

See Ord. #14-1985 Adopted June 24, 1985
See Ord. #16-1985 Adopted July 1, 1985
See Ord. #5-1990 Adopted August 13, 1990
See Ord. #20-2006 Adopted February 26, 2007
See Ord. #1-2009 Adopted February 23, 2009
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CHAPTER 11

ARTICLE 1

BOARDWALKS, SIDEWALKS AND COMMUNITY GREENWAYS

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CHAPTER 11
ARTICLE 1
BOARDWALKS, SIDEWALKS AND COMMUNITY GREENWAYS

Section 11-1-1 Definitions

- A. Greenway – That area of the Town Right of Way which separates the boardwalk from the traveled or parking portion of the Town Right of Way.
- B. Obstruction – any tree, bench, table, chair, planter boxes, sculpture, statue or any other thing, whether placed, constructed or installed on a permanently affixed or temporary basis.
- C. Permanently affixed obstruction – a Town approved obstruction that is placed into the Greenway which is not be moveable and will be securely fastened to the ground.
- D. Town – The Town of Grand Lake, Colorado.
- E. Temporary obstruction – a Town approved obstruction that is placed into the Greenway for a limited period of time between April 1 and Thanksgiving Day.
- F. Urban Forest – All vegetation growing in the Town of Grand Lake.
- G. Walks – any walkway primarily used by the public whether constructed of wood, concrete, or any other material. All walks existing or constructed in the public right-of-way shall comply with the terms of this Article. All walks constructed on private property for the primary use of the public shall comply with the terms of this Article.

Section 11-1-2 Duty to Keep Walks Maintained and Clean

- A. It shall be the duty of all property owners of every premise within the Town where walks exist or are later constructed or reconstructed to keep the walk maintained and in good repair according to the specifications contained in Section 11-1-6 of this Article.
- B. It shall be the duty of all property owners of every premise within the Town to keep said walks free and clear of snow, ice, mud, debris, rubbish, filth, or any object of obstruction which can impede normal pedestrian traffic flow unless said obstruction complies with this Article.

Section 11-1-3 Annual Inspections of Walks to be Performed

- A. At least annually, the Town Manager shall cause an inspection of all existing walks within the Town to assure that said walks are in full compliance with the provisions of this Article.
- B. Walks found not to be in compliance with the specifications contained in Section 11-1-6 of this Article are declared to be deficient and it shall be the duty of the property owner to repair or reconstruct the entire walk for the length of the property according to the specifications of Section 11-1-6 forthwith.

Section 11-1-4 Town May Contract for Walk Inspections

- A. The Town may enter into a contract for the annual inspection noted in Section 11-1-3 of this Article and to inspect the construction or reconstruction of walks within the Town.
- B. The Board of Trustees may, from time to time, establish by resolution, an inspection fee for the construction or reconstruction of walks.

Section 11-1-5 Permit for Construction or Reconstruction of Walks Required

- A. Prior to the construction or repair or reconstruction of any walk within the Town, the property owner shall obtain a permit from the Town.
- B. The form and procedure for said permit shall be that used by the Town for obtaining a building permit.

- C. The Board of Trustees may establish by Resolution the permit fee.
- D. The Town of Grand Lake may act as a co-applicant on applications made for boardwalk construction or reconstruction if it is in the best interests of the Town.
- E. The Town of Grand Lake shall not issue this permit 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.

