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CHAPTER 11 Streets, Sidewalks and Public Property

ARTICLE I Streets and Sidewalks

Sec. 11-1-10. Repair and maintenance.

The owner, occupant, lessee or person in possession or control of any premises or property shall maintain the sidewalks adjoining such premises or property in good repair and in a safe, unobstructed condition, free of snow, weeds and debris.

Sec. 11-1-20. Snow and ice removal from sidewalks.

- (a) Every owner or occupant of any premises within the Town having a sidewalk on or adjacent to the premises shall have the duty to keep the sidewalk clean of snow and ice.
- (b) All snow and ice shall be removed within twenty-four (24) hours of accumulation.
- (c) For purposes of this Section, *premises* shall mean any lot, parcel, outlot or other subdivision of real property, whether occupied or not, and whether or not a structure exists on the lot, parcel, outlot or other subdivision.

(Ord. 06-01 §1, 2006)

Sec. 11-1-30. Snow removal from driveways.

- (a) It is unlawful for any person in the Town to clear snow from a driveway in such a way that it in any way interferes with the normal use of or plowing of the roads or to cause or permit the same to be done. All snow cleared from a driveway must be retained on the lot containing the driveway or transported to an authorized dumping area.
- (b) Any person who violates this Section shall receive a summons and complaint requiring an appearance in Municipal Court. The fine for each violation shall be as provided in Section 1-4-20 of this Code. In addition to such fine, the Court shall order that any costs incurred by the Town as a result of the violation be reimbursed to the Town as restitution.

(Prior code 4-1-1; Ord. No. 14-04, § 1, 5-20-2014)

Sec. 11-1-40. Address numbers required.

- (a) All lot owners of improved property are required to post the address of the lot so that the address is clearly visible from the street from which the lot takes access. The numbers used shall be reflective and in a form prescribed by the Town or the Red, White and Blue Fire Protection District and may be attached to the residential structure or placed on a post, tree or other device near the street. Each address shall consist of at least four (4) digits even if the number begins with one (1) or more zeros.
- (b) If any lot owner fails to post the address, the Town may post said address and charge the costs thereof to the lot owner.
- (c) All lot owners shall remove any posted lot numbers contemporaneously with the posting of address numbers required by Subsection (a) above. Failure to comply with this Section shall be a violation of this Code and punishable by a fine not to exceed three hundred dollars (\$300.00) per offense.

(Prior code 4-1-3)

Sec. 11-1-50. Standards for street and road construction.

Any streets or roads constructed within the Town must meet the following minimum standards:

- (1) Width. Driving surface shall be a minimum of twenty-two (22) feet in width.
- (2) Grade. Maximum grade shall not exceed eight percent (8%).
- (3) Curves. A minimum radius of fifty (50) feet as measured from the centerline of the street to the point of the curve's termination is required.
- (4) Base. A minimum of six (6) inches of road base is required.
- (5) Cul-de-sac. A minimum radius of forty-six (46) feet from the center of the cul-de-sac to any outside edge is required.

ARTICLE II Excavations

Sec. 11-2-10. Adoption.

The following Code, as hereinafter amended, is hereby adopted by reference:

The Summit County Right-of-Way Permit Requirements, Chapter 5400 of the Summit County Land Use and Development Code ("the Summit County Right-of-Way Permit Regulations") as from time to time amended.

Sec. 11-2-20. Amendments.

The following amendments to the Summit County Right-of-Way Regulations are hereby adopted:

- (1) "Board of County Commissioners" or "BOCC" is changed to "Board of Trustees."
- (2) "Summit County" or "County" is changed to "the Town of Blue River."
- (3) "Road," "roadway," "road right-of-way," "road or recpath," "recreational pathways" or "right-of-way or recpath easement" is changed to "right-of-way, road or access easement."
- (4) "Engineering Department" is changed to "Road and Bridge Department."
- (5) Paragraph B of Section 5402 is deleted.
- (6) The first sentence of Paragraph A, Section 5403.02, is changed to read "Applications for a right-of-way, road or access easement permit shall be submitted at least fourteen (14) days prior to planned commencement of construction."
- (7) October 31st in Paragraph B, Section 5403.02, is changed to "October 15th." (Ord. 11-04 §1, 2011)

ARTICLE III Goose Pasture Tarn and the Town Park

Sec. 11-3-10. Defined.

