

PALMER LAKE, COLORADO

ORDINANCE NO. 11- 2023

AN ORDINANCE AMENDING CHAPTER 17.12 OF TITLE 17 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE RELATING TO COST REIMBURSEMENT AGREEMENTS FOR 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 Town previously adopted regulations relating to land use applications and the Board desires to amend these regulations to ensure that the Town does not pay the consulting costs associated with these land use applications and developments; 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.

Section 17.12.050 is hereby amended by adding the underlined language as indicated below with such Section to read in its entirety 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 whether the application is complete or needs any additions. If the application is complete, said application will then follow the application procedures for each type of application.

Section 2.

Chapter 17.12 is hereby amended to create a new section, Section 17.12.055, with such section to read in its entirety 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 consulting 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 AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13TH DAY OF APRIL 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor