

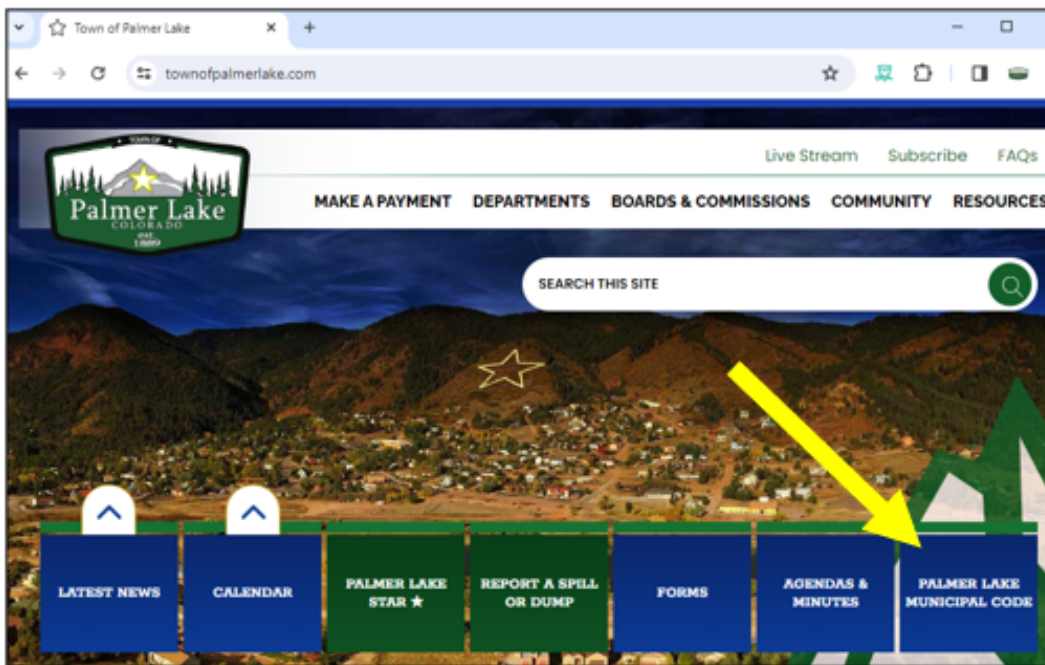
**NOTE: This Code Book was last updated January 2015.
It is posted for historical purposes only.**

TITLE 1

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Town Seal
- 1.12 Right of Entry for Inspection
- 1.16 General Penalty
- 1.50 Elections

**For current municipal code, go to www.townofpalmerlake.com
and click on the “Palmer Lake Municipal Code” button on the home page.**



(Revised 9/8/92)

TITLE 1

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Town Seal
- 1.12 Right of Entry for Inspection
- 1.16 General Penalty
- 1.50 Elections

(Revised 9/8/92)

Chapter 1.01

CODE ADOPTION*

Sections:

1.01.010	Adoption
1.01.020	Title--Citation--Reference
1.01.030	Codification authority
1.01.040	Reference applies to all amendments
1.01.050	Title, Chapter and Section Headings
1.01.060	Reference to specific ordinances
1.01.070	Effect of code on past actions and obligations
1.01.080	Effective date
1.01.090	Constitutionality
1.01.100	Violations and punishment

1.01.010 Adoption. Pursuant to the provisions of Sections 139-34-1 through 139-34-8 of the Colorado Revised Statutes, there is hereby adopted the "Palmer Lake Municipal Code" as published by Book Publishing Company, Seattle, Washington. (Ord. 9-1973, §1 - 1973).

1.01.020 Title--Citation--Reference. This code is known as the "Palmer Lake Municipal Code" and it is sufficient to refer to said code as the "Palmer Lake Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of portion thereof as an addition to, amendment to, correction or repeal of the "Palmer Lake Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Palmer Lake Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 9-1973 §2, 1973).

1.01.030 Codification Authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Palmer Lake, Colorado, codified pursuant to the provisions of sections 139-34-1 through 139-34-8 of the Colorado Revised Statutes. (Ord. 9-1973 §3, 1973).

* For statutory provisions regarding the adoption by reference of ordinance codes, see C.R.S. §139-34.

1.01.040 Reference applies to all amendments. Whenever a reference is made to this code as the "Palmer Lake Municipal Code" or to any portion thereof, or to any ordinance of the Town of Palmer Lake, the reference shall apply to all amendments, corrections, and additions heretofore, now or hereafter made. (Ord. 9-1973, §4, 1973).

1.01.050 Title, chapter, and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any matter affect the scope, meaning, or intent of the provisions of any title, chapter, or section hereof. (Ord. 9-1973, §5, 1973).

1.01.060 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record, which refer to or are otherwise connected with ordinances, which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 9-1973, §6, 1973).

1.01.070 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the Town shall in any manner affect the prosecution or violations of ordinances which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provision of such ordinances relating to the collection of any such license, fee, or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 9-1973, §7, 1973).

1.01.080 Effective date. This code shall become effective on the date the ordinance adopting this code as the "Palmer Lake Municipal Code" becomes effective. (Ord. 9-1973, §9, 1973).

1.01.090 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 9-1973, §10, 1973).

(1.01.100)

(Revised 06/04/2004)

1.01.100 Violations and punishment. It is unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this code. Any person violating any of these provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor and shall be punished according to Chapter 1.16 of this Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties herein-above provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by this town, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense. (Ord. 9-1992, §3, 1992; Ord. 9-1973, §8, 1973; Ord 1-2003, §11, 2003).

(Revised 06/04/2004)

CHAPTER 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions
- 1.04.020 Grammatical Interpretation
- 1.04.030 Prohibited acts include causing and permitting
- 1.04.040 Construction
- 1.04.050 Repeal shall not revive any ordinances

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the Town of Palmer Lake, Colorado, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. “Town” means the Town of Palmer Lake, Colorado, or the area within the territorial limits of the Town of Palmer Lake, Colorado, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. “Board” means the Board of Trustees of the Town of Palmer Lake, Colorado. “All its members” means the total number of board members provided by the general laws of the State of Colorado.
- C. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded.
- D. “County” means the County of El Paso, Colorado.
- E. “Law” denotes applicable federal law, the constitution and the statutes of the State of Colorado, the ordinances of the Town of Palmer Lake, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. “May” is permissive.
- G. “Month” means a calendar month.
- H. “Must” and “shall.” Each is mandatory.

- I. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- J. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
- K. "Ordinance" means a law of the town; provided that a temporary or special law, administrative action, order, or directive may be in the form of a resolution.
- L. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.
- M. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.
- N. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- O. "Preceding" and "following" mean next before and next after, respectively.
- P. "Property" includes real and personal property.
- Q. "Real property" includes land, tenements, and hereditaments.
- R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- S. "State" means the State of Colorado.
- T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- U. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
- V. Title of office. Use of the title of any officer, employee, board, or commission means that officer, employee, department, board, or commission of the town.
(1.04.010 - 1.04.050)
- W. "Written" includes printed, typewritten, mimeographed, or multigraphed.
- X. "Year" means a calendar year.

(Revised 8/30/89)

- Y. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- Z. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 13-1973, §1, 1973).

1.04.020 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the Town of Palmer Lake, Colorado:

- A. Gender. Any gender includes the other genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa.
- D. Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 13-1973, §2, 1973).

1.04.030 Prohibited Acts include Causing and Permitting. Whenever in the ordinances of the Town of Palmer Lake, any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 13-1973, §3, 1973).

1.04.040 Construction. The provisions of the ordinances of the Town of Palmer Lake and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 13-1973, §4, 1973).

1.04.050 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 13-1973, §5, 1973).

(1.08.010)

CHAPTER 1.08

TOWN SEAL

Sections:

1.08.010 Description

1.08.010 Description. A seal, the impression of which is as follows: In the center the words “Town Seal, Incorporated March, 1889,” and around the outer edge the words “Palmer Lake, El Paso County, Colorado” is the seal of the Town of Palmer Lake. (Ord. 3 §1, 1889).

(Revised 6/15/74)

CHAPTER 1.12

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.12.010 Designated.

1.12.010 Designated. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the Town, any authorized official of the Town may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 12-1973 §1, 1973).

CHAPTER 1.16

GENERAL PENALTY

Sections:

- 1.16.010 Designated.
- 1.16.020 Minor Offenders.

1.16.010 Designated.

- A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town of Palmer Lake shall be guilty of a misdemeanor. A person convicted of a misdemeanor under the ordinances of Palmer Lake shall be punished by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.
- B. Any such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the Town of Palmer Lake, Colorado, is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. 11-1973, §1, 1973; Ord. 9-1992, §1, 1992).

1.16.020 Minor Offenders.

Except for alleged violations of Chapter 10.04 of the Palmer Lake Municipal Code (the Model Traffic Code of the Town of Palmer Lake as amended and modified), any minor offender convicted of violation of this code, or of any ordinance of this Municipality, shall be punished by a fine of not more than One Thousand Dollars (\$1,000), unless provided otherwise by the specific section alleged to have been violated. As to minor offenders alleged to have violated any provision of Chapter 10.04 of this Code, such person shall, upon conviction, remain subject to the general penalty provision in §10.04.030 of this Code for any violation of the Model Traffic Code as modified. (Ord. 7-1983, §1, 1983; Ord. 9-1992, §2, 1992).

Chapter 1.50

ELECTIONS

Sections:

- 1.50.010 - Cancellation of Election
- 1.50.020 - Affidavit for Write-Ins
- 1.50.030 - Permanent Mail Ballot Elections
- 1.50.040 - Permanent Absentee Voter

1.50.010 Cancellation of Election. The governing body may provide that, if the only matter before the voters is the election of persons to office, and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including write-in candidates filing affidavits of intent, the clerk must certify such fact to the governing body so that it may cancel the election and declare the candidates elected. In the event of such cancellation, notice of cancellation shall be published, if possible, and notice of cancellation must be posted at each polling place and in at least one other public place. (Ord. 2-1992, § 2, 1992)

1.50.020 Affidavit for Write-Ins. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk prior to twenty (20) days before the day of the election by the person whose name is to be written in indicating that such person desires the office and is qualified to assume the duties of that office if elected.

1.50.030 Permanent Mail Ballot Elections. The Town of Palmer Lake shall conduct permanent mail ballot elections in accordance with Title 31, Article 10 of the Colorado Revised Statutes Municipal Election Code and Palmer Lake Municipal Election Code. (Ord 1-2014, §2, 2014; Ord. 5-2013, §1, 2013)

1.50.040 Permanent Absentee Voter. A "Permanent Absentee Voter" shall be defined as any active registered voter within the municipal election precinct for the purposes of Mail Ballot Elections not coordinated by the County Clerk and Recorder. (Ord 1-2014, §3, 2014)

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.02 Board of Trustees
- 2.04 Rules of Board of Trustees
- 2.08 Appointment and Duties of Town Officers
- 2.12 Street Commissioner
- 2.16 Planning Commission
- 2.22 The Palmer Lake Volunteer Fire Department
- 2.24 Town Employees
- 2.28 Flood Areas
- 2.30 Town Administrator/Planner
- 2.50 Municipal Court

CHAPTER 2.02

BOARD OF TRUSTEES

Sections:

2.02.010 Terms of Office.

2.02.020 Term of Mayor.

2.02.010 Terms of Office. Commencing with the Municipal Elections to be held in the year 1992, the term of office for three of the trustees of the Town of Palmer Lake shall be for four years. Three of the Board of Trustee positions shall have terms of four years. The remaining three trustees shall have an initial term of two years until the elections to be held in 1994, whereupon those terms shall become four year terms as well. (Ord. 5-1990 §1, 1990).

2.02.020 Term of Mayor. The term of Mayor shall be for a two year term. (Ord. 5-1990 §2, 1990).

CHAPTER 2.04

RULES OF BOARD OF TRUSTEES*

Sections:

- 2.04.010 Rules Generally.
- 2.04.020 Rule 1--Compliance to Rules.
- 2.04.030 Rule 2--Meetings--Time.
- 2.04.040 Rule 3--Special Meetings.
- 2.04.050 Rule 4--Quorum and Abstentions
- 2.04.060 Rule 5--Meetings--Call to Order--Order of Business.
- 2.04.070 Rule 6--Questions on Priority of Business.
- 2.04.080 Rule 7--Presiding Officer--Duties.
- 2.04.090 Rule 8--Conduct of Members.
- 2.04.100 Rule 9--Motions and Resolutions--Reduction to Writing.
- 2.04.110 Rule 10--Members Required to Vote.
- 2.04.120 Rule 11--Passage of Ordinances and Amendments.
- 2.04.130 Rule 12--Standing Committees.
- 2.04.140 Rule 13--Reports of Committees and Officers.
- 2.04.150 Rule 14--Journal of Proceedings.

2.04.010 Rules Generally. The following are the rules and order of business of the Board of Trustees of the Town of Palmer Lake. (Ord. 2 §1 (part), 1889).

2.04.020 Rule 1--Compliance to Rules. The rules and procedure and order of business shall be strictly adhered to by the Board of Trustees, unless temporarily suspended by a two-thirds vote of the members present. (Ord. 2 §1 (part), 1889).

2.04.030 Rule 2--Meetings--Time. The Board of Trustees shall meet regularly on the second Thursday of each month at seven p.m. or at any other day or hour the trustees may, at their discretion, deem proper. (Ord. 9-1974, 1974: Ord. 2 §1 (part), 1889).

2.04.040 Rule 3--Special Meetings. The mayor or any two members may call, at any time, special meetings of the Board. (Ord. 2 §1 (part), 1889).

* For statutory provisions regarding the duty of the mayor to preside at meetings of the Board of Trustees, see C.R.S. 139-6-2.

2.04.050 Rule 4--Quorum and Abstentions.

a. A quorum at a meeting of the Board shall consist of a majority of the members serving on the Board.

b. If at any meeting at which a quorum is present, one or more members of the Board abstain or believe they should abstain from voting on an issue because of a potential conflict of interest, then the presence of the member or members shall not be counted for purposes of determining whether there continues to be quorum at the meeting. Should the application of this Rule result in a failure of the quorum for purposes of the meeting, the issue in question shall be tabled until such time as the member or members are able to qualify themselves to act, and the meeting shall continue for purposes of considering such other matters as may properly come before the Board.

c. Any one Board member may bring the lack of a quorum under this Rule to the attention of the Board. (Ord. 10-1988 §1, 1988; Ord. 11-1973 §2, 1973; Ord. 2 §1 (part) 1889).

2.04.060 Rule 5--Meetings--Call to Order--Order of Business. At the appointed hour for the meeting, the members shall be called to order by the mayor, or in his absence by the mayor pro tempore. The clerk shall then call the roll, note the absentees, and announce whether a quorum be present, and if there be a quorum, the Board shall proceed to business in the following order:

- | | |
|----------|---|
| First. | Reading of the Minutes. |
| Second. | Presentation of Officers. |
| Third. | Reports of Officers. |
| Fourth. | Reports of Standing Committees. |
| Fifth. | Report of Special Committees. |
| Sixth. | Reading of Bills. |
| Seventh. | Unfinished Business. |
| Eighth. | Introduction and Consideration of Ordinances. |
| Ninth. | Motions, Resolutions and Inquiries. |

(Ord. 2 §1 (part), 1889).

2.04.070 Rule 6--Questions on Priority of Business. All questions relating to priority of business should be decided without debate. (Ord. 2 §1 (part), 1889).

2.04.080 Rule 7--Presiding Officer--Duties. The presiding officer shall preserve order and decorum, and shall decide all questions of order, objection, however, to the right of appeal to the Board. (Ord. 2 §1 (part), 1889).

(2.04.080-2.04.150)

(Revised 4/9/92)

2.04.090 Rule 8--Conduct of Members. Previous to his speaking, every member shall address the presiding officer and shall not proceed with his remarks until recognized by the chair. No member shall leave the room while the Board is in session, except by permission of the presiding officer. Any member called to order shall immediately suspend his remarks and resume his seat, unless permitted to explain. (Ord. 2 §1 (part), 1889).

2.04.100 Rule 9--Motions and Resolutions--Reduction to Writing. All motions and resolutions shall be reduced to writing, if required, by any member of the Board. (Ord. 2 §1 (part), 1889).

2.04.110 Rule 10--Members Required to Vote. Every member present shall be required to vote on all questions, unless excused by the Board. (Ord. 2 §1 (part), 1889).

2.04.120 Rule 11--Passage of Ordinances and Amendments. No new ordinance nor amendment to any existing ordinances shall be put to its final passage at the same meeting of its introduction, except by the consent of two-thirds of the members present. (Ord. 2 §1 (part), 1889).

2.04.130 Rule 12--Standing Committees. The standing committees shall be appointed annually by the mayor as soon as practicable after his election and qualification.

Each committee shall consist of the entire council. A chairman shall be appointed by the mayor, whose duties shall be to attend to the special duties pertaining to his committee, subject to the council. (Ord. 92 §1, 1917; Ord. 2 §1 (part), 1889).

2.04.140 Rule 13--Reports of Committees and Officers. All reports of committees and officers shall be in writing and addressed "To the Board of Trustees of the Town of Palmer Lake." (Ord. 2 §1 (part), 1889).

2.04.150 Rule 14--Journal of Proceedings. The Board shall be a journal of its proceedings which shall be open to inspection at all reasonable hours. (Ord. 2 §1 (part), 1889).

CHAPTER 2.08

APPOINTMENT AND DUTIES OF TOWN OFFICERS*

Sections:

I. APPOINTMENTS GENERALLY

- 2.08.010 Officers appointed - terms
- 2.08.020 Oath of office
- 2.08.030 Removal

II. MAYOR PRO TEMPORE

- 2.08.040 Appointment - Duties

III. CLERK AND RECORDER

- 2.08.050 Duties
- 2.08.060 Compensation
- 2.08.070 Clerk and Recorder pro tempore

IV. TOWN ATTORNEY

- 2.08.080 Duties
- 2.08.090 Power to take appeal
- 2.08.100 Compensation

V. MUNICIPAL JUDGE

- 2.08.110 Appointment
- 2.09.120 Jurisdiction
- 2.09.130 Compensation

* For statutory provisions regarding the authority of the Board of Trustees to appoint various town officers, and fix their compensation, see C.R.S. 139-6-4; for provisions authorizing removal of officers for cause, see C.R.S. 139-6-6.

(02.08.010 - 02.08.030)

(Revised 06/04/2004)

VI. MUNICIPAL COURT CLERK

- 2.09.140 Appointment
- 2.09.150 Performance bond
- 2.09.160 Compensation

VII. TOWN POLICE CHIEF

- 2.09.170 Powers
- 2.09.180 Duties
- 2.09.190 Compensation

VIII. TREASURER

- 2.09.200 Bond - Conformance to state statutes
- 2.09.210 Compensation

I. APPOINTMENTS GENERALLY

2.08.010 Officers appointed - terms. The Board of Trustees shall appoint on the first meeting succeeding each municipal election a Clerk and Recorder, a Treasurer, a Town Attorney, a Municipal Judge, a Clerk of the Municipal Court, and a Town Police Chief, who shall hold their respective offices for one year and until their successors are duly appointed and qualified, unless sooner removed for cause. (Ord. 7-1972 Art. I §1, 1972, Ord 1-2004, §2, 2004).

2.08.020 Oath of Office. Before entering upon the duties of their respective offices, each officer shall take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, which oath shall be filed with the Clerk and Recorder. (Ord. 7-1972 Art. I §2, 1972).

2.08.030 Removal. Any appointive officer may be removed for cause by the concurrent votes of four members of the Board of Trustees. No such removal shall be made, however, without a charge in writing and an opportunity of hearing being given the officer. Whenever any officer shall cease to reside within the limits of the Town it shall be deemed a good ground of removal. (Ord. 7-1972 Art. I §3, 1972).

(2.08.040 - 2.08.100)

II . MAYOR PRO TEMPORE

(Revised 06/04/2004)

2.08.040 Appointment - Duties. The Board of Trustees shall, at their first meeting following a municipal election, appoint one of the trustees as mayor pro tempore, who, in the absence of the mayor from any meeting of the board, or during the mayor's absence from the town or in his inability to act, shall perform his functions and duties. (Ord. 7-1972 Art. II §1, 1972).

III. CLERK AND RECORDER

2.08.050 Duties. The Clerk and Recorder shall attend all meetings of the Board of Trustees and make a faithful and accurate record of all proceedings, rules, and ordinances made and passed by the Board of Trustees, and the same shall at any time be open to the inspection of the public. (Ord. 7-1972 Art. III §1, 1972).

2.08.060 Compensation. The Clerk and Recorder shall receive a compensation for services specified in Section 2.08.050, which sum shall be agreed upon between the Clerk and Recorder and the Board of Trustees. (Ord. 7-1972 Art. III §2, 1972).

2.08.070 Clerk and Recorder pro tempore. The Board of Trustees shall have powers to appoint a Clerk and Recorder pro tempore to perform the duties of the Clerk and Recorder during his or her absence or inability to act. (Ord. 7-1972 Art. III §3, 1972).

IV. TOWN ATTORNEY

2.08.080 Duties. The Town Attorney shall institute and prosecute all suits for the recovery of fines and penalties on behalf of the Town. He shall appear for the Town in courts of record when the Town shall be a party plaintiff or defendant; he shall draft all ordinances and legal papers required for the Town; he shall act as legal advisor of the Board of Trustees; and he shall have the right to be heard upon all questions arising in said body. (Ord. 7-1972 Art. IV §12, 1972).

2.08.090 Power to take appeal. The Town Attorney shall have the power to take appeal in all cases when and where in his opinion an appeal is for the best interests of the Town, and he shall receive from the Treasurer on demand all the moneys necessary to meet the costs, disbursements, and expenses for any court in this state whenever the Town shall be a party plaintiff or defendant. (Ord. 7-1972 Art. IV §2, 1972).

2.08.100 Compensation. The Town Attorney shall receive for the services required in Sections 2.08.080 and 2.08.090 such compensation as shall be agreed upon between the town attorney and the board of trustees. (Ord. 7-1972 Art. IV §3, 1972).

(2.08.110 - 2.08.190)

V. MUNICIPAL JUDGE

2.08.110. Repealed. (Ord. 15-1988, §6A, 1988).

(Revised 06/04/2004)

2.08.120 Jurisdiction. The Municipal Judge shall have jurisdiction within the territorial limits of the town of all cases arising under the ordinances of the town. (Ord. 7-1972 Art. V §2, 1972).

2.08.130 Compensation. Repealed Ord. 15-1988, §6B, 1988. (See §2.50.050 for additional provisions.)

VI. MUNICIPAL COURT CLERK

2.08.140 Appointment. The Board of Trustees shall at the time designated in Section 2.08.010 appoint a Clerk of the Municipal Court. (Ord. 7-1972 Art. VI §1, 1972).

2.08.150 Performance bond. The Clerk of the Municipal Court shall give performance bond in the sum of one thousand dollars and the performance bond shall be approved by the Board of Trustees of the Town of Palmer Lake and be conditioned upon the faithful performance of his or her duties and for the faithful accounting for and payment of all funds deposited with or received by the court. (Ord. 7-1972 Art. VI §2, 1972).

2.08.160 Compensation. The Clerk of the Municipal Court shall receive a compensation for services specified in Section 2.08.150, which sum shall be agreed upon between the Clerk of the Municipal Court and the Board of Trustees. (Ord. 7-1972 Art. VI §3, 1972).

VII. TOWN POLICE CHIEF

2.08.170 Powers. The Town Police Chief shall have the same powers that constables have by law, coextensive with the county, in cases of violation of town ordinances, and for offenses committed within the limits of the Town. (Ord. 7-1972 Art. VII §1, 1972; Ord 1-2004, §1, 2004).

2.08.180 Duties. The Town Police Chief shall perform all duties required by the Town, shall execute all orders given by the Mayor, Town Attorney, Clerk and Recorder, or chairmen of standing committees in their official capacities. (Ord. 7-1972 Art. VII §2, 1972; Ord 1-2004, §1, 2004).

2.08.190 Compensation. The Town Police Chief shall receive as compensation for the duties required of him in Section 2.08.180 such sums as shall be agreed upon between the Town Police Chief and the Board of Trustees. (Ord. 7-1972 Art. VII §3, 1972; Ord 1-2004, §1, 2004).

(2.08.200 - 2.08.210)

VIII. TREASURER

2.08.200 Bond - Conformance to state statute. The Treasurer shall give bond in the amount of one thousand dollars (\$1,000) and shall be governed in all his official acts by the statutes of the State of Colorado and such cases provided. (Ord. 7-1972 Art. VIII §1, 1972).

(Revised 06/04/2004)

2.08.210 Compensation. The Treasurer shall receive as compensation for the duties required of him in Section 2.08.200 such sum as shall be agreed upon between the Treasurer and the Board of Trustees. (Ord. 7-1972 Art. VIII §2, 1972).

(Revised 4/9/92)

CHAPTER 2.12

STREET COMMISSIONER

Sections:

- 2.12.010 Office created - Appointment - Term
- 2.12.020 Duties

2.12.010 Office created - Appointment - Term. There is hereby created the office of Street Commissioner for the Town of Palmer Lake, the holder whereof shall be appointed by the Board of Trustees at the time provided for the appointment of other officers, and shall hold office for one year and until his successor is duly appointed and qualified. (Ord. 5 §2, 1889).

2.12.020 Duties. The Street Commissioner shall superintend any and all work upon the avenues, streets, alleys, bridges, and water service with the Town, as required by the Board of Trustees, of by the committee on streets, bridges, and water service. (Ord. 5 §2, 1889).

CHAPTER 2.16

PLANNING COMMISSION

Sections:

- 2.16.010 Creation of Planning Commission.
- 2.16.020 Membership, Terms, Vacancies.
- 2.16.030 Vacancies.
- 2.16.040 Town Resident.
- 2.16.050 No Compensation.
- 2.16.060 Removal.
- 2.16.070 Chairman and Procedures.
- 2.16.080 Staff and Finances.

2.16.010. Creation of Planning Commission. There is hereby created a Planning Commission for the Town of Palmer Lake to have and exercise all rights and powers granted to such Commission under the provision of Colorado Revised Statutes, Title 31, Article 23, Part 2. (Ord.11-1989 §1, 1989; Ord. 2-1970 §1, 1970.)

2.16.020 Membership, Terms, Vacancies. The Planning Commission shall consist of seven (7) members to be appointed by the Town of Palmer Lake Board of Trustees. The term of each appointed member shall be two (2) years or until his or her successor takes office. The terms of office shall be staggered so that in 1989 three (3) members will be appointed to serve until June 1, 1991. The existing four members whose terms have not expired shall serve until June 1, 1990 (Ord. 11-19889 §2, 1989; Ord. 2-1970 §2, 1970.)

2.16.030 Vacancies. Any vacancies occurring otherwise and through the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the Palmer Lake Board of Trustees. (Ord. 11-1989 §3, 1989; Ord. 2-1970 §2, 1970.)

2.16.040 Town Resident. All members of the Planning Commission shall be bona fide residents of the Town of Palmer Lake. If any member ceases to reside in the Town of Palmer Lake, his or her membership on the Commission shall automatically terminate. (Ord. 11-1989 §4, 1989.)

2.16.050 No Compensation. All members of the Planning Commission shall serve without compensation and shall hold no other municipal office. (Ord. 11-1989 §5, 1989.)

2.16.060 Removal. Planning Commission members may be removed after public hearing by the Town Board for inefficiency, neglect of duty or malfeasance in office. The Town Board shall file a written statement of reasons for such removal. (Ord. 11-1989 §6, 1989.)

2.16.070 Chairman and Procedures. The Planning Commission shall elect its chairman from among its members and shall create and fill such other offices as it may determine. The term of the chairman shall be one year with eligibility for reelection. The Planning Commission shall hold at least one regular meeting in each month; however, if there are no agenda items for the meeting one week prior to the regular meeting the Chairman of the Planning Commission may continue the meeting to the next regularly scheduled meeting the following month. The continuation of the meeting shall be posted by the Town Clerk. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be of public record. (Ord 7-1996 §1, 1996; Ord. 11-1989 §7, 1989.)

2.16.080 Staff and Finances. The Planning Commission may appoint such employees as it deems necessary for its work with the consent of the Board of Trustees. The Commission may also contract, with approval of the Board of Trustees, with municipal planners, engineers and architects and other consultants for such services as it requires. All other proceedings shall be governed by the statutes of the State of Colorado then in effect relating to Planning Commissions. (Ord. 11-1989 §8, 1989.)

(Revised 6/15/98)

CHAPTER 2.20

WATER DEPARTMENT

See 13.01.010 et seq.

CHAPTER 2.22

THE PALMER LAKE VOLUNTEER FIRE DEPARTMENT

2.22.010. The Palmer Lake Volunteer Fire Department is recognized as a separate enterprise within the Town of Palmer Lake, Colorado. (Ord. 7-2009, §2, 2009).

2.22.020. The Town Board of Trustees shall approve by resolution the rules and regulations for the management, maintenance, care and operation of the Volunteer Fire Department and any amendments thereto.(Ord. 7-2009, §3, 2009).

2.22.030. The Palmer Lake Volunteer Fire Department shall report annually to the Board of Trustees the status of the Volunteer Fire Department and the financial condition of the Palmer Lake Volunteer Fire Department. (Ord. 7-2009, §4, 2009).

2.22.040. The Town of Palmer Lake, Colorado recognizes that the Palmer Lake Fire Department Protective Association has certain assets that are not subject to the Town of Palmer Lake and as such would not be reported on to the Town but specifically authorizes the Volunteer Fire Department to coordinate with the Palmer Lake Fire Department Protective Association to maximize the delivery of fire and other emergency protection services to the inhabitants of the Town of Palmer Lake, Colorado. (Ord. 7-2009, §5, 2009).

(08/28/2010)

CHAPTER 2.24

TOWN EMPLOYEES*

Sections:

- 2.24.010 Plans Authorized.
- 2.24.020 Payroll Deduction System Authorized.
- 2.24.030 Appropriation from Funds.
- 2.24.040 Agreement Authorized.
- 2.24.050 Effective Date of Participation.
- 2.24.060 Personnel Policies.

2.24.010 Plans Authorized. The Town of Palmer Lake is authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan, or plans, and agreement, required under CRS 111-7-5 and the Social Security Act; to extend coverage to employees and officers of the Town; and, to do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivor's Insurance System. (Ord. 7-1992, §1, 1992; Ord. 2-1961 §1, 1961).

2.24.020 Payroll Deductions System Authorized. The clerk of the Town of Palmer Lake is authorized to establish a system of payroll deduction to be matched by payments by the Town of Palmer Lake to be paid into the Contribution Fund of the State of Colorado through the Department of Employment Security; to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees and officers of the Town of Palmer Lake; and, to make such payments in accordance with the provisions of Section 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that act. Payments shall be made to the Department of Employment Security, State of Colorado; payments shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and, such payments as are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made. (Ord. 2-1961 §2, 1961).

2.24.030 Appropriation from Funds. Appropriation is hereby made from the proper fund, or funds of the Town of Palmer Lake, in the necessary amount to pay into the contribution fund as provided in CRS 111-7-5(d) and in accordance with the plan, or plans, and agreement. (Ord. 2-1961 §3, 1961).

* For statutory provisions enabling towns to receive social security for town employees, see C.R.S 111-7-5

2.24.040 Agreement Authorized. Authority is given to the mayor and the clerk of the Town of Palmer Lake to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with C.R.S 111-7 and with paragraph 218 of the Social Security Act. (Ord. 2-1961 §4, 1961).

2.24.050 Effective Date of Participation. The plan and agreement shall provide that the participation of the Town of Palmer Lake shall be in effect as of the first day of April, 1961. (Ord. 2-1961 §5, 1961).

2.24.060 Personnel Policies. The Town of Palmer Lake is hereby authorized to adopt by resolution such personnel policies as the Town Board, in its sole and absolute discretion, determines to be necessary, proper and appropriate. All changes in the Personnel Policy shall be made by Board Resolution. (Ord. 3-1990, §1, 1990).

CHAPTER 2.28

FLOOD AREAS

Sections:

- 2.28.010 Review of Permit Application
- 2.28.020 Review of Subdivision Proposals
- 2.28.030 Water and Sewer Systems

2.28.010 Review of Permit Applications. The zoning officer shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and utility equipment that are resistant to flood damage, and (3) use construction methods and practices that will minimize flood damage. (Ord. 5-1974 §1, 1974).

2.28.020 Review of Subdivision Proposals. The zoning officer shall review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards. (Ord. 5-1974 §2, 1974).

2.28.030 Water and Sewer Systems. The zoning officer shall require new or replacement water systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 5-1974 §3, 1974).

CHAPTER 2.30

TOWN ADMINISTRATOR/PLANNER

Sections:

- 2.30.010 Town Administrator/Planner.
- 2.30.020 Appointment.
- 2.30.030 Duties.

2.30.010 Town Administrator/Planner. That the position of Town Administrator/Planner is hereby established. (Ord. 3-1989, §6, 1989; Ord. 17-1987 §1, 1987).

2.30.020 Appointment. That the Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Administrator/Planner. In case a vacancy should occur in the officer of Town Administrator/Planner, the Board shall appoint a Manager/Administrator for the unexpired term. (Ord. 3-1989, §6, 1989; Ord. 17-1987 §2, 1987).

2.30.030 Duties. That the duties of the Town Administrator/Planner shall be as follows:

- A. Be the Chief Administrator Officer for the Town, and be responsible to the Mayor and Town Board for proper administration of all affairs of the Town.
- B. Perform the duties of Town Planner and Zoning Officer.
- C. Implementation of Board of Trustees policies and directives.
- D. Such other duties as may be prescribed by the Board of Trustees. (Ord. 3-1989, §6, 1989; Ord. 17-1987 §3, 1987).

CHAPTER 2.50

MUNICIPAL COURT

Sections:

2.50.010	Municipal Court Created.
2.50.020	Jurisdiction, Contempt, Powers and Court Costs.
2.50.030	Procedures
2.50.040	Court of Record
2.50.050	Municipal Judge-Appointment-Salary-Oath
2.50.060	Sessions of Court.
2.50.070	Clerk of Municipal Court.
2.50.080	Appeals.
2.50.090	Failure of Person to Respond to Process.
2.50.100	Trial by Jury.
2.50.110	Penalty for Adult
2.50.120	Penalty for Juvenile
2.50.130	Work Program
2.50.140	Appropriations.
2.50.150	Fines and Costs.
2.50.160	Surcharge for Traffic Violations.

2.50.010 Municipal Court Created. A municipal court in and for the Town of Palmer Lake is hereby established pursuant to and governed by the provision of Article 10, of Chapter 13, Colorado Revised Statutes, 1973, as amended. (Ord. 15-1988 §2, 1989).

2.50.020 Jurisdiction, Contempt, Powers and Court Costs.

A. The municipal court shall have original jurisdiction of all cases arising under the ordinances of the Town with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by law, ordinance or court rule.

B. It shall have the power to assess court costs of fifteen dollars (\$15.00) for a defendant who is found guilty of an ordinance violation after trial to the Court and forty-five (\$45.00) for a defendant who is found guilty of an ordinance violation after trial by jury, in addition to any fines or penalties for any plea entered in the designated court room.

C. It shall have power to compel attendance at sessions of court and to punish for contempt of court by fine, or by jail sentence or both such fine and jail sentence. (Ord. 15-1988 §3, 1989).

(2.50.030-2.50.050)

2.50.030 Procedures. The procedures of the court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding municipal judge shall have authority to issue local rules of procedure not inconsistent with any rules of procedure adopted by the Colorado Supreme Court. (Ord. 15-1988 §4, 1989).

2.50.040 Court of Record. The municipal court shall be a Qualified Municipal Court of Record, and the presiding municipal judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means. (Ord. 15-1988 §5, 1989).

2.50.050 Municipal Judge-Appointment-Salary-Oath.

A. The court shall be presided over by the presiding municipal judge appointed by the Board for a term of not less than two years except that the initial appointment under this section shall be for a term of office which expires on the date of the next election of the municipal governing body.

B. The presiding judge shall receive a salary of two hundred twenty-five and no/100 dollars (\$225.00) per session. (Ord. 7-1998 §1, 1998).

C. The Board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence of the presiding judge. Any vacancy in the office of municipal judge shall be filled as appointment by the Town Board for the remainder of the unexpired term.

D. Preference shall be given by the Board, when possible, to the appointment of a municipal judge who has been admitted to and shall be at the time of his appointment and during his tenure of office, licensed in the practice of law in the State of Colorado. No person shall be eligible for appointment as municipal judge unless he has graduated from high school or has the equivalent of a high school education.

E. The presiding judge shall supervise and direct the court's operation.

F. Before entering upon the duties of his office, the municipal judge shall take and subscribe before the Town Clerk and file with the Town Clerk an oath of affirmation that he will support the Constitution of the United States, the Constitution and laws of the State of Colorado and the ordinances of the Town of Palmer Lake and will faithfully perform the duties of his office.

(2.50.050-2.50.080)

(Revised 06/04/2004)

G. If the municipal judge serves as clerk, he shall give bond to the Town in an amount of Two Thousand Dollar (\$2,000.00) which shall be approved by the Board and which shall be surety for his faithful performance of the duties of his office and for his faithful accounting of the payment of all monies coming into his hands by virtue of said office.

H. The municipal judge may be removed from office by the Board for cause as defined in C.R.S. 13-10-105(2). The municipal judge shall perform no other duties during the hours when court is in session except as may be approved by the Board. (Ord. 15-1988 §6, 1989).

2.50.060 Sessions of Court.

A. There shall be regular sessions of court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the court may require. Such sessions shall be conducted no less frequently than once per month and shall be open to the public.

B. The court shall be open during such hours as are set by the presiding municipal judge with the advice and consent of the Board, provided, however, the court shall be closed on weekends and local, State and National holidays, except for extraordinary sessions. (Ord. 15-1988 §7, 1989).

2.50.070 Clerk of the Municipal Court.

A. The presiding municipal judge, after approval by the Board of Trustees, may appoint a person to serve as clerk of the court whose duties shall be those designated by law, by Court Rule or by the presiding municipal judge.

B. The clerk of the court shall file monthly reports with the Town Clerk of all monies collected, either by fines or otherwise, and shall on the last day of each month, pay to the Town Treasurer all such monies.

C. The clerk shall post a performance bond in the amount of Two Thousand Dollars (\$2,000.00) which shall be approved by the Town Board.

D. The municipal clerk of court shall receive a salary of ~~\$-0-~~ per month for each month of service. (Ord. 15-1988 §8, 1989).

2.50.080 Appeals. Appeals from the municipal court shall be in accordance with the practice and procedure provided by Section 13-10-116 and sequential sections of the Colorado Revised Statutes. (Ord. 15-1988 §9, 1989).

(2.50.090-2.50.100)

2.50.090 Failure of Person to Respond to Process.

(Revised 06/04/2004)

A. In all cases where a person is summoned as juror or as a witness to the municipal court and fails to attend at the time and place appointed, the court may issue a citation for the appearances of such juror or witnesses so failing to attend and direct such person to show cause why he should not be punished for contempt of court. Upon a satisfactory excuse being made, the court may discharge such person and release any bond posted pursuant thereto.

B. In all cases where a person is summoned to appear at the municipal court of Palmer Lake or ordered to appear by the municipal judge, it is unlawful for such person to fail to appear at the time and place so ordered. (Ord. 15-1988 §10, 1989).

2.50.100 Trial by Jury.

A. In any action before the municipal court in which the defendant is entitled to a jury trial by the constitution or the general laws of the state, such party shall have a jury upon request. The jury shall consist of three (3) jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six (6) is requested by the defendant.

B. Juries may be summoned by the issuance of venire to the police chief. (Ord 1-2004, §2, 2004).

C. Jurors shall be paid the sum of six dollars (\$6.00) per day for actual jury service and three dollars (\$3.00) for each day of service on the jury panel alone.

D. For the purposes of this section, a defendant waives his right to a jury trial under Subsection A of this section unless, within ten days after arraignment or entry of a plea, he files with the court a written jury demand and at the same time tenders to the court a jury fee of twenty-five dollars (\$25.00), unless the fee is waived by the judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant having paid the jury fee files with the court at least ten days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded.

E. At the time of arraignment for any petty offense in this state, the judge shall advise any defendant not represented by counsel fo the defendant's right to trial by jury; of the requirement that the defendant, if he desires to invoke his right to trial by jury, demand such trial by jury in writing within ten days after arraignment or entry of a plea; of the number of jurors allowed by law; and of the requirement that the defendant, if he desire to invoke his right to trial by jury, tender to the court within ten days after arraignment or entry of a plea a jury fee of twenty-five dollars (\$25.00) unless the fee is waived by the judge because of the indigence of the defendant. (Ord. 15-1988 §11, 1989).

(2.50.110-2.50.150)

2.50.110. Penalty for Adult. Any adult convicted in the municipal court of a violation of any Ordinance of the Town of Palmer Lake may be punished according to Chapter 1.16 of this

(Revised 06/04/2004)

Code, provided, however, that any lesser penalty than that which is permitted herein may be expressly provided for by Ordinance of the Town of Palmer Lake or by laws of the State of Colorado and in such cases, such lesser penalty shall be controlling upon the Municipal Court. (Ord. 9-1992, §1, 1992; Ord. 15-1988 §12, 1989; Ord 1-2003, §12, 2003).

2.50.120 Penalty for Juvenile. Any child convicted in the municipal court of a violation of any Ordinance of the Town of Palmer Lake may be punished according to Chapter 1.16 of this Code. No person under the age of eighteen years as of the date of the offense for which he or she is convicted shall be subject to the imposition of a jail sentence, except in the case of a conviction of a traffic offense or as otherwise provided by the Colorado Children's Code. The municipal court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the Department of Institutions for failure to comply with a lawful order of the court, including an order to pay a fine. (Ord, 9-1992, §2, 1992; Ord. 15-1988 §13, 1989; Ord 1-2003, §13, 2003).

2.50.130 Work Program. Nothing contained herein shall deprive the municipal judge of the authority to permit defendants to perform labor and service for the Town of Palmer Lake in lieu of paying all or part of the fine or fines and costs imposed, under such terms and conditions as the municipal judge shall require; provided, however, that no defendant shall be ordered or required to participate in any Work Program; instead such Work Program alternative may be granted by the Municipal Judge only upon a defendant's voluntarily requesting participating therein. (Ord. 15-1988 §14, 1989).

2.50.140 Appropriations. The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this ordinance. (Ord. 15-1988 §15, 1989).

2.50.150 Fines and Costs. All fines and costs collected, except as provided in 2.50.160 or as provided in A below, shall be reported and paid to the Treasurer of Palmer Lake and deposited in the general fund.

A. Where any person, association or corporation is convicted of an offense, the court may, upon proper motion and at the discretion of the court, give judgement in favor of the prosecuting attorney or law enforcement agency for any reasonable and necessary costs incurred directly as a result of the prosecution of the defendant in addition to any fine or court costs. (Ord. 8-1990, §1, 1990; Ord. 15-1988 §16, 1989).

(2.50.160)

2.50.160 - Surcharge for Violations:

A. There shall be created a fund to be maintained by the Town, known as the Town Police Chief's Department Training Fund. This fund will receive proceeds from a

(Revised 06/04/2004)

surcharge to be assessed on all fines for traffic violations, and all Town Ordinance violations. (Ord 1-2004, §2, 2004).

- B. The Town Police Chief's Department Training Fund and all monies comprising the Fund shall be used for the sole purpose of providing law enforcement and Town Police Chief Department related training. (Ord 1-2004, §2, 2004)
- C. There shall be a surcharge of thirty seven percent (37%) assessed on all fines levied for traffic and Town ordinance violations committed in the Town of Palmer Lake and charged under the ordinances of the Town of Palmer Lake.
- D. This surcharge shall be added to the schedule of fines for traffic and Town Ordinance violations and shall be assessed on all convictions of traffic and Town Ordinance violations occurring after the effective date of this ordinance.
- E. All proceeds from this surcharge collected by the Town of Palmer Lake shall be placed in the Police Department Training Fund. (Ord. 15-1988 §17, 1989; Ord. 12-1992, §1, 1992).