- (a) Goose Pasture Tarn, hereinafter referred to as "the Tarn," located within the Town, is a private lake owned by the Town and available for use only to property owners of the Town. Use of the Tarn shall be limited to such uses and subject to such restrictions as further set forth below.
- (b) The Blue River Town Park (Theobald Park), hereinafter referred to as "the Park," located within the Town, is a park owned by the Town. Use of the Park shall be limited to such uses and subject to such restrictions as further set forth below.

(Prior code 4-3-1; Ord. 11-08 §§1, 2, 2011)

Sec. 11-3-20. State laws adopted.

All state laws and rules and regulations of the Colorado Department of Fish, Game and Parks shall apply to fishing, boating and sailing on the Tarn, and the same are hereby adopted into this Chapter by reference as they are presently enacted and hereafter amended. For these purposes, a violation of any such state law shall be deemed a violation of this Chapter and subject to enforcement by any person authorized to enforce this Chapter. Any conflict between this Chapter and any state law or regulation shall be resolved in favor of that provision or law which is more restrictive of the conduct to be controlled.

Sec. 11-3-30. Use restrictions; identification.

- (a) Use by property owners. Use of the Tarn shall be limited to property owners with proper identification, except for duly authorized guests or tenants as further outlined below. Parents and/or children and their respective spouses and/or grandchildren of property owners residing full time on the property shall enjoy the same Tarn recreational rights as owners, excluding guest privileges.
- (b) Use by guests:
 - (1) Guests of owners may use the Tarn only when accompanied by the owner.
 - (2) Owners shall be held responsible for all actions of their guests and for any violations of this Chapter as if such violation had actually been committed by the owner himself or herself.

- (c) Use by tenants.
 - (1) Tenants of owners shall generally have no privileges on the Tarn, except as otherwise provided herein.
 - (2) *Tenant* is defined as a party leasing a Town property for a period of sixty (60) consecutive days or longer. A tenant may have recreational rights on the Tarn, provided that the property owner assigns the rights at the time the lease is executed. The Town shall provide appropriate forms for registration of such assignments and will maintain a file of tenants with assigned rights for enforcement purposes.
- (d) Boat use.
 - (1) Boats without identification decals shall not be permitted on the Tarn.
 - (2) To ascertain that boats used on the Tarn belong to property owners, identification decals will be issued only upon receipt of an adequate description of the boat and a statement of its size and power. The boat registration fees charged to bona fide residents of the Town for use of the Tarn are hereby set at twenty dollars (\$20.00) per year.
 - (3) All boats shall be subject to an annual personal safety inspection and shall be approved by the Lake Patrol Officer or Chief of Police before any boat shall receive its decal or be placed upon the Tarn. A fee will be charged for said decal.
 - (4) Boats placed in the Tarn shall be limited in power to the use of an electric motor to be used solely for the purpose of trolling. No internal combustion engines shall be allowed in order to limit boat size, speed of crafts and environmental damage to the Tarn by such engines.
 - (5) Boats shall not be stored overnight at the Tarn.
 - (6) Personal watercraft of all kinds, including sailboards and paddle boards, are permitted on the Tarn, provided that identification decals have been affixed to them. A fee of five dollars (\$5.00) per day, not to exceed twenty dollars (\$20.00) per year, shall be charged.
- (e) Issuance of boat decals. The issuance of boat decals and any other identification required by this Chapter shall be by the Lake Patrol Officer or the Town Clerk, who have been authorized and so designated by the Board of Trustees.