Section 11-1-6 Material and Construction Specifications for Walks

A. Boardwalk Material and Construction Specifications

1. Ground Preparation - Soils shall be leveled and compacted, if necessary, so as to provide a uniform bearing load for the ground joists. Ground levels shall be laid so that the boardwalk when finished shall meet the bottom sill of all entryways. In the case of highly expansive soils, or soils subject to excessive shrink/swell, the Town may permit alternate methods of securing ground joists to the ground from that specified elsewhere in the Section. The finished level of the ground shall slope from the building to the street at a grade of one inch minimum to two inches maximum for each eight feet. Surface material beneath the boardwalk will be of porous material. For construction of new boardwalks where asphalt, concrete, or other impervious surface is present, the removal of such impervious material is required prior to the construction of the boardwalk.
2. Ground Joists in contact with Soils – The ground joist shall be 6” x 6” ground contact pressured treated lumber or composite decking material (e.g. Trex) in lengths of sixteen feet, with alternating splices of eight feet. The ground joists shall be placed parallel to the building front. One row shall be offset from the building front by no greater than one inch, one row shall be offset from the street edge of the planks by no greater than one inch, and the center rows shall be equidistant from the other two rows with a maximum center of sixteen inches (16”), or to manufacturers suggested guidelines, whichever is more restrictive. Ground joists shall be anchored by half-inch rebar. Rebar shall be started one foot from the edge of each ground joist and offset toward the center thirty degrees and penetrate at least thirty inches into the ground. Ground joists within each row shall be connected by means of a flat, galvanized plate which complies with Grand Lake Building Codes.
 - a. Composite Decking material must be wood-like in color and appearance, consistent throughout the Town.
3. Joists Bearing on Concrete Grade Beams
 - a. Grade Beams - Concrete grade beams must be 8 inches thick, 8 feet long and deep enough to extend a minimum of 18 inches into the ground and to match the proposed grade line at the finish grade of the planks. A one-half inch reinforcement bar shall be placed in each corner of the grade beam with a minimum of one inch concrete cover over each bar. The grade beam shall have four ½ inch anchor bolts placed at the ends of each 2” x 4” sill plate, but provide adequate clearance of the two-inch diaphragms in the end of the joist. The grade beam shall be placed on firm soil. All topsoil, organic material and soft soil shall be removed. All over excavation shall be replaced with granular material and compacted in lifts not to exceed six inches with a “jumping jack” type compactor.
 - b. Sills – Sills shall be 2” x 4” above ground, pressure treated lumber or composite decking material (e.g. Trex).

- c. Floor Joists – Floor Joists shall be 4” x 10” in size for a 10-foot span or less and 4” x 12” in size for spans 10-16 feet. The joists shall be pressure treated lumber or composite decking material (e.g. Trex). The joist shall be fastened to the sill in a manner which complies with Grand Lake Building Codes.
 4. Planks - Planks shall be 2” x 6” above ground pressure treated lumber or composite decking material (e.g. Trex) in lengths of eight feet with a maximum 1/8 inch spacing between planks. Planks shall be secured in a manner which complies with Grand Lake Building Codes.
 - a. If the right-of-way is one-hundred feet (100’) wide, then the boardwalk will be eight feet (8’) in width, and the length of the planking will be eight feet (8’).
 - b. If the right-of-way is only eighty feet (80’) wide, then the boardwalk will be five feet (5’) in width, and the length of the planking will be five feet (5’).
 5. Handicapped Access Ramps and Driveways - the Board of Trustees may adopt further design standards for handicapped ramps at corner lots and for the provision of driveways by resolution presented and adopted at any regular Board meeting. These designs standards will comply with all Federal, State, and County rules and regulations which pertain to the Americans with Disabilities Act, as amended.
 - B. Boardwalk Cover Material and Construction Specifications.
 1. Should the property owner elect to construct a cover over the boardwalk, the following specifications shall be met:
 - a. Posts - Posts which shall meet International Building Code (IBC) specifications for bearing and spacing shall be set on concrete piers and secured by a post base connector. Concrete piers shall be eight inches in diameter and a minimum thirty inches in depth.
 - b. Roof Beams - Roof beams shall meet International Building Code (IBC) specifications.
 - c. Rafters - Rafters shall be 2” x 8” lumber, sixteen inches on center and shall have a minimum pitch of 4:12 or other appropriate pitch adequate for snow load as may be determined by the Town. Rafters, if attached to the building, shall be connected to a 2” x 8” ledger and shall be secured to the ledger by means of an angle connector. The ledger shall be connected to the building by lag bolts. If the boardwalk cover is freestanding, posts shall be placed at the building front or property line, as appropriate, and shall be constructed as per specification. Rafters shall be connected to the roof beam with a rafter connector. All connectors and construction techniques must be done in a manner which complies with Grand Lake Building Codes.
 - d. Roof Sheathing - Roof sheathing must comply with Grand Lake Building Codes.
 - e. Roof Covering - Roof covering shall be in compliance with the Design Review Standards and the Grand Lake Building Codes.
 - f. The street edge of the boardwalk cover shall extend one foot beyond the street edge of the boardwalk planking. The street edge of the boardwalk cover shall be 8 feet above the top of the boardwalk planking.
 - C. Concrete Sidewalks – Stamped concrete will be the only approved type of concrete sidewalk within the Town of Grand Lake and shall only be permitted in limited circumstances such as curb cuts, driveways, ADA accesses, and locations without mandatory boardwalk requirements, etc. Concrete sidewalks shall be no less than four feet or more than eight feet in width and

