section, shall exceed two feet in width, or shall be located so as to interfere with persons exiting from or entering vehicles parked in the street adjacent to the sidewalk;
  - f. All displays shall be neat and orderly at all times, and shall be controlled so that no litter is generated therefrom;
  - g. No loudspeakers, radios, televisions, stereos, or other devices capable of producing sound shall be demonstrated as a part of any such display or used to attract attention to any such display, except that any such device may be operated upon request for a demonstration thereof, at a sound level not in excess of a normal speaking level, by a bona fide shopper.
2. Any person with a legal privilege including:
  - a. Any person holding a permit issued pursuant to Chapter 12.30 of this title, while operating in compliance with the provisions of such chapter.
  - b. Any person holding an encroachment permit issued by the city engineer or his or her designee. The city engineer or his or her designee shall establish guidelines for the issuance of such a permit to ensure that the proposed encroachment does not constitute a nuisance, impair the use of the right-of-way by the public, constitute a traffic hazard, or in any other way adversely affect the public health, safety, or welfare. Such permit shall be revocable with or without cause upon thirty days notice to the permittee.
  - c. Any person holding a permit issued by the city pursuant to Chapter 12.16. (Ord. 5232 § 6, 2007; Ord. 4113 § 1, 1995)

**12.28.050 Transportation of loose materials.**

It is unlawful for any person to convey or cause to be conveyed through the streets of the city 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. (Prior code § 20.22)

**12.28.060 Hauling offensive smelling material.**

It is unlawful for any person to transport beet pulp or any other offensive or foul smelling material over, across or upon any of the streets within the city, 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 watertight tanks or containers and not overloaded so as to allow such materials to fall over the sides thereof. (Prior code § 20.25)

**12.28.070 Littering.**

It is unlawful to litter or deposit in any street or other public place, ashes, sod, earth, grass clippings, sand or gravel, rubbish, waste paper, garbage or any other waste material. (Ord. 1109 § 1, 1970; prior code § 20.21)

**12.28.080 Burning leaves or trash.**

It is unlawful for any person to burn any leaves, trash, rubbish or any other substance upon the streets of the city. (Prior code § 20.19)

**12.28.090 Washing vehicles on city streets.**

It is unlawful for any person to wash any automobile or other vehicle on the streets of the city. (Prior code § 20.20)

**12.28.100 Restrictions on tire equipment.**

It is unlawful for any person to operate or move upon any surfaced street in the city any vehicle with metal or solid rubber tires or tires which have any flange, cleat, spike, lug or other protuberance of any material other than rubber; provided, however, that nothing in this section shall prohibit the use on the streets of the city of studded snow tires. (Ord. 1345 § 1, 1974; prior code § 20.23)

**12.28.110 Barbed wire fences.**

It is unlawful for any person to construct or maintain within the city any fence, cellar or window guard containing barbs, barbed wire, sharpened nails, or any other pointed or sharpened thing or metallic substance; except that barbed wire fences shall be permitted in zoning districts Be, B, F and I when used solely for security purposes in said districts. (Ord. 1497 § 1, 1976; prior code § 20.35)

**12.28.120 Riding certain devices on streets.**

No person shall ride a skateboard upon a street located within the city except as may be permitted pursuant to a special event permit authorized by Section 12.28.035 of this code. (Ord. 3531 § 1, 1988)

## Chapter 12.30

### LICENSING OF VENDORS IN PUBLIC RIGHTS-OF-WAY AND CERTAIN OTHER PUBLIC PLACES

#### Sections:

<b>12.30.010</b>	<b>Intent.</b>
<b>12.30.020</b>	<b>Definitions.</b>
<b>12.30.030</b>	<b>Permit required.</b>
<b>12.30.040</b>	<b>Exceptions.</b>
<b>12.30.050</b>	<b>Application.</b>
<b>12.30.060</b>	<b>Fee.</b>
<b>12.30.070</b>	<b>Review of application.</b>
<b>12.30.080</b>	<b>License.</b>
<b>12.30.090</b>	<b>Restrictions.</b>
<b>12.30.100</b>	<b>Special events.</b>
<b>12.30.110</b>	<b>Suspension or revocation of license.</b>

#### **12.30.010 Intent.**

It is the intent of this chapter to set forth the conditions and restrictions which shall apply to the sale of merchandise from the streets, sidewalks and public rights-of-way within the city which are deemed necessary in order to regulate and limit congestion, promote a neat and wholesome atmosphere, discourage littering, encourage diversity of activity, enhance and promote a festive atmosphere, attract shoppers, provide opportunities for entrepreneurs and advance vehicular and traffic safety. It is the further intent of this chapter to implement the power reserved to the city council in Section 5.12.015 of this code, as to public rights-of-way defined in this chapter. (Ord. 3208 § 2 (part), 1985)

