

12.04.030 Definitions: The following definitions apply to this Chapter:

- A. City Engineer includes any person acting on behalf of the City Engineer.
- B. Public area includes any City owned public right-of-way, or easement, or other public way owned by the City.
- C. Public right-of-way or easement includes any sidewalk, street, alley, curb or gutter or drainage facility or watercourse located within any public right-of-way or easement.
- D. Public improvement includes any improvement within a public area. (Ord. 1324 §1, 2006)

12.04.040 Authority. All streets, alleys, sidewalks, curbs, gutters and construction or excavation within a public rights-of-way or public areas within the City shall be done only on authority of a permit issued by the City Clerk. (Ord. 1324 §1, 2006)

Table 16.24.040-1 Right-of-Way Dedications

Street Classification	Right-of-Way Width (ft) ^{1, 2}
Expressways	160-210 ⁵
Community Arterials	100-120 ⁵
Community Collectors	80-90 ⁵
Industrial/Commercial Collectors/Locals	65
Minor Residential Collectors	60
Residential	60 ⁴
Cul-de-Sac	100-150 ³
Alley	16-24 ³

¹Additional right-of-way for right turn lanes and second left turn lanes may be required based on the TIA at arterial and collector street intersections at the discretion of the City Engineer.

²The City may require additional dedication of right-of-way for public purposes.

³The width varies depending on the street classification.

⁴This may also be accomplished with a fifty-foot (50') right-of-way and one ten-foot (10') public improvement and utility easements on each side of the right-of-way. This may alternative dedication may only be proposed where a 5" thick, 5½' wide attached sidewalk with mountable curb will be constructed. In this case, the ten-foot (10') public improvement and utility easement shall be considered to have fulfilled the requirements of Section 16.22.050.

⁵The required right-of-way dedication varies depending on the number of lanes.

(Ord. 1445 §3, 2009)

12.04.050 Permit – Required – Standards and Specifications.

A. "It is unlawful for any person, firm corporation, or any other entity, other than those under contract with the City to construct, reconstruct, pave, cut, open, trench, excavate, alter or repair any street, alley, sidewalk, curb, gutter or public area within the City without first obtaining a

permit from the City Clerk. All such work must comply with the requirements of this Chapter and to the satisfaction of the City Engineer.

B. Any request for deviation from or variance to the engineering/construction design standards and specifications or other requirements of this Chapter by a Permittee shall be submitted in writing to the City Engineer. The City Engineer may grant a deviation or variance from the requirements of this Chapter if such requirements impose an unreasonable hardship on the Permittee. In approving a deviation or variance from the requirements of this Chapter, the City Engineer may impose reasonable conditions.

C. The denial of an application for a deviation or variance from the requirements of this Chapter by the City Engineer may be appealed by the Permittee within fifteen days after such decision to the City Manager by filing such appeal in writing with the City Clerk setting forth the reasons for the appeal. The denial of an application for a deviation or variance from the requirements of this Chapter by the City Manager may be appealed by the Permittee within fifteen days after such decision to the City Council by filing such appeal in writing with the City Clerk setting forth the reasons for the appeal. Prior to consideration of the appeal by the City Council, the City Manager may request the recommendations and comments by the Planning Commission. The decision of the City Council shall be final. (Ord. 1402 §4, 2008) (Ord. 1324 §1, 2006)

12.04.060 Construction Plan Submittal and Approval. All construction plans, specifications, traffic control plans, and associated engineering reports required pursuant to this Section shall be prepared by, or under the direct supervision of a professional engineer duly registered and licensed to practice engineering in the State of Colorado and bear the seal of said engineer. All construction plans, specifications, traffic control plans and associated engineering reports required pursuant to this Section shall be prepared in compliance with the requirements of this Chapter. The approval by the City shall indicate only that the plan, specification, or report appears to be in conformance with the City's submittal requirements and that standard engineering principles and practices appear to have been followed. The professional engineer submitting and sealing the plans, specifications, and reports shall, at all times, be solely responsible for their accuracy and validity. If construction has not commenced after one (1) year from the date of approval, the plans, specifications, or reports will be subject to review, re-submittal, and re-approval by the City Engineer. (Ord. 1324 §1, 2006)

12.04.070 Permit – Application Requirements. Every person, firm or corporation or other entity desiring to construct, reconstruct, pave, cut, open, trench, excavate, alter or repair any street, alley, sidewalk, curb, gutter or other public area shall apply to the City Clerk for a permit therefore on a form to be provided by the City stating the applicant's name, the location, length, dates of commencement and completion of the work, adequate plans and drawings of any work, and a statement that work will be performed in good workmanlike manner and that all construction plans, specifications, traffic control plans and associated engineering reports required pursuant to this Section shall be prepared in compliance with the Requirements of this Chapter. All permits under this Section shall be approved by the City Engineer. (Ord. 1324 §1, 2006)

12.04.080 Permit – Fee – Conditions.

A. A fee shall be paid to the City Clerk prior to the issuance of said permit; provided however, that said fee may be waived by the City Engineer in the Engineer's sole discretion in the event of small or minor installations. All fees shall be charged as allowed by the City's current fee schedule, which is kept on file at the City Clerk's office.

