

**ORDINANCE NO. 9
SERIES 2024**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
REPEALING AND REPLACING CHAPTER 11 OF THE CRESTED
BUTTE MUNICIPAL CODE.**

WHEREAS, the Town of Crested Butte, Colorado ("the Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, Town Council finds it is necessary and proper to repeal and replace Chapter 11 of the Crested Butte Municipal Code as provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE COLORADO:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 11 of the Crested Butte Municipal Code is hereby repealed and replaced as provided for on the attached **Exhibit A**.

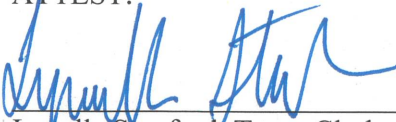
Section 3. Upon the effective date of this ordinance, the codifier is hereby authorized to renumber the Code in conformance with these amendments.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 16th DAY OF DECEMBER 2024.


ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 6th DAY OF January 20225.

TOWN OF CRESTED BUTTE, COLORADO

ATTEST:



Lynelle Stanford, Town Clerk

By: 

Ian Billick, Mayor



Exhibit A

CHAPTER 11

Streets, Sidewalks and Public Property

ARTICLE 1 General Provisions

Sec. 11-1-10. Definitions.

For the purposes of this Article, the following terms shall have the meanings ascribed below:

Applicant means the owner of the project for which the contractor is undertaking the work as opposed to the contractor simply performing the work. The applicant and the permittee shall be the same person.

Curb cut means that portion of the street curb or roadway frontage that abuts a driveway.

Emergency means any event which may threaten public health or safety or that results in an interruption in the provision of service, 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 or as otherwise recommended by the Town Manager.

Pavement and/or paved improvements include any improvement constructed of asphalt concrete, seal and chip, concrete or similar impervious wearing surface, including but not limited to roadway, sidewalk, curb, gutter and similar improvements.

Permittee means the owner of the project for which the contractor is undertaking the work as opposed to the contractor simply performing the work. The permittee and the applicant shall be the same person.

Public Works Criteria for Design and Construction means the current *Public Works Department Criteria for Design and Construction: Earthwork, Sewer and Water* adopted by the Town Manager governing the design and construction specifications for construction and excavation in the public rights-of-way. Such Public Works Criteria for Design and Construction may be updated and amended from time to time by the Town Manager.

Public Works Director means the Director of the Town Public Works Department. For the purposes of this Article, the Public Works Director shall also include the Town Manager.

Street improvement includes roadway and alley paving, sidewalks, driveways, curbs, gutters, streetlights, street signs, traffic signs and signals, storm sewers, culverts, bridges and drainage appurtenances and similar items.

Town Manager means for purposes of this Chapter 11 the appointed or acting Town Manager or their designee.

Sec. 11-1-20. Town Manager to enforce.

The Town Manager shall enforce these regulations and shall have the authority to adopt policies, procedures and criteria for the implementation of these regulations.

Sec. 11-1-30. Temporary construction within public right-of-way restricted.

Temporary guardrails, pedestrian walkways, protective canopies, field offices and similar items shall not be constructed on public right-of-way without prior approval of the Town Manager.

Sec. 11-1-40. Temporary storage of merchandise on public right-of-way restricted.

It shall be unlawful for any person receiving or delivering merchandise, commodities or construction materials within the Town to place, keep or suffer to be kept upon the public rights-of-way any such merchandise, commodities or construction materials without the prior approval of the Town Manager.

Sec. 11-1-50. Obstruction of ditches and gutters prohibited.

No person shall obstruct or damage in any manner any street improvement, ditch, gutter, drain, catch basin, culvert or other drainage improvement within the public rights-of-way or under control of the Town.

Sec. 11-1-60. Dangerous openings in streets.

No person shall leave or keep open any cellar door, pit, vault, manhole or other subterraneous opening on any street, alley, sidewalk or other public way, or keep such opening in an unsecured condition so that vehicles, persons or animals will be in danger of sustaining injury or damage.

Sec. 11-1-70. Obstructing excavations, construction or repairs prohibited.