shall be a minimum of four inches in depth or meeting the Grand Lake Building Codes, whichever is more restrictive.

1. Ground preparation – As specified in Municipal Code 11-1-6 A(1).
2. Stamped concrete shall be used in areas of driveway accesses and should be designed simultaneously with boardwalks and greenways.
 - a. Stamped concrete shall have a pattern and coloring similar to the wood or composite decking material used in the boardwalk.
3. Concrete walks which meet any or all of the following conditions are declared to be deficient:
 - a. Slabs which are out of level with any adjoining slab in excess of one-half inch.
 - b. Slabs which have cracked, settled, or heaved such that one part of the slab is out of plane in excess of five per cent with another part of the same slab.
 - c. Slabs which have cracks in the surface in excess of a half-inch either vertically or horizontally.
 - d. Slabs which have holes in the surface either in excess of a diameter of three inches or one-half inch in depth.
 - e. Slabs which are more than one-half inch from the bottom of the door sill.

Section 11-1-7 Boardwalks to be Mandatory in Certain Parts of Town

- A. In order to create a uniform appearance within the Town and in order to foster rustic and Western atmosphere within the Town, boardwalks constructed of lumber or composite decking material and according to the specifications contained in Section 11-1-6-A shall be mandatory for the following properties:
 1. Block 2, Lots 9-16, and including the west side of Lot 9.
 2. Blocks 3, 4, and 5 in their entirety, excluding the alleyways, and further excluding the Hancock Street side of Block 3 and 4.
 3. Block 6, Lots 9-16, including the west side of Lot 9 and the east side of Lot 16.
 4. Block 9, Lots 9-16, including the west side of Lot 9 and the east side of Lot 16.
 5. Block 10, in its entirety, excluding the alleyway.
 6. Block 11, Lots 1-8, including the east side of Lot 1 and the west side of Lot 8.
 7. Block 12, Lots 1-8, including the east side of Lot 1 and the west side of Lot 8.
 8. Block 13, in its entirety, excluding the alleyway.
 9. Block 18, Lots 9-16, including the west side of Lot 9 and the east side of Lot 16.
 10. Block 19, Lots 1-8, including the east side of Lot 1 and the west side of Lot 8.
 11. Block 20, Lots 1-8, including the east side of Lot 1 and the west side of Lot 8.
 12. Block 21, Lots 9-16, including the west side of Lot 9 and the east side of Lot 16.
 13. Exception: The boardwalks in the area bordered by Grand Avenue, Lake Avenue, Hancock Street, and Vine Street, inclusive of both sides of these streets, must be built using lumber, not composite decking material.
- B. The properties listed in 11-1-7A will be required to construct boardwalk when issued a building permit for:

1. erecting a building on an undeveloped lot, or otherwise developing an undeveloped lot; or,
2. new exterior construction either equaling 25% or greater of the total square footage of the predominant structure or 20% of the Grand County Assessor's valuation; or,
3. New interior construction or major remodeling equaling 75% or greater of the total square footage.
4. For new interior construction or major remodeling equaling 50% to 75% of the total square footage, the Town Manager or his designee may enforce this requirement based on the total amount of the valuation of the project, element of connectivity to preexisting boardwalks, new ownership or management and/or the change in the type of business.

