

Ouray City Council Work Session  
Monday, September 19, 2022 3:30 PM

Massard Auditorium  
320 6th Ave  
Ouray, CO 81427

## **Agenda**

1. CALL TO ORDER
2. DISCUSSION ITEMS
  - 2.a. Snow and Ice Removal from Sidewalks - Current Regulations, Penalties, and Flexibilities
  - 2.b. Sidewalk Maintenance

- Maintenance-related
- Snow removal-related

### 13-6 Sidewalk Construction, Maintenance and Civil Liability

A. All City sidewalks on City property or easements shall be designed and constructed in accordance with standards and specifications approved by the City. All City sidewalks shall be located and sized in accordance with City requirements and standards. Any person constructing or replacing a City sidewalk shall obtain a permit from the City to do so pursuant to Section 13-3-F.

B. The owner, tenant or party actually in possession of property abutting any City sidewalk shall be jointly and severally responsible to maintain, repair and replace the abutting sidewalk to keep it in good repair, safe condition and consistent with City standards and specifications for sidewalks. They shall also be jointly and severally responsible to remove all accumulations of snow and ice from and to correct any other dangerous conditions upon or with respect to City sidewalks abutting their property.

C. The City may, as it deems necessary or appropriate, order the construction or repair to any sidewalk. In the event the owner of the abutting property fails or refuses to make such construction or repairs in accordance with City standards and specifications, the City may cause the appropriate construction or repair of the sidewalk to be done and assess the costs thereof against the abutting property and its owner.

D. In the event the owner, occupant and party in possession of abutting property fail to remove snow and ice, or correct any dangerous conditions upon any abutting City sidewalk, the City may cause such snow and ice to be removed, or condition to be corrected and assess the costs thereof to the abutting property and its owner.

E. The costs the City may recover for work caused to be done by the City under this Section shall include all costs of construction, replacement, maintenance, or repair, including costs attributable to the use of City equipment and personnel, any out-of-pocket costs the City incurs, reasonable attorney's fees incurred by the City related to the work or the collection of the assessment and any other costs of collecting assessments or amounts due. All such costs shall be a lien against the abutting property which may be foreclosed by the City in any lawful manner. Such costs may also be certified to the County for collection similar to the collection of taxes, or may be collected in any other lawful manner. Prior thereto, the City shall notify the owner of record of the property and allow a hearing with a City representative concerning any amount proposed to be certified to the County for collection.

F. The failure to maintain and construct sidewalks in accordance with the requirements of this section is hereby declared to be a nuisance, which may be abated by the City in any lawful manner.

G. There is hereby created a right of action against the owners of property abutting City sidewalks on account of their failure to remove snow, ice, debris, or obstructions from abutting sidewalks, to maintain the abutting sidewalks in a safe condition, or to correct any dangerous condition of such abutting sidewalks. The owners of the abutting property shall be civilly liable for the violation of any provisions of this section to any one injured as a result thereby and shall be civilly liable to hold harmless, defend, and indemnify the City, its officers and employees on account of any claim made or adjudged against the City, its officers or employees on account of their failure to comply with the provisions of this Section.