It shall be unlawful for any person to hinder or obstruct any excavation or the construction or repair of any paving, sidewalk, curb, gutter, drainage improvement, utility or other street improvements performed pursuant to the provisions of this Article.

Sec. 11-1-80. Damage, removal, etc. of safety barricades or devices prohibited.

It shall be unlawful to damage, displace, remove or interfere with any barricade, warning light or other safety appliance or device which is lawfully placed around or about any excavation or other street improvement construction in any street, alley, sidewalk or other public right-of-way.

Sec. 11-1-90. Draining water onto public right-of-way restricted.

- (a) No person shall drain water from any swimming pool, therapy pool, hot tub or similar improvement onto a public right-of-way without approval of the Town Manager. Emergency overflow shall be permitted upon approval of the Town Manager
- (b) No person shall discharge water from subterranean structures (e.g., basement, foundation, footer drain) onto any public right-of-way.

Sec. 11-1-100. Violations and Penalties.

Any person who violates any of the provisions of this Chapter shall be subject to the provisions of Section 1-4-20 of this Code.

ARTICLE 2 Occupancy, Construction, and Excavation Within Public Rights-of-Way

Sec. 11-2-10. Right-of-way permit required.

- (a) It shall be unlawful for any person to undertake any construction, installation, excavation, maintenance or repair within or dig up, open, disturb, grade, excavate or otherwise alter any public right-of-way, or use, occupy or stage construction materials in any public right-of-way without first having obtained a permit for such work from the Town Manager or their designee. A separate permit shall be required for each such construction or excavation project. All permits granted under this Section shall be revocable by the Town with or without cause at any time.
- (b) No person shall occupy, construct, place or maintain within any public right-of-way any building, structure, appurtenance, fence, tree, vegetation or other obstruction without first having obtained a right-of-way permit from the Town Manager.
- (c) All encroachments, sidewalks, driveways, curbs, gutters or related street improvement required by this Article shall be constructed or repaired in compliance with the requirements of this Article and the Public Works Criteria for Design and Construction.
- (d) Nothing contained in this Section shall be construed to apply to improvements or activities undertaken within a public right-of-way by the Town, its employees, contractors or agents, the placement of temporary safety barricades or structures around excavations, construction within a public right-of-way or the placement of other devices or structures that may be required to be placed in the public right-of-way by reason of state or federal law or regulation.

Sec. 11-2-20. Application.

- (a) Any person seeking a right-of-way permit must submit an application on forms provided by the Town accompanied by an administrative fee in an amount prescribed by the Town. The Town Manager may specify the terms and conditions under which a right-of-way permit is to be issued so as to protect the best interests of the Town. All right-of-way permits granted under this Section shall be revocable by the Town with or without cause at any time.
- (b) Application for a right-of-way permit shall be made no later than 72 hours prior to the planned commencement of the work. The Town Manager may allow the applicant to obtain a permit sooner than 72 hours prior to the planned commencement of the work if the scope of the work is deemed to be *de minimis*. Emergency situations shall be exempt following communication and verbal approval from the Town Manager; however, a permit for such emergency work must be obtained as soon as is possible and no later than the next business day.

Sec. 11-2-30. Fees, surety and insurance.

No permit shall be issued unless the applicant has paid the required fees, filed the appropriate surety instruments and delivered the required insurance documentation to the Town as follows:

- (1) Permit fees in amounts set by the Town Council.
- (2) Surety for completion of work. Applicant shall provide to the Town a surety, in form acceptable to the Town Manager and Town Attorney for completion of work for any project permitted prior to issuance of a permit
 - a. For projects with a total valuation of \$50,000 or less applicant shall provide surety in the form of a bond or cash to be held by the Town in the amount of 20% of the total project valuation or \$10,000 whichever is less.
 - b. For projects with a total valuation greater than \$50,000 applicant shall provide surety in the form of a bond equal to the total valuation of the project.
 - c. The surety provided pursuant to (a) and (b) above shall remain in effect until the Town accepts the work for which the surety was provided.
- (3) Warranty. Upon acceptance of the project by the Town applicant shall warrant the complete and final performance and maintenance of the work, any materials and equipment furnished in connection therewith, and that the workmanship employed in the performance of the work described in the right-of-way permit will be of such character and quality as to ensure it to be free from all defects, in continuous good order and in a condition satisfactory to the Town for a period of two (2) years from acceptance. In the event of a warranty claim by the Town the applicant shall promptly correct any defective condition and if the applicant does not and the Town must replace or repair the work the Town may take such actions as it deems necessary to collect from the applicant the costs of such repairs including but not limited to filing a lien against the property, terminating utility services or filing suit.
- (4) Insurance with terms, limits and coverage as required by the permit application.