TITLE 3

REVENUE AND FINANCE

Chapters:

- 3.04 Occupation Tax
- 3.08 Budget of Expenditures
- 3.12 Conservation Trust Fund
- 3.20 Water Capital Improvement Fund
- 3.40 Sales and Use Tax
- 3.80 Town Marshall's Special Investigation Fund
- 3.85 Unclaimed Property

(Revised 12/93)

CHAPTER 3.04

OCCUPATION TAX*

Sections:

3.04.010	Definitions
3.04.020	Assessment - Rate
3.04.030	Due Date
3.04.040	To Whom Paid
3.04.050	Occupation Tax on Lodging

3.04.010 Definitions. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

- A. “Home Delivery Business” means any person, partnership, or corporation, which provides for goods to be delivered to the home of the buyer.
- B. “Trailer Courts” means any lot, place, or parcel of ground where two or more mobile homes or house trailers are or may be located, regardless of whether the same shall be operated for or without compensation. (Ord. 8-1972 §1, 1972).

3.04.020 Assessment - Rate. An occupation tax shall be assessed against any person, partnership, or corporation engaged in any commercial business within the limits of the Town of Palmer Lake, in the following amounts:

- A. Home Delivery Business: Twenty-five dollars (\$25) per year;
- B. Trailer Courts: Ten Dollars (\$10) per year;
- C. All other commercial business: One Dollar (\$1) per year. (Ord. 8-1972 §2, 1972).

3.04.030 Due Date. Such tax will be due on January 1st of each year. (Ord. 8-1972 §3, 1972).

3.04.040 To Whom Paid. Such occupation tax shall be paid to the Town Clerk. (Ord. 8-1972 §4, 1972).

3.04.050 Occupation Tax on Lodging. Effective January 1, 2003, there is hereby levied by the Town of Palmer Lake an occupation tax on the provision of lodging upon every person or

business that furnishes any hotel room, motel room, lodging room, motor hotel room, guest house room, bed and breakfast room or other similar accommodation for consideration for less than thirty (30) consecutive days within the Town of Palmer Lake in the amount of two dollars (\$2.00) per day, per occupied lodging room or accommodation. The tax shall be paid to the town clerk monthly with a report on each lodging room occupied and payment of the occupation tax for the prior month due and payable on the 15th day of each following month. (Ord. 13-2002, §1, 2002).

*For statutory provisions authorizing the Board of Trustees of a town to tax any and all lawful occupations, see C.R.S. 31-15-501.

(Revised 7/27/10)

CHAPTER 3.08

BUDGET OF EXPENDITURES*

Sections:

- 3.08.010 When made.
- 3.08.020 Mill levy budgets excluded.
- 3.08.030 Combining with mill levy budget.

3.08.010 When made. Beginning with the first day of January, 1965, the budgeting of expenditure of funds shall be made on a calendar year bases, not on the fiscal year beginning April 1, 1965. (Ord. 2-1964 §1, 1964).

3.08.020 Mill levy budgets excluded. This chapter does not affect the forming of a budget for the purpose of setting the mill levy for the next preceding year as has heretofore been in effect. (Ord. 2-1964 §2, 1964).

3.08.030 Due Date. Such tax will be due on January 1st of each year. (Ord. 8-1972 §3, 1972).

3.08.030 Combining with mill levy budget. The annual budget of expenditures from whatever source may be combined with the mill levy tax budget and published as the budget for the Town for its next succeeding years' budget. (Ord. 2-1964 §3, 1964).

*For statutory provisions granting towns the power to control their finances, see C.R.S. 31-12-201.

CHAPTER 3.12

CONSERVATION TRUST FUND

Sections:

- 3.12.010 Creation.
- 3.12.020 Expenditures.
- 3.12.030 Definition.

3.12.010 Creation. A trust fund shall be created for the Town of Palmer Lake entitled “Palmer Lake Conservation Trust Fund.” (Ord. 10-1974 §1, 1974).

3.12.020 Expenditures. Monies expended from that trust fund shall be used only for acquisition, development, and maintenance of new conservation sites or for capital improvements for recreational purposes on any public site. (Ord. 12-1982 §1m 1982; Ord. 10-1974 §2, 1974).

3.12.030 Definitions. New conservation sites shall be defined as follows:

“Interests in land and water, acquired after establishment of a conservation trust fund pursuant to this section, for park or recreation purposes, for all types of open space including but not limited to flood plains, greenbelts, agricultural lands or scenic areas, or for any scientific, historic, scenic, recreational, aesthetic, or similar purpose.” (Ord. 10-1974 §3, 1974).

CHAPTER 3.20

WATER CAPITAL IMPROVEMENT FUND

Sections:

3.20.010	Fund Established.
3.20.020	Revenue.
3.20.030	Expenditures.

3.20.010 Fund Established. There is hereby established for the Town of Palmer Lake a “Water Capital Improvement Fund.”

3.20.020 Revenue. All monies received by the Town of Palmer Lake for water tap fees paid pursuant to now existing Palmer Lake Code 13.02.020 as it may be amended in the future shall be deposited to said Water Capital Improvement Fund.

3.20.030 Expenditures. All monies appropriated and expended from the Water Capital Improvement Fund shall be for capital improvement or capital expansion of the Palmer Lake Water System.

CHAPTER 3.40

SALES AND USE TAX

Sections:

3.40.010	Purpose.
3.40.020	Definition.
3.40.030	License.
3.40.040	Property and Services Taxed.
3.40.050	Sales Tax Exemptions.
3.40.060	Amount of Tax and Schedule.
3.40.070	General Provision.
3.40.080	Collective, Administration, and Enforcement.
3.40.090	Revenues Derived - Disposition.
3.40.100	Use Tax Imposed.
3.40.110	Use Tax Exceptions.
3.40.120	Motor Vehicle Use Tax.
3.40.130	Construction, Materials, Use of Tax.
3.40.140	Election.
3.40.150	Effective Date.

3.40.010 Purpose. The purpose of this Article is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Palmer Lake, Colorado, pursuant to the authority granted to incorporated towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, as amended. This Article shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the State of Colorado, levied by Article 26 of Title 39, C.R.S., 1973, as amended. (Ord. 7-2006, § 1, 2006; Ord. 11-1985 §1, 1985).

3.40.020 Definitions. For the purpose of this Article, the definition of words herein contained shall be as said words are defined in 39-26-102, Colorado Revised Statutes, as amended, except the definition of food in 39-26-102 (4.5) and said definitions are incorporated herein by this reference. (Ord. 7-2006, § 2, 2006; Ord. 11-1985 §1, 1985).

3.40.030 License.

- A. It shall be unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefore, which license shall be granted and issued by the Department of Revenue of the State of Colorado, and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring such license, the name of such business, and location, and such other facts as the Department of Revenue may require. (Ord. 7-2006, § 3, 2006)
- B. It shall be the duty of each licensee on or before January first of each year during which this Article remains in effect, to obtain a renewal thereof if the licensee remains in retail business or liable to account for the tax herein provided. (Ord. 7-2006, § 3, 2006)
- C. For each license issued, a fee as set by the Department of Revenue shall be paid, which fee shall accompany the application together with any deposit required by the Department of Revenue. Except for licenses issued pursuant to Section 39-26-103 (9)(b), Colorado Revised Statutes, as amended, all licenses issued pursuant to this section shall be renewed on a biennial basis, effective January 1, 1986. (Ord. 7-2006, § 3, 2006)
- D. In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.
- E. Each license shall be numbered and shall show the name and place of business of the license and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferrable.
- F. Any license may be revoked for cause as provided in Section 39-26-103, Colorado Revised Statutes, as amended, which provision is incorporated herein by this reference.
- G. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article, i.e., wholesalers, contractors, and barber and beauty shops.
- H. Any person engaged in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, without having first secured a license therefore as provided in this Article, shall be guilty of a violation of this Article. (Ord. 11-1985 §1, 1985).

3.40.040 Property and Services Taxed.

- A. There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in "The Emergency Retail Sales Tax Act of 1935," set forth in Article 26 of Title 39, Colorado Revised Statutes, as amended, which provisions are incorporated herein by this reference, and upon the sale at retail of tangible personal property, on sales of food and purchases of machinery or machine tools, and the furnishing of services on sales and purchases of electricity, coal, gas, fuel oil, and coke for domestic and commercial consumption. (Ord. 7-2006, § 4, 2006)
- B. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended. (Ord. 7-2006, § 4, 2006)
- C. The gross receipts from sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended, regardless of the place to which delivery is made. (Ord. 7-2006, § 4, 2006)
- D. Notwithstanding any other provision of this article, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city, or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city, or county. (Ord. 11-1985 §1, 1985).

3.40.050 Exemptions.

- A. There shall be shall be exempt from taxation under the provisions of this Article, all of the tangible personal property and services which are exempt under the provisions of "The Emergency Retail Sales Tax Act of 1935", as set forth in Article 26, Title 39, Colorado Revised Statutes, as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by Section 39-26-709, Colorado Revised Statutes, as amended, for purchases of machinery or machine tools as provided in Section 39-26-709 Colorado Revised Statutes, as amended, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil and coke as provided in Section 39-26-715(1)(a)(II), Colorado Revised Statutes, as amended. (Ord. 7-2006, §5, 2006)
- B. All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:

(3.40.050 - 3.40.080)

1. The purchaser is a nonresident of, or has its principal place of business outside of the Town; and
2. Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado. (Ord. 11-1985 §1, 1985).

3.40.060 Amount of Tax and Schedule.

- A. There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Property and Services Tax, Section 3.40.040 of this Article, a three percent (3%) sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein; (Ord. 7-2006, §6, 2006)
- B. The imposition of the tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax shall be in accordance with schedules set forth in the Rules and Regulations of the Department of Revenue of the State of Colorado. (Ord. 11-1985 §1, 1985).

3.40.070 General Provisions.

- A. For the purposes of this Article, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.
- B. In the event a retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado. (Ord. 7-2006, §7, 2006; Ord. 11-1985 §1, 1985).

3.40.080 Collection, Administration, and Enforcement.

- A. The collection, administration, and enforcement of the sales tax imposed by this Article shall be performed by the Executive Director of Revenue of the State of Colorado in the same manner as the collection, administration, and enforcement of the Colorado State Sales Tax. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, Colorado Revised Statutes, as amended, and all rules and regulations promulgated by the Executive Director of Revenue

(Revised 07/06/2007)

pertaining to such collection, administration, and enforcement, are incorporated herein by this reference. (Ord. 7-2006, §8, 2006)

(3.40.080 - 3.40.110)

- B. At this time of making his return of the tax, as required by this Article, every retailer shall be entitled to subtract from the tax so remitted a sum equal to three and one-third percent (3 1/3 %) of said tax as his fee, said fee to be known as the "Vendor's Fee."
- C. If said retailer shall be delinquent in remitting said tax, he shall forfeit the "Vendor's Fee," unless good cause can be shown for such delinquent remittance. (Ord. 11-1985 §1, 1985).

3.40.090 Revenues Derived - Disposition.

- A. One-third (1/3) of all revenues derived shall be added to the Roads Fund of the Town of Palmer Lake. (Ord. 7-2006, §9, 2006)
- B. One-third (1/3) of all revenues derived shall be added to the General Fund of the Town of Palmer Lake. (Ord. 7-2006, §9, 2006; Ord. 11-1985 §1, 1985).
- C. One-sixth (1/6) of all revenues derived shall be added to the Essential Police Service Fund. (Ord. 7-2006, §9, 2006).
- D. One-sixth (1/6) of all revenues derived shall be added to the Essential Fire Service Fund. (Ord. 7-2006, §9, 2006).

3.40.100 Use Tax Imposed. There is hereby imposed a use tax of two percent (2%) thereof, for the privilege of storing, using, or consuming in the Town of Palmer Lake, Colorado, any construction and building materials and motor and other vehicles on which registration is required, purchased at retail. (Ord. 11-1985 §2, 1985).

3.40.110 Exceptions. In no event shall the use tax imposed by this ordinance extend or apply:

- A. To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town of Palmer Lake;
- B. To the storage, use, or consumption of any tangible personal property purchased for resale in the Town of Palmer Lake either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;
- C. To the storage, use, or consumption of any tangible personal property brought into the Town of Palmer Lake by a non-resident thereof for his own storage, use, or consumption while temporarily within the Town; however, this exemption does not

(Revised 07/06/2007)

apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;

(3.40.110)

- D. To the storage, use, or consumption of tangible personal property by the United States government or the State of Colorado, or by its institutions or political subdivisions, in their governmental capacities only, or by charitable organizations in the conduct of their regular charitable function;
- E. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;
- F. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city, or county equal to or in excess of that imposed by this Article. A credit shall be granted against the use tax imposed by this Article with respect to a person's storage, use, or consumption in the town, city, or county of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city, or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this Article;
- G. To the storage, use, or consumption of tangible personal property and household effects acquired outside the Town of Palmer Lake brought into it by a non-resident acquiring residency;
- H. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of the Town of Palmer Lake and he purchased the vehicle outside the Town of Palmer Lake for use outside the Town of Palmer Lake and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the Town of Palmer Lake;
- I. To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;
- J. To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let,

(Revised 07/06/2007)

or entered into at any time prior to the effective date of this use tax ordinance. (Ord. 11-1985 §2, 1985).

(3.40.120 - 3.40.130)

3.40.120 Motor and Other Vehicle Use Tax Collection.

- A. The two percent (2%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this ordinance has been paid.
- B. The use tax imposed by this ordinance shall be collected by the authorized agent of the Department of Revenue in this county.
- C. The proceeds of said use tax shall be paid to the Town of Palmer Lake periodically in accordance with an agreement entered into by and between the Town of Palmer Lake and the Department of Revenue. (Ord. 11-1985 §2, 1985).

3.40.130 Construction and Building Materials Use Tax Collection.

- A. The collection of the use tax for construction and building materials shall be administered by the Board of Trustees of the Town of Palmer Lake, Colorado;
- B. Said tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction;
- C. The collection and administration of the use tax imposed by this ordinance shall be performed by the Board of Trustees of the Town of Palmer Lake, in substantially the same manner as the collection, administration, and enforcement of the Colorado Sales and Use Tax. (Ord. 11-1985 §2, 1985).

3.40.140 Election. The sales and use taxes in this Ordinance were approved in an election by the registered electors of the Town of Palmer Lake and the additional sales taxes were approved in subsequent elections by the registered electors of the Town of Palmer Lake. (Ord. 7-2006, §10, 2006; Ord. 11-1985 §3, 1985).

3.40.150 Effective Date. The tax increase reflected in this Ordinance having been approved by the registered electors as herein provided, this Ordinance shall become effective and in force at 12:01 A.M. on the first day of January, 2007. As soon as practical after said approval, the Board of Trustees of the Town shall request the Executive Director of Revenue of the State of Colorado to collect, administer, and enforce this Ordinance as herein provided and shall at the time

(Revised 07/06/2007)

of said request submit a true and complete certified copy of this Ordinance and all necessary proceedings in connection herewith to the Executive Director of Revenue. (Ord. 7-2006, §11, 2006; Ord. 11-1985 §4, 1985).

CHAPTER 3.60

EMERGENCY TELEPHONE SERVICE AUTHORITY

Sections:

3.60.010	Emergency Telephone Charge
3.60.020	Change of Telephone Charge
3.60.030	Collection of Telephone Charge
3.60.040	Imposition of Charge

3.60.010 Emergency Telephone Charge. There is hereby imposed pursuant to Article 11 of Title 29, C.R.S., upon all telephone exchange access facilities within the Town of Palmer Lake, an emergency telephone charge in an amount not to exceed two percent (2%) of the tariff rates, as approved by the Public Utilities Commission, or fifty cents (\$0.50) per month, whichever is less. (Ord. 13-1989 §2, 1989).

3.60.020 Change of Telephone Charge. Upon recommendation of the Emergency Telephone Service Authority, the Town Board may by resolution raise or lower the emergency telephone charge but in no event shall such charge exceed the amount of two percent (2%) of the tariff rate as approved by the Public Utilities Commission. (Ord. 13-1989 §3, 1989).

3.60.030 Collection of Telephone Charge. Telephone service suppliers providing telephone service in the Town of Palmer Lake are hereby authorized to collect the emergency telephone charge imposed by this ordinance in accordance with Article 11 of Title 29, C.R.S., and remit charges collected to the Emergency Telephone Service Authority as provided for in the Intergovernmental Agreement Concerning the Implementation of an “E911 Emergency Telephone Service” authorized pursuant to Resolution No. _____ 1989 (“The E911 Agreement”). (Ord. 13-1989 §4, 1989).

3.60.040 Imposition of Charge. This ordinance shall be in full force and effect from and after its passage and publication as provided by law; provided that the collection of the emergency telephone charge hereby imposed and remission of charges collected to the Emergency Telephone Service Authority as authorized pursuant to the E911 Agreement enters into an agreement or agreements as necessary with the service supplier or suppliers providing for the collection and remission of such emergency telephone charge to the Emergency Telephone Service Authority to be used in accordance with the E911 Agreement and in accordance with the other applicable provisions of Article 11 of Title 29, C.R.S. (Ord. 13-1989 §5, 1989).

CHAPTER 3.80

TOWN POLICE CHIEF'S SPECIAL INVESTIGATION FUND

Sections:

- 3.80.010 Establishment of Account.
- 3.80.020 Purposes of Expenditures.
- 3.80.030 Authorization of Expenditures.
- 3.80.040 Funds Deposited.
- 3.80.050 Accounting and Administration.

3.80.010 Establishment of Account. A special investigation account is hereby established in the office of the Palmer Lake Police Department for the use of the Palmer Lake Police Department. (Ord. 7-1991, §1, 1991; Ord 1-2004, §2, 2004).

3.80.020 Purpose of Expenditures. Funds in the special investigation account may be used for the following purposes: (a) buying suspected drugs and contraband from suspects in criminal investigations; (b) making payments to informants in criminal investigations; (c) acquisition or lease of materials, services, or property and the maintenance thereof, which if obtained through normal city purchasing procedures might jeopardize the integrity of under-cover criminal investigations; and (d) other expenditures necessary for under-cover criminal investigations. (Ord. 7-1991, §2, 1991).

3.80.030 Authorization of Expenditures. All expenditures from the special investigation account shall be made within and through the exercise of the discretion of the Police Chief of the Town of Palmer Lake, and such expenditures may only be authorized by the Police Chief, or any deputy or assistant which the Police Chief has specifically designated for such purpose. The Police Chief shall submit to the Town Board a list of personnel acting as his designees pursuant to this ordinance, and he shall further notify the Town Board of any modifications to this list of designated personnel as they may occur. (Ord. 7-1991, §3, 1991; Ord 1-2004, §2, 2004).

3.80.040 Funds Deposited. Upon receiving funds pursuant to court order and public nuisance abatement actions, the Police Chief shall deliver such funds for deposit into the special investigations account. Funds deposited in this account shall be deemed unanticipated revenues to be budgeted and appropriated pursuant to Section 29-1-111, C.R.S. 1973. Any interest which accrues from the deposit of funds in this special investigation account shall be added to the principal in such account. (Ord. 7-1991, §4, 1991; Ord 1-2004, §2, 2004).

3.80.050 Accounting and Administration. Procedures for accounting and administration of the special investigation account shall be established by the Police Chief under review from the Town Clerk and, prior to implementation, shall be approved by the Mayor. The account shall be audited from time to time by the Town Clerk and the Mayor or their designee. (Ord. 7-1991, §5, 1991; Ord 1-2004, §2, 2004).

CHAPTER 3.85

UNCLAIMED PROPERTY

Sections:

- 3.85.010
- 3.85.020
- 3.85.030 Procedure for disposition of property.
- 3.85.040 Sale of Unclaimed Property.
- 3.05.050 Effective date.

3.85.010. The purpose of this ordinance is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the municipality. (Ord. 5-1992, §2, 1992).

3.82.020. Unless otherwise required by context or use, words and terms shall be defined as follows:

- (a) "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the municipality and which has not been claimed by its owner for a period of more than five (5) years after it became payable or distributable, except for impounded vehicles which are handled under §10.20.010, et seq.
- (b) "Municipality" means the Town of Palmer Lake, Colorado.
- (c) "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the municipality.
- (d) "Director" shall mean the Town Clerk or designee thereof. (Ord. 5-1992, §3, 1992).

3.85.030 Procedure for disposition of property.

- (a) Prior to disposition of any unclaimed property having an estimated value of \$50 or more, the Director shall send a written notice by certified mail, return receipt requested, to or the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the municipality, and any claim of the owner to such property shall be deemed forfeited.
- (b) Prior to disposition of any unclaimed property having an estimated value of less than \$50, or having no last known address of the owner, the Director shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- (c) If the Director receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- (d) If the Director receives a written claim within the sixty (60) day claim period, the Director shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- (e) In the event that there is more than one claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.
- (f) In the event that all claims filed are denied, the property shall become the sole property of the municipality, and any claim of the owner of such property shall be deemed forfeited.

(3.85.030 - 3.85.050)

(Revised 9/8/92)

- (g) Any legal action filed challenging a decision of the Director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the Court having jurisdiction over such claim.
- (h) The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Ordinance, including compliance requirements for other municipal officers and employees in the identification and disposition of such property. (Ord. 5-1992, §4, 1992).

3.83.040 Sale of Unclaimed Property. (The Town Clerk may make such arrangement for sale or disposition of the unclaimed property as she, in her discretion, deems to be necessary or appropriate. (Ord. 5-1992, §5, 1992).

3.85.050 Effective date. This ordinance is effective July 1, 1992. (Ord. 5-1992, §6, 1992).

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.02 General Business.
- 5.04 Billboards and Signs.
- 5.08 Coin-Operated Amusement Machines.
- 5.12 Peddlers.
- 5.16 Solicitors and Canvassers.
- 5.20 Tourist Camps and House Cars.
- 5.30 Medical Marijuana
- 5.40 Marijuana
- 5.50 Liquor and Beer Local Licensing Authority.
- 5.60 Peoples Natural Gas Franchise
- 5.80 Sexually-Oriented Business

CHAPTER 5.02

GENERAL BUSINESS

Sections:

- 5.02.010 Permit and License Required.
- 5.02.020 Definitions.
- 5.02.030 Permit and License--Application--Contents.
- 5.02.040 Permit and License--Application--Investigation and Issuance.
- 5.02.050 Permit and License--Fees.
- 5.02.060 License Nontransferable.
- 5.02.070 Use of Streets.
- 5.02.080 Exhibition of License.
- 5.02.090 Chapter Enforcement.
- 5.02.100 Violations Record.
- 5.02.110 Permit and License--Revocation.
- 5.02.120 Permit and License--Expiration--Renewal Fee.

5.02.010 Permit and License Required. It is unlawful for any person to engage in a general business as defined in Section 5.02.020B within the Town limits without first obtaining a permit and license therefor as provided in this Chapter. (Ord. 6-1974 §1, 1974).

5.02.020 Definitions.

(A) "Person" as used in this Chapter includes any person, firm or corporation, association, club, co-partnership or society, or any other organization;

(B) "General business" means any activity for gain, benefit, advantage or livelihood, but does not include:

- (1) Billboards and signs;
- (2) Coin-operated amusement machines;
- (3) Peddlers;
- (4) Solicitors and canvassers; and
- (5) Tourist camps and house cars. (Ordinance 6-1974 §2, 1974).
(5.02.030-5.02.040)

5.02.030 Permit and License--Application--Contents. Applicants for permits and licenses under this Chapter must file with the Town clerk a sworn application in writing which shall give the following information:

- (A) Name and address of applicant;
- (B) Permanent home address and full local address, if any, of the applicant;
- (C) A brief description of the nature of the business and the goods or services to be sold and in the case of farm products, whether the products are grown by the applicant;
- (D) If employed, the name and address of the employer;
- (E) The length of time for which the right to do business is desired;
- (F) If a vehicle is to be used a description of the same, together with the license number or other means of identification;
- (G) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense or the punishment or penalty assessed therefor;
- (H) Such other matters as may be from time to time deemed necessary or desirable by the Board of Trustees. (Ord. 6-1974 §3, 1974).

5.02.040 Permit and License--Application--Investigation and Issuance.

(A) Upon receipt of such application for a new business license, the same shall be referred to the Town Clerk who shall cause such investigation of the applicant's business and moral character to be made as the Board deems necessary for the protection of the public good;

(B) The results of all investigations for a new business license shall be referred to the Town Board for a hearing for approval or denial. If, after hearing, the applicant's character or business responsibility is found to be unsatisfactory, the Town Board shall endorse on such application its disapproval and return the same to the Town clerk who shall notify the applicant of such disapproval and that no permit and license will be issued. (Ord. 2-2000 §1, 2000; Ord. 6-1974 §4, 1974);

(5.02.040-5.02.070)

(Revised 09/15/00)

(C) If, as a result of such hearing, the applicant's character and business responsibility are found to be satisfactory, the Town Board shall endorse its approval upon such application. If the Town Board determines that restrictions or conditions should be imposed, the suggested restrictions or conditions shall be set out by the Board of Trustees at the time of the hearing. At the hearing the Board of Trustees shall take such testimony as it determines to be necessary and proper and may approve the application, deny the application or approve the application with such restrictions or conditions as the Board of Trustees shall determine to be appropriate. If the application is approved by the Board of Trustees after hearing, the Town Clerk shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license, which license shall describe such limitations and conditions as determined by the Town Board. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the type of license issued, the kind of goods or services to be sold thereunder, the amount of the fee paid, the date of issuance, and the length of time the same shall be operative, as well as the license number or other identifying description of any vehicle used in such business. The Town Clerk shall keep appropriate record of all licenses issued. (Ord. 2-2000 §1, 2000; Ord. 8-1984 §1, 1984; Ord. 6-1974 §4, 1974).

(D) If the application is for a renewal of an existing business license, and there have been no written complaints about the business received in the Town Office at the time of renewal, then the Town Clerk, shall, upon receipt of an appropriate application, duly signed and the payment of the prescribed license fee, shall issue said license. If there has been a written complaint or complaints received, the Town Clerk shall treat the application for renewal as a new license application and the procedures set forth above shall be followed. (Ord. 2-2000 §1, 2000)

5.02.050 Permit and License--Fees. The Board of Trustees may in its discretion, waive the payment of fees on behalf of any applicant engaged in a civic, religious or charitable undertaking. (Ord. 6-1974 §5, 1974). (A portion of 5.02.050 was repealed by §2, Ord. 8-1984 - See §5.02.120.)

5.02.060 License Nontransferable. No license issued under the provisions of this Chapter shall be transferred to or used by any person other than the one to whom it was issued. (Ord. 6-1974 §6, 1974).

5.02.070 Use of Streets. No business shall have any exclusive right to any location in the public streets, nor shall any be permitted in a stationary location, nor shall it be permitted to operate in any congested area where its operations might impede or inconvenience the public. For the purpose of this Chapter, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 6-1974 §7, 1974).

(5.02.080-5.02.110)

(Revised 09/15/00)

5.02.080 Exhibition of License. Businesses are required to exhibit their license at the request of any citizen. (Ord. 6-1974 §8, 1974).

5.02.090 Chapter Enforcement. It shall be the duty of any police officer of the Town to require any person seen conducting a business, and who is not known by such officer to be duly licensed to produce a license and to enforce the provisions of this Chapter against any person found to be violating the same. (Ord. 6-1974 §9, 1974).

5.02.100 Violations Record. The police official of the Town shall report to the Town clerk all convictions for violations of this Chapter and the Town clerk in his record for each license issued, shall record the reports of violations therein. (Ord. 6-1974 §10, 1974).

5.02.110 Permit and License--Revocation.

(A) Permits and licenses issued under the provisions of this Chapter may be revoked by the Board of Trustees after notice and hearing, for any of the following causes:

- application
- (1) Fraud, misrepresentation or false statement contained in the application for license;
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on business;
 - (3) Any violation of this Chapter;
 - (4) Conviction of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Ord. 6-1974 §11, 1974).

(5.02.120)

5.02.120 Permit and License -- Expiration -- Renewal Fee. All licenses and permits issued under the provisions of this chapter shall expire on the one year anniversary of the date of issue. There shall likewise be due and payable for the application of each license and permit issued

(Revised 09/15/00)

hereunder and for the renewal of each license and permit issued hereunder the sum of \$50.00. Any business operating in the Town of Palmer Lake that is not licensed pursuant to this chapter by the date of its commencing or continuing operation, in addition to the penalties set forth in Section 1.16.010 of the Palmer Lake Municipal Code, shall be liable for a \$5.00 per month late fee for each month of operation prior to applying and receiving a business license and permit pursuant to this chapter. (Ord. 2-2000, §2, 2000; Ord. 2-1995, §1, 1995; Ord. 8-1984 §2, 1984; Ord. 6-1974 §12, 1974).

(Revised 09/15/00)

CHAPTER 5.04

BILLBOARDS AND SIGNS*

Sections:

5.04.010	Permit Required
5.04.020	Permit - Issuance or Refusal
5.04.030	Permit - Fee

5.04.010 Permit Required. It is hereafter unlawful for any person, firm, or corporation to erect or maintain billboards or signs or to place advertisements on walls or fences within the corporate limits of the Town of Palmer Lake without first having obtained a permit from the Town and paid therefore the license fee hereinafter specified. Nothing herein contained however shall be construed as preventing any person, firm, or corporation from displaying his or its name or trade name on his or its place of business provided said name or trade name shall be written on the building itself and shall contain no advertising matter. (Ord. 151 §1, 1942).

5.04.020 Permit - Issuance or Refusal. The Town Board shall give due consideration to all applications presented to it in writing for such permits and shall issue or refuse such permits as will its judgment be in the best interest of the Town of Palmer Lake. (Ord. 151 §2, 1942).

5.04.030 Permit - Fee. When any person, firm, or corporation is granted a permit hereunder the Town Clerk shall require the payment of four cents (\$0.04) per square foot of any and all billboards or signs erected, or advertisements on walls or fences within the corporate limits of the Town of Palmer Lake before issuing the permit; provided, however, that a minimum fee of one dollar (\$1) shall be paid for any and all permits issued. (Ord. 151 §3, 1942, amended by 17.56).

(Superceded by chapter 17.56)

*For statutory provisions authorizing towns to license and regulate all lawful occupations, business places, amusements, or places of amusement, see C.R.S. 31-15-501

CHAPTER 5.08

COIN-OPERATED AMUSEMENT MACHINES*

Sections:

- 5.08.010 Definitions
- 5.08.020 License Required
- 5.08.030 License - Issuance - Fees - Suspension

5.08.010 Definition.

- A. “Amusement machine” means any machine that upon the insertion of a coin or other substitute causes the machine to dispense music or any other form of amusement or entertainment;
- B. “Dealer” as used in this Chapter means any person, firm, or corporation dealing in amusement machines for hire by other individuals, firms, or corporations, or a percentage of gross receipts bases, a stipulated rental basis, or any other form of contractor agreement with an individual, firm, or corporation displaying the amusement machines for use by the public or for the purpose of the individual, firm, or corporation using the amusement machine as a means to benefit financially through attracting the public;
- C. “Owner” as used in this Chapter means the individual, firm, or corporation owing the amusement machine displayed on the business location conducted by the same individual, firm, or corporation;
- D. “Renter” as used in this Chapter means any individual, firm, or corporation displaying in a place of business owned or conducted by the same individual, firm, or corporation amusement machines placed in their custody by a “dealer” or “owner.” (Ord. 1-1947 § 1, 1947).

5.08.020 License Required. From and after August 6, 1947, it is unlawful for any dealer, owner, or renter to display for use by the public in any location within the jurisdiction of the Town of Palmer Lake, Colorado, any amusement machine without having made application to the Town clerk of Palmer Lake for the license required under the provisions of this Chapter. (Ord. 1-1947, §2, 1947).

*For statutory provisions authorizing towns to license and regulate amusements or places of amusement, see C.R.S. 31-15-501(1)(C)

5.08.030 License--Issuance--Fees--Suspension.

- A. Upon application to the Town clerk and the payment of the license fee, a license shall be issued to the individual, firm or corporation making application under the proper designation of dealer, owner, or renter;
- B. Annual license fees are as follows:
 - Dealer\$5.00
 - Owner \$5.00
 - Renter\$5.00

It is the intent of this ordinance that each amusement machine in the Town of Palmer Lake will be assessed an annual license fee of \$5.00, regardless of whether paid by owner, renter or dealer. All three entities are fully obligated to see that the \$5.00 annual licensing fee is paid. (Ord. 13-1993, §1, 1993; Amendment dated November 11, 1953; Ord. 1-1947, §3, 1947).

- C. An owner displaying amusement machines may own one or more of the amusement machines displayed and may also be a renter by displaying amusement machines owned by a dealer or an owner other than the owner displaying the amusement machines;
- D. Licenses are payable in advance in all instances and are effective beginning January 1st through December 31st of the same year. In the event application for an amusement machine license is made by an owner or renter after July 1st in any year the license fee required shall be one-half of annual fee, however this provision only applies at time of initial application. Each amusement machine must retain its original location; licenses are not transferable;
- E. Suspension of the license of a dealer for violation of this Chapter shall automatically suspend the license of a renter displaying amusement machines owned or rented by the dealer under suspension. (Amendment dated November 11, 1953; Ord. 1-1947, §3, 1947).

CHAPTER 5.12

PEDDLERS*

Sections:

5.12.010	Permit and License Required
5.12.020	Definitions
5.12.030	Permit and License - Application - Contents
5.12.040	Permit and License - Application - Investigation and Issuance
5.12.050	Permit and License - Fees
5.12.060	License Nontransferable
5.12.070	Use of Streets
5.12.080	Exhibition of License
5.12.090	Chapter Enforcement
5.12.100	Violations record
5.12.110	Permit and License - Revocation
5.12.120	Permit and License - Expiration - Renewal Fee

5.12.010 Permit and License Required. It is unlawful for any person to engage in the business of peddler as defined in Section 5.12.020 within the limits of the Town of Palmer Lake without first obtaining a permit and license therefor as provided herein. (Ord. 8-1954 §1, 1954).

5.12.020 Definitions.

- A. "Person" as used herein includes any person, firm or corporation, association, club, co-partnership, or society, or any other organization.
- B. "Peddler" as used herein includes any person, whether a resident of the Town of Palmer Lake or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, services for hire, or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer

*For statutory provisions authorizing towns to license, tax, regulate, suppress, and prohibit hucksters and peddlers, see C.R.S. 139-32-1(63).

the same for sale or hire from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a pedler subject to the provision of this chapter. The word "peddler" includes the word "hawker" and "huckster." (Ord. 8-1954 §2, 1954).

5.12.030 Permit and License - Application - Contents. Applicants for permits and licenses under this chapter must file with the Town Clerk a sworn application in writing, which shall give the following information:

- A. Name and address of the applicant;
- B. Permanent home address and full local address, if any, of the applicant;
- C. A brief description of the nature of the business and the goods or services to be sold and in the case of farm products, whether the products are grown by the applicant;
- D. If employed, the name and address of the employer;
- E. The length of time for which the right to do business is desired;
- F. If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
- G. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, or the punishment or penalty assessed therefor;
- H. Such other matters as may be from time to time deemed necessary or desirable by the Board of Trustees.
(Ord. 8-1954 §3, 1954).

5.12.040 Permit and License - Application - Investigation and Issuance.

- A. Upon receipt of such application the same shall be referred to the Board of Trustees who shall cause such investigation of the applicant's business and moral character to be made as the Board deems necessary for the protection of the public good.

(5.12.040 - 5.12.090)

- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Board of Trustees shall endorse on such application its disapproval and return the same to the Town Clerk who shall notify the applicant of such disapproval and that no permit and license will be issued.

- C. If, as a result of such investigation, the applicant's character or business responsibility are found to be satisfactory, the Board of Trustees shall endorse its approval upon such application and execute a permit in favor of the applicant for the carrying on of the business applied for, and return said permit, along with the application, to the Town Clerk who shall upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of said licensee, the type of license issued, and the kind of goods or services to be sold thereunder, the amount of fee paid, the date of issuance, and the length of time the same shall be operative, as well as the license number or other identifying description of any vehicle used in such peddling. The Town Clerk shall keep a permanent record of all licenses issued. (Ord. 8-1954 §4, 1954).

5.12.050 Permit and License - Fees. There shall be due and payable for each license or permit issued hereunder, the sum of twenty-five dollars (\$25), except that the Board of Trustees may, in its discretion, waive the payment of fees on behalf of any applicant engaged in a civic, religious, or charitable undertaking. (Ord. 8-1954 §5, 1954).

5.12.060 License Nontransferable. No license issued under the provisions of this chapter shall be transferred to or used by any person other than the one to whom it was issued. (Ord. 8-1954 §6, 1954).

5.12.070 Use of Streets. No peddlers shall have any exclusive right to any location in the public streets, nor shall any be permitted in a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 8-1954 §7, 1954).

5.12.080 Exhibition of License. Peddlers are required to exhibit their license at the request of any citizen. (Ord. 8-1954 §8, 1954).

5.12.090 Chapter Enforcement. It shall be the duty of any police officer of the Town of Palmer Lake to require any person seen peddling, and who is not known by such officer to be duly licensed to produce a peddler's license and to enforce the provisions of this chapter against any person found to be violating the same. (Ord. 8-1954 §9, 1954).

(5.12.100 - 5.12.120)

5.12.100 Violations Record. The police official of the Town of Palmer Lake shall report to the Town Clerk all convictions for violations of this chapter and the Town Clerk in his record for each license issued, shall record the reports of violations therein. (Ord. 8-1954 §10, 1954).

5.12.110 Permit and License - Revocation.

- A. Permits and licenses issued under the provisions of this chapter may be revoked by the Board of Trustees of the Town of Palmer Lake after notice and hearing, for any of the following causes:
1. Fraud, misrepresentation, or false statement contained in the application for license;
 2. Fraud, misrepresentation, of false statement made in the course of carrying on his business as peddler;
 3. Any violation of this chapter;
 4. Conviction of any crime or misdemeanor involving moral turpitude;
 5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Ord. 8-1954 §11, 1954).

5.12.120 Permit and License - Expiration - Renewal Fee. All annual licenses and permits issued under the provisions of this chapter shall expire one year from the date of issue, other than annual licenses and permits which expire on the date specified therein. There shall likewise be due and payable for the renewal of each license and permit issued hereunder, the sum of twenty-five dollars (\$25). (Ord. 8-1954 §12, 1954).

CHAPTER 5.16

SOLICITORS AND CANVASSERS

Sections:

- 5.16.010 Permit and License Required
- 5.16.020 Definitions
- 5.16.030 Permit and License - Application - Contents
- 5.16.040 Permit and License - Application - Investigation and Issuance
- 5.16.050 Permit and License - Fees
- 5.16.060 License Nontransferable
- 5.16.070 Exhibition of License
- 5.16.080 Chapter Enforcement
- 5.16.090 Violations record
- 5.16.100 Permit and License - Revocation
- 5.16.110 Permit and License - Expiration - Renewal Fee

5.16.010 Permit and License Required. It is unlawful for any person to engage in the business of solicitor or canvasser as defined in Section 5.16.020 within the limits of the Town of Palmer Lake without first obtaining a permit and license therefor as provided herein. (Ord. 9-1954 §1, 1954).

5.16.020 Definitions. A “canvasser” or “solicitor” is defined as any individual, whether a resident of the Town of Palmer Lake or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, or from place to place, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition includes any person who for himself or for another person, firm, or corporation hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the Town for the sole purpose of exhibiting samples and to take orders for future delivery. (Ord. 9-1954 §2, 1954).

5.16.030 Permit and License - Application - Contents. Applicants for permits and licenses under this chapter must file with the Town Clerk a sworn application in writing, which shall give the following information:

- A. Name and address of the applicant;
- B. Permanent home address and full local address, if any, of the applicant;
- C. A brief description of the nature of the business and the goods or services to be sold and in the case of farm products, whether the products are grown by the applicant;
- D. If employed, the name and address of the employer;
- E. The length of time for which the right to do business is desired;
- F. The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, or the punishment or penalty assessed therefor;
- H. Such other matters as may be from time to time deemed necessary or desirable by the Board of Trustees.
(Ord. 9-1954 §3, 1954).

5.16.040 Permit and License - Application - Investigation and Issuance.

- A. Upon receipt of such application the same shall be referred to the Board of Trustees who shall cause such investigation of the applicant's business and moral character to be made as the Board deems necessary for the protection of the public good.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Board of Trustees shall endorse on such application its disapproval and return the same to the Town Clerk who shall notify the applicant of such disapproval and that no permit and license will be issued.

(5.16.040 - 5.16.100)

- C. If, as a result of such investigation, the applicant's character or business responsibility are found to be satisfactory, the Board of Trustees shall endorse its approval upon such application and execute a permit in favor of the applicant for the carrying on of the business applied for, and return said permit, along with the application, to the Town Clerk who shall upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of said licensee, the type of license issued, and the kind of goods or services to be sold thereunder, the amount of fee paid, the date of issuance, and the length of time the same shall be operative, as well as the license number or other identifying description of any vehicle used in such soliciting or canvassing. The Town Clerk shall keep a permanent record of all licenses issued. (Ord. 9-1954 §4, 1954).

5.16.050 Permit and License - Fees. There shall be due and payable for each license or permit issued hereunder, the sum of twenty-five dollars (\$25), except that the Board of Trustees may, in its discretion, waive the payment of fees on behalf of any applicant engaged in a civic, religious, or charitable undertaking. (Ord. 9-1954 §5, 1954).

5.16.060 License Nontransferable. No license issued under the provisions of this chapter shall be transferred to or used by any person other than the one to whom it was issued. (Ord. 9-1954 §6, 1954).

5.16.070 Exhibition of License. Solicitors or canvassers are required to exhibit their license at the request of any citizen. (Ord. 9-1954 §7, 1954).

5.16.080 Chapter Enforcement. It shall be the duty of any police officer of the Town of Palmer Lake to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed to produce a solicitor's or canvasser's license and to enforce the provisions of this chapter against any person found to be violating the same. (Ord. 9-1954 §8, 1954).

5.16.090 Violations Record. The police official of the Town of Palmer Lake shall report to the Town Clerk all convictions for violations of this chapter and the Town Clerk in his record for each license issued, shall record the reports of violations therein. (Ord. 9-1954 §9, 1954).

5.16.100 Permit and License - Revocation.

- A. Permits and licenses issued under the provisions of this chapter may be revoked by the Board of Trustees of the Town of Palmer Lake after notice and hearing, for any of the following causes:

(5.16.100 - 5.16.160)

1. Fraud, misrepresentation, or false statement contained in the application for license;
 2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or canvasser;
 3. Any violation of this chapter;
 4. Conviction of any crime or misdemeanor involving moral turpitude;
 5. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Ord. 9-1954 §10, 1954).

5.16.110 Permit and License - Expiration - Renewal Fee. All annual licenses and permits issued under the provisions of this chapter shall expire one year from the date of issue, other than annual licenses and permits which expire on the date specified therein. There shall likewise be due and payable for the renewal of each license and permit issued hereunder, the sum of twenty-five dollars (\$25). (Ord. 9-1954 §11, 1954).

CHAPTER 5.20

TOURIST CAMPS AND HOUSE CARS

Sections:

5.20.010	Definitions
5.20.020	Tourist Camp - License Required - Application - Fee - Number of House Cars
5.20.030	Permit - Location of Tourist Camp
5.20.040	Permit - Facilities Required before Issuance
5.20.050	Tourist Camp - Maintenance
5.20.060	Tourist Camp - Register Required
5.20.070	House Cars - Parking
5.20.080	House Cars - On Private Property

5.20.010 Definition. For the purposes of this chapter the following words and phrases, when used in this chapter, shall have the following meanings:

- A. “House Cars” mean any structure intended for or capable of human habitation and capable of being moved from place to place, either by its own power or power supplied by some vehicle attached or to be attached thereto.
- B. “Tourist Camp” means any lot, place, or parcel of ground where three or more camp cottages, tents, or house cars used as living or sleeping quarters are or may be located, regardless of whether the same shall be operated for or without compensation. (Ord. 4-1954 §1, 1954).

5.20.020 Tourist Camp - License Required - Application - Fee - Number of House Cars.

- A. From and after July 9, 1954, it is unlawful for any person, persons, firm, or corporation to maintain or operate any tourist camp without having first procured a license therefor. Application for such license shall be made to the Town Clerk and shall be in such form as he may prescribe and shall be by him referred to the Board of Trustees.
- B. An annual license fee of ten dollars (\$10) per year shall be paid in advance upon the granting of any such license, said license shall expire on the thirty-first day of December. In no case will the license fee be prorated for any fraction of a year.
- C. No person shall permit more house cars to occupy any tourist camp than the same shall be licensed for. (Ord. 1-1961, 1961; Ord. 4-1954 §2, 1954).