H. It shall be unlawful to violate any of the provisions of this Section.

## Snow & Ice Removal Responsibility Summary of Findings

| Municipality                 | Time     | Depth | Specifics                                                                                                                             | Penalty                                                                                                                                                                                                              | Link(s)                                                             |
|------------------------------|----------|-------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Ouray, CO</b>             |          |       |                                                                                                                                       | City can abate violation and assess costs.<br>Violations are processed as a nuisance.                                                                                                                                | <a href="#">Ouray Municipal Code</a>                                |
| <b>Ridgway, CO</b>           | 24 hours |       | Non-salt based de-icers                                                                                                               | > \$150.00                                                                                                                                                                                                           | <a href="#">Ridgway Municipal Code</a>                              |
| <b>Golden, CO</b>            | 24 hours | 1"    | Consider case-by-case violations and take into account repeated offenses, unique circumstances, etc.                                  | Processed as Administrative Violation<br>1st violation: door hanger left as a reminder<br>Residents: \$30.00 fine (1st offense); \$50.00 (following)<br>Businesses: \$50.00 fine (1st offense); \$100.00 (following) | <a href="#">Article on regulation change Golden Snow/Ice Policy</a> |
| <b>Telluride, CO</b>         | 12 hours |       |                                                                                                                                       | After notice of violation, 48 hours to remove snow/ice.<br>Town can charge costs to the owner to clear sidewalks + \$25.00<br>Fine: \$100.00 (per day of violation)                                                  | <a href="#">Telluride Municipal Code</a>                            |
| <b>Steamboat Springs, CO</b> | Same-day |       |                                                                                                                                       |                                                                                                                                                                                                                      | <a href="#">Steamboat Snow Policy</a>                               |
| <b>Pagosa Springs, CO</b>    | 24 hours | 1"    | No chemical de-icers                                                                                                                  | Notice of violation within 24 hours<br>Lien against property for town to abate                                                                                                                                       | <a href="#">Pagosa Springs Municipal Code</a>                       |
| <b>Crested Butte, CO</b>     | 24 hours | 1"    | Town of Crested Butte snow blows all public sidewalks after 1"/24 hours; after that, residents/property owners will remove additional |                                                                                                                                                                                                                      | <a href="#">Crested Butte Municipal Code</a>                        |
| <b>Silverton, CO</b>         | 24 hours |       |                                                                                                                                       | Town will abate violation and place charge on the property with County Assessor                                                                                                                                      | <a href="#">Silverton Municipal Code</a>                            |
| <b>Durango, CO</b>           |          |       |                                                                                                                                       | City will abate and assess costs + \$25 (no warning)<br>Cost is assessed with County Assessor                                                                                                                        | <a href="#">Durango Municipal Code</a>                              |

|                           |          |  |                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                     |
|---------------------------|----------|--|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Buena Vista, CO</b>    | 24 hours |  |                                                                                                                                          | Town will abate violation and place charge on the property with County Assessor + 10%                                                                                                                                                                                                                                                                                                                                                    | <a href="#">Buena Vista Snow Removal Plan</a>                                       |
| <b>Breckenridge, CO</b>   | 18 hours |  | Shared sidewalk "responsibility"<br><u>Town:</u> 8pm-8am<br><u>Property owners:</u> 8am-8pm                                              | Public Works gives written notice within 24 hrs.<br>Town will abate violation + charge owner 50% of associated costs                                                                                                                                                                                                                                                                                                                     | <a href="#">Snow Removal 1-Sheet</a><br><a href="#">Breckenridge Municipal Code</a> |
| <b>Salt Lake City, UT</b> | 24 hours |  | 42" required cleared sidewalk<br>Salt Lake City uses the National Weather Service as a standard to measure when precipitation has ended. | <u>200'&gt; street frontage properties:</u><br>\$50.00/day hail/snow/ice not removed within 24 hrs<br>\$74.00/day hail/snow/ice not removed within 48 hrs<br>\$100.00/day hail/snow/ice not removed within 72 hrs<br><u>200'&lt; street frontage properties:</u><br>\$100.00/day hail/snow/ice not removed within 24 hrs<br>\$150.00/day hail/snow/ice not removed within 48 hrs<br>\$200.00/day hail/snow/ice not removed within 72 hrs | <a href="#">SLC Municipal Code</a><br><a href="#">SLC Snow Removal Policy</a>       |
| <b>CDOT</b>               | 24 hours |  | Snow must be piled into private properties (not street)                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                          | <a href="#">CDOT Snow Removal Policy</a>                                            |

## Sidewalk Snow Removal Policies CAST Survey Responses- January 2019

| Town/City Name        | Level of Service   |             |                          |                | Sidewalk Services Provided |            |              | Laws                  | Infirm Service |
|-----------------------|--------------------|-------------|--------------------------|----------------|----------------------------|------------|--------------|-----------------------|----------------|
|                       | Plow All Sidewalks | Plow Tier 1 | Plow Trails/Public Areas | Property Owner | Parks                      | Contractor | Public Works | Muni Code Enforcement |                |
| Avon, CO              |                    |             |                          | X              |                            | X          | X            | X                     |                |
| Breckenridge, CO      | X                  |             |                          |                | X                          |            |              |                       |                |
| Crested Butte, CO     |                    | X           |                          | X              | X                          |            |              | X                     |                |
| Estes Park, CO        |                    |             | X                        | X              |                            |            |              |                       |                |
| Frisco, CO            |                    | X           | X                        |                |                            |            | X            |                       |                |
| Grand Lake, CO        |                    | X           |                          |                |                            |            | X            |                       |                |
| Jackson, WY           |                    | X           |                          | X              | X                          |            |              | X                     |                |
| Ketchum, ID           |                    |             |                          | X              |                            |            |              |                       |                |
| Montrose, CO          |                    | X           | X                        |                | X                          |            |              | X                     |                |
| Pagosa Springs, CO    |                    |             | X                        | X              | X                          |            | X            | X                     |                |
| Park City, UT         |                    | X           |                          | X              | X                          |            |              | X                     | X              |
| Steamboat Springs, CO |                    |             |                          | X              |                            |            |              | X                     |                |
| Telluride, CO         |                    |             | X                        | X              |                            | X          |              | X                     |                |
| Affirmative Responses | 1                  | 6           | 5                        | 9              | 6                          | 2          | 4            | 8                     | 1              |