Sec. 11-2-40. Construction of sidewalk, curb and gutter required for all construction in certain districts.

The Building Inspector shall not issue a certificate of occupancy or certificate of completion for any construction unless sidewalk, curb and gutter have been constructed as required by the Public Works Criteria for Design and Construction.

Sec. 11-2-50. Reservation of funds for construction of sidewalk, curb and gutter.

If the weather prevents construction of the improvements required by Section 11-3-30 above at the time of completion of the principal improvements, the Building Inspector may issue a certificate of occupancy after funds have been escrowed for the construction of the same. The amount of the escrow shall be determined by the Town Manager and shall be at least one hundred percent (100%) of the current cost of construction. The escrow agreement shall in no way relieve the owner of the responsibility for construction of the improvements when it shall become practicable.

Sec. 11-2-60. Procedures when not feasible to construct sidewalk, curb and gutter.

If the Town Manager deems that the construction of improvements required by Section 11-3-30 above is inappropriate at the time of completion of the principal improvements due to existing conditions or future Town

plans, the Building Inspector may issue a certificate of occupancy after the owner of the property has complied with one (1) of the following:

- (a) The owner shall have escrowed funds as required in Section 11-3-40. This procedure shall be used only if it appears feasible that the improvements will be constructed within three (3) years. In the event that the improvements are not made within three (3) years, the escrowed funds shall be released, and the owner shall enter into an agreement as required in Subparagraph (b) of this Section.
- (b) If existing improvements or conditions make construction of sidewalk, curb and gutter within three (3) years unfeasible, the owner shall have entered into an agreement with the Town whereby he or she shall agree to construct or pay for the construction of said improvements when the Town deems their construction necessary and feasible. This agreement shall be a covenant running with the land.

Sec. 11-2-70. Issuance of permit in certain months restricted.

No permit required by this Article shall be issued for any construction or excavation within any public rights-of-way for the period from October 1 through April 30, except in cases of an emergency. The Town Manager may approve permits in the months of October and April at their discretion considering such factors as weather and scope of work.

Sec. 11-2-80. Permit to be kept and exhibited at site.

The permit required by this Article shall be kept at the project site or in the possession of the site superintendent while the work is in progress and shall be presented to the Town Manager upon request.

Sec. 11-2-90. Warranty period.

All materials and workmanship employed in the performance of the work described in the right-of-way permit will be of such character and quality so as to ensure it to be free from all defects, in continuous good order and in a condition satisfactory to the Town Manager for a period of two (2) years from the date of issuance of the final inspection log indicating one hundred percent (100%) satisfactory completion of the work and final acceptance thereof.

Sec. 11-2-100. As-built drawings required.

Upon completion of the work, the applicant shall furnish as-built drawings showing all utilities encountered during the excavation and construction, their size, identification and location, based on swing ties to fixed monuments such as manholes, streetlights, curbs and their depths below the surface of the street, alley or sidewalk area. As-built drawings shall also identify any new improvements made to the area, including but not limited to utility connections, sidewalks, driveways, curb, gutter or other street improvement. As-built drawings shall be submitted in a digital format acceptable to the Town.

ARTICLE 3 Sidewalks and Driveways

Sec. 11-3-10. Responsibility to maintain and repair sidewalks and driveways.