Section 11-1-8 Obstruction of Sidewalks and Boardwalks Prohibited

- A. Except as provided in this Article no person shall obstruct or cause to be obstructed any sidewalk or boardwalk within the Town in any manner whatsoever, but shall at all times, keep such sidewalks and boardwalks free of obstructions to the passage of foot travel.
 1. Nothing in this Article shall prohibit duly authorized personnel from placing items on sidewalks and boardwalks for public safety.
 2. For a typical one-hundred foot (100') Right of Way, items that shall not be deemed to be obstructions so long as the continuous walking area is not reduced to less than five feet (5'), and the owner of said item has received prior written approval from the Town Manager or his designee for the placement of the item shall include:
 - a. Public telephones
 - b. Unattended drop boxes (parcel post, etc.)
 - c. Covered cigarette butt disposal devices
 - d. Posts
 - e. Rails
 - f. Decorative or flower boxes, excluding hanging flowers
 - g. News racks that comply with this Article.
 3. For a typical eighty-foot (80') Right of Way, the post(s) for the roof covering on a covered boardwalk shall not be deemed to be obstructions so long as the continuous walking area is not reduced to less than four feet, four inches (4'-4"), and the owner of said item has received prior approval from the Town Manager or his designee for the placement of the post/roof covering.
 - a. The decreased continuous walking area shall not be permitted in locations where there is access into or from the structure. In these locations, a five-foot (5') clearance must be maintained.
 4. Any items that are located in entirety on the private property portion of the boardwalk or sidewalk shall not be deemed to be obstructions so long as the continuous walking area of the boardwalk or sidewalk is not reduced to less than five feet (5').
- B. Display of Merchandise for Sale on Boardwalk
 1. Permit Required: An applicant wishing to display merchandise on the boardwalk must first obtain a permit. To obtain a permit, the applicant must submit a permit request form, a site plan which includes the location on the sidewalk or boardwalk where the wares are to be placed and the conveyance mechanism (display rack or table), and written permission from the building owner if other than the applicant. Furthermore, the applicant shall provide the Town of Grand Lake with a copy of the insurance policy and

- a Hold Harmless Agreement as required by this Section.
 - a. The boardwalk in front of a business must comply with this Article prior to a permit being issued.
 - b. A permit will be revoked if the boardwalk in front of that business is not maintained as required by this Article.
 - c. A written notice will be given to a permittee for a first violation of any provision of this Section B, and the permittee will be given one (1) hour to correct the violation.
 - d. A permit will be immediately revoked and a summons issued by the Town Manager or his designee upon a second or subsequent violation of any provisions of this Section B. The permittee may appeal the revocation to the Board of Trustees by submitting a written request. The Board of Trustees' decision is final.
 - e. The Town of Grand Lake shall not issue this permit 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.
2. Items for sale may be displayed on the sidewalks or boardwalks and must be placed adjacent to the building wall so that the continuous walking area is not reduced to less than five feet (5'). As used in this Section, the "continuous walking area" is defined as the area remaining after measuring from the closest edge of any obstruction or other item permitted on the boardwalk to the closest edge of any other obstruction or other item permitted on the boardwalk or edge of the sidewalk or boardwalk.
 3. Any items placed on the sidewalk or boardwalk shall be located directly in front of the establishment displaying the goods and on the establishment's side of the boardwalk or sidewalk. Building entrances and exits, driveways and streets shall not be obstructed by such displays.
 4. Any item displayed for sale on the sidewalk or boardwalk must be on a temporary display table or rack. Each display table or rack must not exceed six (6) feet in length, and the total length of all display tables and racks for a business cannot exceed ten (10) feet maximum. All display tables or racks must be removed from the boardwalk or sidewalk when the business is closed. No items may be displayed in or on cardboard boxes. No items for sale are allowed to be hung over the sidewalk or boardwalk.
 5. Hold harmless. Anyone placing merchandise for sale, a display rack, or table on a sidewalk or boardwalk shall indemnify, defend and hold the town, its officers and employees harmless for any loss or damage, including attorney fees, arising out of placement of said merchandise, display rack, or table.
 6. Insurance requirements. Anyone placing merchandise for sale, a display rack, or table on a sidewalk or boardwalk shall maintain liability insurance with a company insuring against all liability that the owner, lessor or user of the merchandise, display rack, or table may incur by virtue of the placement, care, use, and existence of the merchandise, display rack, or table. This insurance shall have a minimum limit of \$600,000. The insurance shall name the Town as an additional insured and shall not be cancelable without 30 days prior written notice to the Town. Failure to comply with this provision will subject the merchandise, display rack, or table to immediate removal by the Town.
 7. Private Property Exemption. Nothing in this Section should be interpreted to regulate the sale or display of merchandise on private property.
- C. Hanging Baskets Containing Plants or Flowers
1. It shall be unlawful to place or maintain a hanging plant or flower basket over the public sidewalk or boardwalk within the Town without complying with the provisions of this Subsection (C) regulating the location and liability for hanging baskets in the Town.