### Equipment Used for Sidewalks

- Belos W/ Vplow
- Hand Shovels
- Skid Steer
- Snow Blower
- 4-Wheeler

Tier 1 means certain high traffic or critical use areas

Trails/Public Areas are detached trails/commuter connections and areas abutting public buildings or in parks.

Muni Code enforcement means that the municipality spoke of using their code and utilizing it to enforce policy.

Information above is based on email responses and does not reflect the entirety of a community's snow removal policy

**CAST Survey:  
Sidewalk Snow Removal Policies  
January 2019**

*Pagosa Springs is wondering if any CAST members are providing clearing of snow and ice on sidewalks within their communities.*

*If so, is it done by staff or through contractors?*

*Is it limited to certain areas or is the whole city being cleared?*

*Currently in Pagosa Springs, with the exception of sidewalks adjacent to town facilities and parks, the responsibility for clearing snow and ice is placed on the adjacent property owner.*

**Avon**

*Snow removal is a collective effort between our Public Works department and a private contractor. All of our bus stops and a few of our Town parking lots are addressed by a private contractor. Similar to Pagosa Springs, with the exception of sidewalks adjacent to town facilities and parks, the responsibility for clearing snow and ice is placed on the adjacent property owner.*

***Is it limited to certain areas or is the whole city being cleared?*** *Every sidewalk is cleared. If there are sidewalks that are not the Town's responsibility that are not being cleared by the adjacent property owner, we follow the provisions in our municipal code to enforce.*

**Breckenridge**

*The Town of Breckenridge plows all of the 22 miles of sidewalks in town. 7 full time parks staff and 2 seasonal work 18 hours a day 7 days a week on sidewalk snow removal. The town owns 4 sidewalk plows and also have a hand shovel route. Please feel free to give me a call if you would like additional details.*

**Crested Butte**

*By Ordinance it is the responsibility of the owner of the properties to clear the snow off of the sidewalks. However, we always had problems with empty lots and some people that just didn't stay on it. We have for many years plowed the sidewalks along Elk Avenue (our Main Street), walkways to our school, and walkways through our parks with Bobcat snowblowers. We use town staff and town equipment and plow if there is 1 inch of snow or more.*

*Crested Butte does clear all of the sidewalks in Town. That being said, we don't have very many sidewalks. See the "blower route" on the attached map. Our Parks crew performs this snow removal work in the winter on sidewalks while public works takes care of the snow removal on streets.*

*Although, the Town does take on this activity, our code does still say that snow removal is the responsibility of the adjacent property owner and we do send out a mailer every fall reminding property owners of this responsibility. Several property owners have installed snow melt systems in the sidewalks adjacent to their buildings and they pay the utilities and are responsible for the maintenance and repair of the sidewalk once they have installed such a system. For the most part they blow snow into public property adjacent to the sidewalk. In the commercial areas they blow snow to the “parkway” area between the sidewalk and the street. Some of it makes it into the street and then gets plowed back into that parkway area. As those piles between the sidewalks and streets get piled up we periodically go in and remove all of the snow with loaders and dump trucks. We haul lots of snow around here, so that’s just one more area we haul out periodically.*

*We blow the sidewalks anytime there is an inch or more of snow. This does not solve all of the problems of snow and ice build-up on unheated sidewalks. The freeze-thaw cycles with snow adjacent to the sidewalks either on private property or on the parkways still causes ongoing problems as it melts onto the sidewalk and then freezes at night.*

### **Estes Park**

*Estes Park has the same policy (as Pagosa). We clear our parks and downtown plaza areas but the sidewalks are the responsibility of the adjacent property owner.*