- (a) When notified that any sidewalk or driveway is in need of repair, the Town Manager shall cause notice to be served upon the owner or other person in charge of or having the control and

supervision of the premises to repair sidewalk or driveway within thirty (30) days. It shall be unlawful for any person to fail or refuse to comply with such notice to repair. Upon a failure or refusal to comply with such a notice to repair, the Town may repair the same by day's work or by contract, and the cost of such repair may be assessed upon and made a lien upon the land so benefited. The Town shall have the right to make an assessment against the property and collect such costs in the same manner as general taxes are collected under state and local laws

- (b) For the purpose of this Article, a sidewalk or driveway in need of repair shall mean a sidewalk experiencing any of the following conditions: (i) concrete that is spalling or crumbling; (ii) vertical displacement of the adjoining sidewalk section is in excess of three-fourths ($\frac{3}{4}$) inch; (iii) lateral displacement of adjoining sidewalk sections in excess of one (1) inch; or (iv) sidewalks that have a transverse slope in excess of one (1) inch per foot or the combination of the transverse and longitudinal grade is insufficient for adequate drainage of the sidewalk causing accumulation of water and ice.

Sec. 11-3-20. Ordinary and normal maintenance of sidewalks.

- (a) The owner or other person in charge of or having the control or supervision of any premises shall perform ordinary and normal maintenance on the sidewalks adjoining such premises, keep such sidewalks in good and clean condition and remove all weeds, trash, leaves and any other debris from such sidewalks as necessary in order to provide safe, efficient and clean passage to pedestrian traffic. It shall be unlawful for any person to fail or refuse to comply with this requirement.

Sec. 11-3-30. Town's election to maintain not a waiver.

The Town may, at its election, undertake to maintain any sidewalk as described in Section 11-1-10 above in its sole discretion. Notwithstanding the Town's undertaking to maintain any sidewalks, neither the Town's election to maintain any sidewalks nor the Town's actual undertaking such maintenance shall limit the responsibility of the owner or other person in charge of or having the control and supervision of the premises adjoining such sidewalks to maintain the same as required under this Article.

ARTICLE 4 Trees, Landscaping and Structures on Public Rights-of-Way

Sec. 11-4-10. Trees and limbs in public right-of-way

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety or obstruction to Town work or snow removal operations. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a danger to public safety shall include all trees and limbs which hinder visibility, or which may otherwise affect public health, safety, and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value.

Sec. 11-4-20. Landscaping public right-of-ways on all roads except Elk Ave.

Public right-of-way landscaping shall consist of Class 6 roadbase extending from the curb 10 feet away from the roadway. Native drought-resistant grass may be planted and must be maintained by the adjoining property owner within the public right-of-way if it does not encroach on the roadbase abutting the curb.

Sec. 11-4-30. Structures in public right-of-way

No driveway returns or other above or below grade structures shall be constructed or placed in the public right-of-way without the written consent of the Town Manager, and if applicable in compliance with Chapter 2 of the Town's Design Standards and Guidelines and receiving necessary approvals from the Board of Zoning and Architecture Review (BOZAR) as required in Chapter 16 of this code. For permanent structures in the right-of-way a revocable license to encroach may be required.

ARTICLE 5 Snow Removal and Snow Shed Remediation

Sec. 11-5-10. Removal of snow and ice from sidewalks by adjoining parties; sidewalks with snowmelt systems.

