

PALMER LAKE, COLORADO

ORDINANCE NO. # - 2023

AN ORDINANCE AMENDING TITLE 17 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE AND CREATING A SECTION RELATING TO LAND USE APPLICATIONS WITHIN THE TOWN OF PALMER LAKE

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, the Board desires to establish regulations relating to the removal of snow and ice within the Town of Palmer Lake to ensure snow and ice removed from private property do not create a nuisance; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of protecting the health, safety, and general welfare of the citizens of the Town of Palmer Lake to adopt such regulations.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, THAT:

Section 1.

Amend Section 17.12.050 to include the cost reimbursement agreement, as follows:

17.12.050 Land use procedures.

- (a) The applicant shall complete an application form and tender the required application fee and sign the cost reimbursement agreement and any required deposit to the town clerk.
- (b) The town clerk, within 15 days after receipt, shall review the application for completeness with town department staff and respond to the applicant. The applicant shall be notified if the application is complete and said application will then follow the application procedures for each type of application.

Section 2.

Create Section 17.12.055 to utilize the cost reimbursement agreement, as follows:

17.12.055 Application Fees, Cost Reimbursement Agreement.

- (a) All applications submitted to the Town pursuant to this chapter are subject to a non-refundable fee to cover the cost of review by the Town and notice and publication expenses. Such fees are set by the Board of Trustees and may be amended by Resolution.

- (b) In addition to the fees provided for in subsection (a), the applicant shall enter into a cost reimbursement agreement to reimburse all of the Town's non-staff costs and expenditures in reviewing an application including but not limited to attorney fees, consultant engineer fees, consultant surveyor fees, consultant planner fees and other hired consultants providing services to the town with respect to the application. The fee and cost reimbursement agreement are necessary to cover costs for review by and consultation with any other expert whom the Town may reasonably employ in reviewing an application.
- (c) Where the Town Administrator or Town Administrator's designee finds it necessary for the security of the town, the Town Administrator or Town Administrator's designee may require an applicant to deposit funds with the Town, prior to the Town considering any application pursuant to this section, to cover the anticipated costs and expenditures in reviewing the application.

Section 3.

Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4.

Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, RESOLVED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 23RD DAY OF MARCH 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

 Dawn A. Collins
 Town Administrator/Clerk

BY: _____
 Glant Havenar
 Mayor