*It really depends upon the amount of snow we get and what the future weather will be. If we just get a couple of inches or less and the forecast is for sun in the coming days, we can get it moved off the walkways with our skid steers and let mother nature take care of the rest. Anything above a couple of inches the skid steers coordinate with our loader operator to push the walkway snow into the street. Our loader operator then takes the snow into the middle of the road. Then depending on the amount and sun, the snow crew will come in and remove what's in the middle and haul it off to our fairgrounds until it melts. For this we use the loader with a snow blower attachment and 2 to 5 dump trucks.*

### **Frisco**

*Here in Frisco, Public Works clears all sidewalks in the core area of town (Main Street and avenues to one block on either side of Main). We also clear all bike paths throughout the town as well as at the parks. All other sidewalks are the responsibility of the property owners. We use sidewalk machines that are called Belos, they are a Holder type small tractor. They are equipped with a articulating v-plow. We push all the snow on to the street where it is then pushed by loaders to short term storage areas. From there we haul it away to the “boneyard” and other long term storage areas. Main Street and other core area streets and sidewalks as well as several collector streets are the first priority and at times when the snow is heavy, clearing begins at 2AM otherwise we start at 5 or 6AM. When there is a heavy snow event, all snow is windrowed to the center line of Main Street where we then use a large blower to load dump trucks and haul it away. Let me know if you have any more questions.*

## **Grand Lake, CO**

*Our public works department does all the boardwalks in town.*

## **Jackson, WY**

*1. Certain sidewalks in the core district, key connectors, and in front of public buildings are plowed by the Parks and Recreation Department.*

*Maps of sidewalk plowing attached.*

*2. Public Works is responsible for clearing streets. This snow removed from streets and taken to a large area for storage.*

*3. Citizens not in the sidewalk overlay are responsible for clearing the sidewalk in front of their residences by Municipal Code.*

*Code attached. Public information attached.*

*We've had several spirited debates over level of service for sidewalk clearing and enforcement. Videos of these meetings are archived on our town's website.*

*Here is the Winter page information that has access to sidewalk snow removal routes, town ordinance (Jackson Municipal Code 12.20.020(A)), etc....*

<http://townofjackson.com/255/Winter-Information>

## **Ketchum, ID**

*In the city of Ketchum, adjacent property owners are required to remove snow on sidewalks. There are some areas in town where city staff and city contractors remove snow on sidewalks, but those areas are limited and typically adjacent to public parks and town square. Below is the requirement in the Ketchum Municipal code.*

*Every person, whether as owner, tenant, occupant, lessee, or otherwise, in possession or control of any building or lot of land within the city fronting or abutting a sidewalk, shall remove and clear away, or cause to be removed and cleared away, snow and ice from the entire width of such sidewalk which is in front of or abuts on such building or lot of land. Such snow and ice shall be removed from all sidewalk areas within the city on the same day as cessation of any fall of snow, sleet, or freezing rain or within the first six (6) hours of daylight after the cessation of any such fall, whichever period is longer.*

*However, in the event snow and ice on the sidewalk has become so hard that it cannot be removed, the person or entity charged with removal shall put sand or other abrasive on the sidewalk to make pedestrian travel reasonably safe. (Ord. 545 § 1, 1990: Ord. 402 § 2, 1985)*

## Park City, UT

For Park City Municipal:

- *Our Parks crew acts as our sidewalk snow removal crew – this helps us keep talented year-round staff, rather than laying everyone from Parks crew off in winter. We do not contract out for sidewalk clearing.*
- *Our snow removal teams, made up usually of about 8 people (7 day per week coverage)*
  - *plow/hand clear 14.4 miles of sidewalks & bike paths. Our team has 3 sidewalk plows (two track machines, one rubber tire machine). We do not clear all sidewalks, just what we call Tier 1. Snow removal for other Tiers is the responsibility of the business/property owner.*
  - *Hand shovel entrances to 12 City buildings*
  - *Hand shovel 22 staircases in our historic Old Town area*

*We have performance measures for removing snow from City facilities – which includes the sidewalks in our Main Street area (largest retail district)*

**City Facility Snow Removal:** *Percent of sidewalks and stairs cleared of ice and snow within 10 hours*

*following the end of a storm. Target: 90% Actual: 90%*

*Here is our Municipal Code addressing snow clearing on sidewalks:*

### **14-4-9 Sidewalks To Be Cleared**

#### *Tier 1*

*Park City Municipal Corporation will provide snow removal services on the pedestrian Spine System Sidewalks, as identified in the [Park City Snow Removal Guide](#). Property owners are not required to remove snow from stairs and sidewalks at the perimeter of their property if those stairs and sidewalks are included within the Spine System Sidewalks.*