(5.20.030 - 5.20.060)

5.20.030 Permit - Location of Tourist Camp. No permit shall be granted to maintain or operate any tourist camp, except in those portions of the Town designated in the zoning ordinance of the Town of Palmer Lake; provided, however, that where such tourist camp is in operation in other portions of the Town on July 9, 1954, a license may be issued to continue to maintain the same, provided that the same shall not be enlarged or extended to any new or additional ground and that if the same is vacated and ceases to be operated and maintained as a tourist camp, then they may not be renewed as such. (Ord. 4-1954 §1, 1954).

5.20.040 Permit - Facilities Required before Issuance. No permit for any tourist camp shall be granted unless such tourist camp shall have the following facilities.

- A. An adequate and proper supply of pure and wholesome water, approved by the mayor or the building official, shall be provided in each and every tourist camp;
- B. Toilets, urinals, and showers shall be connected to a septic tank. For a camp of ten (10) units or less, there shall be provided one flush toilet and one shower for each sex and one urinal. A like number of toilets, showers, and urinals shall be provided for each additional ten (10) units or fraction thereof. Toilets and urinals shall not be more than two hundred (200) feet from any unit served by them. All shower compartments shall have concrete floors;
- C. Every tourist camp shall have a two-compartment laundry tub, and slop sink with running water shall be provided for every ten units or fraction thereof. Waste water and slop water shall be disposed of as required by the plumbing code;
- D. A tightly covered metal garbage can shall be provided for each unit. (Ord. 4-1954 §4, 1954).

5.20.050 Tourist Camp - Maintenance. Any tourist camp must be kept in a clean and sanitary condition at all times and no person operating a tourist camp shall permit or allow the accumulation of any trash, junk, or garbage in said camp. (Ord. 4-1954 §5, 1954).

5.20.060 Tourist Camp - Register Required. Any person operating any tourist camp shall require all persons living in the tourist camp to register in a book kept for that purpose, which register shall show the name and address of all persons in the camp, the car and license number, and said record shall be preserved and held open for inspection of all law enforcement agents at all times. (Ord. 4-1954 §6, 1954).

(5.20.070 - 5.20.080)

5.20.070 House Cars - Parking.

(Revised 2/13/89)

- A. No person shall permit any house car to be parked or stand upon any public street, alley, park, or way of the Town of Palmer Lake for longer than one hour during any twenty-four hour (24h) period; provided, however, that the Town Board, by resolution, may designate locations within the Town of Palmer Lake on property owned by the Town of Palmer Lake, Colorado, where house cars may be maintained and which house cars may be used for living purposes provided that the same shall pose no threat to the public health.

- B. No house cars shall be permitted to be parked on any street within the corporate limits of the Town of Palmer Lake, so as to extend outward into the street a distance in excess of ten feet (10') measured at right angles with the curb. (Ord. 4-1954 §7, 1954).

5.20.080 House Cars - On Private Property. No person shall maintain or permit to be maintained any house car upon any private property within the Town of Palmer Lake when the same is used for living purposes unless the same shall be licensed as a tourist camp. (Ord. 4-1954 §8, 1954).

CHAPTER 5.40

MARIJUANA

Sections:

5.40.010	Definitions
5.40.020	Legislative Declaration
5.40.030	Uses prohibited
5.40.040	Uses allowed
5.40.050	Penalty

5.40.010 Definitions

1. **MARIJUANA:** All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, if these items exist apart from any other item defined as “Marijuana” in this section.

2. **MARIJUANA CULTIVATION FACILITY:** Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with cultivation, preparing, or packaging marijuana for sale to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

3. **MARIJUANA PRODUCT:** Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

4. **MARIJUANA PRODUCT MANUFACTURING FACILITY:** Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with manufacturing, preparing, or packaging marijuana products.

5. **MARIJUANA TESTING FACILITY:** Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with analyzing and certifying the safety and potency of marijuana.

(5.40.010 - 5.40.020)

(01/21/2015)

6. RETAIL MARIJUANA ESTABLISHMENT: A Marijuana Cultivation Facility, a Marijuana Product Manufacturing Facility, a Marijuana Testing Facility, or a Retail Marijuana Store.

7. RETAIL MARIJUANA STORE: Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with the sale of marijuana or marijuana products to consumers.

(Ord. 2-2014, §2, 2014).

5.40.020 Legislative Declaration.

1. The Town of Palmer Lake hereby declares it to be in the interest of health, safety, and welfare of the inhabitants of the Town of Palmer Lake, and a proper exercise of the police power, to require the licensing of persons and businesses providing medical marijuana related services. The provisions of this Chapter are to be consistent with and applied in accord with Colorado Revised Statutes § 12-43.3-101 et seq., the Colorado Medical Marijuana Code (“State Code”). Nothing in this Chapter is intended to conflict with or violate any other Town or State law or regulation related to the medical use of marijuana.

2. It is the intent of this Chapter to prohibit certain land uses related to marijuana for personal use in the Town, and in furtherance of its intent, the Board of Trustees make the following findings:

a. Article XVIII, §16 of the Colorado Constitution specifically authorizes a municipality “to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana establishments through the enactment of an ordinance.”

b. Based on careful consideration of Article XVIII, §16 of the Colorado Constitution, and the potential secondary effects of the cultivation and dispensing of marijuana for recreational use, and the retail sale, distribution and manufacturing of marijuana for recreational use or marijuana-infused products, the Board of Trustees finds and determines that these operations have an adverse impact on the health, safety, and welfare of the Town of Palmer Lake and its inhabitants.

c. Nothing in this Chapter is meant to inhibit any individual’s right to personal use of marijuana pursuant to Article XVIII, Section 16(3) of the Colorado Constitution.

(5.40.020 - 5.40.050)

(01/21/2015)

d. Nothing in this Chapter is meant to inhibit or prohibit the operation of any medical marijuana facility licensed pursuant to Chapter 5.30 of the Municipal Code of the Town of Palmer Lake, as amended.

(Ord. 2-2014, §3, 2014).

5.40.030 Uses prohibited.

1. It is unlawful for any person to operate a non-medical marijuana cultivation facility, non-medical marijuana product manufacturing facility, non-medical marijuana testing facility, retail marijuana establishment, or marijuana retail store within the Town of Palmer Lake.

2. It is unlawful to grow marijuana for personal use anywhere in the Town of Palmer Lake other than an enclosed, locked space which is not open or public. "Enclosed" means having a roof and all sides closed to the weather with walls, windows, or doors.

3. It is unlawful to make marijuana grown for recreational use available for sale in any manner.

(Ord. 2-2014, §4, 2014).

5.40.040 Uses Allowed.

This Ordinance shall not be construed to prohibit private or non-commercial assembly for the purpose of consuming marijuana or marijuana products.

(Ord. 2-2014, §5, 2014).

5.40.050. Penalty. Any persons and/or company upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed thirty (30) days or both such fine and imprisonment for each offense committed.

(Ord. 2-2014, §6, 2014).

CHAPTER 5.50

LIQUOR AND BEER LOCAL LICENSING AUTHORITY

Sections:

- 5.50.110 Right of Licensee to Petition for Fine
- 5.50.120 Payment of Fine
- 5.50.130 Stays
- 5.50.140 Suspension to go into Effect

5.50.110 Right of Licensee to Petition for Fine.

1. Whenever a decision of the Town of Palmer Lake suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having his retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Town of Palmer Lake may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:
 - a. That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
 - b. That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - c. That the retail licensee has not had his license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(5.50.110 - 5.50.140)

(Revised 9/22/89)

2. The fine accepted shall be the equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200) nor more than five thousand dollars (\$5,000).
3. Payment of any fine pursuant to the provisions of this Section 5.50.110 shall be in the form of cash or in the form of a certified check or cashier's check made payable to the Town of Palmer Lake.
(Ord. 12-1989 §1, 1989).

5.50.120 Payment of Fine. Upon payment of the fine pursuant to Section 5.50.110, the Town of Palmer Lake shall enter its further order permanently staying the imposition of the suspension. The Town of Palmer Lake shall cause such monies to be paid into the general fund of the Town of Palmer Lake. (Ord. 12-1989 §2, 1989).

5.50.130 Stays. In connection with any petition pursuant to Section 5.50.110, the Town of Palmer Lake is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed. (Ord. 12-1989 §3, 1989).

5.50.140 Suspension to go into Effect. If the Town of Palmer Lake does not make the findings required in paragraph (1)(a) of Section 5.50.100 and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Town of Palmer Lake. (Ord. 12-1989 §4, 1989).

CHAPTER 5.60

PEOPLES NATURAL GAS FRANCHISE

Sections:

5.60.010	Franchise granted
5.60.020	Term
5.60.030	Franchise Fees
5.60.040	Governing Rules and Regulations
5.60.050	Construction
5.60.060	Maintenance
5.60.070	Extension of Company Facilities
5.60.080	Relocation of Company Facilities
5.60.090	Confidential Information
5.60.100	Force Majeure
5.60.110	Hold Harmless
5.60.120	Severability
5.60.130	Non-Waiver
5.60.140	Repeal Conflicting Ordinances
5.60.150	Effective Day and Acceptance
5.60.160	Notices

5.60.010 Franchise Granted. The Town of Palmer Lake, Colorado, (hereinafter referred to as “Grantor”) hereby grants a non-exclusive franchise to Peoples Natural Gas, a division of UtiliCorp United Inc., a Delaware corporation, (hereinafter referred to as “Grantee”), its lessees, successors and assigns. This repeals the franchise previously granted by Ordinance No. 2 of 1987, as amended by Ordinance No. 10 of 1987. Grantee is hereby granted the right, privilege, franchise, permission and authority to construct, maintain, operate and extend in the present and future streets, alleys, avenues, bridge, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to point beyond the limits thereof. Grantor further grants Grantee the right, permission and authority to lay, install, maintain, and operate over, across and along all of the streets, avenues, alleys, bridges, public rights-of-way and public places of Grantor all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary

and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business. (Ord. 2-2002 §1, 2002).

(5.60.020 - 5.60.030)

5.60.020 Term. The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty (20) years from the effective date of this Ordinance. Ten (10) years from the date of enactment of the Ordinance, and every five (5) years thereafter until the end of the term as defined in this Section, Grantor or Grantee may, for good cause, review the Ordinance and propose amendments thereto. Grantor or Grantee shall notify the other party in writing, no later than one hundred and eighty (180) days before the ten (10) year or fifteen (15) year anniversary of the effective date if it desires to amend the Ordinance. Grantor and Grantee shall negotiate in good faith to agree upon mutually satisfactory amendment(s). No amendment shall be effective until mutually agreed upon and accepted by the Grantor and Grantee. The Ordinance shall continue as written, unless amended as provided in this Section. (Ord. 2-2002 §2, 2002).

5.60.030 Franchise Fees. In exchange for the franchise granted herein, Grantee shall collect from its residential and commercial customers, but not from the Town of Palmer Lake, Colorado, located within the corporate limits of Grantor, and pay to Grantor an amount equal to four percent (4%) of gross receipts derived from the sale, distribution or transportation of natural gas delivered within the present or future limits of Grantor and from revenues of related businesses or use of its utility facilities. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. The amount paid by Grantee shall be in lieu of, and Grantee shall be exempt from, all other occupation, license, excise, or right-of-way permit fees or taxes.

- (A) Any consideration hereunder shall be reported and paid to Grantor by Grantee on a quarterly basis. Such payment shall be made not more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of the term of this Ordinance.
- (B) Grantee shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time the Colorado Public Utilities Commission or other authority having proper jurisdiction prohibits such recovery, then Grantee will no longer be obligated to collect and pay the franchise fee herein contemplated.
- (C) Grantor shall have access to and the right to examine during normal business hours those of Grantee's books, receipts, files, records and documents that are necessary to verify the correctness of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such

(01/24/2003)

mistake shall be corrected promptly upon discovery, such that any under-payment by Grantee shall be paid within 30 days of the recalculation and any over-payment by Grantee shall be discounted from the next payment(s) due.

(Ord. 2-2002 §3, 2002).

(5.60.040 - 5.60.070)

5.60.040 Governing Rules and Regulations. This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by the laws of the State of Colorado. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by Grantor. (Ord. 2-2002 §4, 2002).

5.60.050 Construction. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation. (Ord. 2-2002 §5, 2002).

5.60.060 Maintenance. Grantee agrees that for the term of this grant, it will use its best efforts to maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. (Ord. 2-2002 §6, 2002).

5.60.070 Extension of Company Facilities. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor. No obligation shall extend to, or be binding upon, Grantee to extend its facilities if Grantee is, for any reason, unable to obtain and deliver an adequate energy supply. (Ord. 2-2002 §7, 2002).

(01/24/2003)

(5.60.080 - 5.60.100)

5.60.080 Relocation of Company Facilities. If Grantor elects to change the grade or of otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public right-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment primarily for non-public purposes or the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. (Ord. 2-2002 §8, 2002).

5.60.090 Confidential Information. Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of such information. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained. (Ord. 2-2002 §9, 2002).

5.60.100 Force Majeure. It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make

(01/24/2003)

reasonable efforts to avoid Force Majeure and to resolve such events as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike. (Ord. 2-2002 §10, 2002).

(5.60.110 - 5.60.140)

5.60.110 Hold Harmless. Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee, including court costs and reasonable attorneys fees incurred in defending against any claims arising against Grantor due to negligence of Grantee, its employees or agents; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

- (A) The Grantor will provide notice to the Grantee of the pendency of any claim or action against the Grantor arising out of the exercise by the Grantee of its franchise rights. The Grantee will be permitted, at its own expense, to appear and defend or to assist in defense of such claim, and at Grantor's request, Grantee shall have the right to defend in the name of Grantor and to employ counsel for such purpose.
- (B) If the Grantee fails to perform any of the terms or conditions of this Ordinance, the Grantor shall notify the Grantee. In the notice, the Grantor shall specify the time, not to exceed three (3) months, in which the Grantee must remedy the violations. If after such time corrective actions have not been successfully taken, the Grantor shall determine whether any or all rights and privileges granted to the Grantee under this franchise shall be forfeited.
- (C) Upon forfeiture the Grantee shall continue to provide service to Grantor and its inhabitants until Grantor makes alternative arrangements for such service. If the Grantee fails to provide continued service, it shall be liable for all actual and consequential damages to Grantor and its inhabitants.

(Ord. 2-2002 §11, 2002).

5.60.120 Severability. If any clause, sentence or section of this ordinance is deemed invalid, the remaining provisions shall not be affected. (Ord. 2-2002 §12, 2002).

5.60.130 Non-Waiver. Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character. (Ord. 2-2002 §13, 2002).

(01/24/2003)

5.60.140 Repeal Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2-2002 §14, 2002).

(5.60.150)

5.60.150 Effective Date and Acceptance. This ordinance shall become effective upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon acceptance by Grantee by written instrument within sixty (60) days of passage by the governing body, and filed with the Town Clerk of the Town of Palmer Lake, Colorado. If Grantee does not, within sixty (60) days following passage of this ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

- (A) Once during each calendar year of the franchise term, the Town Board of Grantor, upon giving thirty (30) days notice to the Grantee of its intention to do so, may review and change the franchise fee or other consideration Grantor may be entitled to receive as a part of the franchise by the Grantee under this ordinance. The Town Board of Grantor may change the franchise fee payments or change the other consideration to be received by the Town under the terms of this franchise agreement to the equivalent of any franchise fee or increased consideration paid by the Grantee to any city and town in the State of Colorado, in which the Grantee supplies gas service under franchise. If the Town Board of Grantor decides the franchise fee or other term shall be so changed, it shall provide for such change by ordinance; provided, however, that any changed franchise fee then allowed to be surcharged by the Grantee and such changed franchise fee is not higher than the highest franchise fee paid by the Grantee to any municipality within the State of Colorado.
- (B) The Grantee shall not sell or transfer nor lease or permit the use of any rights under this franchise agreement to another, by stock exchange or otherwise, excepting only corporate reorganization of Grantee not involving a third party, unless the Grantor shall approve in writing such sale, transfer, merger, stock exchange, lease, permit or other change in ownership or use of the rights herein created. Approval of the sale, transfer, merger, stock exchange, lease, permit or other change in ownership or use of said right shall not be unreasonably withheld.
- (C) If the Grantee at any time during the term of this franchise agreement, proposes to sell or dispose of any of its real property lying within the Town of Palmer Lake,

(01/24/2003)

Colorado, or used in whole or in part for service to Grantor, the Grantor shall have the right of first refusal to purchase such property. The Grantee shall give written notice of its intent to sell and the property shall be offered to the Grantor for the price and terms contained in any bona fide offer from a third party which is acceptable to the Grantee. The Grantor shall have thirty (30) days after notice of receipt by the Grantee of such bona fide offer in which to exercise the right of first refusal and shall exercise such right by giving written acceptance of the Grantee's offer within the thirty (30) day period. This provision shall not restrict the rights of the Grantor to purchase or condemn the Grantee's facilities reserved under Section 5.60.150 (D).

(5.60.150 - 5.60.160)

- (D) The right of Grantor to construct, purchase or condemn any public utility works or ways, as provided by the Colorado Constitution and Statutes, is hereby expressly reserved. Grantor shall have the right to purchase or condemn all or part of the Grantee's facilities within or without the City limits, and to the extent authorized by law portions of power purchase contracts serving the Grantor's metropolitan area. Grantor shall have the option to purchase or condemn these facilities and/or contracts at any time during the term of this ordinance, upon ninety (90) days written notice to the Grantee or within ninety (90) days of the termination date of this ordinance.
- (E) Upon the exercise of Grantor's rights under Section 5.60.150 (D), the parties shall negotiate in good faith to determine a mutually acceptable purchase price. No value shall be given to the franchise or to public rights-of-way or utility easements.
- (F) At any time during the term of this franchise agreement, the Grantor through its Town Board, or the Grantee may propose amendments to this franchise agreement by giving thirty (30) days written notice to the other of the propose amendment(s) desired, and both parties thereafter, through their designated representatives, will within a reasonable time negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). The word "amendment" as used in this section does not include a change in franchise fee or other franchise term authorized in Section 5.60.030.
- (G) The Grantee, at the request of the Grantor, agrees to provide at Grantee's expense, copies of all Public Utility Commission filings that affect the Grantor and its inhabitants relationship with Grantee.

(Ord. 2-2002 §15, 2002).

5.60.160 Notices. Any notices required to be given hereunder shall be sent to the following:

(01/24/2003)

If to Grantee: Vice President
Community Relations
UtiliCorp United Inc.
20 West 9th Street
Kansas City, MO 64105

If to Grantor: Town Clerk
P.O. Box 208
Palmer Lake, CO 80133

(Ord. 2-2002 §16, 2002).

(01/24/2003)

CHAPTER 5.80

SEXUALLY-ORIENTED BUSINESS

Sections:

5.80.010	Purpose and Intent
5.80.020	Definitions
5.80.030	Permit required
5.80.040	Application for permit for sexually-oriented business
5.80.050	Duty to supplement application
5.80.060	Investigation and Application
5.80.070	Issuance of Permit
5.80.080	Expiration of Permit
5.80.090	Suspension of Permit
5.80.100	Revocation of Permit
5.80.110	Transfer of Permit
5.80.120	Judicial Review of Permit Denial, Suspension, and Revocation
5.80.130	Manager's license required
5.80.140	Application for manager's license
5.80.150	Inspection
5.80.160	Regulation of Peep Booths
5.80.170	Hours of Operation
5.80.180	Exemption
5.80.190	Minimum Age
5.80.200	Lighting Regulations
5.80.210	Location of Sexually-Oriented Businesses
5.80.220	Measurement of Distance
5.80.230	Other Locational Regulations
5.80.240	Stage required in Adult Cabaret and Adult Theater
5.80.250	Conduct in Sexually-Oriented Businesses
5.80.260	Employee Tips
5.80.270	Unlawful Acts
5.80.280	Exemptions
5.80.290	Town's Remedies

(5.80.010 - 5.80.020)

(06/04/2004)

5.80.010 Purpose and Intent. The purpose and intent of this chapter is to regulate sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually-oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sexually-oriented businesses. The provisions of this chapter have neither purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material. (Ord. 8-2000 §2, 2000).

5.80.020 Definitions. Words and phrases used in this chapter shall have the following meanings ascribed to them:

a. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

b. "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store" means:

1. A commercial establishment which (i) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (ii) receives a significant or substantial portion of its revenues from ; or (iii) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motions pictures, vides cassettes, slides, CD Rom, computer generated pictures, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

2. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other businesses purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-subsection B.1. are otherwise met.

(5.80.020)

(06/04/2004)

c. "Adult cabaret" means a night club, supper club, dance club, or other such entertainment establishment whether or not such establishment has a fermented malt beverage or spirituous and venous liquor license which features: (a) persons who appear nude or in a state of nudity or semi-nude; or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

d. "Adult motel" means a motel, hotel or similar commercial establishment which : (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, CD Rom, computer generated pictures, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

e. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, CD Rom, computer generated pictures, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

f. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or "specified sexual activities".

g. "Church" shall mean churches, synagogues, places of worship and other institutions dedicated to religious objectives.

h. "Employee" means a person who works for persons in and/or for a sexually-oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

i. "Establishment" of a sexually-oriented business means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business into a sexually-oriented business;

(5.80.020)

(06/04/2004)

3. The addition of a sexually-oriented business to any other existing sexually-oriented business; or

4. The relocation of a sexually-oriented business.

j. "Licensing Officer" means the Town Clerk or his/her designee.

k. "Manager" means an operator, other than licensee, who is employed by a sexually-oriented business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

l. "Nudity or State of Nudity" means: (a) the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

m. "Nude Model Studio" means any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

n. "Operator" means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

o. "Peep booth" means a viewing room of less than one hundred fifty (150) square feet of floor space.

p. "Permittee and/or Licensee" means a person in whose name a permit and/or license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

q. "Person" means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

r. "Premises" or "Permitted or Licensed Premises" means any premises that requires a license and/or permit and that is classified as a sexually-oriented business.

s. "Principal owner" means any person owning, directly or beneficially: (1) ten percent or more of membership interests in a limited liability company; or (2) in the case of any other legal entity, ten percent or more of the ownership interests in the entity.

(5.80.020)

(06/04/2004)

t. "Private room" means a room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room and is used primarily for lodging.

u. "Public park" shall mean any park, recreation area or facility, open space area or trail which may be used by the general public, either with or without payment of a fee.

v. "Residential district" shall mean any zoning district in the Town where residential uses are permitted either as a use by right or a conditional use including mobile home and modular home uses.

w. "Sexual encounter establishment" means a business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

x. "Sexually-oriented Business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually-oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

y. "Semi-Nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

z. "Specified Anatomical Areas", as used herein means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

aa. "Specified criminal acts" means sexual crimes against children, sexual abuse, rape or crimes connected with another sexually-oriented business, including, but not limited to, distribution of obscenity, prostitution, pandering, or tax violations.

(5.80.020)

(06/04/2004)

bb. "Specified Sexual Activities" means and includes any of the following:

i. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

iii. Masturbation, actual or simulated; or

iv. Human genitals in a state of sexual stimulation, arousal or tumescence;

v. Excretory functions as part of or in connection with any of the activities set forth in subdivisions a. through d. of this subsection.

cc. "Transfer of ownership or control of a sexually-oriented business" means and includes any of the following:

i. The sale, lease or sublease of the business;

ii. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;

iii. The establishment of a trust, management arrangement, gift or other similar legal devise which transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

dd. "Zoning Ordinance" means Title 17 of the Code of the Town of Palmer Lake.

Application fees, license fees and registration fees under this chapter are prescribed in the Fee Schedule approved annually by the Board of Trustees.

(Ord. 8-2000 §3, 2000).

(5.80.030 - 5.80.040)

5.80.030 Permit Required.

a. No sexually-oriented business shall be permitted to operate without a valid sexually-oriented business permit issued by the Town.

(06/04/2004)

b. It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually-oriented business and said person knows or reasonably should know that:

1. The business does not have a sexually-oriented business permit;
2. The business has a permit which is under suspension;
3. The business has a permit which has been revoked; or
4. The business has a permit which has expired.

(Ord. 8-2000 §4, 2000).

5.80.040 Application for Permit for sexually-oriented business.

a. The Town Clerk is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually-oriented business permits for proposed or existing sexually-oriented businesses.

b. The Town Clerk is responsible for ascertaining whether a proposed sexually-oriented business for which a permit application has been submitted complies with all locational requirement of Sections 5.80.210 and 5.80.230.

c. The Palmer Lake Town Police Chief is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time periods set forth in Section 5.80.070 (c)(1)(h). (Ord 1-2004, §2, 2004)

d. The El Paso County Regional Building Department is responsible for inspecting a proposed, sexually-oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.

e. Any person desiring to operate a sexually-oriented business shall file with the Town Clerk an original and two copies of a sworn permit application on the standard application form supplied by the Town Clerk.

(5.80.040)

f. The completed application shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is an individual or a partnership, the individual or each partner shall state his/her legal name and any aliases and submit satisfactory proof that he/she is twenty-one years of age;

(06/04/2004)

2. If the applicant is a legal entity, the person shall state its complete name, the date and place of its organization, evidence that it is in good standing under the laws of the state in which it is organized, and if it is organized under the laws of a state other than Colorado, that it is registered to do business in Colorado, the names and capacity of all officers, directors, managers and principal owners, and the name of the registered agent and the address of the registered office for service of process, if any.

3. If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant, he/she must state the sexually-oriented business' fictitious name.

4. Whether the applicant or any of the other individuals listed pursuant to subsections 5.80.040 (f)(1) and 5.80.040 (f)(2) has had a previous permit under this or other similar sexually-oriented business ordinances from another town, city or county denied, suspended or revoked, and, if so, the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

5. Whether the applicant or any other individuals listed pursuant to subsections 5.80.040 (f)(1) and 5.80.040 (f)(2) has been a partner in a partnership or a principal owner of a corporation or other legal entity whose permit has previously been denied, suspended or revoked, and, if so, the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

6. Whether the applicant or any other individual listed pursuant to subsections 5.80.040 (f)(1) and 5.80.040 (f)(2) holds any other permits and/or licenses under this chapter or other similar sexually-oriented business under this chapter or other similar sexually-oriented business ordinance from another city or county, and, if so, the names and locations of such other permitted businesses.

7. The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any.

8. The applicant's mailing address and residential address.

(5.80.040)

9. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be oriented to the north or to some designated street or object and shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The Licensing Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was

(06/04/2004)

prepared. If the sexually-oriented business has or will have a peep booth or booths subject to the provision of section 5.80.160, the sketch shall show the locations of each manager's station and designate any portion of the premises in which patrons will not be permitted.

10. A current certificate and straight-line drawing prepared within thirty (30) days prior to an initial application by a Colorado registered land surveyor depicting: (i) the property lines and the structures of the property to be certified; and (ii) the property lines of any church, school, dwelling unit (single or multiple), public park or residential district within 1,500 feet of the property to be certified, and (iii) the property lines and structures of any other sexually-oriented business within 1,500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

11. If a person who wishes to operate a sexually-oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each principal owner of the applicant must sign the application for a permit as applicant.

g. In the event that the Town Clerk determines or learns at any time that the applicant has improperly completed the application for a proposed sexually-oriented business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

h. The fact that a person possesses other types of State or Town or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually-oriented business permit.

(Ord. 8-2000 §5, 2000).

(5.80.050 - 5.80.070)

5.80.050 Duty to Supplement Application.

Applicants for a permit under Section 5.80.040 shall have a continuing duty to promptly supplement application information required by that section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change shall be grounds for suspension of a permit. (Ord. 8-2000 §6, 2000).

(06/04/2004)

5.80.060 Investigation and Application

a. Upon receipt of an application for a sexually-oriented business permit properly filed with the Town Clerk and upon payment of the nonrefundable application fee, the Town Clerk shall immediately stamp the application as received and send photocopies of the application to the Town Planner, the Palmer Lake Town Police Chief, and the El Paso County Regional Building Department. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed sexually-oriented business in accordance with its responsibilities under law and as provided pursuant to this ordinance. Said investigation shall be completed within thirty (30) days of receipt of the application by the Town Clerk. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, states the reasons therefore. The Palmer Lake Town Police Chief shall only be required to provide the information specified in section 5.80.070(d), and shall not be required to approve or disapprove applications. (Ord 1-2004, §2, 2004)

b. A department or agency shall disapprove an application if it finds that the proposed sexually-oriented business will be in violation of any provisions of any statute, code, ordinance, regulation or other law in effect in the Town. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the Town Clerk.

(Ord. 8-2000 §7, 2000).

5.80.070 Issuance of Permit.

a. The Town Clerk shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing. Upon the expiration of the thirtieth (30th) day, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the Town Clerk notifies applicant of a denial of the application and states the reasons(s) for that denial.

(5.80.070)

b. Grant of Application for Permit

1. The Town Clerk shall grant the application unless one or more of the criteria set forth in subsection 5.80.070 (c) below is present.

2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it can be easily read at any time.

(06/04/2004)

c. Denial of Application for Permit

1. The Town Clerk shall deny the application for any of the following reasons:

aa. An applicant is under twenty-one years of age.

bb. An applicant is overdue on his/her payment to the Town of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually-oriented business.

cc. An applicant has failed to provide information required by this section for the issuance of the permit or has falsely answered a question or request for information on the application form.

dd. The premises to be used for the sexually-oriented business have been disapproved by an inspecting agency pursuant to the provisions of section 5.80.060.

ee. The application or permit fees have not been paid.

ff. An application or the proposed business is in violation of, or is not in compliance with, any of the provisions of this chapter.

gg. The granting of the application would violate a statute, ordinance, or court order.

hh. The applicant has a permit under this chapter which has been suspended or revoked within the previous 12 months.

d. If the Town Clerk denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial.
(Ord. 8-2000 §8, 2000).

(5.80.080 - 5.80.090)

5.80.080 Expiration of Permit.

a. Each permit shall expire (1) year from the date of issuance and may be renewed only by making application as provided in section 5.80.040 (for renewals, filing of original survey shall be sufficient) of this chapter. Application for renewal of a permit shall be made at least thirty (30) days before the expiration date of the permit. If a renewal application is made fewer than thirty (30) days before the expiration of a permit, the expiration of the permit will not be affected.

(06/04/2004)

b. If, subsequent to denial of renewal, the Town Clerk find that the basis for denial of the renewal of the permit has been corrected, the application shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final. (Ord. 8-2000 §9, 2000).

5.80.090 Suspension of Permit.

a. The Town Clerk shall suspend a permit for a period not to exceed thirty (30) days if he/she determines that a permittee, or an employee of a permittee, has:

1. Violated or is not in compliance with any section of this chapter; or
2. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter; or
3. Operated the sexually-oriented business in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such a statute, code, ordinance or regulation violation, the Town Clerk shall promptly notify the permittee of the violation and shall allow the permittee a seven (7) day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven (7) day period, the Town Clerk shall forthwith suspend the permit and shall notify the permittee of the suspension; or
4. Engaged in a permit transfer contrary to Section 5.80.110. In the event that a Town Clerk suspends a permit on the ground that a permittee engaged in a permit transfer contrary to Section 5.80.110, the Town Clerk shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this chapter has been satisfied; or
5. Operated the sexually-oriented business in violation of the hours of operation provisions of Section 5.80.170.

b. The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected. (Ord. 8-2000 §10, 2000).

(5.80.100)

5.80.100 Revocation of Permit.

a. The Town Clerk shall revoke a sexually-oriented business permit upon determining that:

1. A cause of suspension in section 5.80.090 of this chapter occurs and the permit has been suspended within the preceding twelve (12) months; or

(06/04/2004)

2. A permittee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or

3. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances (as defined in Part 3 or Article 22 of Title 12, C.R.S.) on the premises; or

4. A permittee or an employee has knowingly allowed prostitution on the premises; or

5. A permittee or an employee knowingly operated the sexually-oriented business during a period of time when the permittee's permit was suspended; or

6. On two or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually-oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit; or

7. A permittee is delinquent in payment to the Town or State for any taxes or fees; or

8. A permittee or an employee has knowingly allowed any specified sexual activity to occur in or on the permitted premises; or

9. The permittee has operated more than one sexually-oriented business within the same building, structure, or portion thereof.

b. When the Town Clerk revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a sexually-oriented business permit for one (1) year from the date revocation became effective. (Ord. 8-2000 §11, 2000).

(5.80.110 - 5.80.140)

5.80.110 Transfer of Permit.

a. A permittee shall not operate a sexually-oriented business under the authority of a permit at any place other than the address designated in the application for permit.

b. A permittee shall not transfer his/her permit to another person unless or until such other person satisfies the following requirements:

(06/04/2004)

1. Obtains an amendment to the permit from the Town Clerk which provides that he/she is now the permittee, which amendment may be obtained only if he/she has completed and properly filed an application with the Town Clerk, setting forth the information called for under section 5.80.040 in the application; and

2. Pays a transfer fee of twenty percent (20%) of the annual permit fee.

c. No permit may be transferred when the Town Clerk has notified the permittee that suspension or revocation proceedings have been or will be brought against the permittee.

d. A permittee shall not transfer his permit to another location.

e. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void. (Ord. 8-2000 §12, 2000).

5.80.120 Judicial Review of Permit Denial, Suspension, or Revocation. After denial of an application or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek judicial review of such administrative action in any court of competent jurisdiction. The court shall promptly review such administrative action. (Ord. 8-2000 §13, 2000).

5.80.130 Manager's License Required. It shall be unlawful, and a person commits a misdemeanor, if he works as a manager of a sexually-oriented business without first obtaining a manager's license. (Ord. 8-2000 §14, 2000).

5.80.140 Application for Manager's License.

a. A manager shall submit an application for a manager's license on a form to be provided by the Town Clerk. The application shall contain the applicant's name, address, date of birth, phone number, and the information required in section 5.80.040(f)(4).

(5.80.140 - 5.80.160)

b. The Town Clerk shall grant the application within 10 days of its filing unless:

1. The applicant is under age twenty-one;

2. The applicant has failed to provide the information required by this section;

3. The license fee has not been paid;

(Ord. 8-2000 §15, 2000).

(06/04/2004)

5.80.150 Inspection.

a. An applicant or permittee shall permit representatives of the Building Inspection Department, the Health Department, and the Fire Department to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

b. A person who operates a sexually-oriented business or his agent commits a misdemeanor if he/she refuses to permit such lawful inspection of the premises at any time that it is occupied or open for business. (Ord. 8-2000 §16, 2000).

5.80.160 Regulation of Peep Booths. A person who operates or causes to be operated a sexually-oriented business, which exhibits on the premises in a peep booth a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the requirements of this Section.

a. The sexually-oriented business shall have one or more manager's stations. A manager's station may not exceed thirty-two (32) feet of floor area. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Town Clerk.

b. At least one employee must be on duty and situated at each manager's station at all times that any patron is present inside the premises.

c. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video display equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's

(5.80.160 - 5.80.190)

station. The view area shall remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to section 5.80.040(f)(9), (10).

d. No peep booth may be occupied by more than one person at any one time.

(06/04/2004)

e. No door, screen or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent peep booths.

f. A person having a duty under this Section commits a misdemeanor if he/she knowingly fails to fulfill that duty.

(Ord. 8-2000 §17, 2000).

5.80.170 Hours of Operation. It shall be unlawful for a sexually-oriented business to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises:

a. On any Tuesday through Saturday from 2:00 a.m. until 7:00 a.m.;

b. On any Monday other than a Monday which falls on January 1, from 12:00 a.m. until 7:00 a.m.;

c. On any Sunday from 2:00 a.m. until 8:00 a.m.;

d. On any Monday which falls on January 1, from 2:00 a.m. until 7:00 a.m.

(Ord. 8-2000 §18, 2000).

5.80.180 Exemption. This Section shall not apply to those areas of an adult motel that are private rooms. (Ord. 8-2000 §19, 2000).

5.80.190 Minimum Age.

a. It shall be unlawful for any person under the age of twenty-one (21) years to be upon the premises of any live, nude dancing establishment, including, but not limited to any adult cabaret, adult theater or sexual encounter establishment, as defined by this ordinance.

(5.80.190 - 5.80.210)

b. It shall be unlawful for the licensee or any employee of the licensee to allow anyone under the age of twenty-one (21) years upon the premises of any live, nude dancing establishment, including, but not limited to any adult cabaret, adult theater or sexual encounter establishment, as defined by this ordinance.

c. It shall be unlawful for any person under the age of eighteen (18) to be upon the premises of any sexually-oriented business.

(06/04/2004)

d. It shall be unlawful for the licensee or any employee of the licensee to allow anyone under the age of eighteen (18) years upon the premises of any sexually-oriented business.

(Ord. 8-2000 §20, 2000).

5.80.200 Lighting Regulations.

a. Excluding a private room of an adult motel, the interior portion of the premises of a sexually-oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place (including peep booths) at an illumination of not less than five (5.0) foot candle as measured at the floor level.

b. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises. (Ord. 8-2000 §21, 2000).

5.80.210 Location of Sexually-Oriented Businesses.

a. No permit shall be issued under this chapter for any sexually-oriented business within any zone district other than an M-1 Zone (Industrial Zone).

b. A person commits a misdemeanor, if he operates or causes to be operated a sexually-oriented business outside of an M-1 Zone (Industrial Zone).

c. A person commits a misdemeanor if he operates or causes to be operated a sexually-oriented business within 1,500 feet of;

1. another sexually-oriented business.

2. any church;

(5.80.210 - 5.80.230)

the 3. any school meeting all requirements of the compulsory education laws of state;

4. the boundary of any residential district;

5. a dwelling unit (single or multiple); or

6. a public park adjacent to any residential district.

(06/04/2004)

d. A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually-oriented business within the same building, structure, or portion thereof. (Ord. 8-2000 §22, 2000).

5.80.220 Measurement of Distance.

a. For purposes of this Section, distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

b. For purposes of this Section, distance between any sexually-oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually-oriented business is conducted, to the nearest property line of the premises of a church, school, or dwelling unit (single or multiple), or the nearest boundary of an affected public park, or residential district. (Ord. 8-2000 §23, 2000).

5.80.230 Other Locational Regulations.

a. Any sexually-oriented businesses lawfully operating upon adoption of this ordinance, which is in violation of section 5.80.210 will be permitted to continue for a period of six months from the effective date hereof.

b. Notwithstanding the provisions of subsection (1), the Town Planner may grant an extension of time during which a sexually-oriented business in violation of section 5.80.210 will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his/her initial financial investment in the business. A sexually-oriented business in violation of section 5.80.210 may continue during such extended period, unless the business is sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such business shall not be enlarged, extended or altered except that the business may be brought into compliance with this chapter.

(5.80.230 - 5.80.260)

c. A sexually-oriented business lawfully operating is not rendered in violation of section 5.80.210 by the location, subsequent to the grant or renewal of a sexually-oriented business permit and/or license, of a church, or residential district, within 1,500 feet of the sexually-oriented business. This provision applies only to the renewal of a valid permit and/or license and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked. (Ord. 8-2000 §24, 2000).

(06/04/2004)

5.80.240 Stage Required in Adult Cabaret and Adult Theater. Any adult cabaret or adult theater shall have one or more separate areas designated as a stage in the diagram submitted as part of the application for the license. Entertainers shall perform only upon the stage. The stage shall be fixed and immovable. No seating for the audience shall be permitted within three (3) feet of the edge of the stage. No members of the audience shall be permitted upon the stage or within three (3) feet of the edge of the stage. (Ord. 8-2000 §25, 2000).

5.80.250 Conduct in Sexually-Oriented Businesses.

a. No licensee, manager or employee mingling with the patrons of a sexually-oriented business, or serving food or drinks, shall be in a state of nudity. It is a defense to prosecution for a violation of this section that an employee of a sexually-oriented business exposed any specified anatomical area during the employee's bona fide use of a rest room, or during the employee's bona fide use of a dressing room which is accessible only to employees.

b. No licensee or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus, or specified anatomical areas of any person. (Ord. 8-2000 §26, 2000).

5.80.260 Employee Tips.

a. It shall be unlawful for any employee of a sexually-oriented business to receive tips from patrons except as set forth in subsection b. of this section.

b. A licensee that desires to provide for tips from its patrons shall establish one or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually-oriented business into the tip box.

c. A sexually-oriented business that provides tip boxes for its patrons as provided in this section shall post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one (1) inch high to read as follows: "All tips are to be placed in the tip box and not handed directly to employees. Any physical contact between a patron and employees is strictly prohibited." (Ord. 8-2000 §27, 2000).

5.80.270 Unlawful Acts. It shall be unlawful for the licensee or for any manager or employee to violate any of the requirements of this Chapter or to knowingly permit any patron to violate the requirements of this Chapter. (Ord. 8-2000 §28, 2000).

5.80.280 Exemptions. The provisions of this chapter regulating nude model studios do not apply to:

- a. a college, junior college, or university supported entirely or partly by taxation;
- b. a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one nude model is on the premises at any one time. (Ord. 8-2000 §29, 2000).

5.80.290 Town's Remedies.

- a. If any person fails or refuses to obey or comply with or violates any of the criminal provisions, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished according to Chapter 1.16 of this Code. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation shall be considered as a separate offense. (Ord 1-2003, §14, 2003)
- b. Nothing herein contained shall prevent or restrict the Town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- c. All remedies and penalties provided for in this section shall be cumulative and independently available to the Town, and the Town shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

(Ord. 8-2000 §30, 2000).

TITLE 7

ANIMALS

Chapters:

7.04		Animal Control
7.08	Dogs	
7.10		Wildlife

(Revised 01/24/03)

CHAPTER 7.04

ANIMAL CONTROL*

Sections:

- 7.04.010 Definitions.
- 7.04.020 Disease-Carrying Animals.
- 7.04.030 Dead Animals.
- 7.04.040 Loose Animals.
- 7.04.050 Impounding Animals.

7.04.010 Definitions.

(A) "At large" as used herein, unless the context otherwise indicates, means off the premises of the owner and not under the control of the owner or a member of his immediate family, either by rope, cord, chain or other device, or, in some other manner;

(B) "Owner" as used herein, unless the context otherwise indicates, means any person or persons, firm, association, corporation, club, co-partnership, or society or any other organization, owning, keeping or harboring animals, as hereinafter set forth. (Ord. 2-1955 § 1955).

7.04.020 Disease--Carrying Animals.

(A) No diseased or sickly horse, cattle, swine, sheep, dog, cat, or other animal that may have been exposed to any disease that is contagious among such animals, shall be brought into or retained within the corporate limits of the Town of Palmer Lake;

(B) Whenever it appears or is found that any animal intended for food or for producing milk is affected with cholera, tuberculosis, trichinosis, or any other disease which is dangerous to life or injurious to the public health of the Town of Palmer Lake, such animal shall be killed and its flesh destroyed;

(C) Whenever in dairy herds any disease is suspected of being infectious, no milk or other dairy products shall be kept or sold for food until the sick cattle have been destroyed. (Ord. 2-1955 § 2, 1955).

For statutory provisions regarding the power of towns to regulate, restrain and prohibit the running at large of animals, and to impound and sell animals found running at large, See CRS 31-15-401 (1)(M).

7.04.030 Dead Animals.

(A) Every person having within his possession or under his control or upon any premises occupied or controlled by him, any dead animal not proper for food and liable to become noxious or detrimental to the public health, shall at once report the same to the marshal or other police officer of the Town of Palmer Lake;

(B) Any person, firm, or corporation who kills or orders killed any animal, or who has in his possession any dead animal, shall at the time arrange for due removal from the place of killing to the proper place of interment or rendering, and shall be responsible for removal and burial in accordance with the provisions of this Chapter, or other applicable law;

(C) There is hereby established a Town interment area to be located at such place which may from time to time be specified by the Board of Trustees. This area shall be used exclusively for the burial of such dead animals and carcasses as may from time to time be necessary by reason of the operation of the laws of the Town. All burials made in such area shall be at least three feet below the surface of the ground. (Ord. 2-1955 § 3, 1955).