B. The City Engineer may refuse to grant any permit for work, which the City Engineer determines that the granting of such permit would constitute a safety hazard. The City Engineer may impose reasonable conditions to assure that the work does not become a safety hazard and any other reasonable conditions that the city Engineer determines are necessary. The permit shall set forth its date of expiration. The City Engineer may refuse to issue a permit if the requirements of this Chapter are not met. (Ord. 1324 §1, 2006)

12.04.090 Inspection of Work Site. The City Engineer is authorized to enter any project or worksite on public property without notice to inspect for compliance with the requirements of this Chapter. (Ord. 1324 §1, 2006)

12.04.100 Permit Site. The site of the permitted use shall have adequate safeguards to protect the public against damage or injury, and shall be kept in a clean and orderly manner. Every excavation shall be protected at all times by safety devices as prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, and in such a manner as to minimize the disruption of the flow of traffic in the vicinity of the excavation. Failure to maintain a safe, clean and orderly site shall be cause for suspension of the permit pending correction of the cause of suspension, or revocation of the permit if the said fault be continued or of an aggravated nature. (Ord. 1324 §1, 2006)

12.04.110 Unlawful to Remove Safety Devices. It shall be unlawful to remove, displace, damage or interfere with any barricade, warning light, or any other safety device, which is legally placed around or about any street, alley, sidewalk, excavation, or other construction work within the City. (Ord. 1324 §1, 2006)

12.04.120 Prompt Completion of Work. After any work is commenced, the permittee shall proceed with diligence, expedite all work covered by the permit (or contract), promptly complete the work and restore the street and any traffic control devices to their original condition, or as near as may be, so as not to obstruct the public place or travel more than is reasonably necessary. (Ord. 1324 §1, 2006)

12.04.130 Indemnification. The permittee shall be responsible for any and all damages, losses to property or injury to persons including the City arising out of the exercise of the permit or the construction, installation or maintenance of any device or structure including the installation of barricades or lights or the lack of installation thereof, and the permittee shall indemnify and save harmless, the City and all its officers, agents, and employees from all suits, actions, claims of any character, name and description brought for or on account of any injuries, losses or damages received or sustained by any person or persons or property on account of the exercise of the permit or of any act or omission of the permittee thereunder, the permittee's agents or employees or on account of the failure of the permittee to maintain the structure or device or to provide necessary safety devices to ensure the safety of the public including the installation of barricades or lights or the lack of installation thereof; and the permittee shall defend against any suit, action, or claim and

pay attorney's fees and any judgment, with costs, which may be obtained against the City, its officers, agents, or employees growing out of the injury or damage. (Ord. 1324 §1, 2006)

12.04.140 Construction Site Traffic Control.

A. Every person, firm or corporation doing or causing to be done any of the work authorized by this Chapter shall keep the work site protected at all times with proper signs and notices of danger posted on the street, alley or sidewalk, and between the hours of sunset and sunrise shall keep the work properly lighted so as to warn all persons thereof. Work zone traffic control shall comply with the City of Colorado Springs City Engineering Standard Specifications.

B. Construction signing and marking shall conform to the Manual of Uniform Traffic Control Devices for Streets and Highways.

C. Prior to beginning construction, a Traffic Control Plan ("TCP") in drawing form shall be submitted by a registered professional engineer for review and approval of the City Engineer. No phase of the construction shall commence until the TCP has been approved. Approved TCPs shall not be revised without prior written approval of the City Engineer.

D. The TCP shall include detailed signing, barricading, and traffic detouring information for each phase or stage of construction including as a minimum: type and number of devices, working hours, number and location of flaggers, and time restrictions, if any.