2. Hanging baskets containing plants or flowers above sidewalks or boardwalks within the Town shall be lawful at specific locations approved by the Town Manager or his designee. The number of hanging baskets containing plants or flowers is not limited by a specific number; however, all locations must meet and be consistent with the following criteria:
 - a. No basket shall be hung over any area commonly used for ingress or egress, or any area that could be used for ingress or egress by a reasonable person, unless seven feet (7') of clearance from the bottom of the basket to the walking surface of the boardwalk or sidewalk is maintained. Whenever practical, the baskets should be hung on the street facing side of posts or adjacent to the posts in order to maintain as large as possible space for ingress or egress.
 - b. Hold Harmless. Anyone owning, maintaining, or placing a hanging basket over a sidewalk or boardwalk shall indemnify, defend, and hold the Town, its officer and employees harmless for any loss or damage, including attorney fees, arising out the use, placement, removal, or maintenance of such hanging basket.
 - c. Insurance requirements. Anyone owning or placing a hanging basket over a sidewalk or boardwalk shall maintain liability insurance with a company insuring against all liability that the owner of the hanging basket may incur by virtue of the placement, care, use, and existence of the hanging basket. This insurance shall have a minimum limit of \$600,000. The insurance shall name the Town as an additional insured and shall not be cancelable without 30 days prior written notice to the Town. Failure to comply with this provision will subject the hanging basket to immediate removal by the Town.

D. Occupancy of sidewalks and boardwalks by news racks

1. Definition: As used in this Section “news racks” means and includes any self-service or coin-operated box, container, rack, structure or other dispenser used or maintained for the distributions of newspapers or news periodicals.
2. News racks regulated: It shall be unlawful to place or maintain a news rack on public sidewalks or boardwalks within the Town without complying with the provisions of this subsection (D) regulating location, maintenance, and liability for news racks in the Town.
3. News racks allowed in specified locations: News racks on sidewalks and boardwalks within the Town shall be lawful at specific locations approved by the Town Manager or his designee. The number of news rack locations in Town is not limited by any specific number; however, all locations must meet and be consistent with the following criteria:
 - a. The continuous walking area may not be reduced to less than five feet (5’).
 - b. News racks may not block the ingress or egress of doorway, walkway, stairway, or steps.
 - c. The minimum distance from a fire hydrant is seven feet (7’) to the side or rear and fourteen feet (14’) to the front.
 - d. News racks may not block or impede a fire lane.
 - e. News racks may not block or impede a parking or loading/delivery space.
 - f. News racks may not block access to a trash receptacle, dumpster, mailbox, manhole, water valve, or other similar area where access is necessary.
 - g. News racks may not block or impede sweeping or snow removal.
 - h. News racks may not block access to flower beds or other landscape areas.
4. Permit required. It is unlawful for any person to distribute or display for distribution any news rack on the sidewalk or boardwalk within the Town without first securing a permit

from the Town for each separate distribution location. Such permit, which will be issued by the Town Manager or his designee, shall be pursuant to the requirements of this Section and such rules and regulations as are established by the Town Manager. There shall not be any rental charge or charges for the distribution locations.