- (a) Removal of snow and ice generally. Any owner or other person in charge of or having the control and supervision of any premises adjacent to any sidewalk shall cause to be removed and cleared away snow or ice from a path of at least five (5) feet in width from so much of the sidewalk as is adjacent to said premises. For owners or other persons in charge of or having the control and supervision of any premises with adjacent sidewalks that have snowmelt systems, such persons shall see to it that ice accumulating on sidewalks of neighboring premises that are a result of the heated sidewalk shall be similarly removed and cleared away. It shall be unlawful for any person to fail or refuse to comply with this requirement.
- (b) In the event of the failure of any owner or other person in charge of or having the control and supervision of any premises to clear away snow and ice from any adjacent sidewalk as required above, the Town Manager may, at his or her election, cause such work to be performed.
- (c) Notwithstanding the Town's undertaking to clear away snow and ice from any sidewalk, neither the Town's election to perform such work nor the Town's actual undertaking to perform such work shall limit the responsibility of the owner or other person in charge or having the control and supervision of the premises adjoining such sidewalks to clear away snow and ice from any sidewalk as required under Section.
- (d) Violations of this Section 11-5-10 shall be guilty of a misdemeanor punishable by a fine of \$100 for a first offense and punishable pursuant to Article 1-4-20 for each subsequent violation.
- (e) Sidewalks with snowmelt systems. Where any owner or other person in charge of or having the control and supervision of any premises installs or constructs sidewalks with snowmelt systems, the costs of all equipment and any energy necessary to heat such sidewalks shall be the sole responsibility of the owner or other person in charge of or having the control and supervision of any premises. Where any sidewalk with a snowmelt system is creating a dangerous condition through the build-up of ice on such sidewalk or any curb, gutter street or alley or any neighboring sidewalk curb, gutter, street or alley, the Town may, at its sole discretion, require the owner or other person in charge of or having the control and supervision of such sidewalk to turn off the snowmelt functions on said sidewalk. At all times, the construction and operation of sidewalks with snowmelt systems must comply with applicable Town restrictions and requirements related to snowmelt systems.

Sec. 11-5-20. Snow management.

- (a) Snow and Ice Control Operations Plan. The Town Council shall annually adopt Town guidelines ("Snow and Ice Control Operations Plan") that address, without limitation, the hauling, dumping, transportation and storage of snow in advance of each upcoming snow season. A current copy of the Snow and Ice Control Operations Plan shall be kept and maintained on the Town website.
- (b) Permit Required for Hauling, Dumping, Transportation and Storage of Snow. All hauling, dumping, transportation and storage of snow shall be undertaken, when and where identified and described in the Snow and Ice Control Operations Plan. In addition, any person engaging in the hauling, dumping, transportation and storage of snow shall first obtain a permit from the Town to engage in such activities. No person shall dump, deposit or store snow on any Town-owned property, any public rights-of-way or on any street or alley, except as otherwise permitted by the Town in writing.
- (c) Prohibited activities.
 - (1) No snow from outside the Town's boundaries shall be dumped, transported, stored or otherwise deposited, for any period of time, within the Town, other than where passing through Town to destinations outside of Town, without the prior written permission of the Town.
 - (2) Snow permitted to be dumped and stored within the Town shall contain no foreign debris, trash or other materials. No petroleum products, foreign agents or hazardous substances and hazardous wastes (as defined by the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA], 42 U.S.C. § 9601 et seq., the Hazardous Materials Transportation Act, 49 U.S.C. § 1802 and Resource Conservation and Recovery Act [RCRA], 42 U.S.C. § 6902, et seq.) shall be used in the hauling, dumping and depositing of snow, other than as inherent in the function and operation of machinery used therefor.
 - (3) Hauling snow on Red Lady and Ninth Streets adjacent to the school during school drop off and pick up hours as identified in the annual Snow and Ice Control Operations Plan.
- (d) Any person permitted to haul, dump, transport or store snow within Town shall comply with the following requirements:
 - (1) Keep and maintain in force at all times during the performance of such activities a snow management permit issued by the Town Manager.
 - (2) Provide the Town with a certificate of insurance naming the Town as an additional insured reflecting coverage satisfactory to the Town Manager.
 - (3) Snow stored on Town-owned property, public rights-of-way, streets and alleys shall be removed no later than April 1 of each year, except as otherwise permitted by the Town Manager in writing.
 - (4) Snow accumulated in alleys shall be hauled away after the snow has reached a point of one-half (1/2) the height of any adjacent fence line, or as deemed necessary by the Town Manager.

- (5) Persons hauling, dumping, transporting or storing snow within Town shall be responsible and liable for any damage to private and public property as set forth in snow management permit.

Sec. 11-5-30. Snow shed remediation.