#### **12.30.020 Definitions.**

As used in this chapter, the following definitions of terms apply:

- A. "Public street" means any public street, road, highway, alley, lane, sidewalk, parking lot or place of any nature open to the public and held by the public for vehicular or pedestrian travel.
- B. "Sell" means the act of holding out goods or services for acquisition by another upon the payment of, or the promise to pay, anything of value thereof.
- C. "Sidewalk" means that part of the public street designated for the use of pedestrians and ordinarily used to the exclusion of motor vehicles. Such term does not include crosswalks within streets.
- D. "Vendor" means any person licensed pursuant to this chapter. (Ord. 3208 § 2 (part), 1985)

#### **12.30.030 Permit required.**

It is unlawful for any person to offer for sale or to sell any goods, services or merchandise from or upon any public street without having first obtained a vendors license pursuant to the provisions of this chapter. (Ord. 3208 § 2 (part), 1985)

#### **12.30.040 Exceptions.**

The provisions of Section 12.30.030 of this chapter shall not apply to persons permitted to display and demonstrate merchandise for sale pursuant to the provisions of Section 12.28.030 of this title, while acting in accordance with the provisions of such section, nor shall they apply to persons participating in, and under the sponsor of, any street fair, celebration, special sale days, special promotions, special events, etc., provided that a permit therefor has been obtained pursuant to the provisions of Section 12.28.035 of this title. (Ord. 3208 § 2 (part), 1985)

### **12.30.050 Application.**

Any person desiring to obtain a vendors license shall make an application in writing to the city clerk for a license, upon forms provided by the city clerk. Such application shall include, but not be limited to, information regarding the identification of the applicant, the proposed manner of doing business, a description of the goods or services to be offered for sale, the design and construction of the facilities from which goods or services are to be offered for sale, desired location and any other matters which may be required by the provisions of this chapter. (Ord. 3208 § 2 (part), 1985)

### **12.30.060 Fee.**

The annual fee for a vendors license shall be twenty-five dollars for the period January 1st to December 31st in each year. There shall be no proration of the fee for less than a full year. (Ord. 3208 § 2 (part), 1985)

### **12.30.070 Review of application.**

The city clerk shall notify all affected governmental agencies of the filing of an application. Such agency shall have a period of five days from notification within which to review any application and make comment thereon. The city clerk shall take into consideration the comments of any such governmental agencies in assigning locations and determining compatibility with businesses in the immediate vicinity of the requested locations. (Ord. 3208 § 2 (part), 1985)

### **12.30.080 License.**

Upon compliance with the provisions of this chapter, approval of the application and payment of the fee, the city clerk shall issue a vendors license. Such vendors license shall be on display at all times during the conduct of any business by such vendor in the public rights-of-way of the city. Such license shall entitle the person named therein, or such person's bona fide employees, to conduct the business and sell the goods and services for which such license is issued at the location specified therein, or at any other location not licensed to another vendor, provided that the conditions set forth in this chapter are met. (Ord. 3208 § 2 (part), 1985)

### **12.30.090 Restrictions.**

The following conditions and restrictions shall apply to all vendors. Failure to abide by such conditions or restrictions shall subject the vendor to suspension or revocation of the license, as set forth in Section 12.30.110 of this chapter.

- A. Each license, when issued, shall specify a location by side of the street and intersecting streets, and such location shall be the primary location for such vendor. Location shall be assigned on a first-come, first-serve basis, except that no applications shall be processed before December 1st in each year for the following year. In the event the city clerk has applications filed as of December 1st for the same primary location, preference shall be granted, first, to the application proposing the most hours per week of operation, then to the application proposing the most hours per day of operation. Only the days and hours of operation proposed during the months of May through September shall be considered in granting such preferences. In the event two or more applications are entitled to the exact same preferences, the city clerk shall determine, by lot, which vendor shall be assigned such primary location. There shall be only two primary locations on the sidewalk on each side of any street between the nearest intersecting streets.
- B. No vendor shall conduct any business in the public rights-of-way other than pursuant to the vendors license issued to such vendor, and in the manner set forth in the application therefore.
- C. No vendor shall conduct any business out of any motor vehicle, stand, cart or otherwise upon the street portion of any public right-of-way.