7.04.040 Loose Animals.

(A) It is unlawful for any person, firm or corporation to allow to run at large or to herd or graze any cattle, hogs, sheep, poultry, or any animal or animals upon or in any street, alley or other public way or place within the corporate limits of the Town of Palmer Lake or upon any vacant or unenclosed lots or blocks or other unenclosed or vacant premises in the Town, whether the animals are attended by any person or persons or not. The foregoing provisions shall not apply to any animal securely tied or staked on private property beyond the reach of any tree or shrub;

(B) Any animal found grazing or being herded within the corporate limits of the Town of Palmer Lake in violation of the foregoing shall be deemed and taken to be running at large and shall be dealt with in accordance with the provisions of this Chapter or other applicable law. (Ord. 2-1955 § 4, 1955).

7.04.050 Impounding Animals.

(A) Whenever any such cattle, hogs, horses, sheep or other animals are running at large, it shall be the duty of the marshal or other police officer to cause the same to be taken up and impounded, in the Town animal pound, to be there properly cared for and maintained until disposed of in accordance with this Chapter;

(7.04.050)

(Revised 12/93)

(B) Upon the impounding of any such animal, it shall be the duty of the poundmaster to give proper notice of such impounding to the parties entitled thereto, to release such impounded animals to the owners upon the payment of accrued costs and charges, and to do all other acts and things necessary and proper pursuant to law for the impounding, release, notice, sale and disposition of sale proceeds;

(C) For the impounding of any animal not otherwise provided for, there shall be an impounding fee chargeable in the amount of \$10.00; for the care of any such animal impounded, there shall be a daily care fee chargeable in the amount of \$3.00 per day or fractions thereof; and \$2.00 for the posting of Notice. (Ord. 7-1978).

CHAPTER 7.10

WILDLIFE

Sections:

- 7.10.010 Feeding or Attracting Big Game Wildlife Prohibited
- 7.10.020 Fines

7.10.010 Feeding or Attracting Big Game Wildlife Prohibited. No person shall place, deposit, distribute or scatter grain, hay, or other foods so as to intentionally constitute a lure, attraction, or enticement for big game not lawfully held in captivity. No person shall fail to take remedial action to avoid contact or conflict with bears, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant, after being advised by the Town of Palmer Lake to undertake such remedial action. Further, after an initial contact or conflict with a bear, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders. (Ord 9-2002 §1, 2002)

Section 2. 7.10.020 Fines. The fine for violation of this ordinance shall be as follows:

- First Offence - \$50.00;
- Second Offence - \$75.00;
- Third Offense - \$100.00;
- Subsequent Offenses - Not less than \$100.00.

(Ord 9-2002 §2, 2002)

TITLE 8

HEALTH AND SANITATION

Chapters:

- 8.04 Nuisances.
- 8.05 Nuisance Offenses
- 8.07 Junk, Junkyards and Junk Vehicles
- 8.08 Trash, Litter and Trash Hauling.
- 8.10 Burn Permits.
- 8.20 Trees and Shrubs.
- 8.40 Weeds and Undesirable Plants.

(Revised
12/93)

CHAPTER 8.04

NUISANCE: DEFINITION AND ABATEMENT PROCEDURE

Section:

8.04.010	Nuisance Defined
8.04.020	County Health Department Powers
8.04.030	Notice to Abate
8.04.040	Declaration of Nuisance by Board
8.04.050	Abatement without Notice
8.04.060	Assistance to Abate Authorized
8.04.070	Recovery of Expenses
8.04.080	Authority to Enter on Property
8.04.090	Penalty

8.04.010 Nuisance Defined. Anything which is injurious to the health or morals or indecent or offensive to the sense or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (Ord. 5-1977)

8.04.020 County Health Department Powers. That the County Health Department has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisance of every description on public and private property; to prevent the introduction of spreading within the Town of malignant, contagious, and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or who have been exposed thereto; to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations.

8.04.030 Notice to Abate. Any state of things prohibited by this action shall be deemed a nuisance and any person who shall hereafter make or cause such nuisance to exist shall be deemed the author thereof. Provided, that any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight (48) hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight (48) hours may be given and served by the Town Police Chief or other officers as he may designate (Ord 1-2004, §2, 2004).

8.04.040 Declaration of Nuisance by Board. In the event that any such nuisance within or upon any private premises or grounds is not abated forthwith after the notice herein provided shall be given, the Board of Trustees may declare the same to be a nuisance and order the Town Police Chief to abate the same, which said order shall be executed without delay; and the Town Police Chief shall have the authority to call for the necessary assistance therefor. (Ord 1-2004, §2, 2004)

8.04.050 Abatement without Notice. In case of any such nuisance in or upon any street, alley, avenue, sidewalk, highway, or public grounds in the Town, the Town Police Chief or Town Administrator may abate the same forthwith without such notice given. (Ord 1-2004, §2, 2004)

8.04.060 Assistance to Abate Authorized. Any officer who shall be duly authorized to abate any nuisance specified in this ordinance, shall have authority to engage the necessary assistance, and incur the necessary expenses thereof.

8.04.070 Recovery of Expenses. The expense incurred by the Town in abating any nuisance may be recovered back by proper action from the creator thereof.

8.04.080 Authority to Enter on Property. The Mayor, Town Police Chief, Trustees, or any other persons who may be directed or deputized by the Board of Trustees may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof. (Ord 1-2004, §2, 2004)

8.04.090 Penalties. Any person violating any provisions or failing to comply with any of the mandatory requirements of Chapter 8.04 or 8.05 of the municipal code of the Town of Palmer Lake shall be guilty of a misdemeanor and shall be punished according to Chapter 1.16 of this Code. (Ord. 14-2002, §1, 2002; Ord 1-2003; §15, 2003)

CHAPTER 8.05

NUISANCE OFFENSES

Section:

8.05.010	Unwholesome Business Prohibited
8.05.020	Junkyards and Dumping Grounds
8.05.030	Discharge of Nauseous Liquids
8.05.040	Stale Matter
8.05.050	Sewer Inlet
8.05.060	Slaughterhouse
8.05.070	Dead Animals; Removal
8.05.080	Stagnant Ponds
8.05.090	Open Wells, Cisterns, or Excavations
8.05.100	Noise Making Devices to Attract Children
8.05.110	Handbills, Posters, and Placards
8.05.120	Animal Traps
8.05.130	Weeds, Brush, Leaves, Pine Needles or Litter
8.05.140	Additional Provisions

8.05.010 Unwholesome Business Prohibited. Offensive or unwholesome businesses or establishments are prohibited. From and after the effective date of this Code, it shall be unlawful for any person of any kind to allow or suffer upon his premises or any premises which he is entitled to possess, any offensive or unwholesome business or establishment within the Town, or within one (1) mile beyond the outer limits of said Town as such outer limits are now, or may be hereafter, constituted.

8.05.020 Junkyards and Dumping Grounds. All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked, or abandoned automobiles, trucks, tractors, trailers, boats, and housetrailer, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are hereby declared to be a nuisance.

8.05.030 Discharge of Nauseous Liquids. It shall be unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley, or public place in the Town.

8.05.040 Stale Matter. It shall be unlawful to keep, collect, or use or cause to be kept, collected, or used in this city, any stale, putrid, or stinking fat or grease or other matter.

8.05.050 Sewer Inlet. It shall be unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault, to become nauseous or offensive to others or injurious to public health.

8.05.060 Slaughterhouse. No slaughterhouse or other place for slaughtering animals shall be kept within this Town.

8.05.070 Dead Animals; Removal. When any animal shall die in this Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway, or public grounds in this Town, it shall be the duty of the Town Police Chief to cause such body to be removed forthwith beyond the limits of the town. (Ord 1-2004, §2, 2004)

8.05.080 Stagnant Ponds. Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds, in this Town, that shall be nauseous or offensive to others, or injurious to public health, through an accumulation or deposition of nauseous, offensive, or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any other ordinance of the Town.

8.05.090 Open Wells, Cisterns, or Excavations. It is hereby declared that excavations exceeding five feet (5') in depth, cisterns, and wells, or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five feet (5'), and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him.

8.05.100 Noise Making Devices to Attract Children. The use of bells, whistles, sirens, music horns, or any other noise making devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-way, alleys, or public ways of the Town for the purpose of selling, distributing, or giving away any product whatsoever, to such minors, is hereby declared to be a public nuisance and hazard, and is expressly prohibited and shall be unlawful, excepting such activities carried on as a part of duly authorized public parades or processions.

(8.05.110 - 8.05.140)

(Revised 06/04/2004)

8.05.110 Handbills, Posters, and Placards. Any handbill, poster, placard, or painted or printed matter, which shall be stuck, posted, or pasted upon any public or private house, store, or other buildings, or upon any fence, power pole, telephone pole, or other structure without the permission of the owner, agent, or occupant of the house, shall be deemed a nuisance.

8.05.120 Animal Traps. It shall be unlawful to display and/or set animal traps upon public or private property. Upon a proper showing of emergency or danger to the public health and safety the Board of Trustees may authorize the use of such devices, subject to whatever conditions they might wish to impose. This section is not intended to prohibit mousetraps or other similar sized devices for rodent control.

8.05.130 Weeds, Brush, Leaves, Pine Needles or Litter. It shall be unlawful for weeds, brush, leaves, pine needles or litter as defined in section 8.08.020 (C) of the Palmer Lake Municipal Code to be allowed to accumulate on property within the Town of Palmer Lake, Colorado. The Town of Palmer Lake shall give written notice of abatement to the occupant and mail notice to the owner of the property where weeds, brush, leaves, pine needles or litter has been allowed to accumulate directing the occupant and/or owner to remove same. Failure to remove same within 48 hours or such other time as is specified in the notice, shall authorize the Town of Palmer Lake, Colorado to enter onto said property and to remove and dispose of same in whatever manner the Town of Palmer Lake shall determine to be appropriate. If the Town of Palmer Lake, Colorado has to remove same, the Town of Palmer Lake, Colorado shall assess the whole cost of such removal and disposal, including all incidental costs incurred in connection therewith plus an additional five percent (5%) for inspection and shall give written notice of assessment to the owner and the occupant by personal service or by certified mail return receipt requested. The assessment shall be a lien against each lot or tract of land from which the weeds, brush, leaves, pine needles or litter has been removed, until paid in full, and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within sixty (60) days from the date of the assessment notice, the assessment may be certified by the town clerk to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment. (Ord 14-2002 §2, 2002)

8.05.140. Additional Provisions. The above enumerated provisions of this section are in no way deemed to be exclusive and anything declared a nuisance under section 8.04.010 shall be abated in accordance with the provisions contained therein and in addition, subject to the penalties provided for in Sections 8.04.090. (Ord 14-2002 §3, 2002)

CHAPTER 8.07

JUNK, JUNKYARDS AND JUNK VEHICLES

Sections:

8.07.010	Junk, Junkyards and Junk Vehicles.
8.07.020	Outdoor Storage of Unlicensed, Inoperable, Dismantled or Wrecked Vehicles Prohibited.
8.07.030	Junk and Junkyards Prohibited.
8.07.040	Investigation and Right of Entry.
8.07.050	Notice of Violation.
8.07.060	Issuance of Summons and Complaint.
8.07.070	Abatement of Violations Involving Outdoor Storage of Junk Material, Except Inoperable, Unlicensed, Dismantled or Wrecked Motor Vehicles.
8.07.080	Abatement of Violations Involving Unlicensed, Inoperable or Wrecked Vehicles.

8.07.010 - Junk, Junkyards and Junk Vehicles.

Definitions: For the purposes of this Chapter, the following words shall have the following meanings:

- A. "Junk" means any used, broken, discarded or abandoned materials. This term shall include wood, paper, glass, rags, rubber, metal, concrete or other personal property, whether of value or valueless, and which may or may not be partly or wholly assembled into motor vehicles, machinery or other useful objects of any kind. It shall also include motor vehicles, appliances or any parts thereof, which are no longer in an operable condition and are not in a normal operating environment, and mobile homes or travel trailers which are abandoned, being dismantled or partially dismantled.

- B. "Junkyards and Dumping Grounds" means all places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and housetrailer, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such a manner as to essentially interfere with the comfortable enjoyment of life or property by others. (Ord. 17-1992, §2, 1993)

(8.07.020-8.07.060)

(Revised 12/93)

8.07.020 - Outdoor Storage of Unlicensed, Inoperable, Dismantled or Wrecked Vehicles Prohibited. It shall be unlawful for any owner, agent, manager, lessee, tenant or occupant of any lot or tract of ground within the Town to keep or store, or to allow, or to permit the keeping or storage of any motor vehicle which is inoperable, unlicensed, dismantled or wrecked, unless said vehicle is located with an enclosed building or screened from public view by appropriate fencing. (Ord. 17-1992, §3, 1993).

8.07.030 - Junk and Junkyards Prohibited. It shall be unlawful for any owner, agent, manager, lessee, tenant or occupant of any lot or tract of ground within the Town to keep or store junk in the open air or to otherwise maintain, allow or permit a junkyard. (Ord. 17-1992, §4, 1993).

8.07.040 - Investigation and Right of Entry. The Enforcement Officer of the Town is hereby authorized to investigate any matter at any place within the Town which reasonably appears to be in violation of the provisions of this Chapter and shall also have the right to enter upon any premises at any reasonable time to make an inspection for the purpose of enforcing this Chapter. (Ord. 17-1992, §5, 1993).

8.07.050 - Notice of Violation. If, after an investigation, the Enforcement Officer has reason to believe that a lot or parcel of ground is being maintained in violation of this Chapter, a written notice of violation shall be: 1) personally served, when feasible, on the owner or his agent, manager, tenant, lessee or occupant of such premises; 2) when such personal service is not feasible, notice shall be posted conspicuously on the property or mailed to the owner by certified mail to the owner's last known address.

Such notice of violation shall state the date issued, the address of the property, the violation involved, a time limit of thirty (30) days given to remove or correct the cause of such violation and be signed by the issuing officer. (Ord. 17-1992, §6, 1993).

8.07.060 - Issuance of Summons and Complaint. If, after thirty (30) days from the date of issuance of the Notice of Violation of this Chapter, the cause of such violation has not been removed or corrected, a Summons and Complaint shall be issued to the person or persons named on the Notice of Violation which has been either personally served or sent to the owner by certified mail, unless satisfactory arrangements for an extension of time have been made with the Enforcement Officer. (Ord. 17-1992, §7, 1993).

(8.07.070-8.07.080)

(Revised 12/93)

8.07.070 - Abatement of Violations Involving Outdoor Storage of Junk Material, Except Inoperable, Unlicensed, Dismantled or Wrecked Motor Vehicles.

- A. Upon the failure, neglect or refusal of the record owner, agent, manager, tenant, lessee or occupant to correct or remove the cause of the violation within the time limits herein set forth, the Enforcement Officer shall have the junk removed from the premises by private contractor. The cost of removal plus a fifty dollar (\$50.00) administrative expense of the City shall be collected from the record owner of such property and shall apply independently and in addition to the penalty provided for violation of this chapter.
- B. In the event the record owner or agent of the owner of such property, fails to pay such costs of removal of the junk within thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien hereby created shall be superior and prior to other liens regardless of date, except for liens for general taxes and special assessments. The City Clerk shall certify to the County Treasurer the assessments which are not paid within thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection. (Ord. 17-1992, §8, 1993).

8.07.080 - Abatement of Violations Involving Unlicensed, Inoperable or Wrecked Vehicles.

- A. In the event that an unlicensed, inoperable, dismantled or wrecked motor vehicle is being kept or stored on property in violation of this chapter and such violation has not been corrected or removed within the time limits herein set forth, the Enforcement Officer shall have the vehicle removed from the premises by private contractor. Said contractor shall remove the vehicle to an impound lot and shall be subject to the provisions of section 42-2-1601, et seq., C.R.S. governing private tows.
- B. In the event the record owner or agent of the owner of such property fails to pay for the costs of removal of the motor vehicle within thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien hereby created shall be superior and prior to other liens regardless of date, except for liens for general taxes and special assessments. The Town Clerk shall certify to the County Treasurer the assessments which are not paid within thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection. (Ord. 17-1992, §9, 1993).

CHAPTER 8.08*

TRASH, LITTER AND TRASH HAULING

Sections:

- 8.08.010 Short Title.
- 8.08.020 Definitions.
- 8.08.030 Litter in Public Place.
- 8.08.040 Litter in Parks.
- 8.08.050 Litter in Occupied Private Property.
- 8.08.060 Owner to Maintain Premises Free of Litter.
- 8.08.070 Litter on Vacant Lots.
- 8.08.080 Placement of Litter in Receptacles So As to Prevent Scattering.
- 8.08.090 Sweeping Litter into Streets Prohibited.
- 8.08.100 Merchants' Duty to Keep Sidewalks Free of Litter.
- 8.08.110 Litter Thrown by Persons in Vehicles.
- 8.08.120 Truck Loads Causing Litter.
- 8.08.130 License Required for Refuse Haulers; License Fees; Expiration, etc.
- 8.08.140 Suspension or Revocation of License.
- 8.08.150 Unlawful for Refuse Haulers to Use Unlicensed Vehicles or to Operate While License Suspended or Revoked.
- 8.08.160 Refuse Vehicles.
- 8.08.170 Unlawful to Spill Refuse.

8.08.010 Short Title. This Ordinance shall be known and may be cited as the "Palmer Lake Anti-Litter and Trash Hauler's Licensing Ordinance." (Ord. 1-1982 §1, 1982).

8.08.020 Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (A) "Town" is the Town of Palmer Lake.

* For statutory provisions authorizing towns to regulate and prevent the throwing or depositing or garbage in public streets or grounds, see C.R.S. 31-15-702(1)(a)(IV).

(B) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(C) "Litter" means any and every rubbish, waste material, refuse, garbage, trash, debris or any noxious or offensive matter whatever, chemical, chemical compound, petroleum product or compound, paper, cardboard, container or any part thereof, wrapper, box wooden object, plastic object, clothing, cloth, metal object, rubber object, building materials, paint, concrete, sand, gravel, stone, glass, asphalt, ashes, foot or food product, solvent, dye, beverage and liquid, except water. (Ord. 17-1993, §10, 1993; Ord 1-1982, §1, 1982).

(D) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(E) "Park" is a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.

(F) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(G) "Private Premises" is any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(H) "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces grounds and buildings.

(I) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

(J) "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(K) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. 1-1982 §1, 1982).

(8.08.030-8.08.090)

(Revised 12/93)

8.08.030 Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town, except in public receptacles, or in authorized private receptacles for collection. (Ord. 1-1982 §1, 1982).

8.08.040 Litter in Parks. No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. 1-1982 §1, 1982).

8.08.050 Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. 1-1982 §1, 1982).

8.08.060 Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The stored litter shall be disposed of either by a licensed refuse hauler or by proper disposal in a licensed landfill facility no less often than once every two weeks. (Ord. 6-1993, §1, 1993; Ord. 1-1982 §1, 1982).

8.08.070 Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the Town whether owned by such person or not. (Ord. 1-1982 §1, 1982).

8.08.080 Placement of Litter in Receptacles So As To Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 1-1982 §1, 1982).

8.08.090 Sweeping Litter Into Streets Prohibited. No person shall sweep into or deposit into any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. 1-1982 §1, 1982).

(8.08.100-8.08.130)

8.08.100 Merchants' Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit into any gutter, street or other public

(Revised 12/93)

place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their business premises free of litter. (Ord. 1-1982 §1, 1982).

8.08.110 Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place with the Town, or upon private property. (Ord. 1-1982 §1, 1982).

8.08.120 Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being thrown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. 1-1982 §1, 1982).

8.08.130 Licenses Required for Refuse Haulers; License Fees, Expiration, Etc.

(a) It shall be unlawful for any person to collect or haul, or cause to be collected or hauled, over the streets, alleys or other public places within the Town any refuse, except such refuse as is accumulated at his residence or place of business, without first having been issued a license therefor by the Town.

(b) Application for a license to collect or haul refuse within the Town shall be made to the Town Clerk upon such forms as may be provided by him for said purpose. The application shall always set forth the following information:

- (1) Name and trade name, if any, of applicant; and
- (2) Telephone numbers and business address; and
- (3) Number of vehicles to be used in collection or hauling of refuse; and
- (4) Any other pertinent information requested by the Board of Trustees for the purpose of administering the provisions of this Chapter.

(c) A license shall be issued to the applicant and for so many refuse hauling vehicles as he may wish to use, provided the Town Clerk is satisfied as to the following:

- (1) The applicable license fees have been paid; and

(8.08.130)

(2) The vehicle or vehicles to be used by the applicant in the collection or hauling of refuse have first been inspected by the officer designated by the Board of Trustees and approved as to their compliance with the provisions of this Chapter, or any other applicable law of the Town, and further that they are in sanitary condition and do not constitute or create a health hazard; and

(Revised 12/93)

(3) The applicant will transport and deposit all refuse collected within the Town at a refuse disposal site acceptable to the Town;

(4) The applicant has complied with all applicable provisions of this Chapter or any other provisions of any ordinance or code of the Town now or hereafter in force relating to the collecting, hauling or depositing of refuse;

(5) The applicant has motor vehicle liability insurance issued by an insurance carrier authorized to do business in the State of Colorado in the sum of not less than One Hundred Fifty Thousand Dollars for damages from or on account of any bodily injury to, or the death of, each person as the result of any one accident; in the sum of not less than One Hundred Fifty Thousand Dollars for damages to property of others as the result of any one accident, and in the total sum of not less than Four Hundred Thousand Dollars for damages for or on account of any bodily injury to or the death of all persons and for damages to the property of others;

(6) That adequate arrangements are made for storing the vehicles outside of the corporate limits of the Town of Palmer Lake or that they are stored in a fenced enclosure that is 1500 feet from any residence;

(7) The applicant agrees to serve any resident within the corporate limits of the Town of Palmer Lake.

(d) The fees for any licenses hereinabove referred to shall be as follows:

\$25.00 for every applicant and the first refuse hauling vehicle used by him.

\$10.00 for every additional refuse hauling vehicle.

(e) All licenses issued hereunder shall automatically expire on the first day of January of each year.

(f) All licenses issued to any applicant as provided hereunder shall be non-transferable. (Ord. 1-1982 §1, 1982).

(8.08.140-8.08.160)

8.08.140 Suspension or Revocation of Licenses.

(a) All licenses issued hereunder may be suspended or revoked for cause at any time. Such cause shall be whenever any refuse hauler fails to refuse to comply with the provisions of this Chapter or any other related ordinance or code, which may now or hereafter be in force.

(Revised 12/93)

(b) No license shall be suspended or revoked unless the Town Clerk gives written notice to the refuse hauler and a hearing is held not sooner than three days from the mailing or giving of such notice. The refuse hauler shall be given an opportunity to be heard at said hearing and he shall have the burden of showing why his license should not be suspended or revoked. If, after such hearing, the Town Board is of the opinion that the refuse hauler violated or failed or refused to comply with the provisions of this Chapter or any other related ordinance or code, which may now or hereafter be in force, without having shown substantial justification, therefor, it may in its discretion suspend the license of the said refuse hauler and of any vehicles used by him for any period not exceeding the remaining period of the licenses, or it may revoke the same for the full period of the said license.

(c) The Town Board may, in its discretion, suspend any license issued hereunder pending the outcome of the hearing to be held as provided in Paragraph (b) hereof. (Ord. 1-1982 §1, 1982).

8.08.150 Unlawful for Refuse Haulers to Use Unlicensed Vehicles or to Operate While License Suspended or Revoked.

(a) It shall be unlawful for any refuse hauler to use, or permit or cause to be used, any vehicle for the purpose of collecting or hauling refuse unless said vehicle is licensed therefor, and the said license is not either suspended or revoked at the time, as provided by the Town pursuant to the provisions of this Chapter.

(b) It shall be unlawful for any refuse hauler to engage in the hauling or collection of refuse, for which a license is required by the provisions of this Chapter, while the license issued to him is under suspension or has been revoked. (Ord. 1-1982 §1, 1982).

8.08.160 Refuse Vehicles. All licensed refuse vehicles must have a tightly enclosed body to prevent refuse from spilling. Every such vehicle must also have a durable canvas or similar or secure covering, large enough to cover all of the refuse hauled, and said covering must be tied down or otherwise securely fastened in place. Complete covering of the refuse as loaded on the vehicle shall be required only en route from the Town to the disposal site after the last customer for the particular haul has been served. The name, address and telephone number of the licensed refuse hauler shall be labeled in letters not smaller than three inches in height on each side of the vehicle. The license plate issued for each vehicle shall be prominently displayed on the said vehicle. (Ord. 1-1982 §1, 1982).

(8.08.170)

8.08.170 Unlawful to Spill Refuse. It shall be unlawful for any person or licensed refuse hauler to spill, or deposit any refuse on any street, alley or any other public or private property, or for refuse to be spilled, blown or littered by him upon any street, alley or any other private or public property. (Ord. 1-1982 §1, 1982).

(Revised 12/93)

(Revised 12/93)

CHAPTER 8.10

BURN PERMITS

Sections:

8.10.010 Open Burning.

8.10.010 Open Burning. Any open burning in the Town of Palmer Lake shall be authorized only under the following terms and conditions.

- a. Purchase of a \$50.00 burn permit from the Town of Palmer Lake.
- b. Approval of the Fire Chief of the Town of Palmer Lake Volunteer Fire Department.
- c. During the duration of the burn, the Palmer Lake Volunteer Fire Department shall stand by.
- d. That the fee of \$25.00 per hour shall be paid to the Palmer Lake Volunteer Fire Department for their standing by during the term of the burn. A minimum of one hour fee shall be collected.
- e. The Mayor of the Town of Palmer Lake shall have the right to halt any open burning if he deems that the same is not in the public interest. (Ord. 6-1989 §1, 1989.)
- f. In the event that the Mayor of the Town of Palmer Lake or the Town Board of the Town of Palmer Lake determines that the fire danger in the town or the town water shed as described in Section 13.08.120 and 13.08.160 of the Palmer Lake Municipal Code is above normal, then the Mayor or his designee may declare that a fire danger exists. Upon issuance of such declaration all open fire burning in the Town of Palmer Lake and the Town water shed is immediately prohibited. Open fire burning shall include not only camp fires, but all types of open fires and charcoal grills in public places. Attended home charcoal grills are permitted as well as propane and natural gas grills. Open burning of any other substances on private property is prohibited even if done in a grill or any other open or partially open vessel. Any person found to have violated the open fire ban shall be punished as provided in Section 1.16.010 of the Palmer Lake Municipal Code. At cessation of the fire danger, the Mayor or other appropriate town official may declare the end of the open fire ban.(Ord. 4-1999 §1, 1999; Ord. 8-1996 §1, 1996.; Ord. 6-2005 §1, 2005)

CHAPTER 8.20

TREES AND SHRUBS

Section:

- 8.20.010 Street Trees.
- 8.20.020 Distance from Street Corners and Fire Hydrants.
- 8.20.030 Utilities.
- 8.20.040 Public Tree Care.
- 8.20.050 Pruning, Corner Clearance.
- 8.20.060 Dead or Diseased Tree Removal on Private Property.
- 8.20.070 Destroying Trees and Vegetation Prohibited.
- 8.20.080 Removal of Stumps.
- 8.20.090 Interference with Commission.
- 8.20.100 Review by Town Board of Trustees.

8.20.010 Street Trees. "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, roads, or ways within the Town. (Ord. 4-1991, §9 1991)

8.20.020 Distance from Street Corners and Fire Hydrants. No Street Tree shall be planted closer than twenty-five (25) feet from any street corner, measured from the point of nearest intersecting curb or curblines. No Street Tree shall be planted closer than ten (10) feet from any Fire Hydrant. (Ord. 4-1991, §9 1991; Ord. 9-1982 §13, 1983).

8.20.030 Utilities. No Street Trees other than those species listed as Small Trees in the "Approved List" may be planted under or within ten (10) lateral feet of any overhead or underground water, sewer or other utility line. (Ord. 4-1991, §9 1991; Ord. 9-1982 §14, 1983).

8.20.040 Public Tree Care. The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Commission may remove or cause the order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to public improvements or utilities as defined in Section 14.20.120, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners provided that the selection and location of said trees is in accordance with Sections 14.20.070 through 14.20.120 of this Ordinance. (Ord. 4-1991, §9 1991; Ord. 9-1982 §15, 1983).

8.20.050 Pruning, Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street, grade line of the shoulder, or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or if it obstructs sight distances for adequate safety as determined by a formal request by the Town Marshal. (Ord. 4-1991, §9 1991; Ord. 9-1982 §16, 1983).

8.20.060 Dead or Diseased Tree Removal on Private Property. The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town. The Commission will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within fifteen (15) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owner, or assess the cost against the property benefited, and the same shall immediately constitute a lien against said property and shall be collectable in the same manner as ad valorem taxes. (Ord. 10-1996 §1, 1996; Ord. 4-1991 §9, 1991; Ord. 9-1982 §17, 1983).

8.20.070 Destroying Trees and Vegetation Prohibited. No person shall injure, ruin or destroy any tree, shrub, plant, or grass plot, pull up or carry away roots of any plants or wild flowers upon any parks or other property belonging to the Town, nor shall any person remove or destroy any shrubs, plants or wild flowers, from any private property within the Town limits unless such person shall have permission of the owner of such private property so to do. (Ord. 4-1991, §9 1991; Ord. 9-1982 §18, 1983).

8.20.080 Removal of Stumps. All the stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. 4-1991, §9 1991; Ord. 9-1982 §19, 1983).

8.20.090 Interference with Commission. It shall be unlawful for any person to prevent, delay or interfere with the commission, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Ordinance. (Ord. 4-1991, §9 1991; Ord. 9-1982 §20, 1983).

8.20.100 Review by Town Board of Trustees. The Town Board of Trustees shall have the right to review the conduct, acts and decisions of the Commission. Any person may appeal acts and decisions of the Commission to the Town Board of Trustees, who shall hear the matter and make a final decision. (Ord. 4-1991, §9 1991; Ord. 9-1982 §21, 1983).

(Revised 6/15/98)

CHAPTER 8.40

WEEDS AND UNDESIRABLE PLANTS

Chapters:

- 8.40.010 Undesirable Plants.
- 8.40.020 Declaration of Nuisance.
- 8.40.030 Removal of Undesirable Plants Required by Property Owner.
- 8.40.040 Enforcement.

8.40.010 - Undesirable Plants: In compliance with House Bill 90-1175, Undesirable Plant Management Act, the Town of Palmer Lake declares the following plants undesirable: Russian, Spotted and Diffuse Knapweed, Leafy Spurge. (Ord. 11-1991 §1, 1991)

8.40.020 - Declaration of Nuisance: Russian Knapweed, Spotted Knapweed, Diffuse Knapweed, Leafy Spurge, and all other plants designated "undesirable plants" by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the Town, and as the Board of Trustees, in their sole discretion, deem necessary. (Ord. 11-1991 §2, 1991)

8.40.030 - Removal of Undesirable Plants Required by Property Owner: Property owners within the Town shall be responsible for the management of undesirable plants on their property. Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations. (Ord. 11-1991 §3, 1991)

8.40.040 - Enforcement: The Town shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours or upon proper notice for the inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of Colorado Statute §33-5.5-109. (Ord. 11-1991 §4, 1991)

TITLE 9

PUBLIC PEACE, MORALS, AND SAFETY

Chapters:

- I. Offenses By or Against Public Officers and Government
 - 9.04 False Alarms
- II. Offenses Against the Person
- III. Offenses Against Public Health and Safety
- IV. Offenses Against Public Decency
 - 9.32 Disorderly Houses
 - 9.36 Gambling
 - 9.40 Indecent Behavior
 - 9.41 Possession of Marijuana
 - 9.42 Possession of Drug Paraphernalia
- V. Offenses Against Public Peace
 - 9.45 Juvenile Anti-Loitering
 - 9.48 Disorderly Conduct
 - 9.52 Intoxication
 - 9.54 Regulation of Motorcycles and Off-Road Vehicles
 - 9.58 Alcoholic Beverages
- VI. Offenses Against Property
 - 9.60 Obstruction or Injuring Property
- VII. Consumer Protection
- VIII. Offenses By or Against Minors
- IX. Weapons and Fireworks
 - 9.84 Discharging Weapons and Fireworks
 - 9.88 Concealed Weapons

(Revised 06/2008)

I. Offenses By or Against Public Officers and Government

CHAPTER 9.04

FALSE ALARMS

Chapters:

9.04.010	False Fire Alarms
9.04.020	Other False Alarms
9.04.030	Penalty for Violations.

9.04.010 False Fire Alarms. On and after May 1, 1941, it is unlawful for any person to make a false alarm of fire by outcry or by using any bell or other sounding instrument or by causing any fire alarm device to be set in action through tampering with town property. (Ord. 149 §1, 1941)

9.04.020 Other False Alarms. It is unlawful for any person to make any false alarm of any kind calculated to disturb the peace. (Ord. 149 §2, 1941)

9.04.030 Penalty for Violations. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to Chapter 1.16 of this Code. (Ord. 149 §3, 1941; Ord 1-2003, §16, 2003)

II. Offenses Against the Person

(Reserved)

III. Offenses Against Public Health and Safety

(Reserved)

IV. Offenses Against Public Decency

CHAPTER 9.32

DISORDERLY HOUSES*

Sections:

9.32.010	Maintaining or Frequenting Unlawful
9.32.020	Defined
9.32.030	Penalty for Violations

9.32.010 Maintaining or Frequenting Unlawful. It is unlawful to keep, maintain, carry on, or be an inmate of, or in any way connected with any disorderly house, bawdy house, or house of ill fame, within the Town of Palmer Lake, and the landlord or owner of any such house shall, for the purposes of this chapter, be deemed as keeping the same. (Ord. 19 §1, 1889)

9.32.020 Defined. A disorderly house is defined as a house, store, shed, or place where loud, boisterous, lewd, or immodest or profane language can be heard by persons passing by, or living in the vicinity; or a house where fights or any disorderly conduct occurs. (Ord. 19 §2, 1889)

9.32.030 Penalty for Violations. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to Chapter 1.16 of this Code. (Ord. 19 §3, 1889; Ord 1-2003, §17, 2003)

* For statutory provisions authorizing towns to suppress bawdy and disorderly houses, see C.R.S. 139-32-1 (52).

IV. Offenses Against Public Decency

CHAPTER 9.36

GAMBLING*

Sections:

- 9.36.010 Definitions
- 9.36.020 Gambling House Unlawful
- 9.36.030 Gambling Prohibited

9.36.010 Definitions. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

- A. “Gambling” means risking any money, credit, deposit, or other thing of value for gain, contingent in whole and part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event including a sporting event, over which the person taking a risk has no control, but does not include:
 - 1. Bona fide contests of skill, speed, strength, or endurance, in which awards are made only to entrants or the owners of entries;
 - 2. Bona fide business transactions which are valid under the law of contracts; or
 - 3. Other acts or transaction now or hereafter expressly authorized by law; or
 - 4. Any game, wager, or transaction, which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating directly or indirectly in professional gambling.
- B. “Professional gambling” means:
 - 1. Aiding or inducing another to engage in gambling with the intent to derive a profit therefrom; or

* For statutory provisions prohibiting gambling, see C.R.S. 40-10-101 through 40-10-108; for provisions authorizing towns to suppress gambling, see C.R.S. 139-32-1 (52).

(9.36.010 - 9.36.030)

2. Participating in gambling and having other than by virtue of skill or luck a lesser chance of losing or a greater chance of winning than one or more of the other participants. (Ord. 6-1972 §1, 1972)

9.36.020 Gambling House Unlawful. No persons shall within the Town's limits keep any house, room, or place whatever for the purpose of gambling as defined in Section 9.36.010. (Ord. 6-1972 §2, 1972)

9.36.030 Gambling Prohibited. No persons shall play, bet, or in any way gamble within the limits of the Town of Palmer Lake, Colorado. (Ord. 6-1972 §3, 1972)

(Revised 1972)

CHAPTER 9.40

INDECENT BEHAVIOR*

Sections:

9.40.010 Indecent Exposure and Publications

9.40.020 Indecent Language.

9.40.010 Indecent exposure and publications.** No person shall make any indecent exposure of his or her person, nor make, exhibit, sell or offer for sale, or give away any indecent or lewd mark, writing, picture or thing, within the town of Palmer Lake. (Ord. 8, §2, 1889)

9.40.020 Indecent language.** No person shall use any common, vulgar, indecent, abusive or improper language, or language tending to incite other persons to offenses or crimes within the town of Palmer Lake. (Ord. 8, §3, 1889).

* For statutory provisions regarding public indecency, see C.R.S. 40-7-301

** Penalty for violations--See Section 9.48.050 of this title.

CHAPTER 9.41

POSSESSION OF MARIJUANA

Sections:

9.41.010 Possession of Marijuana

9.41.010 Possession of Marijuana.

- (A) For the purposes of this section, the term “marijuana” shall include all parts of the plant *Cannabis sativae* L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination, if these items exit apart from any other item defined as “marijuana” in this section.
- (B) It is unlawful to possess one ounce or less of marijuana; and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).
- (C) It is unlawful openly and publicly to display or consume one ounce or less of marijuana; and upon conviction thereof, or a plea of guilty or no contest thereof, punishment shall be by a fine of one hundred dollars (\$100.00) and by imprisonment not exceeding fifteen (15) days.
- (D) The provisions of this section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(Ord. 1, §1, 2007).

CHAPTER 9.42

POSSESSION OF DRUG PARAPHERNALIA

Sections:

9.42.010 Possession of Drug Paraphernalia

9.42.010 Possession of Drug Paraphernalia.

- (A) For the purposes of this section, the term “drug paraphernalia” shall have the same meaning as contained in the Colorado Uniform Controlled Substances Act of 1992, Sections 18-18-426 and 427, C.R.S., as enacted or amended.
- (B) For the purposes of this section, the term “controlled substance” shall have the same meaning as contained in the Colorado Uniform Controlled Substances Act of 1992, Sections 18-18-101, C.R.S., et seq. as enacted or amended, which meaning includes any drug, substance, or immediate precursor included in Schedules I through V in Sections 18-18-203 through 18-18-207, C.R.S., as enacted or amended, including cocaine, marijuana, and the marijuana concentrate.
- (C) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the State of Colorado and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall be by a fine of one hundred dollars (\$100.00) and/or by imprisonment not exceeding fifteen (15) days.

(Ord. 2, §1, 2007).

CHAPTER 9.45

JUVENILE ANTI-LOITERING:

Sections:

9.45.010	Purpose
9.45.020	Applicability
9.45.030	Definitions
9.45.040	Unlawful Acts
9.45.050	Exceptions
9.45.060	Enforcement/Prosecution

9.45.010 Purpose. The purpose of this Ordinance is to protect the public health, safety and welfare of the citizens of the Town of Palmer Lake, Colorado, by controlling and eliminating, to the extent possible, nighttime loitering, disorderly assemblies and related mischievous or criminal activities involving juveniles who gather or can be found after dark on the public streets and roads of the Town, in other public places of the Town, and on private property without the permission of the property owner or occupant. (Ord. 7-1993, §1, 1993).

9.45.020 Applicability. This Ordinance shall apply throughout the incorporated area of the Town of Palmer Lake, including public and state lands. (Ord. 7-1993, §2, 1993).

9.45.030 Definitions. Disorderly assembly: An assemblage of three or more persons which (1) creates a significant danger of damage or injury to property or persons as exhibited by threats or tumultuous or violent conduct, (2) obstructs traffic on or into a street, road, highway, sidewalk, building entrance or other public or private passageway, (3) involves a trespass upon or interference with the use of public or private property, or (4) causes a significant public disturbance or disruption of the nighttime peace by means of unreasonable noise or obviously offensive conduct, such as screaming, loud music, loud use of obscene language, squealing of tires, public urination or the open performance of sexual acts.

Juvenile: Any person under the age of eighteen (18) years.

Loiter: To be dilatory, to stand idly around, to linger, delay, tarry, abide or wander about, whether on foot or in/on a vehicle. Loitering shall include "cruising", i.e., driving or riding in/on a vehicle repeatedly up and down a street, road or highway or repeatedly around a given area, or driving or riding aimlessly about.

Private place: Any privately owned property or business, including any parking lot, vacant lot, yard, building, place of amusement, eating establishment, and the like, where juveniles may congregate or be found without the consent or permission of the owner or occupant of the property or when the property or business is closed to the public.

Public place: Any publicly owned property or facility, including any street, road, highway, sidewalk, alley, parking lot, park, playground, common area, school or other public building, where juveniles may congregate or be found, except for public facilities that are holding events or activities expressly open to the juveniles at the time when they congregate or are found there.

Reasonable necessity: a compelling reason involving an exceptional or uncommon situation, such as an emergency or crisis requiring immediate action or an unusual circumstance where the juvenile is acting on behalf of or at the request of the parent, guardian or legal custodian.

Specified nighttime hours: Saturday and Sunday mornings between the hours of 12:00 a.m. (midnight) and 6:00 a.m. and Sunday evenings through Friday morning between the hours of 10:00 p.m. and 6:00 a.m. (Ord. 7-1993, §3, 1993).

9.45.040 Unlawful Acts.

1. It shall be unlawful for any juvenile to loiter or to engage in a disorderly assembly in any public place or private place during specified nighttime hours. Any juvenile found in any public place or private place during specified nighttime hours shall be presumed to be in violation of this provision, except as otherwise provided in Section 5 below. Satisfactory proof of "reasonable necessity" may be presented to rebut the presumption.

2. It shall be unlawful for any juvenile to fail or refuse to comply with any order issued pursuant to this Ordinance. (Ord. 7-1993, §4, 1993).

9.45.05 Exceptions.

The following shall not be in violation of Section 4:

1. Any juvenile accompanied by a parent, guardian, or other person having legal custody of the juvenile.

2. Any juvenile accompanied by a person over the age of twenty-one (21) years who has written and signed authorization by a parent, guardian or legal custodian of such juvenile to accompany said juvenile for a specific period of time and purpose. Said person must satisfactorily show that he/she is acting within the specified authorization.

(9.45.050 - 9.45.060)

(Revised 06/04/2004)

3. Any juvenile traveling to or from lawful employment, for up to one-half hour of travel time to and from the place of employment when the juvenile is carrying an employer's written and signed statement specifying the type, hours and place of employment.

4. Any assemblage of juveniles engaged in an activity or event sponsored by an established and reputable organization, such as a school or church, or engaged in an activity or event clearly involving First Amendment exercise of free speech/religious rights or the right to petition the government for redress of grievances, such as attending political or civic meetings or church services, when said assemblage is otherwise lawful and orderly. (Ord. 7-1993, §5, 1993)

9.45.060 Enforcement/Prosecution.

1. The Town Police Chief and his deputies shall have authority to order any juvenile to immediately cease any violation of this Ordinance. This authority shall include the right to take a juvenile into temporary custody for the purpose of conveying the juvenile to the home of his/her parent, guardian or legal custodian or for the purpose of locating his/her parent, guardian or legal custodian and requesting that this person retrieve the juvenile. Should it not be possible to deliver home or arrange the retrieval of a juvenile, said juvenile will be released by 6:00 a.m. of the same morning or the morning following the evening when the juvenile was taken into custody, unless legally detained for other reasons. (Ord 1-2004, §2, 2004)

2. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other state or local law, rule or regulations. (Ord. 7-1993, §6, 1993).

V. Offenses Against Public Peace

CHAPTER 9.48

DISORDERLY CONDUCT*

Sections:

9.48.010	Quarreling or fighting
9.48.020	Disturbing assemblies.
9.48.030	Permitting drunkenness, fighting or disorderly conduct.
9.48.040	Disturbing the peace.
9.48.050	Penalty for violations.

9.48.010 Quarreling or fighting. No person shall engage in quarreling or fighting, nor ask or invite or defy any other person to fight or quarrel within the town of Palmer Lake, whether in a public or private place. (Ord. 8, §1, 1889).

9.48.020 Disturbing assemblies. No person shall disturb any lawful assembly by making any unnecessary noise or by rude or indecent behavior, or by profane language or otherwise, in the Town of Palmer Lake. (Ord. 8, §4, 1889).

9.48.030 Permitting drunkenness, fighting or disorderly conduct. No person shall suffer any drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct on his or her premises within the town of Palmer Lake. (Ord. 8, §5, 1889).

9.48.040 Disturbing the peace. No person shall make, countenance or assist in making any unnecessary noise, disturbance, or improper diversion, or commit any breach of the peace or any acts tending to a breach of the peace, or any disorderly act within the town of Palmer Lake. (Ord. 8, §7, 1889).

9.48.050 Penalty for violations. Any person or persons violating the provisions of this chapter and Chapter 9.40 shall on conviction thereof be fined according to Chapter 1.16 of this code. (Ord. 8, §8, 1889).

*For statutory provisions authorizing towns to prevent all disorderly conduct, see C.R.S 139-32-1(53).

Chapter 9.52

INTOXICATION*

Sections:

- 9.52.010 Penalty.
- 9.52.020 Possession of Alcoholic Beverages
- 9.52.030 Illegal Possession or Consumption of Ethyl Alcohol by Underage Persons.

9.52.010 Penalty. Any person who is drunk or is in a state of intoxication in any public place in the town of Palmer Lake, or is drunk or disorderly in any private place within the town, shall upon conviction thereof be fined according to Chapter 1.16 of this code. (Ord. 7, §1, 1889).

9.52.020 Possession of Alcoholic Beverages. During any trial for a violation of any ordinance against the possession of alcoholic beverages or 3.2 beer, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identified the contents of any bottle, can or other container as "beer", "ale", "malt beverage", "fermented malt beverage", "malt liquor", "wine", "champagne", "whiskey" or "whiskey", "gin", "vodka", "tequila", "schnapps", "brandy", "cognac", "liqueur", "cordial", "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol. (Ord. 7-1992, §6, 1992; Ord 3-1991, §4, 1991).

9.52.030 Illegal Possession or Consumption of Ethyl Alcohol by Underage Persons.

- (A) It is unlawful for any person under twenty-one (21) years of age to possess or consume ethyl alcohol within the Town of Palmer Lake. Any person under twenty-one (21) years of age who possesses or consumes alcohol anywhere in the Town of Palmer Lake commits illegal possession or consumption of ethyl alcohol by an underage person. Possession or consumption of ethyl alcohol by an underage person is a strict liability offense.
- (B) Prima facie evidence of a violation of this section shall consist of: (1) evidence, that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol anywhere in the Town of Palmer Lake; or (2) evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town of Palmer Lake.

(9.52.030)

(Revised 06/2008)

- (C) During any trial for a violation of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can, or other container as “beer,” “ale,” “malt beverage,” “fermented malt beverage,” “malt liquor,” “wine,” “champagne,” “whiskey” or “whisky,” “gin,” “vodka,” “tequila,” “schnapps,” “brandy,” “cognac,” “liqueur,” “cordial,” “alcohol,” or “liquor” shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.
- (D) For purposes of this section, the following definitions shall apply:
1. “Ethyl alcohol” means any substance which is or contains ethyl alcohol.
 2. “Possession of ethyl alcohol” means that a person has or holds any amount of ethyl alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his or her immediate presence or control.
- (E) In any judicial proceeding concerning a charge under this section, the court shall take judicial notice of methods of testing a person’s blood, breath, saliva or urine for the presence of alcohol and of the design and operation of devices certified by the department of public health and environment for testing a person’s blood, breath, saliva or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated.
- (F) It shall be an affirmative defense to the offenses described in this section that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:
1. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption;

(9.52.030)

(Revised 06/2008)

2. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 35-5-410(1)(I)(II), Colorado Revised Statutes; or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion; or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes; or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight; or
 3. The possession or consumption of ethyl alcohol shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.
- (G) Upon conviction of illegal possession or consumption of ethyl alcohol by underage persons, or plea of guilty or no contest thereto, punishment shall be by a fine of one hundred dollars (\$100.00) and/or by imprisonment not exceeding fifteen (15) days.

(Ord. 3, §1, 2007)

* For statutory provisions authorizing towns to prevent intoxication, see C.R.S 139-32-1(53).

CHAPTER 9.54

REGULATION OF MOTORCYCLES AND OFF-ROAD VEHICLES

Sections:

9.54.010	Definitions
9.54.020	Use
9.54.030	Mufflers
9.54.040	Conflict
9.54.050	Penalties

9.54.010 Definitions. As used in this section, the following words shall be defined as herein set forth:

1. Property. Any public or private property which is not an improved public street or highway, or an improved private street constructed in accordance with the Town of Palmer Lake's standards and approved by the Town of Palmer Lake.
2. Vehicle. A motorcycle, motor-driven cycle, or motor vehicle, as such vehicles are defined in the motor vehicle laws of the State of Colorado, including, but not limited to, motor scooter, motor bikes, and mini-bikes. (Ord. 3-1979, §1, 1979).

9.54.020 Use. It shall be unlawful for any person to drive or ride any vehicle upon any property which is within 660 feet of a residence or other occupied structure or property authorized for motorcycle use as required herein, except that this section 9.54.020 shall not apply in the following instances:

1. Where such vehicle is ridden, driven, or used upon property by the owner, resident or tenant of such property; and provided that such operation shall not be within 660 feet of the neighboring residences or occupied structures unless permission has been granted by the neighboring residents or occupants; or
2. Where such vehicle is ridden, driven or used by a visitor when such visitor is accompanied by or has in his possession a copy of a written authorization from the owner of occupant of such property, the original of which has been filed with the Town Clerk; and provided that such operation shall not be within 660 feet of the neighboring residents or occupants; or

3. Where such use is permitted pursuant to the Zoning Code of the Town of Palmer Lake. (Ord. 3-1979, §1, 1979).

9.54.030 Mufflers. It shall be unlawful for any person to drive, ride or use a vehicle upon any property unless said vehicle is at all times equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of the motor vehicle laws of the State of Colorado, as the same now exists or may hereafter be amended, and no muffler exhaust system shall be equipped with a cutout, bypass or similar device. (Ord. 3-1979, §1, 1979)

9.54.040 Conflict.

1. The regulations contained herein do not supersede or preclude the enforcement of zoning regulations or any other regulations contained in this Code which are applicable to any conduct regulated hereby.
2. This ordinance shall not apply to the driving, riding, and use of motorcycles, motor-driven cycles or off-highway motor vehicles on streets and highways or in other areas which are specifically governed or preempted by this Code or the motor vehicle laws of the State of Colorado. (Ord. 3-1979, §1, 1979)

9.54.050 Penalties. The following penalties herewith set forth in full shall apply to this ordinance:

1. It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.
2. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to Chapter 1.16 of this Code. (Ord. 3-1979, §1, 1979; Ord 1-2003, § 18, 2003)

(9.58.010)

CHAPTER 9.58

ALCOHOLIC BEVERAGES

Sections:

9.58.010 Alcoholic Beverages

9.58.010 Alcoholic Beverages. Alcoholic beverages is defined as any beverage which contains ethyl alcohol. (Ord. 3-1991, §3, 1991).

(Revised 4/9/92)

VI. Offenses Against Property

CHAPTER 9.60

OBSTRUCTING OR INJURING PROPERTY*

Sections:

9.60.010	Digging Holes in Streets
9.60.020	Removing Earth from Streets
9.60.030	Excavations - Barriers and Lights Required
9.60.040	
9.60.050	Depositing Building Materials on Streets
9.60.060	Street Obstruction - Permission Granting
9.60.070	Street Obstruction Without Permission - Arrest
9.60.080	Street Obstruction - Penalty for Violations
9.60.090	Destroying Public Property - Permission Required
9.60.100	Destroying Public Property - Penalty

9.60.010 Digging Holes in Streets. No person shall dig any holes, drain, or ditch in any avenue, street, alley, or public place of the Town of Palmer Lake, without first having obtained a written permission from the mayor. (Ord. 12 §1, 1889)

9.60.020 Removing Earth from Streets. No person shall, without first having obtained the written permission of the mayor, dig, remove, or carry away or procure the same to be done, any sod, stone, earth, sand, or gravel from any avenue, street, alley, or public place within the limits of the Town of Palmer Lake. (Ord. 12 §2, 1889)

9.60.030 Excavations - Barriers and Lights Required. No person shall make any excavation or dig any hole, drain, or ditch in any avenue, alley, street, or other thoroughfare of the Town, without erecting suitable obstructions to present danger therefrom, and without providing each night in which the excavation may be open, lights in sufficient number to prevent accidents. (Ord. 12 §5, 1889)

* For statutory provisions authorizing towns to regulate the use of streets and sidewalks, see C.R.S. 139-32-1(20); for provisions regarding the damaging or destruction of property of another, see C.R.S. 40-4-509.

9.60.050 Depositing Building Materials on Streets. No person shall deposit or keep any building material, debris, or other obstruction of any avenue, street, alley, or public place in the Town of Palmer Lake without first having obtained the written permission of the mayor therefor. Every person having such permission shall at night place one red light at each end of the obstruction. (Ord. 12 §8, 1889)

9.60.060 Street Obstruction - Permission Granting. The mayor in his discretion may grant the above specified permissions, and said permissions shall state the length of time for which it is granted. No permission shall be given or so construed as to authorize the obstruction of more than one-third of the carriage way, except in cases of urgent necessity and for short periods. (Ord. 12 §9, 1889)

9.60.070 Street Obstruction Without Permission - Arrest. If the written permission herein provided for cannot be produced when asked for, it is hereby made the duty of the marshal to arrest without warrant, each and every person, whether owner, contractor, or workman, who has obstructed or interfered with the highway or public place in the Town of Palmer Lake, and to bring him or them before the police magistrate forthwith. (Ord. 12 §10, 1889)

9.60.080 Street Obstruction - Penalty for Violations. Any person violating any of the provisions of Section 9.60.010 through 9.60.070 shall, on conviction thereof, be fined according to Chapter 1.16 of this code. (Ord. 12 §11, 1889)

9.60.090 Destroying Public Property - Permission Required. No person shall cut, mark, or disfigure, move, or interfere with any tree, fence, bridge, building, or property of whatever character belonging to the Town of Palmer Lake, without first having obtained the written permission of the mayor. (Ord. 16 §1, 1889)

9.60.100 Destroying Public Property - Penalty. Any person or persons violating any of the provisions of Section 9.60.090 shall, on conviction thereof, be fined according to Chapter 1.16 of this code. (Ord. 16 §2, 1889)

VII. Consumer Protection

(Reserved)

III. Offenses By or Against Minors

(Reserved)

IX. Weapons and Fireworks

CHAPTER 9.84

DISCHARGING WEAPONS AND FIREWORKS*

Sections:

- | | |
|----------|--|
| 9.84.010 | Prohibited - Exception on certain days |
| 9.84.020 | Penalty for Violations |

9.84.010 Prohibited - Exceptions on certain days. No person shall fire or discharge any cannon, gun, pistol, or other fire arm, or set off, fire, or explode any torpedo, firecracker, fire ball, rocket, or other fireworks whatsoever within the Town limits; provided, however, that the Mayor may, by proclamation, suspend the operation of the provision of this section, in whole or in part on any public holiday, or day of public rejoicing, and, provided further, that the discharge of firearms by any military company, or by any city police officer, or other peace officer, in the discharge of any regular duty, shall not be deemed in violation thereof, provided further that the discharge of firearms may be permitted at certain licensed facilities as authorized by the Board of Trustees and subject to conditions they may impose. (Ord. 10-1978)

9.84.020 Penalty for Violations. Every person convicted of a violation of this chapter and section 9.88.010 of this title shall be fined according to chapter 1.16 of this code. (Ord. 87 §3, 1916)

* For statutory provisions authorizing towns to regulate and restrain the use of fireworks, see C.R.S. 53-5-6.

CHAPTER 9.88

CONCEALED WEAPONS

Sections:

9.88.010 Prohibited

9.88.010 Prohibited.* No person shall carry or wear under his clothing, concealed about his person, any pistol, revolver, bowie knife, dirk, or other deadly weapon; providing, however, that the carrying of such weapons by any police or other peace officer shall not be deemed a violation hereof. (Ord. 87 §2, 1916)

* Penalty for violations - see section 9.84.020 of this title

TITLE 10

VEHICLES AND TRAFFIC

Chapters:

- 10.03 Emissions Control
- 10.04 Model Traffic Code
- 10.05 Regulation of Snowmobiles and Snowmobile Traffic
- 10.10 Traffic Restrictions During Snowstorm Conditions
- 10.20 Towing Motor Vehicles
- 10.25 Commercial Vehicle Traffic
- 10.30 Restriction of Truck Traffic in Palmer Lake, Colorado

(Revised 06/04/2013)

CHAPTER 10.03

EMISSIONS CONTROL

Sections:

10.03.010	Certification of Emissions Compliance Required
10.03.020	Penalty Assessments
10.03.030	Unattended Vehicle

10.03.010 Certification of Emissions Compliance Required. No person shall operate a motor vehicle upon a public street within the Town which is registered in a program area as defined by C.R.S. 1973, 42-4-307 (7), as amended, unless such motor vehicle has a valid certification or emissions compliance, or as applicable, a valid certification of emissions adjustment or of emissions exemption, as set forth in C.R.S. 1973, 42-4-312, as amended. (Ord. 6-1984 §1, 1984.)

10.03.020 Penalty Assessments. Any person who violates any provision of Section 10.03.010 is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to Chapter 1.16 of this Code. (Ord. 6-1984 §1, 1984; Ord 1-2003, §19, 2003.)

10.03.030 Unattended Vehicle. An officer coming upon an unattended vehicle in the Town which is in apparent violation of this Section may place upon such vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit a penalty assessment of twenty-five dollars (\$25.00) to the Town of Palmer Lake. (Ord. 6-1984 §1, 1984.)

CHAPTER 10.04

MODEL TRAFFIC CODE

Sections:

10.04.010	Adoption.
10.04.020	Deletions.
10.04.030	Additions or Modifications.
10.04.040	Penalties.
10.04.050	Application.
10.04.060	Validity.
10.04.070	Repeal.
10.04.080	Interpretation.
10.04.090	Certification.

10.04.010 Adoption. Pursuant to parts 1 and 2 of article 16 of title 31, and part 4 of article 15 of title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2009 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Palmer Lake, Colorado, and may be inspected during regular business hours. (Ord. 14-1995, §2, 1995; Ord 3-2003, §2, 2003); Ord 5-2009, §2, 2009)

10.04.020 Deletions. The 2009 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None. (Ord. 14-1995, §3, 1995; Ord 3-2003, §3, 2003 ; Ord 5-2009, §3, 2009)

10.04.030 Additions or Modifications. The said adopted Code is subject to the following additions or modifications:

A. Section 1101(2)(c) is amended to read as follows:

(c) 20 miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S.:(Ord 3-2003, §4, 2003 ; Ord 5-2009, §4, 2009)

(10.04.030)

- B. Section 1203 is amended by the addition of the following to read as follows:

1203: Parking not to obstruct traffic or maintenance. No person shall park any vehicle upon any street or highway in such a manner of under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance or snow removal (Ord. 5-1998 §1, 1998.; Ord 3-2003, §4, 2003; Ord 5-2009, §4, 2009)

- C. Section 1401 is amended by the addition of a new subsection (2) to read as follows:

(2) Any person who violates any provision of this section commits a traffic offense. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. (Ord. 14-1995, §4, 1995; Ord 3-2003, §4, 2003; ; Ord 5-2009, §4, 2009)

- D. Section 613 is amended to read as follows:

Section 613: Designation of highway maintenance, repair or construction zones - signs - increase in penalties for speeding violations

(1) If maintenance, repair, or construction activities are occurring or will be occurring within four hours on a state highway or municipal street, the department of transportation or municipal authorities, within their respective jurisdictions, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a speeding violation in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

(2) The department of transportation or municipal authorities, within their respective jurisdictions, shall designate by appropriate signs a maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The department of transportation or local authorities shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(10.04.030)

(Revised 08/28/2010)

(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. The department of transportation or local authority may display such signs on any fixed, variable, or moveable stand. The department of transportation or local authority may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

E. A new subsection 103.5 is added to read as follows:

103.5 “Toy Vehicle” means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved, or intended for use on public roadways or highways. “Toy vehicle” includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, “pocket” bikes, kamikaze boards, go-peds, and stand-up scooters. (Ord. 4-2005, §1, 2005)

F. Section 109 (4) is amended to read as follows:

(4) No person riding upon any motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway. . (Ord. 4-2005, §2, 2005)

G. Section 109 (9) is amended to read as follows:

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose. (Ord. 4-2005, §3, 2005)

10.04.040 Penalties. The following penalties, herewith set forth in full, shall apply to this ordinance:

- (a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.
- (b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceed One Thousand Dollars (\$1,000), or by imprisonment not exceeding one year, or by both such fine and imprisonment. (Ord. 9-1992, §3, 1992; Ord. 14-1995, §5, 1995; Ord 1-2003, § 20, 2003; Ord 3-2003, §5, 2003; Ord 5-2009, §5, 2009)

10.04.050 Application. This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 14-1995, §6, 1995; Ord 5-2009, §6, 2009)

10.04.060 Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees 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 invalid. (Ord. 14-1995, §7, 1995; Ord 5-2009, §7, 2009)

10.04.070 Repeal. Existing 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. (Ord. 14-1995, §8, 1995;; Ord 5-2009, §8, 2009)

10.04.080 Interpretation. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 14-1995, §9, 1995; Ord 5-2009, §9, 2009)

10.04.090 Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours. (Ord. 14-1995, §10, 1995; Ord 5-2009, §10, 2009)

CHAPTER 10.05

REGULATIONS OF SNOWMOBILES AND SNOWMOBILE TRAFFIC

Sections:

10.05.010	Definitions
10.05.020	Restrictions on Young Operators
10.05.030	Snowmobile Operation on Roadway of Streets and Highways
10.05.040	Speed on Streets and Highways
10.05.050	Right-of-Way Operation
10.05.060	Crossing Roads and Highways
10.05.070	Operation of Snowmobiles on Private Property
10.05.080	Required Equipment - Snowmobiles
10.05.090	Notice of Accident
10.05.100	Other Operating Restrictions

10.05.010 Definitions. As used in this ordinance, unless the context otherwise requires:

- A. “Dealer” means a person, partnership, or corporation engaged in the business of selling snowmobiles at wholesale or retail in this state;
- B. “Division” means the Division of Wildlife acting directly or through its authorized officers and agents;
- C. “Manufacturer” means a person, partnership, or corporation engaged in the business of manufacturing snowmobiles in this state;
- D. “Operate” means to ride in or on and control the operation of a snowmobile;
- E. “Operator” means every person who operates or is in actual physical control of a snowmobile;
- F. “Owner” means a person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof;
- G. “Person” includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not;

(10.05.010 - 10.05.030)

(Revised 8/18/86)

- H. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel;
- I. "Snowmobile" means a self-propelled vehicle primarily designed for travel on snow or ice and supported in part by skis, belts, or cleats;
- J. "Street," "Road," "Freeway," or "Highway" means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel. (Ord. 3-1976 §1, 1976.)

10.05.020 Restrictions on Young Operators.

- A. No person under the age of ten years may operate a snowmobile, except on lands owned or leased by his parent or guardian, unless he or she is accompanied by or under the immediate supervision of a person over sixteen years or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the Division upon the successful completion of a snowmobile safety education and training course conducted by the Colorado Division of Wildlife;
- B. Except when accompanied or supervised in the manner provided in subsection (1) of this section, on or after January 1, 1972, no person ten years of age or over who has not reached his sixteenth birthday shall operate a snowmobile in this state, except upon lands of his parent or guardian, unless he has received a snowmobile safety certificate upon successful completion of a snowmobile safety education and training course conducted by the Colorado Division of Wildlife. (Ord. 3-1976 §2, 1976.)

10.05.030 Snowmobile Operation on Roadway of Streets and Highways.

- A. A snowmobile may be operated on the roadway of a street or highway in this Town only as provided in this section;
- B. A snowmobile may be operated on other streets and highways under the following restrictions:
 - 1. To cross a street or highway in the manner provided in Section 5;
 - 2. To traverse a bridge or culvert on such street or highway;
 - 3. During special snowmobile events lawfully conducted pursuant to the authority granted to local subdivisions in this section;

(10.05.030 - 10.05.060)

(Revised 8/18/86)

4. During emergency conditions declared by proper Town authority;
5. On the roadway of streets and highways, which are not maintained for winter motor vehicle traffic;
6. On private property available for snowmobile use and with the permission of the property owner;
7. On National Forest land;
8. Within the Palmer Lake Recreational Area;
9. Within other areas designated for use by the Board of Trustees of the Town of Palmer Lake;
10. When crossing railroad tracks.
(Ord. 3-1976 §3, 1976.)

10.05.040 Speed on Streets and Highways. When traveling upon streets and highways for the purpose of reaching those areas designated above, no snowmobiles will travel at a speed greater than ten (10) miles per hour. (Ord. 3-1976 §4, 1976.)

10.05.050 Right-of-Way Operation.

- A. A snowmobile may be operated on the right-of-way of other roads, streets, and highways as far as practicable from the roadway thereof;
- B. When operating on the right-of-way of a road, street, or highway as authorized by this section during hours of darkness, a snowmobile shall be operated only in conformity with the flow of traffic on the nearest land of the adjacent roadway.
(Ord. 3-1976 §5, 1976.)

10.05.060 Crossing Roads and Highways - Railroad Tracks.

- A. A crossing of a road or highway by a snowmobile operator, when not prohibited by this section, shall be made only in accordance with the following provisions of this section:
 1. The crossing shall be made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
(10.05.060 - 10.05.080)
 2. The snowmobile shall be brought to a complete stop before crossing the shoulder or, if none, the roadway before proceeding;

(Revised 8/18/86)

3. A crossing of a divided highway, when permitted under this section, shall be made only at an intersection of such highway with another road or highway.

B. No snowmobile may be driven upon the right-of-way of any operating railroad, except for a crossing of the tracks at their intersection with a road or highway. (Ord. 3-1976 §6, 1976.)

10.05.070 Operation of Snowmobiles on Private Property. No snowmobiles shall be driven on private property except that owned or leased by the operator or except when prior permission has been obtained from the owner, lessee, or agent of the owner or lessee. (Ord. 3-1976 §7, 1976.)

10.05.080 Required Equipment - Snowmobiles.

A. No snowmobile shall be operated upon a public street or highway unless it is equipped with the following:

1. While being operated between the hours of sunset and sunrise, at least one lighted head lamp and one lighted tail lamp, each of a minimum candlepower as prescribed by regulation of the division;

2. Brakes and muffler, which conform to standards prescribed by regulation of the division, which shall be applicable in all cases, except for snowmobiles being operated in organized races or similar competitive events held on private lands with the permission of the owner, lessee, or custodian of the land; on public lands and waters under the jurisdiction of the division with its permission; or on other public lands with the consent of the public agency owning the land.

B. No person shall sell or offer for sale in this Town any new snowmobile that is not equipped pursuant to the provisions of this Section. (Ord. 3-1976 §8, 1976.)

10.05.090 Notice of Accident.

A. The operator of a snowmobile involved in an accident resulting in death, personal injury, or damage to property, or some person acting from him, or the owner of the snowmobile having knowledge of the accident shall immediately, by the quickest available means of communication, notify the office of the Police Department of the Town of Palmer Lake;

(10.05.090 - 10.05.100)

- B. Any law enforcement agency receiving a report of accident under this section shall forward a copy thereof to the division, which shall compile statistics annually based upon such reports;
- C. Within forty-eight (48) hours after an accident involving a snowmobile, the accident shall be reported to the Denver office of the division. The report shall be made on forms furnished by the division and shall be made by the owner of the vehicle or someone acting for him. (Ord. 3-1976 §9, 1976.)

10.05.100 Other Operating Restrictions.

- A. No person shall operate a snowmobile:
 - 1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
 - 2. In a careless, reckless, or negligent manner so as to endanger the person or property or another or to cause injury or damages thereto;
 - 3. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- B. No owner of a snowmobile shall permit such snowmobile, while under his control, to be operated in crossing a road or highway by a person not authorized under this section to make such crossing, nor shall such owner permit any operation of such snowmobile in violation of the provisions of this section. (Ord. 3-1976 §10, 1976.)

CHAPTER 10.10

TRAFFIC RESTRICTIONS DURING SNOWSTORM CONDITIONS

Sections:

10.10.010	Definitions
10.10.020	Designation of Snow Routes and Posting of Signs
10.10.030	Snowstorm Conditions
10.10.040	Parking Restrictions During Snowstorm
10.10.050	Enforcement
10.10.060	Termination of Snowstorm Conditions
10.10.070	No Liability

10.10.010 Definitions. As used in this ordinance, the following terms shall have the following meanings unless the context indicates otherwise:

- a. “Street” or “Highway” means the traveled portion of the way, together with that portion of the way five feet (5') on each side of the traveled portion, publicly maintained and open the use of the public, as a matter or right, for the purposes or vehicular traffic.
- b. “Snow route” means a street or highway designated as a snow route pursuant to this ordinance and for which a sign or signs have been posted in accordance with this ordinance. All through streets have been designated snow routes within the Town of Palmer Lake. (Ord. 2-1989 §1, 1989.)

10.10.020 Designation of Snow Routes and Posting of Signs.

- a. The Town Board may designate or change snow routes within the Town after recommendation from the Town Administrator. Such recommendations shall be based upon their judgment as to which streets or highways should be free or parked, stopped or stalled vehicles when snowstorm conditions exist in accordance with this ordinance, in order to expedite motor vehicle traffic or to facilitate snow removal.
- b. Along each street or highway entering the Town, the Town Administrator shall cause to be posted traffic signs indicating by the appropriate wording, which streets are snow routes and that parking prohibitions shall apply during snowstorm conditions. The lack of visibility of any such sign when a parking restriction is in effect pursuant to Section 10.10.040 shall not excuse the owner or operator of any

vehicle from complying with the provisions of this ordinance. (Ord. 2-1989 §2, 1989.)

(10.10.030 - 10.10.050)

10.10.030 Snowstorm Conditions. Snowstorm conditions shall exist whenever there is an accumulation of two inches (2") or more of snow. (Ord. 2-1989 §13 1989.)

10.10.040 Parking Restrictions During Snowstorm.

- a. When there is an accumulation of two inches (2") or more of snow, the parking restriction provided in this section shall be in effect. No person shall stop, stand, or park any vehicle on any portion of a snow route, or leave, abandon, or permit to remain stalled any vehicle, which is stalled on any portion of a snow route. Such person shall take immediate action to cause the vehicle to be moved to a lawful parking place off the streets within the Town of Palmer Lake, or to some other place where the vehicle may be parked lawfully.
- b. Parked vehicles shall be removed from all streets within the Town, including those which are not designated snow routes. Failure to remove parked vehicles from any non-designated snow route will result in the inability of snow removal from any such streets.
- c. It shall be an affirmative defense in any prosecution for a violation of subsection (b) of this section that the owner or operator of a stalled vehicle was at the time of the issuance of the citation attempting to secure assistance to move the stalled vehicle. The availability of such affirmative defense shall not affect the validity of any action taken pursuant to subsection (b) of Section 10.10.050 or the imposition of responsibility for any costs incurred pursuant to subsection (c) of Section 10.10.060.
- d. Vehicles left on dead end streets during a snowstorm shall be cause for said streets not to have Town snow removal.
- e. Nothing in this section shall be construed to permit parking, stopping, or standing in violation of any other regulation concerning the parking, stopping, or standing of vehicles. (Ord. 2-1989 §4, 1989.)

10.10.050 Enforcement.

- a. Any peace officer of the Town may issue a citation for any violation of Section 10.10.040. If the owner or operator of the vehicle is present when the violation is discovered, no citation shall be issued until the owner or operator has been ordered to cause the vehicle to be removed immediately from the snow route and such owner or operator has failed or refused to comply with such order.

(Revised 3/10/89)

(10.10.050 - 10.10.070)

- b. The Town Administrator, Road Commissioner, or any peace officer of the Town may order the removal of any vehicle, which is in violation of Section 10.10.040 and for which a citation has been issued pursuant to subsection (a) of this section. The vehicle shall be removed to the nearest place where, in the judgment of the Town Administrator, Road Commissioner, or the peace officer, the vehicle will not obstruct a snow route or snow removal efforts of the Town.
- c. The owner or operator of a vehicle removed from a snow route pursuant to subsection (b) of this section shall be responsible for all costs incurred as a result of such removal, including but not limited to towing and storage. (Ord. 2-1989 §5, 1989.)

10.10.060 Termination of Snowstorm Conditions. Whenever there is less than two inches (2") of snow accumulated on or adjacent to any road, the Town restrictions shall be terminated and information given concerning the location or locations, to which vehicles have been removed pursuant to subsection (b) of Section 10.10.050. (Ord. 2-1989 §6, 1989.)

10.10.070 No Liability.

- a. The Town shall not be liable, and no officer, employee, or agent of the Town shall be liable for any damages resulting from any act or omission in any way connected with the removal of a vehicle pursuant to this ordinance.
- b. The Town shall not be legally responsible for damages from snow removal to any driveways or lawns, which directly intersect the street right-of-way. The Town may, from time to time, repair private property, but this action in no way sets a precedent.
- c. The Town shall not be liable for any damage to real or personal property from any act or omission in any way connected with snow removal by the Town of Palmer Lake. The Town may, in its sole and absolute discretion, make repairs of damage caused thereby. However, nothing in this ordinance shall impose any duty upon the Town to make any such repairs. (Ord. 2-1989 §7, 1989.)

(Revised 3/10/89)

CHAPTER 10.20

TOWING OF MOTOR VEHICLES

Sections:

- 10.20.010 Post-Storage Hearings for Impounded Vehicles
- 10.20.020 Conduct of Hearing
- 10.20.030 Hearing
- 10.20.040 Decisions of the Hearing Officer and their Effect

10.20.010 Post-Storage Hearings for Impounded Vehicles. As to any vehicle impounded pursuant to this chapter by or at the request of the Town of Palmer Lake, its agents, or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand with the Town of Palmer Lake within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing of the date set in the Notice of Stored Vehicle, whichever occurs first. The Notice of Stored Vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within forty-eight (48) hours, excluding weekends and holidays, after impounding and storage of the vehicle. (Ord. 8-1986 §2, 1986.)

10.20.020 Conduct of Hearing. A hearing shall be conducted before a hearing officer designated by the Mayor within forty-eight (48) hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and City holidays are to be excluded from the calculation of the forty-eight (48) hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

“Probable cause to impound” shall mean such a state of acts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state, or federal law to grant legal authority for the removal of the vehicle. (Ord. 8-1986 §3, 1986.)

10.20.030 Hearing. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The marshal's office shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing. (Ord. 8-1986 §4, 1986.)

10.20.040 Decisions of the Hearing Officer and their Effect. The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a Certificate of No Probable Cause, copies of which shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the official town garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the Town in accordance with arrangements made between the Town and the official town garages. If the possessor fails to present such certificate to the official town garage having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the official town garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement. (Ord. 8-1986 §5, 1986.)

CHAPTER 10.30

RESTRICTION OF TRUCK TRAFFIC IN PALMER LAKE, COLORADO

Sections:

- 10.30.010 Definitions
- 10.30.020 No Truck Travel
- 10.30.030 Exceptions
- 10.30.040 Penalty

10.30.010 Definitions.

1. Destination. A point of stoppage to load or unload property being transported and to be delivered or picked up at the point.
2. Truck. Any vehicle designated or operated for the transportation of property and whose body weight or whose combined body and load weight exceeds twenty-five thousand pounds (25,000 lbs) gross weight.

(Ord. 2-2012, §2, 2012)

10.30.020 No trucks as defined in this ordinance shall travel upon the streets, roads, or alleys within the Town of Palmer Lake, Colorado, without having a destination within the Town limits. (Ord. 2-2012, §3, 2012)

10.30.030 Exceptions. This ordinance shall not prohibit:

1. The operation of trucks on any street, road, or alley that is necessary to conduct a business at a destination point or points.
2. Emergency vehicles: the operation of any emergency vehicle upon any street, road, or alley within the Town.
3. Public works: the operation of trucks or equipment owned or contacted by the Town on any street, road, or alley within the Town.
4. Detoured trucks: any truck traveling on an officially designated detour.
5. Loading and unloading: the operation of trucks within the Town for the purpose of loading or unloading cargo or materials.
6. Service or repair: the operation of a truck in order to service or repair a disabled vehicle

(Ord. 2-2012, §4, 2012)

(10.30.040)

(06/04/2013)

10.30.040. Penalty. Any persons and/or company upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed thirty (30) days or both such fine and imprisonment for each offense committed. (Ord. 2-2012, §5, 2012)

(06/04/2013)

TITLE 12

STREETS, SIDEWALKS AND PARKS

Chapters:

- | | |
|-------|----------------------------------|
| 12.01 | Street Construction. |
| 12.03 | Street Construction Standards. |
| 12.05 | Park Rules and Regulations. |
| 12.20 | Parks and Recreation Commission. |

(Revised
4/9/92)

CHAPTER 12.01

STREETS, SIDEWALKS, AND PARKS

Sections:

12.01.010	Definitions
12.01.020	Building Permit
12.01.025	Road Construction Permit Fee
12.01.030	Cost Recovery
12.01.040	Performance Guarantee
12.01.050	Amount
12.01.060	Time Limit
12.01.070	Release of Guarantee
12.01.080	Warranty of Developer

12.01.010 Definition.

- A. “Developer”: Developer shall include any person who applies to build new construction within the Town of Palmer Lake whether the same is the owner of the property, developer, or subdivider;
- B. “Performance Guarantee”: The method and procedure for performance guarantee shall be the same as set out in Chapter 16.24;
- C. “Streets”: Streets are as defined in Section 16.08.180. (Ord. 12-1984 §1, 1985).

12.01.020 Road Construction Permit. Prior to the issuance of any building permit for new construction in the Town of Palmer Lake, the developer or owner seeking issuance of such building permit shall agree as a condition of issuance of the building permit to construct to Town specifications and dedicate, if necessary, the entire width of any street, which adjoins the property for which the building permit is sought from along the entire length of said property and continuing to and connected with the closest street that is currently accepted and maintained by the Town of Palmer Lake. (Ord. 1-1999 §1, 1999; Ord. 12-1984 §2, 1985).

(12.01.025 - 12.01.060)

12.01.025 - Road Construction Permit Fee. A fee of five hundred dollars and no cents (\$500.00) shall be collected from the developer or owner at the time of application for a road construction permit. In the event that the application is denied or withdrawn, the Town of Palmer Lake shall retain fifty percent (50%) of the application fee to cover its costs. The balance will be returned to the applicant. If the permit is granted, the fifty percent (50%) of the application fee shall be applied towards the actual costs incurred by the Town of Palmer Lake for all engineering, legal, and other costs incurred by the Town of Palmer Lake in connection with the road or street construction. Any costs incurred by the Town of Palmer Lake in connection with the road or street construction in excess of fifty percent (50%) of the fee shall be borne by the applicant and shall be reimbursed to the Town of Palmer Lake within five (5) business days following billing. (Ord. 1-1999 §1, 1999)

12.01.030 Cost Recovery. When a developer improves the street under section 12.01.020, such developer shall be entitled to collect a prorated share of the cost of such improvements from any person who subdivides or develops land adjoining the improved street within fifteen (15) years after the completion of such improvements and refund such monies collected to the developer making the improvements. A subsequent application for a building permit on any land adjoining such street shall not be approved until its pro rata share of the cost of such street improvements that have been put in by the original developer shall have been paid to the Town for the benefit of the original developer. The pro rata share shall be calculated by multiplying the total cost of all street improvements by a fraction, the numerator of which is the number of lineal feet of this property adjoining the street improvements and the denominator of which is the total number of all lineal feet of all property adjoining the street improvements. The resulting figure is the pro rata share that the developer will be required to pay to the Town under this section. (Ord. 12-1984 §3, 1985)

12.01.040 Performance Guarantee. Before issuance of the building permit the developer shall install the improvements required by this chapter, built to the standards described in chapter 16.40. If the developer prefers not to install the improvements prior to the issuance of the building permit, he shall furnish a letter of credit, cash, or evidence of cash held in escrow for such purpose and submit a copy of the escrow agreement to the Board of Trustees for their approval. (Ord. 12-1984 §4, 1985)

12.01.050 Amount. The amount of the performance guarantee shall be as set forth in section 16.24.020. (Ord. 12-1984 §5, 1985)

12.01.060 Amount. All required improvements shall be installed within six months after issuance of the building permit. In case of undue hardship an extension not exceeding six months may be granted by the Board of Trustees. (Ord. 12-1984, §6, 1985).

(12.01.070 - 12.01.080)

(Revised 9/11/00)

12.01.070 Release of Guarantee. When the required improvements are completed, the developer may apply in writing to the Board of Trustees for a partial or full release of the security. Upon receipt of such application, the Board, or its agent, shall inspect the completed improvements to ensure that they have been made in accordance with the requirements of these regulations. If satisfactory, the security in sufficient amount to cover the cost of the improvements will be released. When all the improvements have been completed, the full security shall be released. If, however, the improvements are not properly emplaced, the Town, at its discretion, shall have the power to use any of the security held to install the required improvements. (Ord. 12-1984, §7, 1985).

12.01.080 Warranty of Developer. The developer shall warrant to the Town of Palmer Lake all required improvements for a period of one year from and after their installation and acceptance by the Town of Palmer Lake. During the one-year period all parts and labor for maintenance and repairs in connection with said improvements shall be at the sole cost of the developer. At the end of the one-year warranty period, provided that the condition of the required improvements meets the Town's specifications, all maintenance thereafter shall be at the expense of the Town of Palmer Lake. (Ord. 8-1995, §2, 1995).

CHAPTER 12.03

STREET CONSTRUCTION STANDARDS

Sections:

12.03.010	Adoption of County Standards.
12.03.015	Minimum Standards.
12.03.020	Variances.
12.03.025	Copies.
12.03.050	Obstruction of Drainage.
12.03.051	Culverts.
12.03.052	Maintenance of Culverts.
12.03.053	Costs of Maintenance.
12.03.054	Illegality.

12.03.010 - Adoption of Code. Pursuant to Colorado Revised Statutes 31-16-202 et seq., portions of the following codes as set forth below are adopted by reference: (Ord 13-1998 §1 and §2, 1998; Ord. 20-1987 §1, 1987).

- A. Colorado Department of Transportation, “Standard Specifications for Road and Bridge Construction” 1991 edition, hereinafter referred to as the CDOT Standards;
- B. Douglas County, “Roadway Design and Construction Standards,” April 1994 edition, hereinafter referred to as the Douglas County Standards.

12.03.015 - Minimum Standards. The minimum standards for street or road construction shall be as follows (Ord 13-1998 §3, 1998):

- A. The drawings set forth in Douglas County Standards Drawings Nos. SP33 or SP34 shall be used to establish the minimum street or road cross sections.
- B. The materials and construction requirements for street or road construction shall be as set forth in Sections 200 through Section 700 of the CDOT Standards.
- C. The geometrics, drainage, sediment control and pavement standards shall be as set forth in Chapter 4 of the Douglas County Standards.
- D. Submittal requirements shall be as set forth in the Subdivision Requirements of the Town of Palmer Lake and as set forth in Chapters 2 and 3 of the Douglas County Standards.

- E. All streets and roads shall have a minimum grade of 1% and a maximum grade of 8%.
- F. All new street or road construction within rights-of-way shall be paved.
- G. Dedication of additional rights-of-way may be required for existing substandard platted streets.

12.03.020 - Variances. Variances to the above standards may be granted by the Town Board for the following reasons, for good cause shown (Ord. 13-1998 §1 and §4, 1998).

- A. Street extensions off of unpaved roadways.
- B. Inadequate existing rights-of-way.
- C. Topographic considerations.
- D. Environmental considerations.

12.03.025 - Copies. The Town Clerk shall keep copies of the two codes, portions of which are herein adopted by reference, in the Town Office available for inspection. The Town Clerk shall also keep a reasonable supply of the two codes available for purchase by the public. (Ord. 13-1998 §5, 1998).

12.03.050 - Obstruction of Drainage. All occupied real property within the Town of Palmer Lake shall have access to such property in a manner which does not obstruct the natural drainage within the Town. (Ord. 9-1995 §1, 1995).

12.03.051 - Culverts. Access from Town streets and roads to any property that crosses Town drainage ways or roadside ditches shall be by culvert. All culverts, whether on private property or on Town right of way shall be sized in accordance with the drainage requirements and shall be approved for location and size by the Town engineer or his representative. Unless otherwise approved, culverts shall be a minimum of 18 inches in diameter, shall be a minimum of 20 feet in length for residential lots and 30 feet in length for commercial or industrial lots and shall be corrugated 16 gauge steel galvanized or reinforced concrete pipe and shall extend upstream and downstream a minimum of 2-1/2 feet from the edge of the driveway and shall be placed so as not to damage the roadway and side ditches. In circumstances where a culvert may not be the best approach, the homeowner may submit an engineered design for approval by the Town Engineer. (Ord.9-1998 §1, 1998; Ord. 9-1995 §2, 1995).

(12.03.052 - 12.03.054)

(Revised 9/6/00)

12.03.052 - Maintenance of Culverts. The property owner shall maintain the culvert both above and below the driveway in such a manner as to allow the passage that flows without impairment. Should the owner fail to maintain the culvert, the Town will perform the necessary maintenance of the culvert and shall charge the property owner for the labor and any necessary materials. (Ord. 9-1995 §3, 1995).

12.03.053 - Costs of Maintenance. Costs of the culvert including the cost of the culvert and the labor and materials to install same shall be the responsibility of the property owner. If the property owner after written notice and an opportunity to appeal to the Town Board fails to install a proper culvert, the Town of Palmer Lake may, at its option, install an appropriate culvert and the cost of same shall be the responsibility of the property owner and the Town shall have a lien on the property for the costs incurred by the Town. The lien shall be certified to the County Treasurer and collected in the same manner as ad valorem taxes. (Ord. 9-1995 §4, 1995).

12.03.054 - Illegality. It shall be illegal to fill in any ditches or drainage ways of the Town of Palmer Lake and to hinder or interfere with the Town's drainage patterns or plans without Town permission. (Ord. 9-1995 §5, 1995).

CHAPTER 12.05

PARK RULES AND REGULATIONS

Sections:

12.05.010	Ordinance Name
12.05.020	Definitions
12.05.030	Park Rules and Regulations
12.05.031	Park Hours
12.05.032	Park Closings
12.05.033	Park Permits
12.05.034	Application for a Temporary Permit
12.05.035	Issuance of a Temporary Park Permit
12.05.036	Fees
12.05.037	Insurance
12.05.038	Indemnification
12.05.039	Damage Deposit
12.05.040	Appeal
12.05.041	Effect of the Permit
12.05.042	Revocation
12.05.043	Commercial Use
12.05.044	Construction Prohibited
12.05.045	Park Roads, Parking
12.05.046	Swimming, Skating
12.05.047	Fires Prohibited, Exceptions
12.05.048	Camping
12.05.049	Alcoholic Beverages and 3.2 Beer
12.05.050	Dogs, Domestic Animals
12.05.051	Soliciting
12.05.052	Sales, Concessions
12.05.054	Closed Park Areas
12.05.055	Firearms, Fireworks, and Explosives
12.05.056	Snowmobiles
12.05.057	Fishing
12.05.058	Boating
12.05.059	Damage to Park Property
12.05.060	Refuse, Trash
12.05.061	Picnic Areas, Fires, Trash
12.05.062	Nuisance
12.05.063	Damages to Trees, Grass
12.05.064	Birds, Animals, Reptiles
12.05.065	Park Waters, Pollution

(12.05.010 - 12.05.033)

(Revised 9/21/2000)

12.05.010 Ordinance Name. This ordinance shall be known as the Palmer Lake Park Rules and Regulations Ordinance. (Ord. 5-1983 §1, 1983.)

12.05.020 Definitions.

- (A) "Board": Board is the Board of Trustees of the Town of Palmer Lake, Colorado;
- (B) "Clerk": Clerk is the Town Clerk of the Town of Palmer Lake;
- (C) "Commissioner": Commissioner is the member of the Town Board who is the Park's Commissioner or his designee;
- (D) "Park": Park shall include the Town Park at Glen Park, Palmer Lake Park, Village Green Park and any other parks as the Town may from time to time establish;
- (E) "Town": Town means Town of Palmer Lake. (Ord. 5-1983 §2, 1983.)

12.05.030 Park Rules and Regulations.

12.05.031. Park Hours. The park shall be open to the public daily 5:00 A.M. until 11:00 P.M. It shall be unlawful for any person other than employees of the Town of Palmer Lake to enter or remain in the park at any other time. However, the Commissioner may extend or limit the time specified above by issuing a temporary park permit. (Ord. 5-1983 §3, 1983.)

12.05.032. Park Closings. The Commissioner is authorized to close any part or portion thereof at any time for an interval of time, whether temporarily or at regular stated intervals as he shall find necessary for the protection of the park property or for the public health, safety or welfare. (Ord. 5-1983 §3, 1983.)

12.05.033. Park Permits. A temporary park permit shall be obtained by persons who desire to use a park or portion thereof to the exclusion of others or who desire to use park or portion thereof when such park or parks are closed to the public. The Commissioner may list those parks or areas thereof for which he deems it necessary to issue temporary park permits in order to preserve the public peace and safety, protect the public property from injury or damage and secure to the public its common enjoyment. Use of any park or portion thereof for a public gathering, entertainment, tournament or exhibition or any other activity which can reasonably be expected to have twenty (20) or more persons involved or in attendance or both, or reasonably can be expected or persons using such park property adjacent to such park, shall require a temporary permit. (Ord. 5-1983 §3, 1983.)

(12.05.034-12.05.039)

(Revised 9/21/2000)

12.05.034. Application for a Temporary Permit. Any person desiring a park permit shall apply to the Commissioner or Clerk for such a permit at least ten (10) days prior to the date of the intended use on application forms provided by the Commissioner. (Ord. 5-1983 §3, 1983).

12.05.035. Issuance of a Temporary Park Permit. The Commissioner shall issue a temporary permit when the applicant shall show and the Commissioner shall determine:

- (A) That the proposed use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) That the proposed use will not unreasonable interfere with or detract from the promotion of the public health, welfare and safety;
- (C) That the proposed use is not reasonably anticipated to lead to incite violence, crime, disorderly conduct or injury or damage to park property;
- (D) That the proposed use will not entail extraordinary expense to the Town. (Ord. 5-1983 §3, 1983).

12.05.036. Fees. Each application for a temporary park permit shall be accompanied by the amount of the fee or charge as set forth in a fees and charges schedule for use of parks or portions thereof, as promulgated by the Board. If a temporary permit is not granted, the fee shall be returned. The Commissioner, prior to the issuance of a temporary park permit, may assess additional fees to cover the expense of services that will be provided the permitted by the Board. However, such additional fees shall not exceed expenses reasonably anticipated in connection with the services provided. (Ord. 5-1983 §3, 1983).

12.05.037. Insurance. The Board and the Director or both may require liability insurance as a condition of issuance of temporary park permit. (Ord. 5-1983 §3, 1983).

12.05.038. Indemnification. As a condition for receiving a temporary park permit, the applicant shall agree to indemnify the Town of Palmer Lake from any and all claims made against the Town by any person using the Town parks as the applicant, the employee, family member, invitee of the applicant or any other person using the Town parks pursuant to the temporary park permit issued. (Ord. 5-1983 §3, 1983).

12.05.039. Damage Deposit. As a condition precedent to the issuance of any permit, the Commissioner (Board) may require a damage deposit to protect the Town against damage to park property. (Ord. 5-1983 §3, 1983).

(12.05.040-12.05.048)

(Revised 9/21/2000)

12.05.040. Appeal. Any applicant for a temporary park permit or any person protesting such application who is aggrieved by the decision of the Commissioner may appeal such action or decision in writing to the Board within ten (10) days of such decision. The appeal shall be heard and determined by the Board at its next regular meeting if the appeal(s) is received not later than the day before the meeting. (Ord. 5-1983 §3, 1983).

12.05.041. Effect of the Permit. The permit holder and all persons using a park under such permit shall be bound by all park rules and regulations, and agreement to abide by the same shall be a condition precedent to issuance of a permit. (Ord. 5-1983 §3, 1983).

12.05.042. Revocation. The Commissioner shall have the authority to revoke a temporary permit upon finding a violation of any rule or regulation, or upon good cause shown. (Ord. 5-1983 §3, 1983).

12.05.043. Commercial Use. Any person desiring to use any park for commercial purpose shall apply to the Commissioner for a temporary park permit for such sale. (Ord. 5-1983 §3, 1983).

12.05.044. Construction Prohibited. It shall be unlawful for any person to construct or erect any building or structure in any park without the permission of the Commissioner. (Ord. 5-1983 §3, 1983).

12.05.045. Park Roads, Parking. It shall be unlawful for any person to drive or park any vehicle on any area except upon designated park roads or park parking areas as may be designated by the Commissioner. Off road use is prohibited. (Ord. 5-1983 §3, 1983).

12.05.046. Swimming, Skating. It shall be unlawful for any person to swim, bathe, or wade in any waters in any park, without a permit issued by the Town Board. Each person shall use the ice at his or her own risk. No motor vehicles shall be allowed on the ice except snowmobiles, again used at the owner's risk. (Ord. 12-2000 §1, 2000; Ord. 5-1983 §3, 1983).

12.05.047. Fires Prohibited, Exceptions. It shall be unlawful for any person to build or attempt to build a fire in any park except in areas designated by the Commissioner and in such fireplaces as are provided in the park or in grills provided by the user. (Ord. 5-1983 §3, 1983).

12.05.048. Camping. It shall be unlawful for any person to camp in any park or to set up a tent or any other temporary shelter for such purpose unless such activity shall be specifically authorized by the Commissioner. No motor vehicles, movable structure or special vehicle, such as a house trailer or camper trailer, shall be permitted to remain in a park after closing without the Commissioner's authorization. (Ord. 5-1983 §3, 1983).

(12.05.049 - 12.05.059)

(Revised 9/21/2000)

12.05.049. Alcoholic Beverages and 3.2 Beer. It shall be unlawful for any person to enter a park while under the influence of any alcoholic beverage, 3.2 beer or illegal drugs, or to be under the influence of such alcoholic beverage, 3.2 beer or illegal drugs while in any park. It shall also be unlawful for any person to consume, or carry into any park, any alcoholic beverages including 3.2 beer or illegal drugs. Violation of this §12.05.049 shall be punished by a fine of not less than \$25.00. (Ord. 3-1991, §1, 1991; Ord. 5-1983 §3, 1983).

12.05.050. Dogs, Domestic Animals. It shall be unlawful for any person who owns or has charge of a dog or other domestic animal to allow such animal to run at large in any park. (Dogs may be permitted with leash only in areas designated by the Commissioner and only if accompanied by a person who has control of the dog.) (Ord. 5-1983 §3, 1983).

12.05.051. Soliciting. It shall be unlawful for any person to solicit contributions for any purpose in any park without prior authorization by the Commissioner. (Ord. 5-1983 §3, 1983).

12.05.052. Sales, Concessions. It shall be unlawful for any person to exhibit or offer for sale any article or service in any park area except those persons granted a concession by the Commissioner. (Ord. 5-1983 §3, 1983).

12.05.054. Closed Park Areas. It shall be unlawful for any person to enter any park area posted as closed to the public. (Ord. 5-1983 §3, 1983).

12.05.055. Firearms, Fireworks, and Explosives. It shall be unlawful for any person other than law enforcement officers to possess any firearms, air guns, fireworks or explosive devices in any park area except as otherwise designated by the Commissioner. (Ord. 5-1983 §3, 1983).

12.05.056. Snowmobiles. It shall be unlawful for any person to engage in snowmobiling in any park except in areas designated by the Commissioner for that purpose. (Ord. 5-1983 §3, 1983).

12.05.057. Fishing. Fishing will be permitted if in compliance with state laws. (Ord. 5-1983 §3, 1983).

12.05.058. Boating. Boating to be restricted to non-motorized craft and be in compliance with state law. Approved floatation devices for each person shall be required on board all water craft. (Ord. 5-1983 §3, 1983).

12.05.059. Damage to Park Property. It shall be unlawful for any person in any manner to injure, deface, destroy, sever, or remove any park property. (Ord. 5-1983 §3, 1983).

(12.05.060-12.05.065)

(Revised 9/21/2000)

12.05.060. Refuse, Trash. It shall be unlawful for any person to bring in or to dump, deposit, or leave any bottles, broken glass, discarded vegetation, ashes, paper, boxes, cans, garbage, dirt, rubbish, waste or other trash in any park. All such materials or trash related to park use shall be placed in the proper receptacles where provided; where such receptacles are not so provided, all such materials and trash shall be carried away from the park by the person responsible for its presence. (Ord. 5-1983 §3, 1983).

12.05.061. Picnic Areas, Fires, Trash. It shall be unlawful for any person to leave a picnic area before his fire is completely extinguished and before all trash is placed in disposal receptacles provided. In the event no receptacles are provided, such trash shall be carried out of the park by the person responsible for its presence. (Ord. 5-1983 §3, 1983).

12.05.062. Nuisance. It shall be unlawful for any person to disturb, tend to disturb, or aid in disturbing the peace of others in the park area by violent, tumultuous, offensive, or obstreperous conduct. (Ord. 5-1983 §3, 1983).

12.05.063. Damages to Trees, Grass. It shall be unlawful for any person to attach any rope, wire or other contrivance to any tree or plant in any park. It shall be unlawful to dig or otherwise disturb grass areas, or in any other way to injure or impair the natural beauty or usefulness of any park area. (Ord. 5-1983 §3, 1983).

12.05.064. Birds, Animals, Reptiles. It shall be unlawful for any person to hunt, molest, harm, frighten, kill, trap, shoot, to throw missiles at any animal, reptile or bird in any park unless such action is taken in defense of self or others. It shall be unlawful for any person to remove from a park or have in his possession in a park any wild animal, reptile, bird or the young, eggs or nest thereof. (Ord. 5-1983 §3, 1983).

12.05.065. Park Waters, Pollution. It shall be unlawful for any person to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in any park, any substance, liquid or solid, which will or may result in the pollution of said waters. (Ord. 5-1983 §3, 1983).

CHAPTER 12.20

PARKS AND RECREATION COMMISSION

Sections:

- 12.20.010 Definitions.
- 12.20.020 Creation and Establishment of a Park and Recreation Commission.
- 12.20.030 Term of Office.
- 12.20.040 Compensation.
- 12.20.050 Duties and Responsibilities.
- 12.20.060 Operation.
- 12.20.070 Destroying Trees and Vegetation Prohibited.
- 12.20.080 Removal of Stumps.
- 12.20.090 Interference with Commission.
- 12.20.100 Review by Town Board of Trustees.

12.20.010 Definitions. Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the Town, or to which the public has free access as a park or recreational open space. (Ord. 4-1991, §2 1991; Ord. 9-1982 §3 1983)

12.20.020 - Creation and Establishment of Park and Recreation Commission. There is hereby created and established the Parks and Recreation Commission, hereinafter referred to as "Commission" in this ordinance, for the Town of Palmer Lake, Colorado, which shall consist of nine (9) members, one of whom shall be the Parks and Recreation Commissioner, one of whom shall be the Park and Recreation Director, and the remainder, a majority of whom shall be Palmer Lake residents, may be recommended by the Commission, and shall be appointed by the Mayor with the approval of the Town Board of Trustees. (Ord. 4-1991, §3 1991)

12.20.030 - Term of Office. The terms of office for the seven (7) appointed members, not including the Commissioner and Director, shall be two (2) year staggered terms. Recommendation for re-appointment is an option. In the event that a vacancy occurs during the term of any member, his or her successor may be recommended by the Commission and shall be appointed by the Mayor, with the approval of the Town Board of Trustees for the unexpired portion of the term. (Ord. 4-1991, §4 1991)

12.20.040 Compensation. Members of the Commission shall serve without compensation. (Ord. 4-1991, §5 1991; Ord. 9-1982 §6 1983).

(12.20.050-12.20.100)

(Revised 4/9/92)

12.20.050 - Duties and Responsibilities. It shall be the responsibility of the Commission to solicit citizen input and **advise** on matters pertaining to the implementation and administration of the recreational and cultural activities for the Town of Palmer Lake, **subject to approval of the Town Board.** The Commission, when requested by the Town Board of Trustees, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. It shall also be the responsibility of the Commission to study, investigate, counsel, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs and weeds in parks. Such plan may, upon council request, be presented annually to the Town Board of Trustees and, **upon their acceptance and approval, shall constitute the official comprehensive Palmer Lake Parks and Recreation Tree Plan for the Town of Palmer Lake, State of Colorado.** (Ord. 4-1991, §6 1991)

12.20.060 - Operation. The Commission shall choose its own officers, make its own rules and regulations and **keep a journal of its proceedings.** A quorum for the transaction of business shall consist of a majority of the members of the Commission. All members present shall be required to vote in all matters where they do not have a declared conflict of interest. (Ord. 4-1991, §7 1991)

12.20.070 - Destroying Trees and Vegetation Prohibited. No person shall injure, ruin or destroy any tree, shrub, plant or grass plot, pull up or carry away roots of any plant or wild flowers upon any park property belonging to the Town. (Ord. 4-1991, §10 1991)

12.20.080 - Removal of Stumps. All stumps of Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. 4-1991, §11 1991)

12.20.090 - Interference with Commission. It shall be unlawful for any person to prevent, delay or interfere with the Commission, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, maintenance, spraying or removing of any park trees, shrubs, plants and property, as authorized in this Ordinance. (Ord. 4-1991, §12 1991)

12.20.100 - Review by Town Board of Trustees. The Town Board of Trustees shall have the **right to review the conduct, acts and decisions of the Commission.** Any person may appeal acts and decisions of the Commission to the Town Board of Trustees, who shall hear the matter and make a final decision. (Ord. 4-1991, §13 1991)

TITLE 13

WATER

Chapters:

- 13.01 Water Department.
- 13.02 Metering and Rates.
- 13.03 Non-Resident Users.
- 13.04 Reimbursement for Installation Costs
- 13.08 Protection of Water System.
- 13.20 Water Conservation
- 13.40 Underground Water.
- 13.50 Connection to Sewer System.
- 13.80 Standards for Underground Cable and Lines

(Revised 4/9/92)

CHAPTER 13.01

WATER DEPARTMENT

Chapters:

13.01.010	Creation of Water Department
13.01.020	Powers of the Board of Trustees or their Duly Appointed Representative
13.01.030	Receipts and Deposits
13.01.040	Inspections
13.01.050	Application for Water
13.01.060	Tap Regulations
13.01.070	Tap Installation Requirements
13.01.080	Size of Service Tap
13.01.090	Definitions

13.01.010 Creation of Water Department. There is hereby created and established a water department of the Town of Palmer Lake, Colorado, for the purpose of the management, maintenance, care and operation of the water works of the Town. (Ord. 1-1979 §1, 1979)

13.01.020 Powers of the Board of Trustees or their Duly Appointed Representative. The Board of Trustees or their duly appointed representative shall have control and management of all things pertaining to the Town water works system, and they, or said representative as the case may be, shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works. The representative shall perform such other duties and responsibilities as the Board of Trustees may assign from time to time. The Board shall have the power to prescribe all rates, rules and regulations as it may deem necessary. (Ord 15-1996 §1, 1996; Ord. 13-1995, §1, 1995)

13.01.030 Receipts and Deposits. The Town Clerk shall keep a correct account of all receipts, make out all bills for the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the water works funds of the Town, and in accordance with the direction of the Board. (Ord. 6-1998 §1, 1998; Ord. 1-1979, §1, 1979)

13.01.040 Inspections. Whenever, in the judgment of the Board of Trustees or their duly appointed representative, he or they deem it necessary, he or they may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures or the manner in which the water is used. The duly appointed representative shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water. (Ord 15-1996 §2, 1996; Ord. 13-1995, §2, 1995; Ord. 1-1979, §1, 1979)

13.01.050 Application for Water. Application for the use of water shall be made to the Town Clerk by the owner or agent of the property to be benefitted, designating the location of the property and stating the purpose for which the water may be required. (Ord. 1-1979, §1, 1979)

13.01.060 Tap Regulations. No tap shall be made without the written approval of the Board of Trustees or their duly appointed representative, and all tap fees must be paid in advance to the Town Clerk (or by other legal arrangements, satisfactory and acceptable to the Town for the payment thereof). No building permit shall be issued by the Town until such time as the requirements of this section have been fully satisfied. (Ord 15-1996 §3, 1996; Ord. 13-1995, §3, 1995; Ord. 1-1979, §1, 1979)

13.01.070 Tap Installation Requirements.

A. A curb stop valve shall be installed at consumer expense, on the Town side of the property line.

B. A Curb box shall also be installed at consumer expense over the valve in the following manner:

1. It shall be adjustable in height and, except where vehicular traffic shall cross over it, shall protrude 1-1/2 inches above the finish grade of the terrain.

2. Where vehicular traffic is to be encountered, a concrete base shall be poured on undisturbed or compacted ground immediately below the curb stop valve, on which the curb box can rest. Said base shall be at least 4 inches thick and 19 inches in diameter and of such depth that the curb box will protect the valve as designed.

3. All earth moved in such street digging shall be compacted when replaced in accordance with the El Paso County Regulations in existence at that time or regulations set by the Board. At street level on said installation, the curb box shall be equipped with a cap designed to withstand traffic. A 4 inch thick by 12 inch diameter concrete slab shall surround the curb box concentrically and be at the finish grade of said street or parking lot.

4. Any street, sidewalk, curb, alley or gutter disturbed by such excavation and necessitated by the installation of said water tap shall be replaced and/or repaired at the expense of the consumer. The consumer installing the water tap shall warrant all parts and labor in connection with said installation for a period of one year following final approval of the Board or its authorized inspectors. All maintenance and repairs for that one-year period shall be at the sole cost of the consumer. At the end of the one-year warranty period, provided that the condition of the required improvements meets the Town's specifications, all maintenance of the water main thereafter shall be at the expense of the Town of Palmer

(13.01.070)

(Revised 9/15/00)

Lake. All maintenance of the service line from the water main to the building shall remain the responsibility of the consumer. (Ord 9-1999, §1, 1999; Ord. 8-1995, §1, 1995)

5. All copper used in underground water supply shall be type K.

6. No water service shall be less than 3/4 inch.

7. A brass corporation cock shall be properly affixed to the main water line either by direct tapping or by the use of a double strap saddle commercially designed and approved for such service.

8. All necessary trenching and backfilling shall be at the expense of the applicant and under the supervision of the consumer. The Town shall own the water line from the main through the curb box and the property owner shall maintain the water line from the main through the curb box. In addition, the property owner shall own and maintain the service line from the curb box to the premises served. Upon written request by the property owner, the Town shall grant a temporary easement to the property owner to enter upon Town property for the purpose of maintaining the water line from the main through the curb box. The property owner shall be responsible for replacing and/or repairing any excavation caused by his maintenance of the service line or curb box. Such repair and filling in any excavation shall be done to the Town's specifications. (Ord. 6-1982; Ord. 1-1979, §1, 1979).

9. Thawing Frozen Water Lines. In the event water service to the property owner is halted because of frozen lines, it is the responsibility of the property owner to thaw the line from the main to the house. All costs for said thawing shall be at the sole expense of the property owner. The Town shall be responsible for thawing the water main if the water main is frozen. In the event that the property owner incurs costs in thawing the main, the Town of Palmer Lake must be informed within four (4) hours of the beginning of thawing work so that it can be determined if it is, in fact, a main or a service line that is frozen and if the problem turns out to be a frozen main, providing the Town was notified within four (4) hours of the beginning of the work, the Town of Palmer Lake shall be responsible to reimburse actual out-of-pocket expenses up to a maximum of \$200.00 to the property owner for thawing charges incurred by him or her. (Ord. 8-1989, §1, 1989).

10. The Town shall provide summer cabins which desire a curb stop box a working curb stop box, including labor, materials and equipment for a one-time charge of \$100.00. From and after December 31, 1993, the Town does not have to honor this agreement. The cost for turning water on and off at such box is as set forth in §13.02.100. (Ord. 1-1993, §3, 1993).

(13.01.080 - 13.01.090)

(Revised 9/15/00)

13.01.080 Size of Service Tap. No service tap shall be more than 3/4 inch in diameter for a single family resident; provided, however, that the Board of Trustees may grant special permission for larger taps upon a showing by the consumer of good cause. The Town shall have the final determination as to the size of the tap necessary to serve the property. (Ord. 1-1979, §1, 1979).

13.01.090 Definitions.

A. "Residential" shall apply to any building occupied solely as a residence, school building or non-profit organization having up to and including a 1-1/2 inch water line.

B. "Seasonal residential" shall apply to any building used solely as a single residence but which is not used as the occupant's permanent residence or which remains unoccupied for more than six (6) months per year and is not customarily used as a permanent residence.

C. "Commercial" shall apply to:

1. Any building occupied by any individual partnership or corporate entity for any use other than residential.

2. Any building having in excess of 1-1/2 inch water line. (Ord. 1-1979, §1, 1979)

D. Water Superintendent is a Town employee appointed by the Board and serving at the pleasure of the Board whose duties are spelled out in his job description as it may be changed by the Town from time to time. (Ord 15-1996 §4, 1996; Ord. 13-1995, §4, 1995)

CHAPTER 13.02

METERING: TAP FEES; RATES

Sections:

- 13.02.010 Metering of Water.
- 13.02.020 Tap Fees.
- 13.02.020.5 Tap Fees for Fire Protection Sprinkler Systems
- 13.02.021 Abandonment of Taps.
- 13.02.022 Abandonment of Water Taps Purchased After March 13, 1984.
- 13.02.030 Service Line Regulations.
- 13.02.040 Requirement for Separate Meter for Commercial Users with over 10,000 square feet of outside landscape watering
- 13.02.050 (left blank)
- 13.02.060 Water Rates.
- 13.02.070 Water Bills and Payment.
- 13.02.075 Non-Payment Over Thirty Days.
- 13.02.080 Delinquent Rent Must be Paid.
- 13.02.090 Property Charged with Rent.
- 13.02.100 Charge for Turning Water On and Off.
- 13.02.110 Charge for Inspection of Water Meter.

13.02.010 Metering of Water. All water sold by the Town shall be metered by meters which shall be installed in a pit located outside of the building unless the water committee recommends that the meter be placed inside the building and the Board of Trustees waives the requirement because of unusual circumstances. (Ord. 12-1996 §2, 1996; Ord. 7-1986, §1, 1986; Ord. 1-1979, §2, 1979.)

13.02.020 Tap Fees. Upon application for a new tap and service connection by a consumer, whether residential or commercial, the applicant shall pay to the Town Clerk the appropriate fee, based upon the following schedule and subject to the approval of the Board of Trustees:

(1)	3/4"	\$ 10,000
(2)	1"	20,000
(3)	1 1/2"	31,000
(4)	2"	47,000
(5)	2 1/2"	86,000
(6)	Larger	To be negotiated

(13.02.020 - 13.02.022)

The cost of the water tap is in addition to the cost for the water meter, the reimbursement for installation cost pursuant to Section 13.040.010 (if any), and the cost of the labor and materials for installation of the water tap and the water meter. All of these costs shall be the responsibility of the consumer. (Ord. 11-2000 §1, 2000; Ord. 8-1997 §2, 1997; Ord. 7-1994, §1, 1994; Ord. 9-1986, §2, 1986; Ord. 4-1984, §1, 1984; Ord. 11-1982, § , 13.02.020 of §1, 1982; Ord. 1-1979, §2, 1979)

13.02.020.5 Tap Fees for Fire Protection Sprinkler Systems. Upon application for a new tap and service connection by a consumer for a Fire Protection Sprinkler System, the Town of Palmer Lake shall first determine that the use of the system is limited to a Fire Protection Sprinkler System. After obtaining satisfactory evidence as to the use of the system, the Town Clerk shall, upon payment of \$500 as and for a Fire Protection Sprinkler System Tap Fee, approve an appropriately sized tap for the Fire Protection Sprinkler System. There shall be no minimum monthly fee for a Fire Protection Sprinkler System Tap. If the water line from this tap is used for any purpose other than a fire protection sprinkler system, the same shall be unlawful and each day's usage shall constitute a separate and distinct offense. Usage for a purpose other than a Fire Protection Sprinkler System shall also cause forfeiture of the tap. The Town of Palmer Lake in its sole discretion may require the installation of a water meter. If it does so, the cost of the water meter and the cost of installing same shall be borne by the consumer. All costs associated with the installation of the water tap shall also be borne by the consumer. (Ord. 7-1995, §1, 1995)

Penalties. The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.

(b) Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding One (1) Year, or by both such fine and imprisonment. (Ord. 7-1995, §3, 1995)

13.02.021 Abandonment of Taps. Any property owner who, after August 1, 1993, does not pay all charges related to the use of water in full for any period of one (1) year or more shall be deemed to have abandoned the water line and water tap. Thereafter, water service shall be provided only upon payment of the tap fee in effect and upon the installation of a new water service line and stop-cock which meets all specifications set forth in this code. (Ord. 11-1992, §1, 1992; Ord. 5-1981, §1, 1981).

13.02.022 Abandonment of Water Taps Purchased after March 13, 1984. A water tap purchased after March 13, 1984, shall be deemed abandoned if a Building Permit utilizing the water tap has not been issued within one (1) year from the date of purchase. If the Building Permit is allowed to lapse, the water tap shall also be deemed abandoned. If the water tap is deemed

Revised (07/27/10)

abandoned, the applicant shall have no further rights in the water tap and the Town shall not refund any money for the abandoned tap. (Ord. 4-1984, §2, 1984.)

(13.02.030 - 13.02.060)

13.02.030 Service Line Regulations. No more than one (1) living unit shall be permitted to use a water service line. Provided however, on a case by case basis, for good cause, the Town Board may approve the use of one (1) water service line for more than one (1) living unit because of extreme physical difficulty in providing separate water service lines and may approve applications for extension of water service to accessory structures separate and apart from the main building structure, so long as the accessory structure may not legally be transferred separated and apart from the main structure, and so long as no revenue will be received by the owner for renting or letting of the accessory structure. All service lines shall be installed at a depth of at least sixty inches (60") below the surface of the ground. Each service line shall contain a stop and waste clock where the water may be turned off. No building permit shall be issued for improvements to existing structures unless the existing service line is brought into compliance with the above specifications. (Ord. 4-2001, §1, 2001; Ord. 9-2000 §1, 2000; Ord. 1-1979 §2, 1979.)

13.02.040. Requirement for Separate Meter for Commercial Users with over 10,000 square feet of outside landscape watering. All holders of a Commercial Tap who water over ten thousand (10,000) square feet of landscaping or which fill and maintain an outside swimming pool holding in excess of five thousand (5,000) gallons shall install a separate water meter for all outside watering. (Ord 15-2002, §1, 2002)

13.02.060 Water Rates. All water sold by the Town shall be sold at the following rates:

A. As a minimum fee all metered service shall be charged as follows:

(a)	3/4" line or less	\$33.57 per month.
(b)	1" line	\$55.96 per month.
(c)	12" line	\$115.50 per month.
(d)	2" line	\$179.05 per month.
(e)	3" line	\$357.91 per month.
(g)	4" line	\$559.54 per month.
(h)	6" line	\$1,119.06 per month.

(Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008; Ord 7-2007, § 1, 2007; Ord 1-2006, §1, 2006; Ord 10-2002 §1, 2002; Ord 14-2000 §1, 2000; Ord 4-1998 §2, 1998; Ord. 8-1994 §1, 1994; Ord 7-2007, §1;)

B. All commercial water usage shall be charged at the rate of \$3.43 per One Thousand (1000) Gallons or a fraction thereof. All residential water usage shall be charged at the rate of \$3.43 per One Thousand (1000) Gallons or a fraction thereof up to monthly usage of 15,000 gallons. Commercial and residential water usage in excess of 15,000 Gallons per month shall be charged at the rate of \$5.60 per thousand gallons or fraction thereof for the excess usage. The

Revised (07/27/10)

water usage charge is in addition to the minimum fee charge listed above. (Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008 Ord 7-2007, § 1, 2007; Ord 1-2006, §1, 2006; Ord 14-2000 §1, 2000; Ord 4-1998 §3, 1998; Ord. 8-1994, §2, 1994; Ord. 15-1989, §1, 1989; Ord. 9-1986, §1, 1986; Ord. 4-1981, §1, 1981)

C. An additional charge equal to ten percent (10%) of the minimum rate charge will be added to each bill and the proceeds from this additional charge will be placed in the Water Capital Improvement Fund and utilized for capital improvement projects. (Ord 5-2008, §1, 2008)

D. Each May and November the town board will review the status of the water fund and if the fund is not generating sufficient revenue shall by resolution adjust the water rates up and if the water fund is generating more revenue than is needed shall adjust by resolution the water rates down. (Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008; Ord 7-2007, §1, 2007)

E. Interpretation.

1. In the event a meter ceases to function, the user shall pay the amount based on the monthly average of the last six (6) months consumption until the same can be repaired.

2. All buildings shall be metered by January 1, 1982. Whether metered or not, all buildings within the Town of Palmer Lake shall pay the minimum monthly fee, whether connected to the town water service or not, so long as such water service is available for use to the property. If the water service is shut off at the water main, the monthly water availability fee shall be \$25 per month. Effective January 1, 1997, should a meter not be installed, four (4) times the minimum flat fee as set forth in 13.02.060 (A)(1) or (B)(1) applicable to that size of water tap as set forth in 13.02.060 (A)(1) or (B)(1) shall be charged. Any existing property that is not metered shall be sent a written notice by the town clerk notifying them of this change in the town ordinance. Written notice shall be deemed adequate if sent to the most recent address of the property owner as shown in the El Paso County Tax records. All unpaid water charges and water availability charges shall constitute a perpetual lien against the real property benefitted, as provided under Colorado law. Should the town deem it appropriate, the town reserves the right to discontinue water service if a property owner refuses to permit installation of a meter. (Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008; Ord 7-2007, §1, 2007; Ord. 12-1996 §1, 1996; Ord. 4, 1981, 1981)

3. The usage of the building or unit shall determine the rate to apply to each meter. In the event that both a commercial and a residential unit share the same meter, then the commercial rate shall apply. In the event that there is more than one living unit sharing the same meter, then the commercial rate shall apply. (Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008; Ord 7-2007, §1; Ord. 3-1982, §1, 1982; Ord. 4-1981, §1, 1981;)

F. The Town may from time to time sell water to users for a flat fee of Five Dollars (\$5.00) per one thousand (1,000) gallons. The minimum purchase shall be one thousand (1,000) gallons. Said user shall conform to the procedures established by the Town Clerk. (Ord 5-2008, §1, 2008; Ord 3-2008, §1, 2008; Ord 7-2007, §1)

13.02.070 - Water Bills and Payments.

A. All water bills shall be due and payable in full within twenty-five (25) days after the billing date appearing on the statement (Due Date: 20th of the month). A late charge of \$15.00 shall be charged if the proper payment has not been received by the 30th day. If proper payment is not received by the 60th day, the late charge shall be the greater of \$15 or 5% per month for each month or fraction thereof that the water bill remains unpaid, up to a maximum of 25%. In addition, if proper payment is not received by the 60th day, interest on the unpaid water bill shall be charges at the rate of 18% per annum. Interest shall not be charged on the late charge amount. The late charge and interest may be waived for good cause shown by the Water Committee.

B. A \$20.00 fee, along with any other bank service charges, shall be added to the water bill of a customer if a check is returned for non-payment. If the Town is unable to collect the amount of the check along with the \$20.00 fee and any bank service charges assessed within five (5) working days after notice has been given by the Town of non-payment, the water service shall be disconnected. If a customer has a check returned for non-sufficient funds, future water bills shall be paid with cash, money order, or certified check. (Ord. 11-1999 §1, 1999; Ord 15-1996 §5, 1996; Ord 15-1996 §5, 1996; Ord. 13-1995, §5, 1995; Ord. 2-1994, §1, 1994; Ord. 1-1993, §2, 1993; Ord. 10-1992, §1, 1992; Ord. 2-1991, §2, 1991; Ord. 2-1983, §1, 1983; Ord. 7-1973, §§1-13, 1973; Ord. 1-1979, §2, 1979).

C. The Town Clerk may also utilize the following procedure for any unpaid bills, including water bills, which have remained unpaid for more than 90 days. The town clerk shall send a letter by first class mail, postage prepaid or by certified mail return receipt requested, postage prepaid, at the option of the town clerk, to the record owner of the real estate benefitted by the services provided and to the occupant of the real estate notifying them of the unpaid amounts and that either or both of them have ten (10) days to contact the town and object to any errors in the bill. If either party objects, the town clerk shall meet with the objecting individual and review to bill to determine it's accuracy. If the objecting party still objects and makes written appeal of the matter to the town board, the matter shall be submitted to the town board at it's next regularly scheduled meeting for resolution. If neither party objects within the ten (10) day period or if the objecting party fails to timely meet with the town clerk or if the objecting party fails to appeal the decision of the town clerk to the town board or if the town board determines after hearing that the bill is owing and unpaid, the town clerk shall certify as a lien on the property served the amount due, which lien may be recorded and foreclosed upon pursuant to Colorado law. In addition, the town clerk may notify the El Paso County Treasurer in writing, pursuant to C.R.S. 31-20-105, certifying the amount due and the property to be charged with the lien, and requesting the amount due be collected and paid over to the Treasurer of El Paso County as taxes are authorize to be collected by state law and the collected balance remitted to the town less statutory charges. (Ord 4-2003, §1, 2003).

13.02.075. Non-Payment Over Thirty Days.

A. In addition to any late fees and interest, all water bills unpaid in excess of thirty (30) days from due date (20th of the month) may result in termination of service, or other penalty, including, but not limited to filing or recording of a Notice of Unpaid Assessments or Notice of Lien. A customer receiving a second shutoff notice in a six-month period shall provide a cash deposit of \$175.00 with the Town Clerk. This deposit will be held by the town for a period of one year as security for future water bills.

B. The El Paso County Health Department will be notified immediately if a restaurant, mobile home park, or an apartment building is disconnected. (Ord. 11-1999, §2, 1999; Ord. 15-1996 §6, 1996; Ord. 13-1995, §6, 1995)

13.02.080 Delinquent Rent Must be Paid. In case there shall be any past due unpaid water bills and the water supply has been turned off, the water shall not be turned on again until all such past due water bills, including any interest and late fees have been paid in full. Upon a second cutoff of the same user, the user shall be required to post an additional One Hundred Seventy-Five Dollar (\$175.00) cash deposit with the Town Clerk, to be held by the town for a period of two (2) years to insure payment of water rents and/or damage to the water meter as a result of the cutoff. The cash deposit shall not bear interest. (Ord. 11-1999, §3, 1999; Ord. 1-1979, §1, 1979.)

13.02.090 Property Charged with Rent. All water rents shall be charged against the property served and against the owner thereof and, if for any cause any sums owing, therefore, become delinquent, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this Section.

13.02.100 Charge for Turning Water On and Off. If the water supply is turned on or off for any reason at a curb stop box during regular business hours of the Town, no charge shall be made. If the water supply is turned on or off, for any reason, outside regular Town business hours, a \$20.00 charge shall be made. If water is to be turned on or off at a location where a curb stop box has not been installed, a charge of \$75.00 per hour, with a minimum of two hours to turn on water service, and a charge of \$75.00 per hour, with a minimum of two hours to turn off the water service, shall be charged. Charge for turn-on and turn-off for delinquent accounts and nonpayment shall be \$20.00 each for a total of \$40.00. (Ord. 15-1996 §8, 1996; Ord. 13-1995, §8, 1995; Ord. 1-1993, §1, 1993; Ord. 1-1974, §1-1, 1974; Ord. 7-1973, §§1-16, 1973.)

13.02.110 Charge for Inspection of Water Meter. There should be charged a Thirty-Five Dollar (\$35.00) fee for checking a water meter at the request of the user. If the water meter is found to be accurate within five percent (5%) plus or minus, the Town shall retain the Thirty-Five Dollar (\$35.00) charge to cover the expense of testing the meter. If the water meter is inaccurate by more than five percent (5%) plus or minus, the Thirty-Five Dollar (\$35.00) charge shall be refunded to the user and the meter repaired or replaced. (Ord. 3-1982, §2, 1982.)

CHAPTER 13.03
NON-RESIDENT USERS

Sections:

13.03.010 Non-Resident Users

13.03.010 Non-Resident Users. The Board of Trustees may provide water for non-resident users at the heretofore mentioned rates, but only after the following conditions have been met:

- a. That the Board of Trustees is satisfied that the water needs of all resident users are being met for the immediate future.
- b. That the Town will not incur a permanent legal obligation to supply water by providing water service on a year-to-year basis.
- c. That the non-resident users enter into an annual contract with the Town regulating the price and amount of water to be supplied, and providing for such other and further conditions as the Board of Trustees may deem necessary.

CHAPTER 13.04

REIMBURSEMENT FOR INSTALLATION COSTS

Sections:

13.04.010 Reimbursement of Installation Costs

13.04.020 Warranty for Water Line Installation

13.04.010 Reimbursement for Installation Costs. All property owners will be required to pay the cost of running any water lines from the present water lines to their property. The Town will enter into an agreement to reimburse any such property owner for subsequent taps on that water line during the following seven year period. The terms of such agreement will be worked out between the property owner and the Town on a case by case basis.

13.04.020. Warranty for Water Line Installation. All developers, property owners and others who install water lines within the Town of Palmer Lake shall warrant same for a period of one year from and after their acceptance by the Town of Palmer Lake. During the one-year period all parts and labor for maintenance and repairs in connection with said improvements shall be at the sole cost of the installer of the water line. At the end of the one-year warranty period, provided that the condition of the required improvements meets the Town's specifications, all maintenance thereafter shall be at the expense of the Town of Palmer Lake. (Ord. 8-1995, §3, 1995).

CHAPTER 13.08

PROTECTION OF WATER SYSTEM

Sections:

- 13.08.010 Water System Equipment Deemed Town Property.
- 13.08.020 Tampering with Water System Unlawful.
- 13.08.030 Tampering with Water System - Penalty.
- 13.08.040 Pollution of Water System.
- 13.08.050 Shutting Off Water.
- 13.08.060 Obstructing Streams or Waters Tributary to Town Water Supply.
- 13.08.070 Patrol of Streams and Watersheds - Arrest of Violators.
- 13.08.080 Trespassing at Lakes and Streams.
- 13.08.090 Forest Service Officers Not Limited.
- 13.08.100 Report of Violators.
- 13.08.110 Discontinuance of Service for Violation of Rules.
- 13.08.120 Watershed Protection and Policing Granted.
- 13.08.130 Waste of Water Prohibited.
- 13.08.140 Use During Fire Alarms - Restrictions.
- 13.08.150 Driving on Reservoir Road Prohibited.
- 13.08.160 Watershed Closed to Motor Vehicles and Horse Traffic.
- 13.08.170 Pedestrian, Bicycle and Snowmobile Traffic
- 13.08.180 Posting.

13.08.010 Water System Equipment Deemed Town Property. All service valves and cutoffs, stop and wastes, service boxes, mains and laterals are the property of the Town of Palmer Lake excepting the portion of portions lying in Pine Crest and that owned by the Denver and Rio Grande Railroad. (Ord. 105 §1, 1923).

13.08.020 Tampering with Water System Unlawful. Any person or persons turning on or off water or otherwise tampering with any part or parts of the water system of the Town of Palmer Lake without having first secured the property authority from the Water Committee or the Town Council in regular session is guilty of violating Sections 13.08.010 through 13.08.030. (Ord. 105 §2, 1923).

13.08.030 Tampering with Water System - Penalty. Any person or persons convicted of a violation of Section 13.08.020 shall be fined according to Chapter 1.16 of this code. (Ord. 105 §3, 1923).

(13.08.040-13.08.070)

(Revised 6/16/98)

13.08.040 Pollution of Water System. No person, within any reservoir, lake, stream, or area or drainage basins from which the municipal water system's waters are taken or derived, and any of the waters or streams tributary to contributing to the water supply of the water works system of the Town of Palmer Lake, more fully described on the attached map, Exhibit A, ("Water System"), shall do any act whatsoever which shall tend to foul the Water System, or render it impure or unwholesome; nor shall cast into or allow to flow in or fall into any of the waters contributing to the Water System, any filth, sewage, carrion, garbage, minerals, clay, rock, or earth of any kind, or any excretion, clothing, paper, rags, or any extraneous substance; nor shall wash, swim, wade or bathe therein; camp, set campfires, discharge firearms, or carry in any glass containers; nor allow or cause any animal, specifically including but not limited to dogs, to enter into or swim in any of the waters of the Water System, nor do any act or thing which would pollute or tend to pollute the Water System. No fishing will be allowed at lower reservoir.

All dogs within the Water System that are within one hundred (100) yards of open water, being either running water or water impounded in one of the Town of Palmer Lake reservoirs, shall be under the control of a competent, responsible person by means of a leash or chain not exceeding twenty-five (25) feet in length.

"Person", as used herein, includes members of the general public as well as any employee, official, or representative of the Town; provided, however, that any employee or representative of the Town may do and perform all acts necessary in the discharge of his official duties in the administration of the municipal water system and works. (Ord. 5-1997 §1, 1997; Ord. 8-1987 §5, 1987; Ord. 2-1962 §1, 1962).

13.08.050 Shutting Off Water. The Town reserves the right to shut off water from the mains when it shall deem it necessary to repair any portion of the waterworks system or to make connections or extensions of the system, or to clean the system, and it shall not be liable to any person for failure to supply water for these or other causes beyond its control, nor on that account shall make any refund or deduction of rents or licences (Ord. 2-1962 §2, 1962).

13.08.060 Obstructing Streams or Waters Tributary to Town Water Supply. No person shall dig up or obstruct any ditch or pipe line belonging to the Town nor do any act or thing to divert, damage, drain, or otherwise impede or hinder or tend to impede or hinder the flow of any of the waters or streams tributary or contributing to the water supply of the Town. (Ord. 2-1962 §3, 1962).

13.08.070 Patrol of Streams and Watersheds--Arrest of Violators. The commissioner of the water division shall at least once a week and oftener if necessity shall require, patrol or cause to be patrolled, the streams and watersheds thereof, contributing water to the supply of the Town and shall arrest any person found violating any of the provisions of this chapter, and shall forthwith report any such violations to the mayor. (Ord. 2-1962 §4, 1962).

(13.08.080 - 13.08.140)

(Revised 6/16/98)

13.08.080 Trespassing at Lakes and Streams. No person shall enter within any fence enclosing any lake, reservoir, or stream belonging to or contributing to the water supply of the Town. No person shall enter the watershed of the Town, more fully described in the map attached as Exhibit A, or any motor vehicle, bicycle or horse. Any person so entering shall be deemed prima facie to violate Section 13.08.040 and to pollute and render impure the water supply of the Town. (Ord. 8-1987 §6, 1987; Ord. 2-1962 §5, 1962).

13.08.090 Forest Service Officers Not Limited. Sections 13.08.040 through 13.08.130 shall not be construed to prevent forest service officers from entering upon government lands within the forest reserves in the performance of official duties, and Sections 13.08.040 through 13.08.130 are subject to the right of forest officers of the United States to enter upon government lands for all purposes necessary to the administration, protection and care of the forest lands. (Ord. 2-1962 §6, 1962).

13.08.100 Report of Violators. Police officers, firemen and other officers and employees of the Town shall report to the commissioner of the water division or the mayor any violation of Sections 13.08.040 through 13.08.130 which shall come to their knowledge. (Ord. 2-1962 §7,1972).

13.08.110 Discontinuance of Service for Violation of Rules. The mayor upon the recommendation of the commissioner of the water division, and upon the violation of any of the rules and regulations for the use of water supplied by the Town within or without the Town, may turn off and discontinue the water and water service upon the premises where the violation occurred, until the Town Council shall otherwise direct; provided, that the order of discontinuance of the mayor, police magistrate or master may be appealed to the Town Council within five days, but without stay of execution unless so ordered by the mayor. (Ord. 2-1962 §8, 1962).

13.08.120 Watershed Protection and Policing Granted. The protection and policing of the watershed of the Town of Palmer Lake, being within the Pikes National Forest, was granted to the town of Palmer Lake by letter from the Secretary of Agriculture dated February 16, 1917, and on file with the district supervisor of the Pike National Forest in Colorado Springs and made a part hereof. (Ord. 2-1962 §9, 1962).

13.08.130 Waste of Water Prohibited. Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs. (Ord. 7-1973 §1-11, 1973).

13.08.140 Use During Fire Alarms--Restrictions. During all alarms of fire, the use of hose and all outlets where a constant flow of water is maintained is positively forbidden. (Ord. 7-1973 §1-12, 1973).

(13.08.150-13.08.180)

(Revised 6/16/98)

13.08.150 Driving on Reservoir Road Restricted. No person shall drive or ride on the road to the Town Reservoirs in or on a motor vehicle, bicycle, or horse from the western Town limits of the Town of Palmer Lake to the western property line of the Town property surrounding the Upper Town Reservoir, except employees of the Town of Palmer Lake, the U.S. Forest Service employees on official duty, those persons with law enforcement, emergency response, fire fighting, flood data collecting, or other similar responsibilities, those persons whose only access to their property is by means of the Reservoir Road, or individuals or businesses who have received a permit from the Town of Palmer Lake for the use of the Reservoir Road. The Board of Trustees of the Town of Palmer Lake shall determine, in its sole and absolute discretion, whether or not a permit should be issued. The Town shall establish the cost of the permit and the conditions for issuance of the permit by resolution. (Ord. 4-1990, §1, 1990; Ord 3-1989, §5, 1989; Ord. 8-1987 §1, 1987).

13.08.160 Watershed Closed to Motor Vehicle and Horse Traffic. The Palmer Lake Town watershed, more fully described in Exhibit A attached hereto and incorporated by reference as though set out in full, shall be closed to all motor vehicle and horse traffic, except for employees of the Town of Palmer Lake, U.S. Forest Service employees on official duty, and those persons with law enforcement emergency response, fire fighting, flood data collection, or other similar responsibilities. (Ord. 16-1992, §1, 1992)

13.08.170 Pedestrian, Bicycle and Snowmobile Traffic. It is provided further that the restrictions set out in 13.08.150 and 13.08.160 should not apply to pedestrian, bicycle or snowmobile traffic unless the Town of Palmer Lake determines that an emergency exists, and by resolution, restricts pedestrian, bicycle and/or snowmobile traffic on the Reservoir Road and in the Town watershed area. The Mayor of the Town of Palmer Lake is further given the authority to declare an emergency and close the Reservoir Road to pedestrian, bicycle and/or snowmobile traffic until the next regularly scheduled meeting of the Town Board. At the next regularly scheduled meeting, the Town Board shall either declare an emergency and continue the closing directed by the Mayor, modify the closing directed by the Mayor or rescind the closing directed by the Mayor. In the event that pedestrian, bicycle and/or snowmobile traffic is restricted from the watershed area, signs informing the public of that fact shall be posted at the entrance to the road. It shall be unlawful for any person not authorized by the Mayor or the Town Board to walk, ride a bicycle, or drive a snowmobile on the Reservoir Road or in the watershed area during any period of closing as set forth in this §13.08.170. (Ord. 16-1992, §2, 1992)

13.08.180 Posting. The road and the watershed area may be posted to inform the public of the rules regulating protection of the watershed. (Ord. 3-1989, §5, 1989; Ord. 8-1987, §4, 1987).

CHAPTER 13.40

UNDERGROUND WATER

Sections:

- 13.40.010 Appropriation of Underground Water.
- 13.40.020 Exceptions.
- 13.40.030 Plan if Water Service not Available.
- 13.40.040 Annexation - Deed Required.
- 13.40.050 Wells Prohibited.
- 13.40.060 Map Filed with State Engineer.
- 13.40.070 Fee for Alternative Water Supply.

13.40.010 Appropriation of Underground Water. The Town hereby claims, appropriates and incorporates into its municipal service plan, for the purpose of providing water service to its inhabitants and customers of its water system, all right, title and interest in and to groundwater and water rights in the lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers (hereinafter the said aquifers) underlying all lands within the boundaries of the Town, as those boundaries existed on January 1, 1985. (Ord. 8-1985, §1, 1985)

13.40.020 Exceptions. This Rule and Regulation does not apply to the following lands or groundwater in the said aquifers:

- (A) Lands outside the boundaries of the Town as of January 1, 1985.
- (B) Any lands or groundwater as to which the groundwater has been conveyed or reserved or consent to use such groundwater has been given or reserved to anyone other than the Town by a writing executed prior to January 1, 1985, and recorded in the records of El Paso County prior to August 31, 1985.
- (C) Any groundwater which has been decreed or permitted to anyone other than the Town prior to the effective date hereof.
- (D) Any lands not being served by the Town as of the effective date hereof, and the groundwater underlying such land is the subject of an application for determination of a right to use groundwater filed in the Water Court prior to July 1, 1985. (Ord. 8-1985, §2, 1985)

(13.40.030 - 13.40.060)

(Revised 4/9/92)

13.40.030 Plan if Water Service not Available. As to any lands within the Town's boundaries as of January 1, 1985, for which water service from the Town is not reasonably available, the following plan is established to allow the owner thereof to obtain an alternative water supply:

- (A) The owner of such land shall have requested water service from the Town, and complied with all Ordinances of the Town, but the Town shall have reasonably determined that it is unable to provide water service to such lands;
- (B) Upon making such determination, the Town shall be deemed to have consented to withdrawal of groundwater in said aquifers by such landowner;
- (C) All wells, pipes and other water facilities on such lands shall conform to the Town's design standards and rules and regulations, and shall be subject to approval by the Town's engineers, which approval shall not be unreasonably withheld;
- (D) At such time as the Town is reasonably able to provide water service to such lands, it may require connection of all water facilities on such lands to the Town's water facilities;
- (E) Upon such connection, the Town shall acquire by purchase or condemnation all water facilities on such lands previously installed by the owner of such lands in conformity with paragraph 13.40.030(C) hereof. (Ord. 8-1985, §3, 1985)

13.40.040 Annexation - Deed Required. Any person who applies for water service from the Town's water system or for annexation into the Town shall, as part of the application and as part of the consideration thereof, tender to the Town a properly executed deed conveying to the Town the water and water rights in said aquifers, underlying the lands to which service is requested or subject to such annexation petition, and warranting that neither such water, water rights nor the consent to use or withdraw groundwater underlying such lands have been conveyed to other persons. (Ord. 8-1985, §4, 1985)

13.40.050 Wells Prohibited. No person may construct a well in the said aquifers upon lands subject to this Ordinance, or withdraw groundwater subject to this Ordinance, except in conformity with 13.40.030 hereof. (Ord. 8-1985, §5, 1985)

13.40.060 Map Filed with State Engineer. Upon final adoption hereof, the Town's engineering consultants shall file with the State Engineer a detailed map of the land area as to which consent is deemed to have been given hereunder. (Ord. 8-1985, §6, 1985)

(13.40.070)

(Revised 4/9/92)

13.40.070 Fee for Alternative Water Supply. A fee in the amount of \$60.00 shall be paid to the Town at the time of application for each permit granted for alternative water supply in connection with Palmer Lake Municipal Code Section 13.40.030. (Ord. 16 1987 §1, 1987).

(Revised 4/9/92)

CHAPTER 13.45

WELL PERMITS

Sections:

13.45.010	Well Permits
13.45.020	Fees

13.45.010 Well Permits. All wells to be drilled or driven in the Town of Palmer Lake, except those issued pursuant to Section 13.40.030 of the Palmer Lake Municipal Code, shall require a well permit prior to commencement of construction. The applicant shall file a request with the Town Clerk, outlining reasons for the application and the impact that is anticipated on the surrounding neighborhood. The Town Clerk shall set the application on the next regular Town agenda. At the hearing, the Town Board shall take such testimony and evidence as it deems appropriate and shall either grant the permit, deny the permit or grant the permit with restrictions or conditions. (Ord 5-2001, §2, 2001; Ord. 4-2000, §2, 2000)

13.45.020 Fees. All applications for a well permit shall be accompanied by a Fifty Dollar (\$50) fee to cover the administrative costs of processing the application. (Ord. 5-2001, §3, 2001; Ord. 4-2000, §3, 2000).

CHAPTER 13.50

CONNECTION TO SEWER SYSTEM

Sections:

13.50.010	Connection to Line
13.50.020	Sewer Connections Required
13.50.030	Permit for Repairs
13.50.040	Permit Requirements
13.50.050	Denial of Permit

13.50.010 Connection to Line.

- A. Where a sewer line is not available to premises under the provisions established in this Article, the waste water disposal facilities of such premise shall be connected to an individual waster water disposal system complying with the provisions of this Article and the El Paso County - State health Individual Sewage Disposal System Regulations as established by the Colorado Department of Health.
- B. The type, capacity, location, and layout of an individual waste water disposal system shall comply with all standards of the Colorado Department of Health. No permit shall be issued for any individual waste water disposal system employing sub-surface soil absorption facilities where the area of the lot does not meet the regulations imposed b the Health Department. No septic tank or existing cesspool shall be permitted to discharge into any natural waterway or surface drainage.
- C. Before commencement of construction of an individual waste water disposal system on public or private property within the Town or in any area under the jurisdiction of the Town, the owner shall first obtain written approval signed by the Mayor and by a representative of the Health Department. (Ord. 4-1983, §1, 1983)

13.50.020 Sewer Connections Required. From and after the effective date of this ordinance, no water service and no water distribution system of the Town shall be installed and turned on unless the building or other facility for its water service is requested and shall be connected to an existing functioning sewer system; provided that the sewer line facilities are available within four hundred feet (400') of the tract of land on which the new construction is to take place. (Ord. 4-1983, §2, 1983)

13.50.030 Permit for Repairs. When any individual waste water disposal system located within the Town shall be determined by the El Paso County - State Health Department to be in need of repair and to constitute a hazard to the citizens of the Town of Palmer Lake or to not comply with all standards of the Colorado Department of Health, at such time, the owner of the individual waste water disposal system prior to the repair of same, must obtain a permit from the Town of Palmer Lake. The cost of said permit shall be five dollars (\$5.00). (Ord. 4-1983, §3, 1983)

13.50.040 Permit Requirements. No permit for the repair of any individual waste water disposal system shall be granted if a sewer main is available within four hundred feet (400') from the tract of land. The Town Board may make exception in its requirement in the event of unusual topography or extreme financial hardship. (Ord. 4-1983, §4, 1983)

13.50.050 Denial of Permit. Upon denial of the permit for the repair of an individual waste water disposal system, the owner of the system shall have thirty (30) days within which to tap on to the existing sewer line. (Ord. 4-1983, §5, 1983)

CHAPTER 13.80

STANDARDS FOR UNDERGROUND CABLE AND LINES

Chapters:

13.80.010

13.80.020

13.80.030

13.80.040

13.80.010. All existing and/or future underground cable, telephone, TV cable or electric within public rights-of-way within the Town of Palmer Lake must be accurately located as to alignment and depth. A true and correct map of all existing or future underground cable lines or other lines located within public rights of way within the Town shall be furnished to the Town by the owner, indicating actual alignment and depth thereof, within 30 days of enactment of this Ordinance, or within 30 days of installation. (Ord. 8-1991 §1, 1991)

13.80.020. All existing and/or future underground cable, telephone, TV cable or electric lines shall be buried a minimum of 18" below the surface of any roadway and 18" below the flow line of any ditch. (Ord. 8-1991 §2, 1991)

13.80.030. If the depth or alignment of any such underground cable deviates in any manner from the map or depth required in §13.80.020, it must be relocated to the proper depth and alignment. Locating tape shall be buried 6" above the top of the cable, 12" below the surface of the ground. (Ord. 8-1991 §3, 1991)

13.80.040. The Town shall not be liable for cutting any underground cable less than prescribed depths set forth in these standards, nor liable for any damages to cables which have been incorrectly located or identified. (Ord. 8-1991 §4, 1991)

TITLE 14

BUILDINGS AND CONSTRUCTION

Chapters:

- 14.04 Uniform Codes
- 14.08 Fire Limits
- 14.10 Construction, Installation and Repair of Right-of-Way Openings for Sub-Surface
- 14.11 Height Limitations
- 14.12 Dangerous Building Code
- 14.13 Moving of Building
- 14.14 Flood Hazard Areas
- 14.16 Energy Efficiency Standards
- 14.20 Parks and Recreation
- 14.30 Removal or Stockpiling of Earth, Sand, Rocks, and Gravel
- 14.50 Signage
- 14.60 Towers and Antennas

CHAPTER 14.04

BUILDING AND FIRE PREVENTION CODES

Sections:

I. UNIFORM CODES

- 14.04.010 Adoption of Uniform Codes.
- 14.04.011 Amendments and Deletions to the Uniform Building Codes.
- 14.04.012 Availability of Code Copies.
- 14.04.020 Deletions.
- 14.04.030 Administration
- 14.04.040 Application
- 14.04.050 Code Copies
- 14.04.060 Penalties
- 14.04.070 Standards
- 14.04.080 Interpretation.
- 14.04.090 Stop Order.
- 14.04.100 Appeal Procedure.
- 14.04.110 Fees

I. UNIFORM CODES

14.04.010 Adoption by Reference. Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes, 1973, as amended, there is hereby adopted as the Building Code of the town of Palmer Lake, by reference thereto the following:

- A. Repealed (Ord 6-2011, §1, 2011);
- B. Repealed (Ord 6-2011, §1, 2011);
- C. Repealed (Ord 6-2011, §1, 2011);
- D(1) Repealed (Ord 6-2011, §1, 2011);
- D(2) Repealed (Ord 6-2011, §1, 2011);

- E(1) The International Fire Code, 2009 Edition by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (Ord 8-2011, §1, 2011; Ord. 18-2000 §1, 2000)
- E(2) Town Clerk. Three (3) copies of the 2009 Edition of the International Fire Code are now on file in the town clerk's office and may be inspected during regular business hours, the above Code is being adopted as if set out at length, subject to modifications, additions or deletions as set out in this Code save and except such portions as are hereinafter deleted, modified or amended. All to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code as amended includes comprehensive provisions and standards regulating fire exposures from adjacent structures and prevention of structure fires from spreading to wildland fuels for the purpose of protecting the public health, safety, and general welfare. (Ord 8-2011, §2, 2011; Ord. 18-2000 §2, 2000)
- F. Repealed (Ord 6-2011, §1, 2011);
- G. Repealed (Ord 6-2011, §1, 2011);
- H(1) Repealed (Ord 6-2011, §1, 2011);
- H(2) Repealed (Ord 2-2010, §2, 2010; Ord 6-2011, §1, 2011);
- I. Repealed (Ord 6-2011, §1, 2011);
- J. Pikes Peak Regional Building Code, 2011 Edition, Published by Regional Building Department of El Paso County, Colorado; (Ord. 6-1999, §2, 1999; Ord. 1-2000, §1, 2000; Ord 3-2002, §1, 2002; Ord 3-2005, §2, 2005; Ord. 2-2008, §1, 2008; Ord 2-2010, §3, 2010; Ord 6-2011, §1, 2011; Ord 6-2011, §2, 2011);
- J(1). Repealed (Ord 2-2010, §1, 2010; Ord 6-2011, §1, 2011);
- K. Repealed (Ord 10-2001, § 1, 2001; Ord 1-2003, §1, 2003; Ord 6-2011, §1, 2011);

All to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted codes includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, use, height, area, safety, signage and maintenance of buildings and structures for the purpose of protecting the public health, safety, and general welfare. (Ord 6-2011, §2, 2011; Ord. 2-1993, §1, 1993)

14.04.011 Amendments and Deletions. Section 105 of the Uniform Building Code is hereby amended to read as follows:

(Revised 07/21/2012)

the "Section 105: Buildings and structures moved into or within the Town shall comply with the provisions of this Code and all other codes relating to electrical, plumbing, mechanical and similar installations and shall be regarded as new buildings relating to same. See Section 1601(c) for requirements in fire zones."

(Deliberately left blank)

(Revised 07/21/2012)

(14.04.012 - 14.04.060)

14.04.012 Availability. Three copies of each of the above codes which are adopted by reference, including all amendments to said codes adopted by reference, and referred to in Section 14.04.010 are now filed in the Office of the Town Clerk of Palmer Lake, Colorado, and may be inspected during regular business hours. (Ord. 6-1981 §2, 1981).

14.04.020 - Deletions. In the event of conflict between the various Codes, the Pikes Peak Regional Building Code shall prevail.(Ord. 2-1993, §2, 1993)

14.04.030 Administration. The Regional Building Department of El Paso County, Colorado, is appointed as the administrator for the purpose of enforcing all the building codes as adopted and issuing all building permits for constructions (Ord 6-2011, § 3, 2011; Ord. 2-1993, §3, 1993; Ord. 6-1981 §3, 1981).

14.04.040 Application. This ordinance shall apply to every building or structure within the corporate limits of the Town. (Ord. 6-1981 §5, 1981).

14.04.050 Code Copies. At least one (1) copy of each of the Pikes Peak Regional Building Code 2011 and each secondary code pertaining thereto, all certified by the mayor and the clerk shall be filed in the office of the Town Clerk and may be inspected by any interested person between the hours of 9:30 a.m. and 4:00 p.m., Monday through Friday, holidays excepted. The various codes as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord 6-2011, § 4, 2011; Ord. 3-1993 §5, 1993)

14.04.060 Penalties. The following penalty clause shall be applicable to each of the codes adopted:

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code. (Ord 6-2011, §5, 2011; Ord. 3-1993, §6, 1993)
- B. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Ord 6-2011, §5, 2011; Ord. 3-1993 §6, 1993; Ord. 6-1981 §4, 1981; Ord 1-2003, §21, 2003).

(14.04.070 - 14.04.110)

(Revised 07/21/2012)

14.04.070 Standards. All work on the construction, alteration and repair of buildings and other structures and any form of work done in connection therewith shall be performed in a good, workmanlike manner according to accepted standards and practices in the trade. (Ord. 2-1993, §7, 1993; Ord. 4-1973 §1-4, 1973).

14.04.080 Interpretation. Wherever in the building code or other codes contained in this Chapter it is provided that anything must be done for the approval of or subject to the direction of the inspecting agents or any other officer of the Town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with; and no such provision shall be construed as giving an officer or agent discretionary powers as to such conditions and things not prescribed by ordinance or code, or to enforce ordinance provisions in an arbitrary or discriminatory manner. (Ord. 2-1993, §7, 1993; Ord. 4-1973 §1-3, 1973).

14.04.090 Stop Order. Whenever any work is being done in violation of the provisions of this chapter or in variance with the terms of any permit issued for such work, the building inspector or his agent may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this chapter corrected. Such stop order, if oral, shall be followed by a written order within twenty-four hours (excluding Saturday, Sunday or holidays). It is unlawful to do or to perform any work in violation of such stop order except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Building Inspector or his agent, the Mayor or the Board of Trustees. (Ord. 2-1993, §7, 1993; Ord. 4-1973 §1-2, 1973).

14.04.100 Appeal Procedure. Whenever the Building Department disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Department to the Board of Trustees within thirty days after the date of the decision appealed. (Ord. 2-1993, §7, 1993; Ord. 4-1973 §1-9, 1973).

14.04.110 Fees. Prior to any testing being undertaken by the Town of Palmer Lake to determine whether or not plumbing complies with the Cross-Connection Manual, a testing fee of forty dollars (\$40.00) shall be paid to the Town Clerk. (Ord. 2-1993, §7, 1993; Ord. 1-1990, §1, 1990).

CHAPTER 14.08

FIRE LIMITS*

Sections:

- 14.08.010 Extension.
- 14.08.020 Residential Area Designated.
- 14.08.030 Building in Residential Area--Permit Required.
- 14.08.040 Building in Residential Area--Permit--Application.
- 14.08.050 Building Permits Prohibited for Certain Uses.
- 14.08.060 Building in Residential Area--Permit-- Action by Board of Trustees--
Notice.
- 14.08.070 Penalty for Violations.
- 14.08.080 Fee Schedule.

14.08.010 Extension. The fire district limits now established by ordinance are extended so as to include all land on either side of the State Highway to a depth of one hundred twenty-five feet, and from the present fire limits to the northerly boundary line of the Town and to the easterly boundary of the Town. (Ord. 5-1954 §1, 1954).

14.08.020 Residential Area Designated. The entire area of the Town of Palmer Lake, outside of the extended fire district limits is designated as the residential area of the Town. (Ord. 5-1954 §2, 1954).

14.08.030 Building in Residential Area--Permit Required. No building, whether residential, commercial or otherwise shall be commenced, constructed, repaired or altered in the residential area without a permit therefor being first obtained from the Board of Trustees of the Town of Palmer Lake, nor shall any building or other structure be moved into, or from one place to another within the residential area, nor shall any tourist court, trailer court or any other business, trade or commercial enterprise be established or enlarged in the residential area without a permit therefor. (Ord. 5-1954 §3, 1954).

14.08.040 Building in Residential Area--Permit--Application. The application for such permit, when for a building or the removal thereof, into or from one place to another within the residential area, shall set out the general type of construction of such proposed building, repair or alteration, the proposed location, dimensions, use and estimated cost thereof and in case of tourist or trailer courts, and other types of business, trade or commercial enterprise, details of the proposed location, plans, cost, use and all other pertinent matters. (Ord. 5-1954 §4, 1954).

*For statutory provisions enabling towns to set fire limits, see C.R.S. 139-32-1(43).

14.08.050 Building Permits Prohibited for Certain Uses. No permits shall be issued for junkyards, slaughterhouses, oil or gas bulk plants, or noxious or hazardous establishments or types of business in the residential area, or fire district including the extension thereof, of the Town of Palmer Lake. (Ord. 5-1954 §5, 1954).

14.08.060 Building in Residential Area--Permit--Action by Board of Trustees--
Notice. All applications for the commencement or enlargement of tourist courts and trailer courts and the construction, repair, alteration or removal into or from one place to another within the residential area, of buildings or other structures for the establishment of business, trade or other commercial enterprises shall be considered and passed upon at a regular meeting of the Board of Trustees, or at a special meeting called for that purpose. Upon receipt of such application, the Town Clerk shall give notice immediately by posting the notice at the Town Hall, the Post Office and one other conspicuous and public place in the Town, setting out in the notice the nature of the application and kind of business, trade or commercial enterprise and kind of building structures proposed to be erected, moved into or from one place to another within said area and the proposed location thereof, said publication to be made not later than six day preceding the regular or special meeting of the Board at which the permit is to be considered. No permit shall be granted by the Board of Trustees when one-third in number of the owners of lots or parcels of land, or the owners of one-third in area of all the land, within a distance of five hundred feet from the lots or parcels of land whereon it is proposed to erect such building or structure or carry on such business, trade or commercial pursuit, shall remonstrate in writing against the granting of such permit. Any permit so granted shall be good only for five years, except in the case of the erection of a permanent building. (Ord. 5-1954 §6, 1954).

14.08.070 Penalty for Violations. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to Chapter 1.16 of this Code. Each day that such violation is continued is a separate and distinct offense. (Ord. 5-1954 §7, 1954; Ord 1-2003, §22, 2003).

(14.08.080)

(Revised 6/4/2004)

14.08.080 Fee Schedule. A building permit will be required by the Town of Palmer Lake for any project that requires a building permit from the El Paso County Regional Building Department as specified by the currently used Uniform Building Code and the Pikes Peak Building Code Manuals.

The Palmer Lake building permit fee schedule will be based on the estimated cost of building materials as follows:

<u>Total Building Materials Cost:</u>	<u>Building Permit Fee:</u>
\$ 0 - \$ 2,499	\$ 25.00
\$ 2,500 - \$ 9,999	\$ 50.00
\$10,000 - Over	\$100.00

Additional Fees: In addition to the above fee the following shall be added:

A fee of \$100.00 will be charged if the proposed building requires review in accordance with Chapter 17.50. HILLSIDE OVERLAY DISTRICT (Hillside Ordinance).

A fee of \$50.00 for each additional review of the plans will be charged if the submitted plans are rejected and must be revised because of insufficiency, noncompliance or withdrawal by the applicant. (Ord. 6-1994, §1, 1994; Ord. 6-1991, §1, 1991)

CHAPTER 14.10

**CONSTRUCTION, INSTALLATION AND REPAIR
OF RIGHT-OF-WAY OPENINGS FOR SUB-SURFACE UTILITIES**

Sections:

14.10.01	General Information.
14.10.02	Contractor.
14.10.03	Permits.
14.10.04	Bonds.
14.10.05	Penalty Permit.
14.10.06	Specifications.
14.10.07	Liability.
14.10.08	Right-of-Way Openings
14.10.09	Backfill
14.10.10	Compaction.
14.10.11	Resurfacing.
14.10.12	Inspections.
14.10.13	Emergency Work.
14.10.14	Notice to Contractors.
14.10.15	Permit Fee Schedule.

14.10.01 General Information.

(a) The following specifications shall apply to any person, corporation or municipality, who for any reason cuts, disturbs, or otherwise defaces any Town property, being a public right-of-way for purposes of installing underground utility or structure. Item 4.11 in the following shall be excepted for electrical, gas, and/or communications utilities. (Ord. 4-1975 §1.11, 1975).

(b) An application for a street cut permit on a form provided by the Town of Palmer Lake shall be submitted to the Town of Palmer Lake for approval before starting any such work. In addition, a plan and profile for any work affection grade and alignment shall be required to be submitted to the Town of Palmer Lake for approval before starting any such work. Plan and profile for any work affecting grade and alignment shall be required to be submitted to the Palmer Lake Building Department for approval before starting any such work. (Ord. 2-1999 §1, 1999; Ord. 4-175 §1.12, 1975).

(14.10.02 - 14.10.03)

(Revised 09/11/00)

14.10.02 Contractor. The Contractor acquiring a permit for the purpose of performing work on any Town property being a thoroughfare is assumed to be familiar with and all times shall observe and comply with all Federal and state laws, local By-Laws, Ordinances and Regulations in any manner affecting the conduct of work. He shall indemnify and save harmless the Town of Palmer Lake, in the State of Colorado and its representatives against any claim arising from violation of any such law, by-law, ordinance or regulation, whether by the Contractor himself or by the Contractor's employees. The Town reserves the right to refuse issuance of permits to any Contractor not complying with above outlined procedures or with the following specifications. (Ord. 4-1975 §1.2, 1975).

14.10.03 Permits.

- (a) Prior to commencing any work on any Town right-of-way, the Contractor who will actually perform the work, or his duly authorized representative, shall obtain written permission to undertake said work in accordance with the following provisions. The work of adjusting manhole rings and service boxes at the request of the Town shall be exempt from requiring a permit. (Ord. 4-1975 §1.31, 1975).
- (b) Permits shall be require for emergency repairs, however, a delay of 48 hours is granted, excluding weekends and holidays following the beginning of such repairs. Failure to acquire a permit within this specified time shall result in a penalty permit being issued, in lieu of a normal permit and the Contractor shall have to pay the additional fee pertaining thereto. (Ord. 4-1975 §1.32, 1975).
- (c) Fees shall be assessed for permits and inspections at the time of issuance of the permit. The amount of said fees shall be established to cover the actual cost of the Town incurred in the enforcement of these regulations, as approved by the Palmer Lake Board of Trustees. (Ord. 4-1975 §1.33, 1975).
- (d) Permits issued by the Town of Palmer Lake shall pertain only to allowing work within the Town owned rights-of-way and is in no way a permit to enter onto private property adjacent to such rights-of-way nor to alter or disturb any facilities or installation existing within the right-of-way and which may have been installed and are owned by others. Permits issued shall be available for inspection at the project site.(Ord. 2-1999 §2, 1999; Ord. 4-1975 §1.3.4, 1975).

(14.10.04 - 14.10.06)

(Revised 09/11/00)

14.10.04 Bonds.

- (a) A non-cancellable bond extending 365 days from date of completion of project in the amount of \$2,000.00, payable to the Town of Palmer Lake, shall be required in the name of the permittee prior to issuance of any permit for work covered herein. Said bond shall assure recovery by the Town of any expense incurred within a period of 365 days following the date of completion of project, to the amount of said bond due to failure or permittee to make good these expenses under the conditions of a written notice from the Town. The permittee shall at all times be the Contractor actually performing the work for which the permit is granted. (Ord. 4-1975 §1.4.1, 1975).
- (b) No cash deposits, certified checks or similar security in lieu of bond shall be acceptable. (Ord. 4-1975 §1.4.2., 1975).

14.10.05 Penalty Permit. Any Contractor commencing work prior to obtaining a right-of-way cutting permit, except as provided herein shall be required to obtain a penalty permit, in lieu of the normal permit, and pay the additional fee pertaining thereto. (Ord. 4-1975 §1.4.2, 1975).

14.10.06 Specifications.

- (a) Public Convenience and Safety.
 - (1) No road shall be closed the Contractor except by express permission of the Town. If opening shall cross roadway, only one-half of the road shall be closed at one time. Should work necessitate closing street and allowed only by written permission from the Town which must be obtained, the Contractor shall notify the appropriate fire protection district, the County Sheriff's Office and the Town Marshal as to the exact location and dates traffic will be stopped. (Ord. 4-1975 §2.2.1, 1975).
 - (2) The Contractor shall at his expense take all necessary precautions for the protection of work and safety of the public. Where normal traffic is to be interrupted, the Contractor shall provide, erect and maintain all necessary barricades, standard caution signs, warning signs and directional signs and flares and lights. All barricades and signs shall be illuminated at night and all devices for this purpose shall be kept burning from sunset to sunrise. (Ord. 4-1975 §2.2.2, 1975).

(14.10.07 - 14.10.08)

(Revised 09/11/00)

14.10.07 Liability. The Contractor shall be responsible for any and all damage or injury to property of any nature during the prosecution of his work, resulting from any act, omission, neglect, or misconduct or due to defective work or materials, and the responsibility of the Contractor shall not be terminated until roadway repairs have been completed and inspected and accepted by the Town of Palmer Lake. (Ord. 2-1999 § 3, 1999; Ord. 4-1975 §2.3.1, 1975).

14.10.08 Right-of-Way Openings.

- (a) Any work done under this permit shall result in repairs being made to the street or other Town property involved, said repairs causing the street or property to be returned to a condition equal to or better than the original, within the limits of careful, diligent workmanship, good planning and quality materials. These repairs must be accomplished in the least possible time and with the least disturbance to the normal function of the street or other property. All cuts shall be made with straight boundaries and all cuts shall be within 5° of vertical. In cases where caving or slump of a cut face occurs from under any roadway surfacing, slab or bound type base occurrence of caving or slump. (Ord. 4-1975 §2.4.1, 1975).
- (b) All work in connection with blasting operations, including necessary and proper safety precautions, shall be performed under the supervision of the Town. The Contractor shall comply with all laws, ordinances and regulations and applicable safety code requirements and regulations relative to the handling, storage and use of explosives and the protection of life and property, and he shall be responsible for all damage thereto caused by his blasting operations. Suitable weighted plank coverings or mattresses shall be provided to confine all materials lifted by blasting within the limits of the excavation or trench. (Ord. 4-1975 §2.4.2, 1975).
- (c) Except where trench banks are cut back on a stable slope to prevent caving or sliding, trenches shall be properly and substantially braced, and sheeted where necessary, to prevent caving or sliding. Sheeting shall be supported by means approved by the Town of Palmer Lake. Cross braces installed for the purpose of supporting sheeting in the bottom of the trench shall be removed after the specified tamped embedment has been completed beyond the point of cross brace removal. (Ord. 2-1999 §4, 1999; Ord. 4-1975 §2.4.3., 1975).

(14.10.09 - 14.10.10)

14.10.09 Backfill.

(Revised 09/11/00)

- (a) All backfill materials, compaction and resurfacing of any excavation made in the Town property will be done in accordance with the provisions as follows: Backfilling and compacting shall begin after first having properly bedded and compacted to a depth of not more than one foot over the top of the structure or utility line being installed or repaired in accordance with the specifications of the person or corporation responsible for the maintenance of the structure or utility line. (Ord. 4-1975 §2.5.1, 1975).
- (b) Materials acceptable for backfill purposes are divided into two categories as follows:

Native Backfill - That material which was originally removed from excavation, after having had all organic material, frozen material, material larger than that which will pass a three inch square opening, or other elements other than natural soils removed and discarded. This type will be acceptable to the Town of Palmer Lake.

Select Backfill - That granular material meeting the requirements as stated in Section 703.13, Class 1 backfill or Class 2 backfill, of the Standard Specifications for Road and Bridge Construction, Department of Highways, State of Colorado (January 1, 1967), or materials falling within AASHO Classifications A-1-a or A-1-b under Specification M-145 except that materials of predominately one grain size, such as chips, pea gravel or single sized waster from screening plants that are within these classifications may not be used, and materials in these classifications which do not pass a three inch square opening shall be omitted. The Contractor may, at his option, remove any native backfill and substitute therefor select backfill materials. (Ord 2-1999 §5, 1999; Ord. 4-1975 §2.5.2., 1975).

14.10.10 Compaction. Compacting of backfill must progress by placing of backfill in 8 inch lifts thoroughly compacted and wetted if necessary to achieve densities according to the following:

- (a) Materials of AASHO Classification A-1-a or A-3 shall be consolidated by jetting, and rolling or vibrating.
- (b) Materials of AASHO Classification A-1-b shall be compacted to 95% of Modified Proctor Density.
- (c) Materials of AASHO Classification A-2 and A-4 through A-7 shall be compacted to 95% of Standard Proctor Density. (Ord. 4-1975 §2.6.1, 1975).

(14.10.11)

14.10.11 Resurfacing.

(Revised 09/11/00)

- (a) After proper backfill procedures in accordance with the above backfill shall, within a period of 15 calendar days, be surfaced to a condition equal to or better than the existing surface and the following minimum standards shall apply. (Ord. 4-175 §4.7.1, 1975).
- (b) Gravel Surfaced Roads - Backfill shall be placed to within 12 inches of the surface, and the 12 inch vacant depth shall be filled with thoroughly tamped granular material meeting the requirements specified in Section 703.05, Class 6, of the Standard Specifications for Road and Bridge Construction, Department of Highways, State of Colorado (January 1, 1967). (Ord. 4-1975 §4.7.2, 1975).
- (c) Soil Cement Surfaced Roads - Backfill shall be placed within 18 inches of the surface, and granular material described in Paragraph 4.7.2 shall be placed and thoroughly compacted to within 8 inches of the surface. The 8 inch vacant depth shall be filled with 5 ½ sacks per cubic yard portland cement concrete, which shall be struck and floated to match adjacent undisturbed surface. 95% of this patched surface shall match the plane of the adjacent surface, when measured by means of a 6 foot straight edge or beam, within 1/8 inch. (Ord. 4-1975 §4.7.3, 1975).
- (d) Portland Cement Surfaced Roads. Backfill shall be placed within 18 inches of the surface or 10 inches below the bottom of existing slab whichever is the deepest, and the next 10 inches shall be filled with thoroughly compacted granular material as described in Paragraph 4.7.2. The 8 inch minimum vacant depth shall be filled with 6 ½ sacks per cubic yard portland cement concrete which shall be struck and floated to match adjacent undisturbed surface. 95% of this patched surface shall match the plan of the adjacent undisturbed surface, when measured by means of a 6 foot straight edge or beam, within 1/8 inch. (Ord. 4-1975 §4.7.4, 1975).
- (e) Asphaltic Concrete Surfaced Roads - Backfill material shall be placed 12 inches of the surface. Granular material described in Paragraph 4.7.2 shall be placed and thoroughly compacted to within 4 inches of the surface. Prior to placing of Asphaltic Concrete, the edges of the cut and the top of the granular material shall be coated with a prime oil of MC-70 at not less than 0.30 gallons per square yard. The 4 inch vacant depth shall be filled with Asphaltic Concrete in 2 inch lifts and thoroughly compacted. Asphaltic Concrete for this purpose shall be mixed with Asphaltic Cement of the 85-100 penetration specifications for Class "a" Asphaltic concrete, Highway Department, El paso county, Colorado, 95% of this patched surface, when measured by means of a 6 foot straight edge or beam, within 1/8 inch. (Ord. 4-1975 §4.7.5, 1975).

(14.10.11 - 14.10.14)

- (f) During certain times of the year when HOT plant-mix asphalt is unavailable, cold plant mixed asphaltic concrete shall be placed using above stated procedures,

(Revised 09/11/00)

however, this shall not be considered a permanent patch, and the Contractor shall maintain this temporary patch as required to insure proper and safe movement of traffic until such time as a permanent patch is installed. The responsible Contractor shall install a permanent patch with HOT Asphaltic Concrete within 15 days following the availability of the proper material. (Ord. 4-1975 §4.7.6., 1975).

- (g) At the conclusion of work on any street cut or opening within the town owned right-of-way, the entire area shall be left in its original condition. All waste construction or excavated materials shall be removed from site and disposed of. Any ditches, gutters, culverts or drain pipes shall be left open unblocked and in operating condition. (Ord. 4-1975 §4.7.7, 1975).

14.10.12 Inspections. An inspection by the Town of Palmer Lake must be requested 24 hours in advance of the backfill operation on any work covered herein. Inspections during construction period will be made by the Town to insure that work is progressing in compliance with regulations herein stated. Deviation from said regulations and requirements will be sufficient reason for shut down orders to be issued by the Town until such time as proper corrections or adjustments have been made. If such inspections reveal the necessity of compaction tests, the contractor shall have such tests made by an approved testing laboratory with a copy of the results furnished to the Town. Prior to resurfacing on longitudinal cuts a compaction test shall be required at a maximum of 300 feet intervals. Prior to replacement of pavement sections, the permittee shall notify the Town in order that inspections of the base materials can be made. Upon satisfactory completion of work including the replacement of paved sections and graveled road repairs, a final inspection shall be made and release of obligation on the part of the permittee will be noted by the Town on the original permit and copy. (Ord. 2-1999 §6, 1999; Ord. 4-1975 §4.8.1, 1975).

14.10.13 Emergency Work. Nothing in this Resolution shall be interpreted to prevent said Contractor from performing emergency work prior to obtaining a permit. (Ord. 4-1975 §4.9.1, 1975).

14.10.14 Notice to Contractors. Failure on the part of the Contractor to properly prosecute the work of resurfacing which will necessitate the performance of work by the Town of Palmer Lake shall be charged to the Contractor at \$7.00 per square yard with a minimum charge of \$7.00. (Ord. 4-1975 §4.10.1, 1975).

(14.10.15)

14.10.15 - Permit Fee Schedule.

- (a) The permit fee for each cut on any street or road in the Town of Palmer Lake shall be \$200.00 per cut. This fee applies to the first twenty (20) feet of excavation.

(Revised 09/11/00)

- (b) An additional fee shall be charged for each lineal foot of excavation in excess of twenty (20) feet at the rate of \$10.00 per lineal foot.
- (c) The above charges will be waived if the work is done at the request for the convenience of the Town of Palmer Lake.
(Ord. 2-1999 §7, 1999; Ord. 24-1987 §1, 1987; Ord. 4-1975 §4.11, 1975).

CHAPTER 14.11

BUILDING HEIGHTS

Sections:

14.11.010	Height Limitations
14.11.020	Residential Zones
14.11.030	Commercial and Industrial Zones

14.11.010 Height Limitations.

The following height limitations shall supersede and replace any height limitations currently found in any provision of the Palmer Lake Municipal Code or any enactment of the Uniform Building Code or any other Uniform Code adopted by the Town of Palmer Lake. (Ord. 8-1993, §1, 1993; Ord. 4-1989, §1, 1989).

14.11.020 Residential Zones.

A. Building Height

- (1) No residential house constructed after the effective date of this Ordinance shall exceed the highest existing natural contour on the lot by more than 24'0".
- (2) The maximum allowable height on one side of a house is 32'0" measured vertically from the lowest natural existing contour against the house to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and the ridge of a gable, hipped or gambrel roof, provided that no part of such roofs shall extend more than five feet (5') above the permitted height for no more than 30% of the perimeter.
- (3) The average height from the natural existing contour against the house for the other three sides shall not be greater than 26'0". This measurement shall be taken from the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and the ridge of a gable, hipped or gambrel roof, provided that no part of such roofs shall extend more than five feet (5') above the permitted height to the existing natural contour at the highest point on all remaining sides.

(14.11.20 - 14.11.30)

(Revised 12/93)

- (4) Earth berming on the building elevation is permissible. However, the height measurements shall be taken from the natural existing contours rather than from the finished grade contours.
- (5) Low profiles are encouraged particularly where heights may screen a neighbor's view or on a lot that is relatively flat and/or barren. Structures breaking the tree line will not be ordinarily approved.
- (6) Special individual change to these limitations may be made the Town Board after review by the Planning Commission.

B. Addition to Building of Unoccupied Appurtenances.

- (1) Additions shall be allowed where the addition does not cause building height to exceed 32 feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof).
- (2) Additions may be allowed by the Town Board after review by the Planning Commission where the addition causes building height to exceed 32 feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof), provided that the addition does not exceed the following:
 - a. All appurtenances, such as chimneys, may not exceed 16 feet in height above the roof line, nor take up more than 25 percent of the roof area. (Ord. 8-1993, §2, 1993; Ord. 4-1989, §2, 1989).

14.11.030 Commercial and Industrial Zones.

A. Building Height is as Defined in §14.11.020

- (1) Building height in commercial and industrial zones is allowed up to, and including, 32 feet.
- (2) Building height in excess of 32 feet and up to, and including, 55 feet may be permitted by the Town Board after review by the Planning Commission.
- (3) Building height above 55 feet shall not be allowed.

(14.11.030 - 14.11.050)

B. Addition to Building of Unoccupied Appurtenances.

(Revised 12/93)

- (1) Additions shall be allowed where building height does not exceed 32 feet, and where addition of the appurtenances would not cause the building height to exceed 32 feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof).
- (2) Additions may be allowed by the Town Board after review by the Planning Commissioner where building height does not exceed 32 feet, but addition of appurtenance causes building height to exceed 32 feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof):
 - a. All appurtenances other than chimneys and church spires may be permitted, but in no event may exceed 16 feet in height above the roof line nor take up more than 25 percent of the roof area.
 - b. Chimneys and church spires shall be permitted, provided they do not exceed 16 feet in height above the roof line nor take up more than 25 percent of the roof area.
- (3) Additions may be allowed by the Town Board after review by the Planning Commission where building height exceeds 32 feet, but in no event may the addition exceed 16 feet in height above the roof line nor take up more than 25 percent of the roof area. (Ord. 8-1993, §3, 1993; Ord. 4-1989, §3, 1989).

CHAPTER 14.12

DANGEROUS BUILDING CODE

Sections:

- 14.12.01 Title and Scope.
- 14.12.02 Enforcement.
- 14.12.03 Definitions.
- 14.12.04 Notices and Orders of Building Official.
- 14.12.05 Appeal.
- 14.12.06 Procedure for Conduct of Hearing Appeals.
- 14.12.07 Enforcement of the Order of the Building Official or the Board of Trustees.
- 14.12.08 Performance of Work of Repair or Demolition.
- 14.12.09 Recovery of Cost of Repair or Demolition.

14.12.01 Title and Scope.

- (a) This Ordinance shall be known as the Dangerous Building Ordinance, may be cited as such, and will be referred to herein as "this Ordinance."
- (b) Purpose and Scope.
 - (1) Purpose. It is the purpose of the provisions of this Ordinance to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Palmer Lake Municipal Code or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.
 - (2) Scope. The provisions of this Ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter be constructed in this Town.
- (c) Alterations, additions and repairs. All buildings or structures which are required to be repaired under the provisions of this Ordinance shall be subject to the provisions of Title 14 of the Code of the Town of Palmer Lake.

14.12.02 Enforcement.

(A) General.

- (1) Administration. The Building Official is hereby authorized to enforce the provisions of this Ordinance.
- (2) Inspections. The Fire Chief and the Building Official and their authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Ordinance.
- (3) Right of Entry.
 - (a) Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises dangerous as defined in Section 3 of this Ordinance, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official by this Ordinance; provided that (i) if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
 - (b) "Authorized representative" shall include the officers named in Section 22 and their authorized inspection personnel.
 - (c) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this Ordinance. Any person violating this subdivision shall be punishable under the terms of Section 10 of this Ordinance.

- (B) Abatement of Dangerous Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 4-A of this Ordinance.

(14.12.02 - 14.12.03)

- (C) Violations. No person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove,

(Revised 4/13/90)

demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Ordinance or any other issued by the Building Official hereunder. Any person violating the provisions of this Section shall be guilty of a violation of this Ordinance for each day such violation continues.

