

**TOWN OF GRAND LAKE
ORDINANCE NO. __-2013**

**AN ORDINANCE AMENDING CERTAIN SECTIONS THE GRAND LAKE
TOWN CODE BY ADDING REQUIREMENTS FOR THE
ISSUANCE OF PERMITS**

WHEREAS, Chapter 9 of the Grand Lake Town Code governs and regulates the requirements for building permit applications; and

WHEREAS, Section 12-2-29 of the Grand Lake Town Code governs and regulates the construction of boathouses and boat docks, and requires a public hearings before the issuance of a Building Permit; and

WHEREAS, issues have recently been brought to the attention of the Town regarding the ownership of property on which boathouses and boat docks may be located; and

WHEREAS, there is some authority suggesting that the pathway along the shoreline of Grand Lake in the Sunnyside Addition to the Town of Grand Lake may be the property of the Town on behalf of the public, and

WHEREAS, it is in the Town's interest to insure that the construction of boathouses and boat docks is regulated in a manner to protect the Town against claims relating to the construction of boathouses and boat docks on lands not belonging to the building permittee.

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

1.
 - The Code of the Town of Grand Lake, Colorado, is hereby amended by adding the following provisions to Chapter 9 requiring the following language to be added to the building permit application:

The property owner hereby acknowledges that he/she is responsible for building on their own property within the setbacks or building envelopes and affirmatively represents that they are the owner of or have the right to build on all property on which construction will occur;

and/or

- The Code of the Town of Grand Lake, Colorado, is hereby amended by adding the following provisions to Section 12-2-29:

Notwithstanding any other provisions contained in this section, building permit applications for property within the Town which borders Grand

Lake, shall include the following provisions, signed by the owner of the property:

(1)The property owner hereby acknowledges that he/she is responsible for building on their own property within the setbacks or building envelopes and affirmatively represents that they are the owner of or have the right to build on all property on which construction will occur;

and/or

(2) The property owner agrees to indemnify and hold the Town of Grand Lake harmless against any and all claims relating in any manner to the Town’s issuance of the requested building permit. Such indemnification shall include reimbursing the Town for all costs and expenses, including but not limited to attorneys fees incurred by the Town in defending any such claim.

- 2. 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 of the remaining portions of this Ordinance. The Board of Trustees 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.
- 3. Repeal: Existing Ordinances or parts of Ordinances covering the same matters as 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 taking effect of this Ordinance.

DULY MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS ____ DAY OF _____, 2013.

Votes Approving: _____
 Votes Opposing: _____
 Absent: _____
 Abstaining: _____

ATTEST:

TOWN OF GRAND LAKE

Ronda Kolinske, CMC
Town Clerk

Judy M. Burke
Mayor