- D. No vendor shall operate so as to block any alleys, doors, fire exits, parking spaces, bus stops, taxi stands, loading zones or driveways.
- E. No vendor shall operate in such a manner as to leave less than a six-foot wide, unobstructed passageway for pedestrians along the sidewalk.
- F. No vendor shall occupy a space greater than twenty square feet.
- G. No vendor shall operate within one hundred feet of any business with which such vendor is in direct competition unless vendor receives approval, in writing, from such business.
- H. No vendor shall use any amplified music or public address system in the conduct of business.
- I. Any vendor offering goods with throwaway or disposable wrappers or containers shall provide containers for the disposal of the same, shall keep the area within fifty feet of such vendor's location free of all such containers and wrappers and shall dispose of all accumulated trash in other than public trash disposal facilities.
- J. No vendor shall offer any food, drinks or other items for human consumption without first having obtained any necessary certificates from the county health department.
- K. No vendor shall use or operate any open fire, barbeque, grill or other heat source without first having obtained approval from the fire marshal.
- L. Any vendor may operate elsewhere than such vendor's primary location, provided that such vendor must vacate the primary location of another vendor upon request, if necessary in order to comply with the restrictions of subsection A of this section. In the event there are two vendors operating at the primary location of another vendor, then the later of the two vendors to begin operations on the day in question shall be required to vacate such primary location.
- M. Each license, when issued, shall specify the days of the week and the hours during the day the licensed vendor shall operate, based upon the application. The vendor shall operate during such hours on all of such days, except for temporary absence due to weather, illness or other cause not reasonably within control of the vendor. Each license shall designate, at a minimum, the hours between eleven a.m. and two p.m. as hours of operation. Failure to operate for a period of five consecutive days for which the license is issued, or for more than twenty-five percent of the days for which the license is issued during any thirty-day period, shall be deemed to be an abandonment of the licensed location, and such location shall be open for assignment to another vendor. (Ord. 3208 § 2 (part), 1985)

#### **12.30.100 Special events.**

Whenever a permit has been issued pursuant to Section 12.28.035 of this title, no vendor shall operate in the area covered by such permit during the hours of such special event without also securing the written approval of the sponsor of such event. (Ord. 3208 § 2 (part), 1985)

#### **12.30.110 Suspension or revocation of license.**

The city clerk, upon five days written notice to a vendor, may suspend or revoke such vendor's license for violation of any of the provisions of this chapter. The written notice shall specify the alleged violations and shall afford the vendor an opportunity to request a hearing before the city clerk. If the hearing is requested within five days of the receipt of the notice, the suspension or revocation shall be held in abeyance pending the hearing; otherwise, it shall take effect at the expiration of the five-day period. Any vendor aggrieved by the decision of the city clerk following a hearing shall have the right to appeal such decision to the city manager. The filing of such appeal shall not abate or otherwise suspend the decision of the city clerk. The city manager shall review the record of the hearing before the city clerk and shall render a decision within ten days following the filing of the appeal. The decision of the city manager shall be final. (Ord. 3208 § 2 (part), 1985)

## Chapter 12.32

### TREES AND SHRUBS\*

#### Sections:

- 12.32.060 Business license-Required.**
- 12.32.070 Business license-Revocation.**
- 12.32.080 Business license-Application.**
- 12.32.090 Business license-Contents.**
- 12.32.100 Business license-Insurance requirement.**
- 12.32.110 Business license-Fee.**
- 12.32.120 Business license-Vehicle identification.**
- 12.32.130 Property owner responsibilities.**
- 12.32.140 Removal of dead or dangerous trees.**
- 12.32.150 Removal or treatment of infected or infested trees.**
- 12.32.155 Trees on city property.**
- 12.32.160 Sight obstructions.**
- 12.32.170 Notice of compliance.**
- 12.32.180 Appeal procedure.**
- 12.32.190 Right to inspect.**
- 12.32.200 Penalty limitation.**

\*For statutory provisions authorizing cities and towns to regulate the planting of trees in public grounds, see CRS 1973 § 31-12-101(20)(a).

#### **12.32.060 Business license-Required.**

It is unlawful for any person to engage in the business of cutting, trimming, pruning, removing, spraying, or otherwise treating trees and shrubs within the city without first procuring an annual license therefore from the city. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4)

#### **12.32.070 Business license-Revocation.**

Failure to adhere to the standards established by the city for trimming or removal shall be cause to have the license revoked. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(1))

#### **12.32.080 Business license-Application.**

Any person desiring a license pursuant to the ordinance shall make application therefor at the office of the city clerk on forms to be provided by the city. The applicant in applying for a license shall agree to perform all trimming and removal in accordance with standards established by the city. No license shall be issued or reissued without the approval of the city. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(2))

#### **12.32.090 Business license-Contents.**

Every license issued hereunder shall show on its face the types, classifications or kinds of services for which the licensee is licensed and authorized to perform. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(3))

#### **12.32.100 Business license-Insurance requirement.**

No such license shall be issued until the applicant therefor has presented to the city clerk a satisfactory public liability insurance policy covering all proposed operations of the applicant in such

business in the city in the sum of at least one hundred thousand dollars for the injury or death of any one person, three hundred thousand dollars for the injury or death of any number of persons in one accident, and twenty-five thousand dollars for damage to property. Such policy may allow the first one hundred dollars for liability to be deductible. Such insurance policy shall require at least thirty days advance notice to the city before cancellation. In the event of the cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the city clerk unless the licensee presents to the city clerk a substitute insurance policy meeting the requirements of this section. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(4))

**12.32.110 Business license-Fee.**

No license shall be issued thereunder until the applicant has paid the license fee of fifty dollars for original license and twenty-five dollars for the renewal of a license. Every license issued hereunder expires one year after the date of its issuance. Renewal applications may be submitted at the office of the city clerk at any time within thirty days of the date a license will expire. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(5))

**12.32.120 Business license-Vehicle identification.**

All automobiles, trucks, trailers or other vehicles operated by any licensee for the transportation of the equipment used by hand in such business and all self-propelled, drawn or towed equipment used by any licensee in such business shall have the name and address of such licensee displayed on both sides thereof in plain and legible figures and letters not less than three inches in height which shall be kept in such condition as to permit the same to be readily distinguished and read at a distance of at least sixty feet and it is unlawful on grounds for revocation of his license for any licensee to operate any such vehicle or cause any such vehicle to be operated or drawn or towed upon the street, alleys or other public rights-of-way or places within the city unless or without the same being so displayed thereon. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(6))

**12.32.130 Property owner responsibilities.**

It shall be the duty of the owner of property abutting the right-of-way of any street, alley, sidewalk, or other public place to maintain and care for all shrubs and vegetation, other than trees, on such abutting right-of-way. The city shall have the power to require any such property owner to perform such maintenance on any shrub or vegetation, other than trees, on the right-of-way abutting such owner's property as may be necessary, including to maintain any applicable sight distance triangle pursuant to Section 18.48.070. The city shall further have the power to require any property owner to trim, remove, or protect any tree, shrub, or other vegetation on such owner's property which may project past the property line onto or over the right-of-way abutting the same. The city shall cause a notice requiring such work to be performed to be served upon the property owner in accordance with Section 12.32.170 and such work shall be done within the reasonable time specified in the notice. (Ord. 4500 § 1, 1999; Ord. 4031 § 1, 1994; 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5)

**12.32.140 Removal of dead or dangerous trees.**

It shall be the duty of the owner of any property to remove any dead trees, dead or hanging limbs which are dangerous to life or property and which are located on the premises of such owner upon receipt of written notice pursuant to Section 12.32.170 to do so and within such reasonable time as specified in said notice. (Ord. 4031 § 2, 1994; 1356 § 1, 1974; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(1))

**12.32.150 Removal or treatment of infected or infested trees.**

Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of other trees or plants in the city or which is capable of causing an epidemic spread of communicable disease or insect infestation, such as Dutch elm disease, the city shall at once cause written notice to be served upon the owner of the property upon which such diseased tree is situated which notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. (Ord. 4031 § 3, 1994; 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(2))

**12.32.155 Trees on city property.**

The city shall maintain and care for all trees located on city owned right-of-way or other city owned property, unless otherwise provided in a written agreement approved by the city. Such maintenance and care obligation shall not however, alter the abutting property owner's obligations for repair of sidewalks, curbs and gutters as set forth in Chapter 12.20. It is unlawful for any person to knowingly plant a tree upon city owned right-of-way of other city property without the written consent of the city. (Ord. 4031 § 4, 1994)

**12.32.160 Sight obstructions.**

Whenever the condition of any tree, shrub, or other vegetation interferes with, obstructs, or in any other way endangers the safe public use of streets, alleys, sidewalks, or other public places, the city shall have the power at its own expense to treat, trim, remove, or otherwise care for trees, shrubs, or other vegetation causing the problem. Conditions warranting city action under this section would include, but not be limited to, obstructions which affect the operation and maintenance of utility facilities, signs, or traffic control devices, and interference within the sight distance triangle pursuant to Section 18.48.070(B)(5) of the code. (Ord. 4500 § 2, 1999; Ord. 4036 § 1, 1994; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(3))

**12.32.170 Notice of compliance.**

It is unlawful for any person to fail to comply with the requirements of any notice given pursuant to Sections 12.32.130 through 12.32.160 within the time specified in such notice. In all cases the city shall notify the owner or his agent to maintain and care for all trees and shrubs within thirty days or other period of time thereof deemed reasonable by the city from the date of service of such notice. The owner shall have the right to care for and maintain their trees and shrubs in conformity with the rules, regulations and standards of the city. The notice shall be in writing and served in person upon the owner if found within the city, and if not, it may be served by registered or certified United States Mail or by publication in a daily newspaper published in the city. If, at the end of the thirty days, or other time established, the property owner has failed to care for and maintain the tree or shrub as required by the city, the city may have the work done by day labor or contract and when work is done issue to the person doing the work a certificate therefore stating the just amount due him, which certificate shall draw interest at a rate of six percent per year until paid. The city shall mail a copy of such certificate to the property owner at his last known address and amount of the certificate plus all accrued interest shall become and remain a lien upon the property until it is paid. In case the property owner fails to pay the assessment within thirty days after mailing a copy of this certificate to his last known address, the same may be certified by the city clerk to the county officer having the custody of the tax list for the current year to be collected with ten percent penalty thereon to defray the cost of collection and the laws of the state for the assessment and collection of general taxes including the laws for the sale of property for taxes and their redemption of the same apply and have as full effect for the collection of the assessment for tree care as for general taxes. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-6)

**12.32.180 Appeal procedure.**

Any owner who disputes the terms of any notice or assessment made against such owner's property pursuant to Sections 12.32.130 through 12.32.170, may, within twenty (20) days of receipt of notice, petition the City Manager for a revision or modification of such notice or assessment, in accordance with Chapter 7.70 of this code. (Ord. 5308 § 1 , 2008; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-7)

**12.32.190 Right to inspect.**

In order to accomplish the purposes of this chapter, the city or its authorized representative is authorized to go upon any property in the city for the purpose of inspecting trees, shrubs or other plants. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-8)

**12.32.200 Penalty limitation.**

The imposition of any penalty for a violation of the ordinance codified herein shall not be construed as a waiver of the right of the city to collect the cost of removal or treatment of any tree, shrub or other plant in accordance with provisions of this chapter. (Ord. 1412 § 5(a) (part), 1975; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-9)

## Chapter 12.36

### DITCHES AND CANALS

#### Sections:

- 12.36.010 Ditches must be bridged.**
- 12.36.020 Swimming or floating on objects prohibited.**
- 12.36.030 Dumping trash prohibited.**
- 12.36.040 Penalties for Sections 12.36.020 and 12.36.030.**

#### **12.36.010 Ditches must be bridged.**

Any person owning or constructing any ditch, race, drain or flume in, upon or across any public street within the city, shall keep the same open for safe and convenient travel by constructing bridges over the same. Such bridges shall be of substantial construction, 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)

#### **12.36.020 Swimming or floating on objects prohibited.**

It is unlawful for any person to swim or float upon any device or thing in or upon the waters of any canal or ditch within the city. (Ord. 1412 § 3(e), 1975; Ord. 1046 § 1 (part), 1969; prior code § 29.28-1)

#### **12.36.030 Dumping trash prohibited.**

It is unlawful for any person to dump, discard, throw or in any manner place trash, refuse or any objects whatsoever into a ditch or canal within the city limits. (Ord. 1046 § 1 (part), 1969; prior code § 29.28-2)

#### **12.36.040 Penalties for Sections 12.36.020 and 12.36.030.**

Every person convicted of a violation of Sections 12.36.020 and 12.36.030 shall be punished as provided in Section 1.12.010 of this code. (Ord. 3903 § 1, 1993; Ord. 1412 § 5(a) (part), 1975; Ord. 1046 § 1 (part), 1969; prior code § 29.28-3)

## **Chapter 12.40**

### **RECREATIONAL FACILITIES**

#### **Sections:**

#### **12.40.010 Rules and regulations.**

#### **12.40.010 Rules and regulations.**

The parks and recreation department shall have the authority to establish and enforce such rules and regulations as it deems necessary pertaining to the operation of all parks and recreational facilities owned or operated by the city. (Ord. 3572 § 1, 1989)

## Chapter 12.44

### PARKS\*

#### Sections:

- 12.44.010 Hours of use-Special permit.**
- 12.44.020 Hours of use-Evidence of violation.**
- 12.44.030 Restriction for horses and motorized vehicles-Penalties.**
- 12.44.040 Disposal of refuse and trash.**
- 12.44.050 Mountain Park-Park pass required.**

\*For statutory provisions authorizing cities to acquire lands for park purposes, see CRS § 139-88-1 et seq.

#### **12.44.010 Hours of use-Special permit.**

It is unlawful for any person to use any public park or city-owned recreational facility between the hours of ten-thirty p.m. and six a.m. daily unless a special permit is obtained from the parks and recreation department for that event. (Ord. 3823 § 4, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.7)

#### **12.44.020 Hours of use-Evidence of violation.**

The use or occupancy of the public parks or city-owned public facilities between the hours of ten-thirty p.m. and six a.m. without a permit shall be prima facie evidence of a violation of this chapter. (Ord. 3823 § 5, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.7-1)