5. News rack specifications. News racks must be no larger than sixty inches (60") in height, twenty-four inches (24") in width, and twenty inches (20") in depth.
6. Maintenance. Any person using, operating, placing or maintaining a news rack on a sidewalk or boardwalk shall be responsible for the maintenance and upkeep of their racks. Such maintenance shall include, but not be limited to, painting, disposing of trash and debris in the vicinity of the news rack, working operation, and adequate anchorage. Failure to adequately maintain any news rack resulting in failure to comply with the aesthetic intentions and goals of this Section will subject the affected news rack to removal by the Town.
7. Hold harmless. Anyone owning, maintaining, placing, using or leasing a news rack on a sidewalk or boardwalk shall indemnify, defend and hold the town, its officers and employees harmless for any loss or damage, including attorney fees, arising out of use, placement, removal, maintenance or leasing of such news rack.
8. Insurance requirements. Anyone owning, placing, leasing, using or maintaining a news rack on a sidewalk or boardwalk shall maintain liability insurance with a company insuring against all liability that the owner, lessor or user of the news rack may incur by virtue of the placement, care, use, operation, removal, and existence of the news rack. This insurance shall have a minimum limit of \$600,000. The insurance shall name the Town as an additional insured and shall not be cancelable without 30 days prior written notice to the Town. Failure to comply with this provision will subject the news rack to immediate removal by the Town.
9. Rights granted. The approval of any location for use as a news rack shall not be construed as granting the user any right or interest to or in the property of the Town. The rights granted by this Section are merely a license to use the property for permitted purposes, subject to the provisions of this Section.
10. Emergency removal. In the event it is determined by the Town that the location or operation of the news rack constitutes an immediate physical threat to public life, safety, or health, the news rack may be removed by the Town immediately without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material distributed by the news rack. In the event of such an emergency removal, the Town shall immediately contact the news rack's owner or user, if known, and inform the representative of the removal and the reasons therefore. If requested by the representative, the Town shall hold an immediate hearing before the Town Manager or his designee to determine whether or not the removed news rack constituted an immediate threat to the public's life, safety, and/or health. In the event the Town Manager or his designee determines that the news rack did not constitute such an immediate threat, the Town shall immediately, at its own expense, replace the news rack to its original location. Any decision or order may be appealed to the Board of Trustees. Any appeal shall be filed in writing within 10 days after the decision of the Town Manager or his designee and shall specify the basis for the appeal. The Board of Trustees may consider the appeal based on the written submissions only, or in its discretion, may hold a hearing thereon within 30 days.
11. Any news rack on Town-owned sidewalk or boardwalk, except those that comply with the regulations of this Section, may be impounded by the Town without prior notice or

hearing. The Town shall take reasonable efforts to determine the owner of the news rack and shall notify the owner of the impoundment. The owner of any impounded news rack shall be responsible for the expense of removal and storage of such news rack. If the owner fails to reclaim the impounded news rack and pay the expenses of removal and storage within 30 days after notice of impoundment, the news rack may be deemed unclaimed property and may be disposed in the same manner as other unclaimed or surplus Town property.

11-1-9 Community Greenways

- A. It is the intent of the Town of Grand Lake to utilize Greenways as an integral asset to the Urban Forest when placed along Town Rights of Way and to act as a buffer between vehicular and pedestrian traffic. This area, placed between the parking and traveling portion of a Town Right of Way and the boardwalk, will also aid in snow storage and drainage.
- B. In order to create a uniform appearance within the Town, areas that are required to have a boardwalk, as identified in this Article, are also required to have a greenway.
- C. Greenways shall be constructed with guidance from the Town's Public Works Director, or designee thereof. Greenways will be between three (3) and eight (8) feet in width, dependent upon site conditions and as determined by the Town's Public Works Director, Town Manager or their designee, and shall run the length of the property, parallel with the boardwalk.
 1. If the right-of-way is only eighty feet (80') wide, then the greenway will be a maximum of three feet (3') in width, including the stopping blocks for parking.
- D. Vegetation, with the exception of surface landscaping as defined in this Article, shall be in accordance with Desirable and Undesirable Plantings listed in Municipal Code Chapter 13, *Urban Forestry Management*.