(Prior code 4-3-3; Ord. 07-03 §1, 2007; Ord. 11-05 §1, 2011; Ord. 13-07 §1, 2013; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 11-3-40. Rules and regulations for the Tarn.

- (a) Spillway area. Fishing or trespassing within forty-five (45) feet of the improved concrete portion of the spillway of the Tarn is absolutely prohibited and unlawful. Violation of this Subsection shall be punishable upon conviction by a fine of up to one thousand dollars (\$1,000.00) for each offense.
- (b) Ice fishing. Ice fishing by owners, guests and tenants shall be permitted on the Tarn as provided in Subsections 11-3-30(a), (b) and (c).
- (c) Snowmobiles, cross-country skiing, etc. Snowmobiles or other snow or all-terrain vehicles and cross-country skiing are strictly forbidden on the Tarn.
- (d) Open fires¹. Open fires are prohibited at all times and in all areas adjacent to the Tarn.
- (e) Animals. Dogs and all other pets and animals shall not be required to be under control by a tether or leash but shall be under voice control in all areas on and adjacent to the Tarn.
- (f) Hunting prohibited. Hunting of any kind is prohibited on the Tarn and any surrounding lands owned by the Town or the Town of Breckenridge.

- (g) Water recreation. Bathing is prohibited on the Tarn.
- (h) Commercial use. Any use of the Tarn for commercial purposes is prohibited.
- (i) Limit on fish. The daily bag limit is three (3) fish, of which only one (1) may exceed twenty (20) inches in length. The daily possession limit is three (3) fish.
- (j) Limit on hooks. Only single-bait hooks, single-hook flies and single-hook lures may be used for fishing in the Tarn.
- (k) Overnight parking, between one-half (½) hour after sunset and one-half (½) hour before sunrise, is prohibited.
- (l) Glass containers in the Tarn area are prohibited.
- (m) Littering of the Tarn area by the depositing of paper or plastic products, wood, leftover food, clothing, fishing gear, fish, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.
- (n) Boat docks. Licensing of the construction of boat docks shall be permitted by a licensing agreement which shall incorporate the Rules and Regulations for Boat Docks established by Resolution No. 13-05, adopted July 16, 2013, as from time to time amended.

(Prior code 4-3-4; Ord. 05-07 §1, 2005; Ord. 05-10 §1; Ord. 11-08 §§3, 4, 2011; Ord. 13-06 §§1, 2, 2013; Ord. 13-07 §2, 2013)

Sec. 11-3-45. Rules and regulations for the Park.

- (a) Use of the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (b) Parking of motor vehicles at the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (c) Parking of motor vehicles at the Park shall be "head-in parking" only.
- (d) Open fires¹, including fires in grills, in the Park are prohibited.
- (e) Dogs are prohibited in the Park.
- (f) Glass containers are prohibited in the Park.
- (g) Littering in the Park by the depositing of paper or plastic products, wood, leftover food, clothing, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.

(Ord. 11-08 §5, 2011)

Sec. 11-3-50. Enforcement.

This Chapter shall be enforced by the Chief of Police, the designated and authorized Lake Patrol Officer and any duly commissioned law enforcement officer of the State, which enforcement authority includes the power to do the following:

- (1) At any time, in the sole discretion of the enforcement officers, the Tarn becomes unsafe for the use and activities described herein, the Tarn may be declared "Closed." It shall be a violation of this Chapter for any person to use the Tarn after it has been declared "Closed."
- (2) Request the offending party to cease his or her illegal activity and to remove the offending party from the Tarn area.

¹ See Chapter 7, Article VII of this Code.

- (3) Issue citations for violations of this Chapter requiring the offending party to appear before the Municipal Court to answer the charges set forth in such citation.

Sec. 11-3-60. Violations; penalties.

Any person who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction for any such offense, shall be punished by a fine as provided in Section 1-4-20 of this Code.