#### **12.44.030 Restriction for horses and motorized vehicles-Penalties.**

- A. No person having in his possession or under his control any horse or motorized vehicle shall permit the horse or motorized vehicle to leave an established roadway while in any city park.
- B. No person having in his possession or under his control any horse or motorized vehicle, shall permit the horse or motorized vehicle to enter upon those areas of the recreational trail system which are not contiguous with and part of the public street system.
- C. The following horses and motorized vehicles shall be exempt from the provisions of subsections A and B, above:
  - 1. Law enforcement horses and vehicles;
  - 2. Authorized emergency vehicles as defined by the Model Traffic Code, as adopted by the city;
  - 3. Battery-operated, one-passenger vehicles when actually being operated by a person with a mobility-debilitating, physical disability;
  - 4. Motorized vehicles specifically exempted by policy of the parks and recreation department as adopted by the director of the department;
  - 5. Horses being ridden or led on a portion of the recreational trail system specifically designated and posted for that purpose by the city.
- D. For the purposes of this section, the term “motorized vehicle” shall include all motor vehicles, motorcycles, mopeds, motorized bicycles and motorized toy vehicles capable of carrying a person. (Ord. 3823 § 6, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.8)

#### **12.44.040 Disposal of refuse and trash.**

- A. It shall be unlawful for any person to bring into or dump in any park any bottles, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, except such refuse or trash as is generated by visitors to the park during ordinary recreational use of the park.
- B. It shall be unlawful for any person to leave any refuse or trash described in subsection A of this section anywhere on the grounds of any park, but the same shall be placed in receptacles

designated for the purpose where such are provided; where receptacles are not provided, all such refuse or trash shall be carried away from the park by the person responsible for its presence. (Ord. 2032 § 1, 1982)

**12.44.050 Mountain Park-Park pass required.**

- A. Every motor vehicle parking within the Viestenz-Smith Mountain Park shall be required to have visibly displayed in its front windshield a valid and unexpired Viestenz-Smith Mountain Park pass. It is unlawful for any person to park any motor vehicle within the Viestenz-Smith Mountain Park without first obtaining and displaying in the front windshield of the motor vehicle a valid and unexpired Viestenz-Smith Mountain Park pass. The amount of the fee for the park pass shall be set by resolution of the city council.
- B. Every motor vehicle entering the Viestenz-Smith Mountain Park shall only be parked within designated parking areas. It is unlawful for any person to park a motor vehicle in an area other than those areas specifically designated for parking.
- C. Any person violating subsection A or B of this section shall be subject to a fine of ten dollars for a first offense and a fine of up to one hundred dollars for a second and subsequent offense.
- D. For the purposes of the enforcement of this section, employees of the city parks and recreation department are authorized and duly appointed to issue summonses and complaints and penalty assessment notices for a violation of this section only.
- E. In any prosecution charging a violation of this section, proof that the particular vehicle described in the complaint or penalty assessment notice was parked in violation of this section, together with proof that the defendant named in the complaint or penalty assessment notice was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle at the point where and for the time during which such violation occurred.
- F. The following motor vehicles shall be exempt from the provisions of subsection A above:
  - 1. City motor vehicles on official business;
  - 2. Motor vehicles parked in specifically designated reservation-only areas for which a valid reservation has been obtained from the city parks and recreation department;
  - 3. Motor vehicles specifically exempted by policy of the parks and recreation department as adopted by the director of the department. (Ord. 3605 § 1, 1989)

## Chapter 12.48

### AIRPORTS-AIRCRAFT\*

#### Sections:

- 12.48.010**     **Definitions.**
- 12.48.110**     **Landing in city prohibited.**

\*For statutory provisions authorizing cities and towns to acquire property for airports, see CRS § 5-4-1 et seq.

#### **12.48.010**     **Definitions.**

As used in this chapter, the following words shall have the following meanings:

- A. “Acrobatic flying” means any intentional airplane maneuver or stunt not necessary to maintain normal flight.
- B. “Aircraft” means any airplane, helicopter, flying machine, gasbag, balloon, or any contrivance now known or hereafter invented, used or designed for navigation or flight in the air.
- C. “Federal Aviation Administration” means the Federal Aviation Administration of the government of the United States of America. (Prior code § 18.15)

#### **12.48.110**     **Landing in city prohibited.**

It is unlawful for any person to perform any takeoff or landing of an aircraft within the corporate limits of the city, except at the Fort Collins-Loveland Municipal Airport, without obtaining prior approval of the city manager. Such approval shall be granted upon the terms and conditions determined by the city manager, taking into account safety of persons and property. The provisions of this section shall not apply to the operation of aircraft by any governmental agency; provided, that the city council may regulate the location for takeoffs and landings within the city which are performed by governmental agencies on a regular basis. (Ord. 3389 § 1, 1987; Ord. 2089 § 1, 1983; Ord. 1568 § 1, 1977; prior code § 18.12)

## Chapter 12.52

### CEMETERIES\*

#### Sections:

- 12.52.010 Establishment and control.**
- 12.52.020 Hours of operation.**
- 12.52.030 Sale of right of interment.**
- 12.52.040 Definition of perpetual care.**
- 12.52.050 Issuance of interment certificate.**
- 12.52.060 Perpetual care for prior purchasers.**
- 12.52.070 Perpetual care fund.**
- 12.52.080 Proceeds from the sale of the right of interment in cemetery lots.**
- 12.52.090 Records kept.**

\*For statutory provisions relating to municipal cemeteries, see CRS § 31-25-701 et seq.