11-1-10 Greenway Obstructions

- A. General:
 1. It shall be unlawful for any person to place any obstruction upon any Greenway, which renders the same less commodious or convenient for public use, except as outlined in this Article and authorized by the Town Manager or his designee.
 2. It shall be unlawful for any person to place any merchandise or advertising on the Greenways.
 3. It shall be unlawful for any person to conduct business in the Greenways.
- B. Obstructions
 1. All obstructions, whether permanent or temporary, are reviewed on a case-by-case basis to determine whether or not they will be permitted. Obstructions that are in direct line of snow shed, municipal utilities, or will interfere with municipal or utility uses of the greenway must be temporary obstructions only.
 2. The following items and items similar in nature may be placed in the Greenways upon receiving written approval from the Town Manager or designee. All items listed below shall be wooden, have a wood-like appearance or be painted cast iron:
 - a. Benches, not to exceed six feet in length.
 - b. Tables (four chairs maximum).
 - (1) Shall not exceed the dimensions of nine (9) square feet.
 - (2) Picnic tables must be painted or stained and shall not seat more than 4 people.
 - c. Decorative items (Wishing Wells, Wheelbarrows, Bridges, etc.)
 - d. Trees.

- e. Permanently affixed planter boxes.
 - f. Permanent water features or irrigation systems.
 - 3. The following items and items like similar nature may be placed in the Greenways upon receiving approval from the Board of Trustees:
 - a. Sculptures/Statues.
 - b. Any other item as determined by the Town Manager or designee.
- C. Obstruction Density
 - 1. In order to promote the flow of pedestrian traffic with proper ingress and egress throughout the greenways, as well as to ensure the aesthetic quality of same, each business shall be limited to the number of permitted items placed in the Greenway based upon the linear frontage of said business.
 - a. Any business may use the space allotted to their adjoining neighbors with written permission from that neighbor.
 - 2. For every four (4) linear feet, the business will be allotted one square foot of approved obstructions. Regardless of linear frontage, no business will be restricted to less than fifteen square feet.
 - a. Surface landscaping, such as grass and pavers are not considered to be obstructions and will therefore not be limited or counted in any way towards the density calculation.
 - (1) Gravel shall not be considered an obstruction, although use of gravel as a landscape feature is discouraged. Less than 50% of surface landscaping may be gravel.
 - 3. Less than 50% of any allotted square footage of surface landscaping may be of impervious material.
- D. Application Procedure
 - 1. Any property owner or business desiring to place an obstruction in the Greenway that hasn't previously been approved by the Town must submit a cover letter, site plan that displays the business linear frontage, the proposed surface landscaping materials, size and location of proposed and existing obstructions and a picture of the proposed obstruction.
 - 2. The Town Manager or designee will approve or deny the application within ten (10) days of receipt of the application. Appeals to a denial made by the Town Manager will be heard by the Town Board of Trustees.
 - 3. The Town Board of Trustees will review and approve or deny the application within 21 days of the date of the appeal by the applicant. The Board of Trustees may continue the review of the application, but said continuance shall not be for a period greater than 30 days from the original review.
- E. Maintenance of Allowable Obstructions – All allowable obstructions shall be maintained in a safe, presentable, and structurally sound condition at all times. This maintenance includes repair or replacement of defective or damaged parts, painting or repainting, cleaning, and any other acts required for the necessary maintenance of said obstruction.
 - 1. The Town may choose to enter into a maintenance agreement with the applicant.
 - 2. The Town will not be responsible for the watering or upkeep of plant materials in the Greenway unless specifically listed in a maintenance agreement.
 - 3. The Town will not assume any liability for injuries caused by a permanently-affixed or temporary obstruction or surface landscaping element.
 - 4. The Town will not assume any liability for any damage to an obstruction.