- (a) Purpose. The purpose of this Section shall be to protect public health, safety, and welfare by preventing built-up snow and ice on the roofs of buildings from shedding onto public areas and public streets and rights-of-way maintained by the Town.
- (b) Removal of snow and ice from roofs. The owner or other person in charge of or having control and supervision of any building located within or adjacent to public areas and public streets and rights-of-way maintained by the Town shall remove snow and ice build-up from the building's roof within a reasonable time, but no more than twenty-four (24) hours, following a snowstorm to ensure that each roof plane of the building does not shed snow or ice onto such public areas or public streets and rights-of-way.
- (c) Roof snow and ice management.
 - (1) During months that snow accumulates, all eaves and other roof areas of a building that could result in shedding of snow and ice onto public areas and public streets and rights-of-way maintained by the Town shall be inspected on a weekly basis, at a minimum.
 - (2) Upon identifying a potentially hazardous build-up of snow or ice as a result of inspections or upon receiving notice by a representative of the Town:
 - (i) The hazard area shall be immediately cordoned off using appropriate fencing or Town approved barriers. In the event that the cordoned off area is an entrance or egress, directions to the alternate entrance or egress area shall be clearly posted.
 - (ii) Appropriate work crews shall be immediately scheduled to remove the built-up snow or ice. Diligent and reasonable efforts shall be made to complete the snow and ice removal activity within twenty-four (24) hours of identifying the hazard or receiving notice from the Town.
 - (iii) All snow and ice removal activities shall be safely completed. At all times during the removal activities there shall be at least one (1) worker posted at ground level to monitor pedestrian safety.
- (d) Failure to comply and notice of violation. Failure to remove potentially hazardous snow and ice build-up from a building's roof within twenty-four (24) hours following a snowstorm shall constitute a violation of this Section 11-5-30. The Town shall give written notice to the owner or other person in charge of or having control and supervision of the building, delivered to the party's last known local address, requiring that the built-up snow and ice be removed within twenty-four (24) hours of receiving notice. Upon failure or refusal to timely remedy or otherwise respond to the notice, the Town may, at its election, remove the snow and ice build-up on the building's roof at the owner's expense.

- (1) If the Town determines the snow and ice build-up on a building's roof poses an immediate threat to public safety, the Town may, at its election, remove the snow and ice build-up at the owner's expense.
- (e) Town's election to remove the snow and ice build-up as described in Section 11-5-30(c) is not a waiver. Notwithstanding the Town's undertaking to remove the snow and ice build-up on a building's roof, neither the Town's election to perform such work nor the Town's actual undertaking to perform such work shall limit the responsibility of the owner or other person in charge or having the control and supervision of the building to remove the snow and ice build-up on the building's roof as required under this Section 11-5-30.
- (f) Liability for property damage and injury to pedestrians.
 - (1) The building owner is liable for any damages caused to Town property or private property, or injury to pedestrians from snow and ice falling off the building's roof.
 - (2) It is the building owner's responsibility to repair, at owner's expense, any damage to Town property or private property resulting from roof snow and ice removal operations.

ARTICLE 6 - Public Parks

Sec. 11-6-10. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein:

Director means the person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

Park means a recreation area, stream bank margins, playground, recreation facility or any other area in the Town, owned or used by the Town, and devoted to public use for active or passive recreation.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. An exception is made for baby carriages and vehicles in the service of the Town parks.

Sec. 11-6-20. Park property.

- (a) The Town Manager may adopt, change, and update at their discretion rules, regulations, and policies for Town parks, trails, open spaces and recreation facilities. All such rules shall be posted and followed by park and trail users.
- (b) Buildings and other property. No person shall:
 - (1) Dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, plants, wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
 - (2) Construct, erect or create any building or structures of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

- (3) Damage, cut, carve, transplant or remove any tree or plant; or injure the bark or pick the flowers or seeds of any tree or plant; attach any rope, wire or other contrivance to any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area.
 - (4) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or backstops or upon any other property not designated or customarily used for such purposes.
- (c) In addition to the provisions of Section 7-5-50 of this Code pertaining to dogs, all other animals are prohibited from the Town parks.

Sec. 11-6-30. Traffic.