#### **12.52.010 Establishment and control.**

The city has created and established two municipally owned cemeteries, known as Loveland Burial Park and Lakeside Cemetery. The city council shall have control of the operation of the cemeteries through the establishment of cemetery rules and regulations which shall cover among other things the sale of the right of interment and care of cemetery lots. Within the guidelines established by the rules and regulations, the city manager shall have the final administrative responsibility for management of the municipal cemeteries. (Ord. 3705 § 1, 1990; Ord. 1362 § 9, 1974; Ord. 1342 § 1, 1974; prior code § 16.1)

#### **12.52.020 Hours of operation.**

The hours during which the cemeteries shall be open to the public are as follows:

- A. From September 1st to April 1st, from sunrise to sunset;
- B. From April 1st to September 1st from sunrise to one hour after sunset.

It is unlawful for any person to enter upon the grounds except during the above hours unless special permission is obtained from the city. (Ord. 3823 § 7, 1992; Ord. 791 § 1, 1962; prior code § 16.1-1)

#### **12.52.030 Sale of right of interment.**

The city council shall from time to time, by resolution, establish the price at which the right of interment in lots in the cemetery are sold. No right of interment in a lot or part of a lot shall hereafter be sold unless the purchaser thereof also pays for its perpetual care. The right to interment may be purchased on contract by the payment of a minimum of ten dollars upon the signing of a purchase contract with the balance of the purchase price paid in full in equal monthly installments within one year of the date the purchase contract is entered into. (Ord. 3705 § 2, 1990; Ord. 3680 § 1, 1990; prior code § 16.2)

#### **12.52.040 Definition of perpetual care.**

“Perpetual care” means the cutting and watering of the grass at reasonable intervals; the raking and cleaning of the lots; the general care and pruning of the trees and shrubs that may be placed along the walks, roadways and boundaries; meaning and intending the general preservation of the lots and the grounds, walks, roadways, boundaries and structures to the end that the grounds shall remain and be reasonably cared for as cemetery grounds forever. “Perpetual care” shall not include the maintenance,

repair or replacement of any grave stones, monuments or memorials; nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the cemetery; nor the construction or reconstruction of any marble, granite, bronze or concrete work on any lot where the same is damaged from any cause whatsoever. "Perpetual care" shall however include the maintenance, repair or replacement of any public mausoleum for which perpetual care has been paid to the city. (Ord. 926 § 1, 1965; prior code § 16.5)

**12.52.050 Issuance of interment certificate.**

Upon the payment to the city of the purchase price of the right of interment in any lot and the sum charged for perpetual care, the city shall execute and deliver a proper interment certificate therefore, which certificate shall state that the owner of the right of interment is entitled to perpetual care as provided in the rules and regulations governing such cemeteries. (Ord. 3823 § 8 (part), 1992; Ord. 3705 § 3, 1990; Ord. 3680 § 2, 1990; prior code § 16.3)

**12.52.060 Perpetual care for prior purchasers.**

The owner of the right of interment of any lot or part of a lot who purchased the right of interment in the lot without obtaining perpetual care therefore may pay the same charge that has been established by the council for perpetual care upon the purchase of a right of interment in a lot, and upon such payment, the city shall issue a certificate for perpetual care to the owner of the right of interment in the lot. (Ord. 3823 § 8 (part), 1992; Ord. 3705 § 4, 1990; Ord. 3680 § 3, 1990; prior code § 16.4)

**12.52.070 Perpetual care fund.**

There is created a fund to be known as the "perpetual care fund" and all moneys received on account of charges for perpetual care shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the city and it shall be held in trust. The principal of the fund shall not be expended for any purpose, but shall be invested and the income therefrom shall be used only for cemetery operations and other cemetery capital expenditures or improvements. (Ord. 3705 § 5, 1990; Ord. 931 § 9, 1965; prior code § 16.7)

**12.52.080 Proceeds from the sale of the right of interment in cemetery lots.**

All moneys received from the sale of the right of interment in cemetery lots shall be placed in the general operating fund of the city. (Ord. 3705 § 6, 1990; Ord. 931 § 8, 1965; prior code § 16.6)

**12.52.090 Records kept.**

Accurate records shall be kept of all rights of interment in lots or parcels of lots, and accurate records shall also be kept on plats of such cemeteries showing the location of each burial made therein. (Ord. 3705 § 7, 1990; prior code § 16.8)

## Chapter 12.56

### PUBLIC BUILDINGS\*

#### Sections:

- 12.56.010**      **Community building.**
- 12.56.020**      **Loveland Museum established.**

\*For statutory provisions authorizing cities and towns to erect and care for public buildings, see CRS § 139-32-1(19).