#### *Tier II*

*It shall be the duty of a property owner to clear the sidewalks and stairways at the perimeter of his/her property within eight (8) hours from the end of each storm if the sidewalks and stairways do not receive City services and are identified as critical to pedestrian movement in the [Park City Snow Removal Guide](#). It shall be unlawful for a property owner under a duty to remove snow to permit an accumulation of more than eight inches (8") of snow to remain on the sidewalks or stairs for more than eight (8) hours at a time.*

#### *Tier III*

*Park City Municipal Corporation will not remove snow from sidewalks not listed in the [Park City Snow Removal Guide](#) nor are adjacent property owners required to remove snow from sidewalks and stairs not listed in the [Park City Snow Removal Guide](#).*

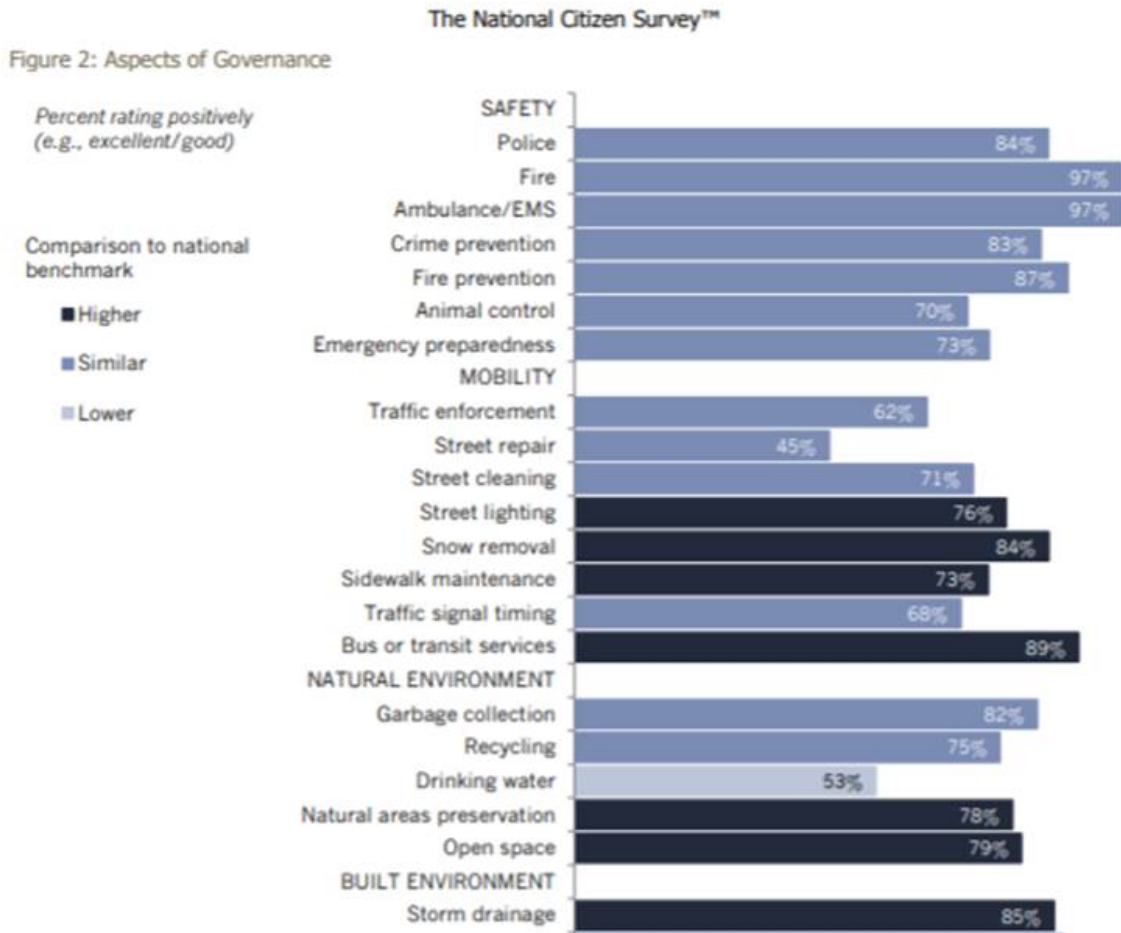
*Property owners required to remove snow may request relief from this ordinance through the City's Request for Elevated Level of Service process. A decision under this process will be based on the seasonality, location and outlet of the path or sidewalk. Property owners not under a duty to remove snow may request a higher level of service through the same process.*

