

TITLE XII

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

CHAPTER 1

USE AND OBSTRUCTION OF PUBLIC PROPERTY

Section:

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12-1-1: Use of Public Property

It shall be unlawful for any person to use public property including street rights-of-way, sidewalks, alleys, easements and other property for private purposes or purposes inconsistent for which such property is held and maintained by the Town, except as permitted by ordinance, franchise, public right, lease, permit, or otherwise as allowed by law.

12-1-2: Obstruction of Public Property

- A. It shall be unlawful for any person to construct any fence, or other improvement, to place anything upon, or to plant any hedge, shrub, tree or other planting upon any public property, (including streets, sidewalks, and any part of a street right-of-way not being used for traffic) that impedes or obstructs normal pedestrian or vehicular traffic, that creates a traffic hazard by sight barrier, or otherwise to or from motor vehicles, bicyclist, pedestrians, that obstructs drainage or drainage facilities, or that creates any other safety hazard or obstruction.
- B. If the limitations of Subsection (A), above, are met, along with any other applicable requirements of Town ordinances and regulations, the party in lawful possession of property abutting those parts of street rights-of-way which are not being used for vehicular or pedestrian traffic, or other public use, may landscape and maintain such portions of the right-of-way.
- C. No person using public street right-of-way, or other property for any purpose allowed under this Section, shall acquire any vested right or interest in any part of such public property by virtue of any such use or

the installation and maintenance of improvements or landscaping upon it and shall, upon the demand of the Town, remove any improvements, landscaping or other property from the property affected. The Town shall have the right, at any time, to remove such improvements, landscaping or other property from public property.

- D. Any person using or maintaining public property as allowed by this Section shall do so in a careful and prudent manner and shall be responsible for any damages caused by negligent acts or omissions.

12-1-3: Permits (Ord. 2015-02)

- A. The Town may grant an event permit for the temporary use or occupation of a street, alley, park or other public property. Any such permits may be issued on conditions as determined by the Town and may be revoked by the Town at any time.
- B. Any event on Town property in which more than seventy-five (75) people are expected to attend or is advertised to the public requires a Special Events Use Permit- that may be issued on conditions as determined by the Town and may be revoked by the Town at any time.
- C. It shall be unlawful to conduct any event with seventy-five (75) or more people in attendance regardless of commercial or noncommercial purposes; or any business, sales of merchandise, or other commercial activity upon Town-owned property, including street rights-of-way and parks without obtaining a permit as provided in Subsections A or B above. Permitted commercial activity shall be considered an accessory use to the Town-owned property rights-of-way or parks.

Section 2:

This ordinance shall become effective on the thirty-first day following publication, pursuant to colo. rev. stat. § 31-16-105.

Section 3:

The repeal, reenactment, and amendment of various provisions of the Town of Olathe Municipal Code, Colorado by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Section 4:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or

applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

12-1-4: Nuisance

Any use of public property and street rights-of-way contrary to the provisions of this Chapter is hereby declared a nuisance and may be abated by the Town in accordance with law.

12-1-5: Skateboarding and Bicycles Prohibited in Downtown Area

It shall be unlawful for any person to skateboard or ride a bicycle on Main Street (4th Street) sidewalks between Horton and Church Streets.

12-1-6: Glass Containers

Glass containers are prohibited in parks. It shall be unlawful for any person to possess a glass bottle or other glass beverage container upon any Town park.

12-1-7: Excavations and Curb Cuts

- A. It shall be unlawful to excavate within any Town owned street right-of-way or other property, or to make any curb cut or construct any driveway entrance from Town owned streets without obtaining a permit from the Town.
- B. Application for such permits shall be made in forms supplied by the Town, which may require such information, hold harmless agreements and other terms and conditions as deemed necessary to protect the public interest. They shall be accompanied by an application fee in the following amounts:

1.	curb cut	\$25.00
2.	excavation of paved surface	\$2.00 sq.ft.
3.	excavation of chip and sealed surface	\$1.75 sq.ft.
4.	excavation of graveled surfaces	\$1.50 sq.ft.
5.	excavation of unimproved surfaces	\$1.00 sq.ft.