11-1-11 Greenways Board

- A. There is hereby created and established a Town Greenways Board comprised of five members, each of whom shall be a full-time Grand Lake Area resident or business owner. Greenways Board members shall be appointed by the Mayor and approved by a majority vote of the Board of Trustees. One member may be a current Town Trustee. All members shall serve without compensation; except that they may be reimbursed by the Town for actual expenses incurred in connection with their duties. The Town Manager and Public Works Director, or their designee, will serve as liaisons to the Greenways Board, but shall not serve as board members.
1. The term of office shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. A vacancy shall exist upon the resignation or death of any member. A member may be removed by majority vote of the Board of Trustees for neglect, incompetence or malfeasance in office. A vacancy may be deemed to exist by majority vote of the Greenways Board whenever any member has missed four or more meetings in any consecutive twelve month period. In the event a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor upon approval of a majority of the Board of Trustees for the unexpired portion of the term.
 2. The Greenways Board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.
- B. Duties, Powers and Responsibilities
1. It shall be the responsibility of the Greenways Board to study, investigate, develop, and periodically update and review the administering of the Community Forestry Plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs and other plants in parks, along streets, and in other public areas. Such plan will be presented to the Town Board of Trustees and upon their acceptance shall constitute the official community Forestry Plan for the Town.
 2. The Greenways Board shall also:
 - a. Develop, maintain and publicize a list of desirable trees, shrubs, flowers and other plants for the Grand Lake area.
 - b. Make recommendations to Town staff on appropriate plantings and forestry management practices on public property within the Town.
 - c. Make policy and budget recommendations to the Board of Trustees to implement the official Community Forestry Plan.
 - d. Work in cooperation with the Colorado State Forestry Service in providing technical assistance to private property owners when applicable and as determined by the Town Manager or his designee.
 - e. Recommend planting and maintenance standards for private and public lands within the Town which shall have the force of law upon approval of a Resolution so stating adopted by majority vote of the Board of Trustees.
 - f. Consider such other matters as may be requested by the Board of Trustees.

Section 11-1-12 Appeals

Any person who is aggrieved by his inability to obtain a Permit for walkways or by the decision of any administrative officer or agency based upon or made in the course of administration or enforcement of this Article may appeal said decision to the Board of Trustees. The Board of

Trustees shall meet within twenty-one (21) calendar days upon submittal of the written appeal by the applicant.

Section 11-1-13 Enforcement and Penalties

- A. Enforcement - The Town Manager or other such entity with whom the Board may contract shall be charged with the responsibility for carrying out the administration and enforcement of this Article and is hereby granted the authority to administer the provisions of this Article in accordance with the Code of Ordinances and the laws of the State of Colorado.
- B. Notification -- Whenever the Town Manager or his designee finds a violation of any of the provisions of this Article, he shall notify the property owner responsible for the walk in writing and shall order the necessary corrective actions.
 - 1. If the property owner is in violation of Section 11-1-2 of this Article, the property owner shall have three days from the date of the notice or posting to take the necessary corrective actions.
 - 2. If the property owner is in violation of Section 11-1-3 of this Article, the property owner shall have thirty days from the date of receipt or posting of the notice to take the necessary corrective actions.
 - 3. Notice of violation of this Article may be given to a property owner by personal service, by certified mail restricted delivery, return receipt requested, to the property owner, or by posting the notice in a conspicuous place on the property.
- C. Penalty -- Failure to comply with any of the provisions of this Article shall be punishable by a fine of not more than Three Hundred (\$300.00) Dollars. Each day that such a violation continues to exist is deemed to be and shall be considered a separate offense. The Municipal Judge is hereby authorized to create and administer a penalty assessment schedule for violations found under Section 11-1-2 of this Article.
- D. Liability for Damages -- This Article shall not be construed to hold the Town of Grand Lake, its officials, employees, or agents responsible for any damage to persons or property by reason of the inspection or reinspection or by reason of issuing a permit as herein provided.