E. Copies of the approved TCP shall be available on-site at all times; the contractor shall provide copies to the City Engineer and project inspector. (Ord. 1324 §1, 2006)

12.04.150 Obstructions on Public Way Prohibited.

A. Unlawful to Obstruct Public Way – It shall be unlawful for any person to place upon or construct upon any sidewalk, street, alley, or other public way or upon any natural watercourse or improved drainageway any encumbrance or obstruction, such as, but not limited to, earth fill, building materials, fences, platforms, stairs, railings, or barricades (offending objects).

B. Notice to Remove Offending Objects – The Director of Public Works/City Engineer or designated representative shall notify in writing the owner, agent, or person responsible for the placing or construction of the offending object, when known to the Director of Public Works/City Engineer, to remove same within a reasonable time and restore the public way to its former state. If the offending object has not been removed at the expiration of the time stated in the notice, the Director of Public Works/City Engineer shall cause the same to be removed and stored and all necessary correction work performed to restore the public way at the sole expense of the owner.

C. Abandoned Objects Become City Property – If within 30 days the offending object has not been reclaimed and all costs of removal and restoration of the public way paid, the same shall be presumed to have been abandoned and the City Manager may declare the same to be city property. The same may be used or disposed of in the same manner as other city property. (Ord. 1324 §1, 2006)

Chapter 17.33 Access, Approaches, Driveways, and Curb Cuts

Section 17.330 Application. The provisions of this chapter shall apply to all properties and public streets.

Section 17.332 Permit and Standards.

A. Permit - Issuance. A permit shall be required for the construction and maintenance of any access approach, driveway, or curb cut as specified in chapter 12.04 of the Fountain Municipal Code.

B. Permit - Safety Requirements. No access approach, driveway, or curb cut shall be constructed or maintained which creates a threat to the safety of persons or vehicles near the access approach, driveway, or curb cut. No permit for the construction of an access approach, driveway, or curb cut shall be issued unless the city engineer determines that the proposed access approach, driveway, or curb cut will not create a threat to the safety of persons or vehicles in the vicinity of the proposed access approach, driveway, or curb cut. In making this determination, the city engineer shall consider the following factors:

1. Whether the street to which access is sought is residential or commercial in character.
2. Whether the proposed access approach, driveway, or curb cut would cross a sidewalk.
3. Whether drivers of vehicles using the proposed access approach, driveway, or curb cut would have difficulty in seeing pedestrians or other vehicles in the vicinity.
4. Whether pedestrians or the drivers of other vehicles would have difficulty in seeing vehicles using the proposed access approach, driveway, or curb cut.
5. Whether the proposed access approach, driveway, or curb cut would result in increased noise, dirt, smoke, or fumes near the proposed access approach, driveway, or curb cut.
6. Whether the property for which an access approach, driveway, or curb cut is proposed is already served by an existing access approach, driveway, or curb cut.
7. Whether parking is permitted on the street to which access is proposed.
8. The width of the street to which access is sought.
9. The posted speed limit on the street to which access is sought.
10. The distance of the proposed access approach, driveway, or curb cut from the curb line of the nearest street, which intersects the street to which access, is proposed.
11. The proximity of the proposed access approach, driveway, or curb cut to residential neighborhoods and schools.

C. Construction Specifications - Location.

1. No access approach or curb cut shall be closer than fifty-five (55') to the curb line of any street that intersects the curb line of the street to which access is gained.

2. The width of any access approach, driveway or curb cut shall not exceed thirty-five feet (35') as measured along its intersection with the property line.
3. No two access approaches, driveways or curb cuts on the same lot shall be closer together than fifty-five feet (55') measured along their intersections with the curb line.
4. In business and commercial areas, no access approach, or curb cut shall be closer than fifteen feet (15') to a property line of an adjacent property except where there is shared access with the adjacent property.
5. The minimum distance at which the centerline of an access approach, driveway or curb cut shall be visible from the adjacent street (sight distance) shall be one hundred thirty feet (130'). If required for safety reasons, the city engineer may require a sight distance in excess of one hundred thirty feet (130').
6. The minimum sight distance shall be measured in the following manner:
 - a. The reference point on the adjacent street shall be located on the centerline of the traffic lane closest to the access point, driveway, or curb cut, and at a height of three and one half feet (3.5') above the street surface; the reference point on the access approach, driveway, or curb cut shall be located on its centerline, back a distance of fifteen feet (15') from the property line, and at a height of six inches (6") from the access approach, driveway, or curb cut surface.

D. Surfacing. All access approaches, driveways, and curb cuts shall be surfaced immediately upon completion. Surface material shall be gravel, asphalt, or concrete when adjacent to a gravel street, and asphalt or concrete when adjacent to an asphalt or concrete street. Surfacing within the right-of-way shall extend from the traveled portion of the street to the right-of-way line.