#### *HISTORY*

*Amended by Ord. [08-43](#) on 11/6/2008*

Here is a link to our Snow Removal Guide: <https://www.parkcity.org/home/showdocument?id=2778>

Lastly, we participate in the National Citizen's Survey. Our citizens, as of 2017, are generally satisfied with our snow removal and sidewalk maintenance and our scores in these two areas as higher than the national average: <https://www.parkcity.org/Home/ShowDocument?id=48672>



### **Steamboat Springs**

Here is the section of our sidewalk ordinance:

Sec. 20-5. - Removal of snow and ice from sidewalks, parking areas, and curbs.

(a) Generally. The owner, occupant or agent of the owner of any building, property or vacant lot is required to maintain the sidewalks, the parking area and the curbs (the area from the property line to the gutter) adjoining the building, property or vacant lot in a clean condition and to remove snow and ice

*from adjoining sidewalks immediately after every snowfall. The snow removal shall occur on at least a daily basis during the time period from November 20 through April 15 of each year.*

*(b) Nuisance declared. Any violation of this section is a public nuisance which may be summarily abated pursuant to Sections 15-4 and 15-5 of the Steamboat Springs Municipal Code.*

*(c) Civil liability imposed. Any person who controls, owns or occupies property that abuts or adjoins any sidewalk, parking area and curbs (the area from the property line to the gutter) open to the public owes a duty to all persons using such sidewalk, parking area and curbs to comply with the provisions of section 20-5. Any person injured by the breach of such duty shall have a cause of action for damages against the person who failed to comply with such duty, it being the express intent of this paragraph (c) to impose civil liability on private property owners for injuries incurred on public sidewalks, parking areas and curbs within the city as a result of a failure by any such private property owner to comply with section 20-5.*

*Even with this, we get complaints every year. Council made one exception where the city clears the sidewalk along Highway 40, b/c it's used as a commuter trail, buried in snow by CDOT, and the adjacent residents are located a ways up the hill. So, we do a short stretch for general public benefit. I wish we had a program to help the elderly and disabled, but that would have to be voluntary and not sure how that would work on a consistent basis. There is some research out there where some cities are prioritizing sidewalks and clearing only those deemed worthy. I know if we did that, folks would "cry foul" and want the whole town done. To do them all would cost us millions every year.*

### **Telluride**

*In Telluride, Town hires contractors to remove snow from sidewalks on Town-owned properties (although this is a constant challenge getting the contractors to actually show up when there's plenty of private work whenever it snows!). It is the private property owner's responsibility to remove snow from sidewalks across private property within 24 hours of a storm, and our code enforcement division does issue a lot of reminders and an occasional ticket to perpetual offenders.*

*Our sidewalks are typically on the properties, as opposed to being part of the town-owned right-of-way.*

**RESOLUTION NO. 5 (SERIES 2022)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO EXTENDING A COST-SHARING SIDEWALK REPLACEMENT PROGRAM FOR PROPERTY OWNERS ON MAIN STREET (HWY 550) BETWEEN THIRD AVENUE AND TENTH AVENUE THROUGH DECEMBER 31, 2022.**

**WHEREAS**, the City Council desire to improve the sidewalks throughout the City of Ouray;

**WHEREAS**, the Ouray Municipal Code requires abutting property owners be responsible for repairs, maintenance, and upkeep of their sidewalks under OMC, Section 13-6, along with a permit under OMC, Section 13-3-F;

**WHEREAS**, failure to maintain or construct a sidewalk is declared a nuisance which may be abated by the City and such abatement charges would be collected on the property owner's real estate taxes;

**WHEREAS**, rather than attempt to force property owners to replace sidewalks abutting their property, City Council wants to partner with property owners to share the costs of sidewalk replacement on a voluntary basis;

**WHEREAS**, on April 5, 2021, City Council voted unanimously to approve the program for the year of 2021;

**WHEREAS**, four property owners applied for the sidewalk replacement program in 2021 and received 25% reimbursement of invoiced costs from the City;

**WHEREAS**, City Council allocated Twenty-Thousand dollars (\$20,000.00) from the Tourism Fund which is funded by the Lodging Occupation Tax to extend the cost-sharing program in 2022 to reimburse property owners up to 25% of the reasonable costs to remove, dispose of, and replace sidewalk sections abutting real property on Main Street from 3<sup>rd</sup> Avenue through 10<sup>th</sup> Avenue;

**WHEREAS**, the allocation of City funds to repair sidewalks will be determined on a case-by-case basis with priority placed on damaged sidewalk panels from April 5 until May 28, 2022 and again from September 7 through October 31, 2022 or at the discretion of City Staff;

**WHEREAS**, if this cost-sharing program is successful, the City Council may extend the program beyond Main Street; and

**WHEREAS**, if the program is unsuccessful, the City may move forward with requiring damaged sidewalk panels be repaired or replaced with the property owner bearing all the cost.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO** as follows:

1. City Council ratifies its decision on December 6, 2021 to allocate \$20,000.00 from the City's 2022 Fiscal Year Tourism Funds and adopts the Sidewalk Replacement Policy as set forth in Exhibit A attached hereto.
2. City Council approves the attached 2022 Sidewalk Replacement Permit to be used when issuing a permit under the cost-sharing program.
3. For those property owners who take advantage of this Cost-Sharing Sidewalk Replacement Program, any required bond is waived, and the permit fee will be \$0.00.

ADOPTED this 7<sup>th</sup> day of March 2022, by the Ouray City Council.

CITY OF OURAY, COLORADO



Ethan Funk, Mayor

ATTEST:

  
Melissa M. Drake, City Clerk

## Sidewalk Replacement Policy

### Goals:

The goal of the sidewalk policy is to provide City of Ouray property owner's definitions of conditions of disrepair, as well as criteria for replacement/repair of sidewalks and the process involved. The intended result is:

- Increased safety of pedestrians (and reduced liability exposure of property owners).
- Compliance with City of Ouray building standards.
- A mechanism to trigger property owners to respond to complaints about their sidewalks.

### Policy:

**Conditions requiring replacement/repair:** The following conditions are considered a violation of sidewalk policy and will trigger a letter from the City of Ouray.

- A height difference between sidewalk squares/panels of greater than ½ inch is considered a trip hazard. The measurement is taken at the greatest difference of the two panels if they are not level with each other.
- Cracks, holes or separations between panels that are long enough to catch up a pedestrian's shoe and greater than ½ inch with a depth of ½ inch or more are considered a trip hazard.
- Sidewalks more than 4 inches higher than grade are considered a fall hazard.
- Sidewalk areas sunken enough to hold water turn into a slip hazard when frozen.
- Cement driveway approaches, being in the City right-of-way, follow the same criteria as sidewalks.

### **Replacement/Repair:**

Sidewalk replacement or repairs can be done either by the homeowner or a hired contractor. Once started, the repair process must be completed in a timely manner – blocking off a sidewalk area for weeks at a time is unacceptable.

- Ramping or skin patching of low areas with cement is **not** an acceptable repair.
- Grinding is not encouraged, the City's goal is to reduce trip hazards. Grinding of trip hazards of 1 inch or less is an acceptable repair if sufficient cement remains to support traffic without cracking.
- Replacement of cement is done in full sidewalk panels. All new sidewalk construction must follow the City of Ouray Construction Standards.

# Public Works Department

320 6th Avenue | P.O. Box 468 Ouray, CO 81427  
jcoleman@cityofouray.com | 970-325-7074



## 2022 SIDEWALK REPLACEMENT PERMIT

25% REIMBURSEMENT PROGRAM FOR PROPERTY OWNERS ON MAIN STREET/HIGHWAY 550  
BETWEEN 3<sup>RD</sup> AVENUE & 10<sup>TH</sup> AVENUE

**Please submit the completed Application to the City of Ouray.**

| PERMITTEE INFORMATION |                             |
|-----------------------|-----------------------------|
| Applicant Name:       | _____                       |
| Mailing Address:      | _____ City/State/ZIP: _____ |
| Phone:                | _____ Email: _____          |

| SIDEWALK REPLACEMENT INFORMATION                                    |           |
|---------------------------------------------------------------------|-----------|
| Sidewalk location:                                                  | _____     |
| Approx. length of sidewalk replacement/repair abutting Main Street: | _____ ft. |
| Brief Description of sidewalk issue(s):                             | _____     |

| APPLICATION CHECKLIST                                                                      |                                                                                                          |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Permittee must supply the following documentation with the Application: (✓ once completed) |                                                                                                          |
| <input type="checkbox"/>                                                                   | Comprehensive proposal of repairs and bid for the cost of work approvable by the City and its standards. |
| <input type="checkbox"/>                                                                   | Timeframe of replacement/repair work.                                                                    |
| <input type="checkbox"/>                                                                   | Certificate of Liability Insurance for subject property.                                                 |

## PERMIT TERMS & CONDITIONS

The City will provide a reimbursement of 25% of the provided and approved bid to the property owner within 30 days of project completion and successful inspection.

