



See Ord. #01-2014 Adopted Mar. 24, 2104

CHAPTER 11: MUNICIPAL PROPERTY REGULATIONS

ARTICLE 6: USE OF MUNICIPAL PROPERTY

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CHAPTER 11: MUNICIPAL PROPERTY REGULATIONS

ARTICLE 6: USE OF MUNICIPAL PROPERTY

11-6-1 Public Property Encroachments

(A) Encroachment Defined - An encroachment is any item that is placed, erected or built on the public right-of-way by a private property owner. A property owner shall seek permission from the Town to encroach onto Rights of Ways or municipal property prior to the encroachment occurring. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his own expense or seek permission from the Town for the encroachment to remain.

(B) Types of Encroachments

1. Major Encroachments are considered encroachments that are more permanent in nature. Examples include, but are not limited to: buildings or structures, driveways, fences and retaining walls, decks and patios, some components of public utilities, as well as other immovable objects other than minor landscaping.
2. Minor Encroachments are considered encroachments that are less permanent in nature or those that are at the ground level. Examples include, but are not limited to: at-grade natural drainage and landscaping features (hedges, trees, gardens, landscaping, etc).

(C) When Encroachments Will Not Be Granted

The following encroachment license or agreement requests will not be granted:

1. Additions to existing buildings or other structures that would encroach or do encroach onto municipal property or road Rights of Ways, or
2. The encroachment poses a danger to the public, or

(D) When Encroachments May Not Be Granted

The following encroachment license of agreement requests may not be granted, as determined by the Town Board of Trustees:

1. The proposed encroachment is in conflict with applicable Town Departments and/or applicable utility companies, or
2. When construction has commenced prior to the issuance of a required permit from the Town.

(E) Application

The application for an encroachment license or agreement must be reviewed and approved by the Town prior to the issuance of a building permit and/or prior to construction if a building permit is not required. Applications shall be submitted to Town staff and must include the following:

1. A Narrative Request; and
2. A Site Plan indicating exact measurements of the proposed encroachment and its position to the property boundaries; and



3. Applicable Deposits and/or Fees, as set by Town of Grand Lake Board of Trustees Resolution; and
4. Any other information determined by Town staff applicable to the review of the request.

Once a complete application has been received, all applicable Town Departments will be contacted for determination of staff support or concerns.

(F) Review and Approval Process

1. Major Encroachments shall be reviewed by the Town Board of Trustees.
The item will be placed on the Town Board of Trustees agenda. The Board shall approve, approve with conditions, or deny the application at a public meeting. No later than 14 days prior to the meeting, Town staff shall cause certified mailings to be sent, return receipt requested, to all utility companies.
The Board may continue the application review to a later date (not to exceed 45 days) in order to obtain more information about the request or to conduct site inspections. If approved, an Encroachment License will be issued.
2. Minor Encroachments will be reviewed by Town staff
Requests for Encroachment Agreements that do not have staff support shall be directed to Town Board of Trustees and shall follow the procedures set forth for Major Encroachments. If approved by Town Staff, an Encroachment Agreement will be executed.

(G) Indemnification and Insurance Requirements

The property owner is required to indemnify and save harmless The Town of Grand Lake against any and all damages which may result from the encroachment. Insurance may be required. The certificate of insurance shall be submitted to the Town prior to the execution or issuance of the Encroachment License or Agreement.

11-6-2 Public Property Rental

(A) Short Term Rentals

1. The Town may adopt use policies for the Short Term Rental of Municipal Facilities and Structures. Such policies shall be done by Board of Trustees Resolution adoption.
2. Any group or governmental entity (User) shall be required to enter into an Application and Use Agreement with the Town of Grand Lake for the short-term use (less than 24 hours, unless otherwise noted) of any public facility and/or structure outlined herein.

(B) Long Term Leases

1. The Town may enter into Long Term Leases for municipal-owned property that does not have restrictions or provisions indicating otherwise
2. The Leases shall be in accordance with the Municipal Code, where applicable.
3. Entering into leases of this nature shall be done by Ordinance adoption by the Board of Trustees.



11-6-3 Special Event Permitting (SEP)

(A) Special Event Permit General Information

The Special Event Permit review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the town at large.

1. Special Event Permit shall be utilized for the use of Municipal-owned facilities, structures, lands, and/or Town rights-of-ways to hold a public event.
2. The Special Use and Special Event permit process shall not be used for the rental and subsequent use of Town facilities in accordance with Town rental policies.
3. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

(B) Special Event Permit Application and Required Information:

1. Applications must be submitted at least thirty (30) days prior to the date(s) of the event.
 - (a) If the event involves a Special Events Liquor Permit, the SEP application must be made at least ninety (90) days prior to the date(s) of the event.
 - (b) If the event is a first time event and proposed to be held for more than one (1) day, the application must be submitted at least ninety (90) days prior to the dates(s) of the event.
 - (c) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town Staff.
2. The application for this type of SEP shall contain the following information, if applicable:
 - (a) A Town of Grand Lake Special Event Permit Application; and
 - (b) A damage deposit is required and is refundable after determination by Town Staff that no damage to Town Property occurred and no clean-up by Town Staff, billed at an hourly rate as determined by Resolution by the Town Board of Trustees, was necessary at a point of 24 hours after the end of the event.
 1. The damage deposit shall be set by Resolution by the Board of Trustees.
 - (c) An Agreement for Services; and
 - (d) A deposit to cover Town incurred costs.
3. The applicant shall provide the Town with an endorsed certificate of insurance, in an amount not less than one million dollars for proposed events involving alcohol, livestock, or events that could cause harm to persons or property, or items of similar nature as determined by the Town.

(C) Special Event Permit Application Review and Approval



1. Review Considerations

The following factors shall be considered prior to approval of a SEP:

- (a) The predominant use of the primary facility being used; and
- (b) The proposed event and the event hours; and
- (c) Neighborhood compatibility; and
- (d) Effect of the proposed event on the community; and
- (e) The Town's anticipated cost in staff time and equipment use; and
- (f) The benefit to non-profit from the event; and
- (g) The benefit to local businesses from the event; and
- (h) Duplication of services or sale items; and
- (i) Nature of the past event issues or similar past event issues.

2. Special Event Permit Approval

(a) Approval by the Mayor

The Mayor or the Mayor's Designee may review and may approve the SEP based on 11-6-3(C)1 Review Considerations and the following additional criteria:

1. This is a reoccurring event with no issues in the past; and
2. The event does not involve a Special Events Liquor Permit.

The Mayor or the Mayor's Designee, for any reason, may defer review and approval of the SEP to the Board of Trustees.

(b) Approval by Board of Trustees

If approval is not obtained by 11-6-3(C)2(a) Approval by the Mayor, the Board of Trustees shall review the SEP application.

The Board shall review and may approve the application based on 11-6-3(C)1 Review Considerations. The Board, at its discretion, may require one or more of the following:

1. Require review of the SEP at a Public Hearing; and/or
2. Permit all or only a portion of the SEP application; and/or
3. Impose permit conditions on the event.



SPECIAL EVENT PERMIT - (SEP) APPLICATION