#### **12.56.010**      **Community building.**

The community building, its operation and maintenance, shall be under the supervision of the city manager; subject, however, to such rules and regulations as the city council shall adopt. (Ord. 931 § 10, 1965; prior code § 21.1-1)

#### **12.56.020**      **Loveland Museum established.**

There is created and established a city museum to be known as the Loveland Museum. (Prior code § 21.2)

## Chapter 12.60

### ART IN PUBLIC PLACES

#### Sections:

<b>12.60.010</b>	<b>Purpose.</b>
<b>12.60.020</b>	<b>Definitions.</b>
<b>12.60.030</b>	<b>Funds for works of art.</b>
<b>12.60.040</b>	<b>Account established.</b>
<b>12.60.050</b>	<b>Administration.</b>
<b>12.60.060</b>	<b>Guidelines.</b>
<b>12.60.070</b>	<b>Selection and display standards.</b>
<b>12.60.080</b>	<b>Display of art in public places.</b>
<b>12.60.090</b>	<b>Ownership.</b>
<b>12.60.100</b>	<b>Exemptions.</b>

#### **12.60.010 Purpose.**

The purpose of this chapter is to provide a means to fund the acquisition of works of art by the city, which shall become the city's collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection. (Ord. 3214 § 1 (part), 1985)

#### **12.60.020 Definitions.**

For the purpose of this chapter the following words or phrases shall be defined as set out below:

- A. "Art in public places" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.
- B. "Commission" means the visual arts commission created and codified in Section 2.60.260 of this code.
- C. "Construction cost" means actual cost of any construction project with an estimated construction cost of fifty thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.
- D. "Construction project" means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or other public improvement by or for the city, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements excepted by the city council from the requirement of Section 12.60.030 of this chapter after a public hearing thereon.
- E. "Reserve account" means the art in public places reserve account established by this chapter.
- F. "Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs. (Ord. 3214 § 1 (part), 1985)

#### **12.60.030 Funds for works of art.**

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as

an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for works of art shall be paid into the reserve account. (Ord. 3214 § 1 (part), 1985)

**12.60.040 Account established.**

There is established a reserve account within the general fund-capital to be known as the art in public places reserve account. Such reserve account shall be credited with such funds as determined by the city council and with all funds received by the city for visual art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for acquisition of works of art, maintenance and repair of works of art and expenses of administration of this chapter. (Ord. 3214 § 1 (part), 1985)

**12.60.050 Administration.**

The visual arts commission shall administer the provisions of this chapter relating to acquisition of works of art and display. The Loveland Museum and Gallery shall provide administrative support and assistance to the commission as necessary to accomplish the purposes of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The commission shall submit, not later than March of each year, a report of its activities for the prior year. (Ord. 3214 § 1 (part), 1985)

**12.60.060 Guidelines.**

The commission shall adopt guidelines:

- A. To identify suitable art objects for city buildings;
- B. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- C. To prescribe a method or methods for competitive selection of art objects for display;
- D. To prescribe procedures for the selection, acquisition and display of art in public places; and
- E. To set forth any other matter appropriate to the administration of this chapter. (Ord. 3214 § 1 (part), 1985)

**12.60.070 Selection and display standards.**

In performing its duties with respect to art in public places, the commission shall give special attention to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Creation of an internal sense of order and desirable environment for the general community by the design and location of the work of art;
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design and media throughout the community. (Ord. 3214 § 1 (part), 1985)

**12.60.080 Display of art in public places.**

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the city. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the commission. City officials responsible for the design and construction of public improvements in

the city shall make appropriate space available for the placement of works of art, in consultation with the commission. The commission shall advise the department responsible for the particular public improvement of the commission's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.

- B. All art in public places shall receive the prior review and approval of the commission. None shall be removed, altered or changed without the prior review and approval of the commission.
- C. No work of art financed or installed either wholly or in part with city funds or with grants procured by the city shall be installed on privately owned property without a written agreement between the commission, acting on behalf of the city, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the city attorney. In addition, such written agreement shall specify that the private property owner shall assure:
  - 1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
  - 2. That the work of art will be maintained in good condition; and
  - 3. That insurance and indemnification will be provided as is appropriate.
- D. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.
- E. The director and the Loveland Museum and Gallery shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists and names of architects whenever feasible. The director shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 3214 § 1 (part), 1985)

**12.60.090 Ownership.**

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the city. (Ord. 3214 § 1 (part), 1985)

**12.60.100 Exemptions.**

The following are exempt from the provisions of this chapter:

- A. All works of art in the collections of, or on display at, or under the auspices of, the Loveland Museum and Gallery and the Loveland Public Library; and
- B. All works of art in display in private city offices or other areas of city-owned facilities which are not generally frequented by the public. (Ord. 3214 § 1 (part), 1985)