**Permittee shall be subject to the terms and conditions of §13-3 of the Ouray Municipal Code (OMC), including:**

- 1) The work associated with the sidewalk repairs may not begin until a Permit has been issued by the City.
- 2) Permits are transferable upon the conveyance of the property and run with the land unless revoked by the City.
- 3) Any Permit may be revoked by the City after notice to the Permittee per Section 13-3-F of the Code.
- 4) Permittee agrees to hold the City harmless on account of any damages suffered to the persons or property of the Permittee arising out of their operations hereunder or the installation and maintenance of their facilities, utilities or improvements upon City owned property. The Permittee agrees to defend and indemnify the City from any damages claimed or adjudged against the City arising out of Permittee's operations or installation and maintenance of Permittee's sidewalk installed or maintained abutting property by Permittee.
- 5) Permittee agrees to properly maintain Permittee's sidewalks that abut Permittee's real property in good and safe condition to create no safety hazards or unreasonable obstruction to pedestrian traffic. Permittee shall be responsible to repair any damages to City property, street surfaces or improvements which result or are caused in any manner by the excavation, installation, operation, or maintenance of Permittee's sidewalk abutting the real property, pursuant to this Permit.

6) In the event it is necessary to relocate any utility, facility or improvement of the Permittee installed within City property, pursuant to this Permit, on account of the change of any street grade, relocation, realignment or expansion of any street or other improvements to City property, or installation, replacement, maintenance or operation of any City property, utility or facility, the Permittee shall be responsible to relocate such facilities to a location approved by the City at the Permittee's sole expense.

7) The individual signing on behalf of the Permittee is hereby designated as an agent for service of process on behalf of Permittee.

8) In the event the City incurs any costs, including reasonable attorney's fees, enforcing any provision of this Permit, the City may recover such costs from the Permittee by obtaining a judgment in municipal court and certifying the same to the Country Treasurer for collection on the yearly tax bill.

9) All obligations, terms and conditions of this Permit upon the Permittee shall be the obligations of the Permittee.

10) The Permittee represents that he or she has read and understands the foregoing terms and conditions of this Permit, that they read and understands the City requirements pertaining to this Permit, and that the undersigned has authority to sign for and bind the Permittee.

11) Any breach of the conditions set forth in this Permit, or of City standards, specification or requirements pertaining to this Permit may cause the revocation of the Permit.

12) By his or her signature below, the Permittee agrees to comply with all terms and conditions of this Permit.

13) This Permit may be revoked by the City Staff for any reason as deemed appropriate in the City's sole discretion. Upon revocation, all work shall cease and the surface restored at Permittee's expense, after consultation with the City.

14) The following additional conditions shall apply: \_\_\_\_\_

| SIGNATURE            |       |
|----------------------|-------|
| Permittee Signature: | Date: |
| Printed Name:        |       |

| TO BE COMPLETED BY CITY STAFF                                                                                                   |  |
|---------------------------------------------------------------------------------------------------------------------------------|--|
| Sidewalk Replacement Permit Application Complete?    ( ) YES    ( ) NO<br><i>Comments or reason for incomplete application:</i> |  |

|                                         |                                |
|-----------------------------------------|--------------------------------|
| Bid for sidewalk repair replacement: \$ | 25% of bid (Reimbursement): \$ |
|-----------------------------------------|--------------------------------|

| APPROVED BY CITY OF OURAY |  |
|---------------------------|--|
|---------------------------|--|

|                        |       |
|------------------------|-------|
| Public Works Director: | Date: |
|------------------------|-------|

|                     |       |
|---------------------|-------|
| City Administrator: | Date: |
|---------------------|-------|

|                                                                                                       |                                                                                      |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Final Invoice Paid by Permittee: \$<br><i>Fill out after repair is complete/Invoice copy received</i> | 25% of Invoice: \$<br><i>Fill out after repair is complete/Invoice copy received</i> |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

|                                                                                                  |       |
|--------------------------------------------------------------------------------------------------|-------|
| Inspection of sidewalk after replacement/repairs complete and satisfactory?    ( ) YES    ( ) NO |       |
| Inspector Name:                                                                                  | Date: |