- (a) No person shall ride, drive, park or otherwise have a vehicle in a Town Park, except in the services of the Town parks or in areas specifically designated for such vehicles by the Town Manager or designee, or as provided herein as to specific vehicles.
- (b) In areas designated for vehicle operation, in all instances pedestrians shall have the right-of-way.
- (c) No person shall: Ride a bicycle on other than a paved vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over grassy areas or trail or on any paved area reserved for pedestrian use, but specifically not including playing fields.
- (d) Roller-skating, skateboarding, rollerblading, and activities on similar devices are prohibited in all areas of Town parks except in park areas designated for such activities.

Sec. 11-6-40. Games.

No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, golf balls or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited except on the fields and courts or areas provided therefor.

Sec. 11-6-50. Fireworks and explosives.

No person shall bring into, have in his or her possession, or set off or otherwise cause to explode, discharge or burn in the park any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material; or discharge them to throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

Sec. 11-6-60. Fires.

No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or continuous thereto.

Sec. 11-6-70. Closed areas, posting of notice.

No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

Sec. 11-6-80. Frozen water.

No person shall go onto the ice on any of the waters except such areas as are designed as skating fields, and provided that a safety signal is displayed.

Sec. 11-6-90. Permit required.

- (a) No person shall fail to produce and exhibit any permit from the Town Manager that they claim to have, upon request of any authorized person who desires to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (b) No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity under the authority of a permit.

Sec. 11-6-100. Advertising.

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire unless approved by the Town Manager for specific purposes such as Special Events.

Sec. 11-6-110. Signs.

No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park unless approved by the Town Manager.

Sec. 11-6-120. Closed areas.

Any section or part of any park or trail may be declared closed to the public by the Town Manager at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Town Manager shall find reasonably necessary.

Sec. 11-6-130. Lost and found.

The finding of lost articles by park attendants shall be reported to the Director, who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost.

Sec. 11-6-140. Park permit, application.

A permit shall be obtained from the Town Manager in order to reserve a park or park facility for any exclusive use whether commercial or private in nature. Standards and process for issuance of park permits shall be set forth in policies as may be adopted and amended by Town Manager.

ARTICLE 7 Cemetery Regulations

Sec. 11-7-10. Legal agents.

The Town Manager and Town Clerk are hereby made the legal agents to hold and have full charge of the Crested Butte Cemetery, with full power to do and perform any and all things necessary or proper to protect the same in a good condition. The Town Clerk shall keep a record of all sales made of lots therein and shall keep a record showing the name of each purchaser, the date of purchase, the number of the lot purchased and the amount paid therefor.

Sec. 11-7-20. Sale of lots.

Any person who desires to purchase a lot in the cemetery shall pay to the Town an amount established by resolution of the Town Council. The Town Clerk will issue to such purchaser a cemetery deed to a lot selected by such purchaser which deed shall be signed by the Town Manager, attested by the Town Clerk and stamped with the seal of the Town. After the initial purchase of a lot from the Town, title to such lot can be transferred only by exchanging the existing deed for a new deed in the office of the Town Clerk. The consideration paid in any such transfer shall not be greater than the original purchase price of the lot. The Town will process a return of a purchased cemetery lot at the written request of the lot owner by refunding the original purchase price of the lot reflected on the deed being nulled and voided by the Town.

Sec. 11-7-30. Lots for indigent persons.

Block 1, Lots 1 through 116 and Block 24, Lots 1 through 32 of the cemetery are hereby set aside for the burial of poor persons. Upon proper information being furnished to the Town Manager that any poor person has died, leaving property or assets insufficient to cover the cost of purchasing a lot for burial, a certificate shall be issued in accordance with the regulations herein set forth, except that no charge shall be made therefor. If there is no relative or friend who desires to take title to such lot and care for the same, then such certificate shall run to the Town.

Sec. 11-7-40. Defacing cemetery property or lots.

It shall be illegal to in any manner deface or damages any fence, monument, tombstone memorial, lot or other fixture or object situated in or belonging to any part of the property known as the Crested Butte Cemetery.

Sec. 11-7-50. Prohibition of structures.

No building, memorial or structure of any kind is permitted in or on the cemetery in excess of seven (7) feet in height, and no above-ground mausoleum or crypt of any kind shall be permitted.