E. Drainage. The construction of access approaches, driveways, and curb cuts shall be accomplished so as not to cause water to enter onto the traveled portion of the street and so as not to interfere with the drainage system of the street right-of-way.

F. Inspection. The City Engineer shall be responsible for the inspection, monitoring and final acceptance of the construction of all access approaches, driveways, and curb cuts in accordance with the access permits issued by the City Engineer.

G. Maintenance. The owner of the property serviced by an access approach, driveway, or curb cut shall be responsible for its maintenance and for any removal of snow, ice, and sand, whether deposited by nature, by the traveling public, or by the city's snow removal or street maintenance operation.

Section 17.334 Visibility at Intersections- Application of Sight Triangle

A. The intersection sight distance provisions contained in "A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials" are adopted as the presumptive standard applicable to all controlled intersections within the city provided, however, that the city manager or his or her designee may, where consistent with public safety, specify greater or lesser intersection or sight distances. Unless otherwise required by the city engineer, all controlled intersections shall be designed, constructed and maintained in accordance with such sight intersection distance provisions

Sample Only
 Contact City
 Clerk office
 (719)322-2000

City of Fountain

Permit for Excavation or Construction in Public Right-of-Way
 Minimum of 5 working days may be required for approval.
 Emergency Excavation permits may be obtained for next business day.

116 S. Main Street
 Fountain, CO 80817
 Tel. (719)322-2000
 Fax (719)322-2001

Applicant Name: _____
 Company: _____
 Address: _____
 Phone: _____
 City/State/Zip: _____
 Sub-Contractor: _____
 Does contactor have business license, insurance & surety bond : Yes No
 City Project : Yes No
 Other Info: _____

CITY USE:
 Business License # _____ Permit # _____
 Expiration Date: **60 Days from Approval**
 Inspected By: _____
 Surety Expiration: _____ Insurance Expiration _____
 Total Due: _____ Date Paid: _____

Construction Fees: Please Check all boxes that apply.

Type of Permit	✓	Unit	Fee
Curb & Gutter		Lineal Feet	\$0.45
Sidewalk		Lineal Feet	\$0.45
Residential Driveway		Each	\$22.00
Commercial Driveway		Each	\$25.00
Pedestrian Ramp		Each	\$22.00
Cross Pan or Square Return		Each	\$22.00
Curb Opening Drain		Each	\$22.00
Median Concrete Cover		Lineal Feet	\$22.00
Storm Sewer Inlet		Each	\$0.40
Structure Concrete Items		Each	\$33.00
Dumpster/Storage Containers		Each	\$55.00
Temporary Road Obstruction		Each	\$20.00
Others		Each	\$25.00
Minimum Base Charge		Each	\$20.00
Re-Inspection (Re-Do)		Per trip	\$33.00

Project Location: _____
 Start Date: _____
 Completion Date: _____
 Excavation Type: Open Cut Bore
 Excavation Size: Width _____ Length _____
 Sq/Ft _____ Depth _____
 Total Sq.Ft. Pavement Removed _____
 Excavation Surfacing Type: Asphalt Soil
 Purpose of excavations : Water Sewer
Telephone Electric Gas Cable
Communications
 Other Details: _____

- Applicant must ensure all line locates are done prior to excavation.
 - Applicant is responsible for post clean up of excavation area.
 - Applicant must submit a traffic control plan when required by the City.
 - Applicant must submit a compaction test report prior to paving and complete paving within 72 hours of completion. All paving is subject to City standards.
 - Construction plans and details may be required by the City.
 - Concrete shall be 4000 PSI.
- Applicant must notify the City of Fountain no less than 24 hours for inspection before pouring at (719) 322-2000.**

Basic Excavation Fees: Please check all boxes that apply.

Type of Permit	✓	Unit	Fee
Excavations less than 100 ft. long including bores and potholes (no intersection)		Each	\$125.00
Excavations 100 ft. to 500 ft. long (No intersection)		Each	\$175.00
Excavation over 500 ft.		*Block	\$300.00
Excavation involving intersection		**Block	\$300
No Permit for the job		Each	\$2x the permit
Second no permit for job		Each	\$3x the permit

Applicant has read this permit and agrees to abide by the City of Fountain standard plans and specifications and to any ordinances, special conditions, restrictions, and regulations that may be imposed by the City of Fountain.

Applicant's Signature _____ Date: _____

Authorization to Proceed: _____ Date: _____

Comments: _____

* Each 500' **Each Intersection