- (D) Inspection of Work. All buildings or structures within the scope of this Ordinance and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this Ordinance and Title 14 of the Palmer Lake Municipal Code.
- (E) Appeal to the Board of Trustees. The Board of Trustees shall provide for final interpretation of the provisions of this Ordinance and hearing of appeals provided for hereunder. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the Board shall be processed in accordance with the provisions contained in Section 5 of this Ordinance. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them freely accessible to the public.

14.12.03 Definitions.

- (a) General. For the purpose of this Ordinance certain words, phrases, and terms, and their derivatives shall be construed as specified in this Section. Words, phrases, and terms used in this Ordinance, but not specifically defined herein shall have the meanings stated therefore in the Uniform Building Code, Volume 1, as adopted in Article 14 of the Palmer Lake Municipal Code. Where not defined in this Ordinance or in the Uniform Building Code, Volume 1, such words, phrases and terms shall have the meaning stated therefore in Webster's New International Dictionary of the English Language, Unabridged, Second Edition.
- (b) Dangerous Building. For the purpose of this Ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

(14.12.03 - 14.12.04)

- (1) Whenever any abandoned building or structure previously used or intended to be used for dwelling purposes, because of inadequate maintenance,

(Revised 4/13/90)

dilapidation, decay, damages, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

- (2) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof as unattractive nuisance or hazard to the public.

14.12.04 Notices and Orders of Building Official.

(A) General.

- (1) Commencement of Proceedings. Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation or demolition of the building.
- (2) Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - (a) The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - (b) A statement that the Building Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 3-B of this Ordinance.
 - (c) A statement of the action required to be taken as determined by the Building Official.
 - (1) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

(14.12.04)

- (2) If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official

(Revised 4/13/90)

shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 60 days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

- (d) Statements advising that if any required repair or demolition work is not commenced within the time specified, the Building Official (i) will order the building posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
 - (e) Statements advising (I) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Trustees, provided the appeal is made in writing as provided in this Ordinance and filed with the Building Official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- (3) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property and one copy thereof shall be served on each of the following, if known, to the Building Official: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section.
- (4) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the assessment roll of the County or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

- (5) **Proof of Service.** Proof of service of the notice and order shall be certified to at the time by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, manner in which service was made. The declaration, together with any receipt card return in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

- (B) **Recordation of Notice and Order.** If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the County Clerk and Recorder of El Paso County, Colorado, a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been notified. Whenever the corrections order shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Clerk and Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

- (C) **Repair, Vacation and Demolition.**
 - (1) **Standards to be Followed.** The following standards shall be followed by the Building Official (and by the Board of Trustees if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:
 - (a) Any building declared a dangerous building under this Ordinance shall either be repaired in accordance with the current building code or shall be demolished at the option of the building owner.
 - (b) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to remain vacated.

- (D) **Notice to Vacate.**
 - (1) **Posting.** Every notice to vacate shall, in addition to being served as provided in Section 4-1(c), be posted at or upon each exit of the building, and shall be substantially the following form:

(Revised 4/13/90)

"DO NOT ENTER UNSAFE TO OCCUPY

It is a violation of Town Ordinance punishable by a fine of up to \$300.00 or 90 days imprisonment or both to occupy this building, or to remove or deface this notice.

Building Official
Town of Palmer Lake"

- (2) Compliance. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him under Subsection (b) of Section 4-1 reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Palmer Lake Building Code. Any person violating this Subsection shall be guilty of a violation of this Ordinance.

CHAPTER 14.13

MOVING OF BUILDINGS

Sections:

14.13.01	Definitions
14.13.02	Permit Required
14.13.03	Application
14.13.04	Deposit for Expense to Town
14.13.05	General Deposit
14.13.06	Duties of Building Inspector

14.13.01 Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. “Building” is a previously occupied structure designed, built, or occupied as a shelter or roofed enclosure for person, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. (Ord. 1-1980 §1, 1980)
2. “Building Inspector” is the Building Inspector of the Town of Palmer Lake.
3. “Town” is the Town of Palmer Lake, Colorado.
4. “Person” is any person, firm, partnership, association, corporation, company, or organization of any kind. (Ord. 2-1979 §14.13.01, 1979)

14.13.02 Permit Required. No person shall move any building over, along, or across any highway, street, or alley in the Town without first obtaining a permit from the Building Inspector. (Ord. 2-1979 §14.13.02, 1979)

14.13.03 Application. A person seeking issuance of a permit hereunder shall file an application for such permit with the Building Inspector.

1. Form. The application shall be made in writing, upon forms provided by the Building Inspector, and shall be filed in the office of the Building Inspector.
(14.13.030 - 14.13.04)

2. The application shall set forth:
 - a. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of exterior and interior;
 - b. A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number, if located in the Town;
 - c. A legal description of the lot to which it is proposed such building be removed, giving lot, block, and tract number, if located in the Town;
 - d. The portion of the lot to be occupied by the building when moved;
 - e. The highways, streets, and alleys over, along, or across which the building is proposed to be moved;
 - f. Proposed moving date and hours;
 - g. Any additional information which the Building Inspector shall find necessary to a fair determination of whether a permit should be issued;
 - h. Date by which the building shall be moved and improvements completed
3. Accompanying Papers
 - a. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot, from which it is to be removed, are free of any entanglements and that all taxes and any Town charges against the same are paid in full.
 - b. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
4. Fee. The application shall be accompanied by a permit fee in the amount of \$250.00. If the building to be moved is located outside the Town, such fee shall be augmented by a charge of twenty cents (\$0.20) per mile beyond the Town limits for reimbursement of automobile expenses incurred by the Building Inspector. (Ord. 2-1979 §14.13.03, 1979)

(14.13.04 - 14.13.05)

14.13.04 Deposit for Expense of Town. Upon receipt of an application, it shall be the duty of the Building Inspector to procure from the Department of Public Works (or other

(Revised 10/80)

appropriate agency) an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the Town or any other property of the Town, the removal and replacement of which will be required by reason of the moving of the building through the Town, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Building Inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of estimated expense. (Ord. 2-1979 §14.13.04, 1979)

14.13.05 General Deposit. An application hereunder shall be accompanied by a cash deposit, letter of credit, surety bond, or secured promissory note approved by the Board of Trustees, in the sum of five thousand dollars (\$5,000.00) as an indemnity for any damage which the Town may sustain by reason of damage or injury to any highway, street or ally, sidewalk, fire-hydrant, or other property of the Town, which may be caused by or be incidental to the removal of any building over, along, or across any street in the Town and to indemnify the Town against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the Town, and to pay any costs necessary to complete the structure by the completion date set forth in the moving permit or to demolish the building depending upon the circumstances as deemed appropriate by the Building Inspector. (Ord. 1-1980, §2, 1980; Ord. 2-1979 §14.13.05, 1979)

- a. Bond in Lieu of Deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Inspector a bond, approved as to form by the Town Attorney, executed by a bonding or surety company authorized to do business in the State of Colorado in the amount of five thousand dollars (\$5,000.00), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the Town for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment of any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.
- b. Insurance Policy in Lieu of Deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Inspector a liability insurance policy, issued by an insurance company authorized to do business in the State of Colorado, and approved as to form by the Town Attorney, in the same amount and providing the same protection as would be required for a bond hereunder. (Ord. 2-1979 §14.13.05, 1979)

(14.13.06)

14.13.06 Duties of Building Inspector.

(Revised 10/80)

1. Inspection. The Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.
2. Standards for Issuance. The Building Inspector shall refuse to issue a permit if he finds:
 - a. That any application requirement or any fee or deposit requirement has not been complied with;
 - b. That the building is too large to move without endangering persons or property in the Town;
 - c. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the Town;
 - d. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the Town;
 - e. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - f. That zoning or other ordinances would be violated by the building or its new location;
 - g. That for any other reason persons or property in the Town would be endangered by the moving of the building.
3. Fees and Deposits
 - a. Deposit. The Building Inspector shall deposit all fees and deposits, and all bonds or insurance policies with the Town Clerk (or other appropriate officer).
 - b. Return upon non-issuance. Upon his refusal to issue a permit, the Building Inspector shall return to the applicant all deposits, bonds, and insurance policies. Permit fees filed with the application shall not be returned.

(14.13.06)

- c. Return upon allowance for expense. After the building has been removed, the Building Inspector shall furnish the Board of Trustees with a written statement of all expenses incurred in removing and replacing all property belonging to the Town, and of all material used in the making of the removal

(Revised 10/80)

and replacement together with a statement of all damage caused to or inflicted upon property belonging to the Town. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Board of Trustees shall authorize the Building Inspector to return to the applicant all deposits after the Town Clerk deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned. (Ord. 2-1979 §14.13.06, 1979)

(Revised 10/80)

CHAPTER 14.14.

FLOOD HAZARD AREAS

Sections:

- 14.14.01 New Construction
- 14.14.02 New Subdivisions
- 14.14.03 Water and Sewer Systems
- 14.14.04 Regulated Areas

14.14.01 New Construction. That the Zoning Officer shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage. (Ord. 6-1975)

14.14.02 New Subdivisions. That the Zoning Officer shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

14.14.03 Water and Sewer Systems. That the Zoning Officer shall require new or replacement water systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

14.14.04 Regulated Areas. That the Flood Hazard Boundary Map as drawn by the Federal Insurance Administration, a copy of which is marked "Exhibit A" and attached hereto and incorporated herein as though fully set forth, shall be used to delineate those areas regulated by this ordinance.

CHAPTER 14.16

ENERGY EFFICIENCY STANDARDS

Sections:

14.16.010	Adoption
14.16.020	Amendments
14.16.030	Code Copies
14.16.040	Penalties

14.16.010 Adoption. Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes 1973, as amended, there is hereby adopted as the energy efficiency construction and renovation standards for non-residential buildings of the Town of Palmer Lake, by reference thereto, the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, adopted November 1977, and published March 1978, by the State of Colorado, Office of State Planning and Budgeting, Board for Energy Efficient Non-Residential Building Standards, 1525 Sherman Street, Denver, Colorado 80203, and as the energy efficiency construction and renovation standards for residential buildings of the Town of Palmer Lake, by reference thereto, the Colorado Recommended Energy Conservation “Performance” Code for New Construction and Renovation of Residential Buildings, adopted November 1977, and published March 1978, by the State of Colorado, Division of Housing, State Housing Board, 1313 Sherman Street, Denver, Colorado 80902, both to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted standards include comprehensive provisions and standards regulating every efficiency in the design, construction, renovation, erection, enlargement, alteration, repair, conversion, occupancy, equipment, and maintenance of certain non-residential and residential buildings and structures for the purpose of protecting the public health, safety, and general welfare. (Ord. 11-1978 §1, 1978)

14.16.020 Amendments.

1. The Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings is hereby amended as follows:
 - a. Section 101.1 is deleted in its entirety.
 - b. Section 107.1 is deleted in its entirety.

(14.16.020)

(Revised 6/04/2004)

c. The following new Section 108.0 is added, to read:

“108.0 Administrative and Appeal Procedures. Administrative and appeal procedures set forth in Sections 201, 202, and 204, Chapter 3 of the Uniform Building Code (year of edition applicable within the city or town) Edition shall be applicable and followed in the administration of this Code.”

d. Section 302.1 is amended by the inclusion of the following temperatures:

“Winter Design Dry-Bulb	40°F
Summer Design Dry-Bulb	88°F
Summer Design Wet-Bulb	62°F
Degree Days Heating	6473
Degrees North Latitude	38° - 49° “

e. Section 502.2(a), Table 5-1, is amended by the addition of the following specific values:

“Walls, 3 stories or less, Heating U not exceeding .265
Walls, 3 stories or less, Cooling OTTV not exceeding 33
Walls, over 3 stories, Heating U Not exceeding .32
Walls, over 3 stories, Cooling OTTV not exceeding 33
Roof/Ceiling, Heating or Cooling, U not exceeding .072
Floors over unheated spaces, Heating U not exceeding .08
Slab on Grade, Heating, minimum R value 5.3 Solar Factor, Cooling 126.”

f. Section 701.0 is amended by the addition of the following:

“SMACNA refers to Sheet Metal and Air Conditioning Contractors National Association.
NESCA refers to National Environmental System Contractors Association.
NWMA refers to National Woodwork Manufacturers Association, Inc.”

2. The Colorado Recommended Energy Conservation “Performance” Code for New Construction and Renovation of Residential Buildings is hereby amended as follows:

a. Appendix B, Section 101.1 is deleted, and is replaced by the following new Section 101.1 to read:

(14.16.020 - 14.16.030)

(Revised 6/04/2004)

“101.1 Application. The provisions of Section 1 through 7 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, as amended, shall apply to residential buildings except where residential buildings are exempted from such provisions and except where the provisions of this Code differ from the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings.”

- b. Section 2 (#2)(b). Section 502.2(c), Table 5-2, is amended by the addition of the following site specific values:

“Walls, Heating or Cooling, Type A-1 and A-2 Building, U not exceeding .16

Roof/Ceiling, Heating or Cooling, Type A-1 and A-2 Buildings, U not exceeding .05

Floors over Unheated Spaces, Heating or Cooling, Type A-1 and A-2 Buildings, U not exceeding .08

Slab on Grade, Heating, Type A-1 and A-2, minimum R value 7.3”

(Ord. 11-1978 §2, 1978)

14.16.030 Code Copies. At least three copies of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, the Colorado Recommended Energy Conservation “Performance” Code for New Construction and Renovation of Residential Buildings, and of each secondary code adopted therein, all certified by the Mayor and the Town Clerk to be true copies, have been and will continue to be on file in the office of the Town Clerk, and may be inspected by any interested person between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, holidays excepted, except that one copy of each code may be kept in the office of the chief enforcement officer instead of the office of the Clerk. The Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings and the Colorado Recommended Energy Conservation “Performance” Code for New Construction and Renovation of Residential Buildings will be available for purchase by the public at a moderate price. (Ord. 11-1978 §3, 1978)

14.16.040 Penalties. It shall be unlawful for any person, firm, or corporation to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy, or maintain any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings or the Colorado Recommended Energy Conservation “Performance” Code for New Construction and Renovation of Residential Buildings.

(14.16.040)

Any person, firm, or corporation violating any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, of the Colorado Recommended Energy Conservation “Performance” Code for New Construction and

(Revised 6/04/2004)

Renovation of Residential Buildings, or of this ordinance shall be punished according to Chapter 1.16 of this Code. Each and every day or portion thereof during which any such violation is committed, continued, or permitted, shall be considered a separate offense. (Ord. 11-1978 §4, 1978; Ord 1-2003, §23, 2003)

(Revised 6/04/2004)

CHAPTER 14.20

PARKS AND RECREATION

Replaced or Renumbered

See Chapter 8.20.010 through 8.20.100 and 12.20.010 through 12.20.100

CHAPTER 14.30

REMOVAL OR STOCKPILING OF EARTH, SAND, ROCKS, AND GRAVEL

Sections:

- 14.30.010 Definitions
- 14.30.020 Removal of Stockpiling of Earth, Sand, Rocks, or Gravel
- 14.30.030 Permit for Removal of Stockpiling of Earth, Sand, Rocks, or Gravel
- 14.30.040 Obtaining of Land Use Permit

14.30.010 Definitions.

- A. Removal. The taking of any earth, sand, rocks, or gravel from or off property within the Town of Palmer Lake.
- B. Stockpiling. The piling of any earth, sand, rocks, or gravel for the specific purpose of storage and removal. The definition of stockpiling does not include individual property owners who pile earth, sand, rocks, or gravel for their own landscaping purposes on the property that the stockpiling is done on, unless such landscaping alters the historic drainage pattern. (Ord. 9-1989 §2, 1989)

14.30.020 Removal or Stockpiling of Earth, Sand, Rocks, or Gravel. The removal or stockpiling of earth, sand, rocks, or gravel from a property within the Town of Palmer Lake shall require a permit. Any individual or business who is uncertain as to whether or not a permit is required shall have the right to inquire of the Zoning Committee for a determination as to whether their situation requires a permit. The Zoning Committee may also impose reasonable restrictions on the length of time necessary for completion of a project. The fee for a permit shall be as set forth in §16.75.080. (Ord. 9-1989 §3, 1989)

14.30.030 Permit for Removal or Stockpiling of Earth, Sand, Rocks, or Gravel. Any applicant for a permit to remove or stockpile earth, sand, rocks, or gravel shall submit to the Town Clerk the following: The permit fee; an application showing the name, address, and telephone number of the property owner and tenant, if applicable; the street address of the property affected; the name, address, and telephone number of the contractor or person responsible for the removal or stockpiling; the bonding agent, if any; the location of all utilities that may be affected by the removal or stockpiling; the estimated time to complete the removal or stockpiling; a drawing showing the area affected; the contour of the property before removal and after removal or stockpiling; evidence showing compliance with Chapter 17.50 of the Palmer Lake Municipal Code (The Hillside Ordinance); and, if appropriate, obtain a mineral extraction permit as set forth in §17.16.020 and payment of the mineral extraction permit fee as set forth in §17.80.010(E). The Clerk shall hold said application for ten (10) days prior to issuing same. (Ord. 9-1989 §4, 1989)
(14.30.040)

14.30.040 Obtaining of Land Use Permit. The obtaining of a land use permit from the Town of Palmer Lake for the purpose of new construction or remodeling shall be deemed to fully discharge all the requirements of this Chapter and no separate stockpiling or removal permit shall be required. (Ord. 9-1989 §5, 1989)

(Revised 7/19/89)

CHAPTER 14.50

SIGNAGE

Chapters:

- 14.50.010 General Provisions
- 14.50.020 Definitions
- 14.50.030 General Procedure
- 14.50.040 General Regulations
- 14.50.050 Prohibited Signs
- 14.50.060 Maintenance
- 14.50.070 Variances
- 14.50.080 Enforcement and Penalty
- 14.50.090 Liability
- 14.50.100 Signage Fees

Chapter 14.50.010

GENERAL PROVISIONS

Sections:

- | | |
|---------------|---------------------------------|
| 14.50.010.010 | Title |
| 14.50.010.020 | Purpose |
| 14.50.010.030 | Jurisdiction |
| 14.50.010.040 | Conflict with other regulations |

14.50.010.010 Title. This title shall be known as the Signage Ordinance of the Town of Palmer Lake, Colorado, and may be so cited and pleaded. (Ord 10-1998 §3, 1998)

14.50.010.020 Purpose. The purpose of this Ordinance is to establish the necessary criteria, standards and limits on all forms of signing to maximize the value of this medium for identification purposes and to preserve and enhance the natural beauty of Palmer Lake. It is intended, by the provisions of this Ordinance, to accomplish the following:

(A) To reduce the distraction and confusion caused motorists and pedestrians by inappropriate signing and the hazards which may be attributed to it.

(B) To promote attractive commercial areas by regulating outdoor advertising.
(14.50.010.020 - 14.50.010.040)

(C) To increase and encourage the preservation of visual open space, which constitutes a primary public resource of economic, social and aesthetic value.

(D) To blend harmoniously with the Town's natural and historic assets.

(E) To develop minimum standards to safeguard life, health, property and public welfare by regulating structural requirements for all signs and sign structures outside of buildings.
(Ord 10-1998 §4, 1998)

14.50.010.030 Jurisdiction. This title is applicable to all commercial businesses within the town of Palmer Lake. (Ord 10-1998 §5, 1998)

14.50.010.040 Conflict With Other Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning ordinance, building code or other official regulations or ordinances, the most restrictive shall apply. (Ord 10-1998 §6, 1998)

Chapter 14.50.020

Revised (4/21/2011)

DEFINITIONS

Sections:

14.50.020.010 Architectural Feature
14.50.020.020 Art
14.50.020.030 Attention Getting Device
14.50.020.040 Back-Lit Sign
14.50.020.050 Banner
14.50.020.060 Building Frontage
14.50.020.070 Building Identification Sign
14.50.020.080 Civic Event
14.50.020.090 Commission
14.50.020.100 Community Information Board
14.50.020.110 Copy
14.50.020.120 Corner Lot
14.50.020.130 Department
14.50.020.140 Directional Sign
14.50.020.150 Director
14.50.020.160 Directory Sign
14.50.020.170 Flashing Sign
14.50.020.180 Freestanding Sign
14.50.020.190 Garden-Level
14.50.020.200 Highway Sign
14.50.020.210 Ideological Sign
14.50.020.220 Information Sign
14.50.020.230 Lighting, Indirect
14.50.020.240 Lot
14.50.020.250 Master Sign Plan
14.50.020.260 Menu Display Box
14.50.020.270 Mobile Sign
14.50.020.280 Moving Sign
14.50.020.290 Neon Sign
14.50.020.300 Off Premise Sign
14.50.020.310 Outline Lighting
14.50.020.320 Plane Geometric Figure
14.50.020.330 Projecting Sign
14.50.020.340 Public Area
14.50.020.350 Real Estate Development Sign
14.50.020.360 Real Estate Sales and Rental Sign

(14.50.020.010 - 14.50.020.030)

14.50.020.370 Reflective Surface
14.50.020.380 Residential Nameplate

Revised (4/21/2011)

14.50.020.390 Roof Sign
14.50.020.400 Separate Frontage
14.50.020.410 Sign
14.50.020.420 Sign Area or Surface Area
14.50.020.430 Sign Illumination Device
14.50.020.440 Sign Owner
14.50.020.450 Sign Structure
14.50.020.460 Site Development Sign
14.50.020.470 Statuary Sign
14.50.020.480 Street
14.50.020.490 Structure
14.50.020.500 Subdivision Entrance Sign
14.50.020.510 Temporary Sign
14.50.020.520 Temporary Window Sign
14.50.020.530 Town
14.50.020.540 Vehicle Sign
14.50.020.550 Walking Sign
14.50.020.560 Wall Sign
14.50.020.570 Window
14.50.020.580 Window Sign
14.50.020.590 Wood with Relief Sign

As used in this Chapter, the following words shall have the following meanings. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used.

14.50.020.010 Architectural Feature. “Architectural Feature” means a prominent or characteristic part of a building, including, but not limited to windows, columns, awnings, marquee or fascia. (Ord 10-1998 §7, 1998)

14.50.020.020 Art. “Art” means things that have form and beauty, including paintings, sculptures or drawings. (Ord 10-1998 §8, 1998)

14.50.020.030 Attention Getting Device. “Attention Getting Device” means any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion for advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area. (Ord 10-1998 §9, 1998)

(14.50.020.040 - 14.50.020.140)

14.50.020.040 Back-Lit Sign. “Back-Lit Sign” means an indirect source of light which illuminates a sign by shining through a translucent surface or a sign, including plastic signs, lit from an internal light source. (Ord 10-1998 §10, 1998)

Revised (4/21/2011)

14.50.020.050 Banner. “Banner” means any advertisement device affixed to poles, wires or ropes, which is located outdoors and which is primarily intended to announce or promote a civic event or which serves as a decoration for special holidays. (Ord 10-1998 §11, 1998)

14.50.020.060 Building Frontage. “Building Frontage” means the width of a building facing a street or where a mall exists, building frontage means that portion of the mall which is perpendicular to the street. In the case of a corner lot, the building frontage may be either of the street frontages, but not both, at the option of the Town. (Ord 10-1998 §12, 1998)

14.50.020.070 Building Identification Sign. “Building Identification Sign” means a wall sign, a freestanding sign, or copy painted on a building which states the name of the building, but does not advertise any business or product. (Ord 10-1998 §13, 1998)

14.50.020.080 Civic Event. “Civic Event” means any type of race, parade, show competition, entertainment or community activity to which the general public is invited, either expressly or by implication. (Ord 10-1998 §14, 1998)

14.50.020.090 Commission. “Commission” means the Planning Commission of the Town of Palmer Lake. (Ord 10-1998 §15, 1998)

14.50.020.100 Community Information Board. “Community Information Board” means a sign used to publicize community-wide events. (Ord 10-1998 §16, 1998)

14.50.020.110 Copy. “Copy” means any graphic, letter, numeral, symbol, insignia, test, sample, model, device or combination thereof which is primarily intended to advertise, identify or notify. (Ord 10-1998 §17, 1998)

14.50.020.120 Corner Lot. “Corner Lot” means a lot bounded on two sides by streets which intersect with each other. (Ord 10-1998 §18, 1998)

14.50.020.130 Department. “Department” means the Town Office of the Town of Palmer Lake. (Ord 10-1998 §19, 1998)

14.50.020.140 Directional Sign. “Directional Sign” means a temporary, non-illuminated sign used to provide assistance in locating a civic event. (Ord 10-1998 §20, 1998)
(14.50.020.150 - 14.50.020.230)

14.50.020.150 Director. “Director” means the Town Building Official or a representative designated by the Building Official or Town Office to act in his place. (Ord 10-1998 §21, 1998)

14.50.020.160 Directory Sign. “Directory Sign” means a sign that serves as a common or collective identification of two or more uses on the same property and which may contain a

directory to the uses as an integral part thereof or may serve as a general identification for such developments as a shopping center, industrial parks and similar uses. (Ord 10-1998 §22, 1998)

14.50.020.170 Flashing Sign. “Flashing Sign” means a sign having lights or illumination which flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity of color or uses intermittent electrical pulsations, however, seasonal lighting shall not be considered a flashing sign. (Ord 10-1998 §23, 1998)

14.50.020.180 Freestanding Sign. “Freestanding Sign” means a sign of this definition section that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground or that is erected on the ground which no part of the sign is attached to any part of a building, structure or other sign; the term includes a “pole sign”, “pedestal sign” and “ground sign”. (Ord 10-1998 §24, 1998)

14.50.020.190 Garden-Level. “Garden-Level” means the floor of a building located more than fifty percent (50%) below average grade with an exterior entry accessing such level. (Ord 10-1998 §25, 1998)

14.50.020.200 Highway Sign. “Highway Sign” means a building or business identification sign or subdivision entrance sign which is displayed adjacent to a street where the posted speed limit is greater than 35 mph. (Ord 10-1998 §26, 1998)

14.50.020.210 Ideological Sign. “Ideological Sign” means a sign which does not propose a commercial transaction, but instead, involves only the expression of ideas or beliefs. (Ord 10-1998 §27, 1998)

14.50.020.220 Information Sign. “Information Sign” means a sign used to indicate or provide information or direction with respect to permitted uses on the property, including, but not limited to, signs indicating the hours of operation and such signs as “no smoking”, “open”, “closed”, “restrooms”, “no solicitors”, “deliveries in rear”, current credit card signs, trade association emblems and the like. (Ord 10-1998 §28, 1998)

14.50.020.230 Lighting, Indirect. “Lighting, Indirect” means a light source separated from the sign surface which illuminates the sign surface by means of spotlights or similar lighting fixtures. (Ord 10-1998 §29, 1998)

(14.50.020.240 - 14.50.020.330)

14.50.020.240 Lot. “Lot” means a portion or parcel of land, including a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership. (Ord 10-1998 §30, 1998)

14.50.020.250 Master Sign Plan. “Master Plan Sign” means a sign plan of any multiple use office or commercial building which includes the number, size, description and location of all signs located, or to be located, in or upon such property. (Ord 10-1998 §31, 1998)

14.50.020.260 Menu Display Box. “Menu Display Box” means a freestanding or wall sign enclosed in glass for the express purpose of displaying menus. This shall included menus displayed flat against the interior of a window. (Ord 10-1998 §32, 1998)

14.50.020.270 Mobile Sign. “Mobile Sign” means a sign which is portable, which may or may not be on wheeled apparatus. (Ord 10-1998 §33, 1998)

14.50.020.280 Moving Sign. “Moving Sign” means a sign which moves or which simulates motion. (Ord 10-1998 §34, 1998)

14.50.020.290 Neon Sign. “Neon Sign” means any sign that is illuminated by the tubes filled with neon and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right-of-way or from any public area, regardless of the shape, size, design or configuration. (Ord 10-1998 §35, 1998)

14.50.020.300 Off Premise Sign. “Off Premise Sign” means a sign which does not advertise a business, merchandise, product, service or entertainment which is sold, produced, manufactured, furnished or which is available on the property where the sign is located. (Ord 10-1998 §36, 1998)

14.50.020.310 Outline Lighting. “Outline Lighting” means any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the buildings’ frame, shape, roofline or window dimensions. Outline lighting includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs is visible to the public from a public right-of-way or from an outdoor, public area. (Ord 10-1998 §37, 1998)

14.50.020.320 Plane Geometric Figure. “Plane Geometric Figure” means simple circles, rectangles or triangles. (Ord 10-1998 §38, 1998)

14.50.020.330 Projecting Sign. “Projecting Sign” means a sign other than a wall sign, which projects six inches or more from and is supported by a wall of a building or structure. (Ord 10-1998 §39, 1998)

(14.50.020.340 - 14.50.020.410)

14.50.020.340 Public Area. “Public Area” means any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds and other outdoor common areas of public and private buildings and facilities. (Ord 10-1998 §40, 1998)

14.50.020.350 Real Estate Development Sign. “Real Estate Development Sign” means a temporary sign used to identify a proposed real estate development and\or the owner, architects, contractors, real estate agents, lenders involved with the development which is not under

construction, but for which a valid development permit has been issued. Sales and lease information may be included on such a sign. (Ord 10-1998 §41, 1998)

14.50.020.360 Real Estate Sales and Rental Signs. "Real Estate Sales and Rental Signs" means a sign used to identify property for sale and/or rent. (Ord 10-1998 §42, 1998)

14.50.020.370 Reflective Surface. "Reflective Surface" means any material or device which has the effect of intensifying reflected light, including, but not limited to, Scotchlite, Dayglo, glass beads and luminous paint. (Ord 10-1998 §43, 1998)

14.50.020.380 Residential Nameplate. "Residential Nameplate" means a type of sign allowed for the sole purpose of identifying the inhabitants of a residential structure, the house name or identifying the address of the residence. The sign may not contain any form of advertising. (Ord 10-1998 §44, 1998)

14.50.020.390 Roof Sign. "Roof Sign" means a sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building or projecting above the roof of a building, but does not include a sign projecting from or attached to a wall. (Ord 10-1998 §45, 1998)

14.50.020.400 Separate Frontage. "Separate Frontage" means a second building frontage, parallel and adjacent to a public right-of-way and on the opposite side of a building's primary frontage, which includes a public entrance. (Ord 10-1998 §46, 1998)

14.50.020.410 Sign. "Sign" means any medium, including its structure and component parts, including any sign illumination device which is used or intended to be used to attract attention to the subject matter for the purpose of advertising or proposing a commercial transaction and which is visible by the general public from any public right-of-way, or any public area. "Visible" means capable of being seen, whether or not capable of being read, without visual aid by a person of normal acuity. Ideological signs, except for political signs, are exempt from the provisions of this Chapter and are not included within the definition of "Sign". (Ord 10-1998 §47, 1998)

(14.50.020.420 - 14.50.020.510)

14.50.020.420 Sign Area or Surface Area. "Sign Area or Surface Area" means the surface area of a sign as determined by the Town, including its facing, copy, insignia, background and borders, which is described by a combination of plane geometric figures. (Ord 10-1998 §48, 1998)

14.50.020.430 Sign Illumination Device. "Sign Illumination Device" means any fixture or mechanism used to shine light into a sign or to make a sign luminous. (Ord 10-1998 §49, 1998)

14.50.020.440 Sign Owner. "Sign Owner" means the permittee with respect to any sign for which a sign permit has been issued or with respect to a sign for which no sign permit is

Revised (4/21/2011)

required or for which no sign permit has been obtained. “Sign Owner” means the person entitled to possession of such sign; the owner, occupant and/or agent of the property where the sign is located; or any person deriving a benefit from the sign. (Ord 10-1998 §50, 1998)

14.50.020.450 Sign Structure. “Sign Structure” means any supports, uprights, braces or frame work of a sign. (Ord 10-1998 §51, 1998)

14.50.020.460 Site Development Sign. “Site Development Sign” means a temporary sign used to identify a real estate development which is under construction, and/or the owner, architects, contractors, real estate agents and lenders involved with the development. Sales and lease information may be included. (Ord 10-1998 §52, 1998)

14.50.020.470 Statuary Sign. “Statuary Sign” means any sign which is the modeled or sculpted likeness of a living creature or inanimate object. (Ord 10-1998 §53, 1998)

14.50.020.480 Street. “Street” means the entire width of every dedicated public way owned or controlled by the Town or the State Highway Department, including the traveled portion thereof known as the roadway, the portion used for sidewalks and the portion between the property line and roadway known as the parkway, also known as easement or right-of-way. (Ord 10-1998 §54, 1998)

14.50.020.490 Structure. “Structure” means anything which is built or constructed with a fixed location, but does not include utility poles, lines, cable or other transmission or distribution facilities of public utilities. (Ord 10-1998 §55, 1998)

14.50.020.500 Subdivision Entrance Sign. “Subdivision Entrance Sign” means a sign used to identify the name and entryway to a subdivision. (Ord 10-1998 §56, 1998)

14.50.020.510 Temporary Sign. “Temporary Sign” means a sign which is intended for a definite and limited period of display and which is not permanently affixed to a structure or sign structure. (Ord 10-1998 §57, 1998)

(14.50.020.520 - 14.50.020.590)

14.50.020.520 Temporary Window Sign. “Temporary Window Sign” means a window sign which advertises special commercial events or sales. Signs displaying solely product names, product logos, business names or promoting the ongoing nature of a business and the products sold shall not be considered as temporary window signs. (Ord 10-1998 §58, 1998)

14.50.020.530 Town. “Town” means the Town of Palmer Lake. (Ord 10-1998 §59, 1998)

14.50.020.540 Vehicle Sign. “Vehicle Sign” means any sign painted on the surface of a truck, bus, trailer, or other vehicle which is being operated in the normal course of business for the

transport of persons, goods, or services, or is in the service of a municipal, county, state or federal agency or is otherwise rendering a public service, indicating the name of the owner, business, and location; provided, that the primary use of the vehicle is not for the display of signs, and provided that it is parked or stored in areas appropriate to its use as a vehicle. (Ord 10-1998 §60, 1998)

14.50.020.550 Walking Sign. “Walking Sign” means any sign, including sandwich board type signs or lettering on a costume, which is carried or worn by any person which is visible from a public right-of-way, adjacent property or a public area. (Ord 10-1998 §61, 1998)

14.50.020.560 Wall Sign. “Wall Sign” means any sign attached to, painted on or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall. (Ord 10-1998 §62, 1998)

14.50.020.570 Window. “Window” means any single window pane, or a series of adjacent window panes separated by a mullion(s) of twelve (12) inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of the mullion separation. (Ord 10-1998 §63, 1998)

14.50.020.580 Window Sign. “Window Sign” means a sign that is painted on, applied or attached to a window, but excludes merchandise included in a window display. Window signs shall include a sign located in the interior of a structure placed so that they serve to effectively display advertising for passersby on any public areas or public right-of-way. (Ord 10-1998 §64, 1998)

14.50.020.590 Wood with Relief Sign. “Wood Relief Sign” means a carved sign constructed of wood with a three dimensional textured surface that is integral to its design, such as extensively carved, routed and/or sandblasted signs. A wood sign with a simple raised or routed border shall not constitute a wood sign with relief. (Ord 10-1998 §65, 1998)

(14.50.030.010)

Chapter 14.50.030

GENERAL PROCEDURE

Sections:

14.50.030.010 Effective Date
14.50.030.020 Review Process

Revised (4/21/2011)

14.50.030.010 Effective Date.

(A) New Signs\Change of Ownership. Unless expressed otherwise within this Ordinance, these regulations apply immediately upon the effective date of this Ordinance to all new signs and to all businesses at the time of change of ownership or no later than thirty (30) days after such change.

(B) Non-conforming Signs. Signs existing at the time of enactment of this Ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations and ordinances shall be regarded as non-conforming signs. A non-conforming sign shall **not** be:

- a. Changed to another non-conforming sign.
- b. Expanded or enlarged.
- c. Re-established after its discontinuance for thirty (30) days.
- d. Moved in whole or in part to another location unless said sign, and the use thereof, is made to conform to all the regulations of this Ordinance.
- e. Re-established after significant visual damage or destruction.

(C) Time Limit. It is reasonable that a time limit be placed upon the continuance of existing non-conforming signs which detract from commercial and private areas or those presenting a safety hazard. Final determination to be made by Town authorities. The sign shall be removed within six (6) months of notification by Town authorities. Existing non-conforming signs not considered to detract from commercial and private areas or those not presenting a safety hazard shall be exempt from this ordinance (“Grandfathered”).

(14.50.030.020)

(D) Removal. At the end of the removal period, non-conforming signs shall be promptly removed by the person having beneficial use of the land on which the signs are located or by the owner of the premises.

(Ord 10-1998 §66, 1998)

14.50.030.020 Review Process. In seeking a sign permit, the owner or his agent shall:

(A) File an application, a short description of the proposal and any maps, drawings or material needed to adequately describe the proposal as required. This application and all exhibits shall remain the property of the Town.

(B) Submittal must be made at least seven (7) days prior to the Planning Commission meeting date and the item must be placed on the Planning Commission agenda.

(C) A permit fee, subject to Chapter 14.50.100, Signage Fees, must be paid at the time of application. Fee may be waived for non-profit organizations.

(D) The Planning Commission shall review the application and approve or deny the application with or without conditions. Within 10 days following the decision by the Planning Commission the applicant may appeal the decision to the Board of Trustees by filing a written objection with the Town Clerk detailing the applicants grounds for appealing the decision. The appeal will be heard at the next regularly scheduled meeting of the Board of Trustees. If no appeal is filed within 10 days following the decision of the Planning Commission, its decision becomes final. (Ord 7-2010, §1, 2010)

(E) The applicant will be notified when a final decision has been made. Upon approval, a Sign Permit shall be issued by the Town Office, with or without conditions as ordered.

(F) Sign Permits are valid for one-hundred eighty (180) days after issuance and failure to erect the approved sign within this period shall require a new sign permit application.

(Ord 10-1998 §67, 1998)

Chapter 14.50.040

GENERAL REGULATIONS

Sections:

- 14.50.040.010 Application Requirements
- 14.50.040.020 Master Sign Plan
- 14.50.040.030 Maximum Sign Areas and Regulations
- 14.50.040.040 Temporary Signs - Specific Regulations
- 14.50.040.050 Exempt Signs - Specific Regulations
- 14.50.040.060 Projections and Clearances
- 14.50.040.070 Utility Line Clearance
- 14.50.040.080 Design and Construction Specifications (Materials)
- 14.50.040.090 Lighting
- 14.50.040.100 Maintenance
- 14.50.040.110 Expiration of Pertinent Advertising
- 14.50.040.120 Permit Expiration
- 14.50.040.130 Permit Revocation

14.50.040.010 Application Requirements. An application form, with the following information, must be submitted to the Town Office:

- (A) Two (2) drawings showing details of construction and foundation.
- (B) Scaled drawing with size, shape, design, colors, materials and lighting.
- (C) Plot plan of the site, and sign location if free-standing sign, showing distances from property lines.
- (D) Elevation of sign on building if wall or window sign.
- (E) Paint chips or color sample matching exactly the colors to be used.
- (F) A sign permit shall not be required to repaint a sign exactly as it was previously approved and no sign permit shall be required for those signs exempt under Section 04.050, Exempt Signs - Specific Regulations.

(Ord 10-1998 §68, 1998)

(14.50.040.020 - 14.50.040.030)

Revised (4/21/2011)

14.50.040.020 Master Sign Plan. A master sign plan shall be required for all buildings containing multiple uses and all signs shall conform to the master sign plan at all times. Any deviations requested, which are contrary to the existing master sign plan, shall require a new master sign plan to be approved prior to placement of any signs.

(A) The Master Sign Plan shall indicate size, color and location of the signs that each business will be allowed to display, including directory signs, building identifications signs, any informational signs and display boxes.

(B) A sign application for any single sign in a multi-use building requires submittal of the over-all approved building sign plan by the building manager, owner or the representative of the business owners, unless said sign conforms to the approved building sign plan. In that case, the regular application procedure will be followed.

(Ord 10-1998 §69, 1998)

14.50.040.030 Maximum Sign Areas and Regulations.

(A) Limitations - General

a. Except as specifically provided in this Chapter, the area of any one (1) sign shall not exceed twenty (20) square feet.

b. Sign Area Adjustments - Multiple Use Buildings. Each multiple use building shall be permitted one hundred percent (100%) of the allowable sign area set forth above. In addition, the second floor, if any, shall be allowed an additional fifty percent (50%) of the allowable sign area.

(B) Limitations - Specific. Notwithstanding anything contained in this Chapter to the contrary, the following types of signs are further limited in total sign area as follows:

a. Subdivision entry signs - Twenty (20) square feet. The twenty (20) square feet does not include the base of the sign or the poles. (Rock or railroad tie type landscaping lumber may be used in the base and are encouraged to be used where appropriate).

b. Wall signs above first floor - Eight (8) square feet. Wall signs are not allowed above second floor.

c. Banners - Four (4) feet by forty (40) feet.

d. Temporary directional signs - Six (6) square feet.

(14.50.040.030)

e. Site development signs - Twenty (20) square feet.

- f. Real estate development signs - Twenty (20) square feet.
- g. Residential Real Estate For Sale sign - Four (4) square feet. (See Definitions, Section 14.50.020.410 and Section 14.50.020.350)
- h. Commercial Real Estate For Sale Sign - Sixteen (16) square feet.
- i. For Sale signs on ten (10) acres or more of undeveloped tracts of land - Signs shall not exceed ten (10) feet in height or twenty (20) square feet in area, with only one (1) sign being permitted on 1,000 feet of frontage.
- j. No Parking (single family residential\single commercial unit) - Twelve (12) square feet.
- k. “For Rent” signs - Two (2)feet.
- l. Residential nameplates - Four (3) square feet, provided that residential nameplates of a larger size may be maintained.
- m. Temporary window signs - Three (3) square feet.
- n. Sandwich board sign - Maximum of twelve (12) square feet. Maximum height from gravel, four (4) feet.

(C) Permanent Signs - Specific Regulations and Area.

- a. Awnings: Any portion of an awning containing the name of the business, or is otherwise a sign, shall be treated as a sign. Further:
 1. No awning shall block the view of other signs or extend over the public right-of-way without Town approval.
 2. There shall be a minimum clearance of at least (8) feet between the bottom of the awning and the ground at grade.
 3. All awning supports must be set back a minimum of one (1) foot from the Town right-of-way.

(14.50.040.030)

(D) Community Information Boards. Community information boards may be permitted the Commission to publicize community-wide events when such signs are in

conformance with all other restrictions for that District. The area of a community information board shall not be counted against the allowable sign area established by this chapter.

(E) Cut Out Letter\Painted Letters. Cut out letters mounted on a building surface and letters painted on a building are wall signs and the aggregate area of such signs shall be counted against the allowable sign area established by this chapter. Historical signs are exempted.

(F) Directory Signs. Directory signs may be wall-mounted or freestanding, and the aggregate area of such sign shall be charged against the allowable sign area established by this chapter. The individual signs sharing at least two (2) of the following as design elements in common: size, shape, materials, letter style and colors per building.

(G) Double Face Signs. The two (2) sides of a double-faced sign must be parallel back to back and no thicker than twelve (12) inches.

(H) Freestanding Signs.

a. There shall be no more than one (1) freestanding sign for each lot, except as otherwise provided in this chapter. Lot definition as set forth in 14.50.020.240.

b. A landscaped area equal to two (2) square feet for each one (1) square foot of each side of a freestanding sign shall be maintained by the permit holder. Such area shall be kept in a neat and clean condition, free of trash, weeds and rubbish.

c. No freestanding sign shall exceed ten (10) feet in height.

d. No freestanding sign shall extend over or into a public right-of-way.

e. A freestanding sign used to identify a master planned project of four (4) or more buildings or development sites may exceed the twenty (20) square limit established by Section 04.040 (C). The maximum allowable size of any such sign shall be determined by the Commission based upon the following criteria:

(14.50.040.030)

1. Freestanding highway signs shall be proportionate to the size and character of the development of the subject property. Signs

Revised (4/21/2011)

shall be located out of highway and street clear vision areas and right-of-ways. They shall be no higher than eight (8) feet in height.

2. Highway signs shall not be permitted unless they also conform to the requirements of C.R.S. 43.1-401, et seq., the “Outdoor Advertising Act”.

I. Projecting Signs.

a. May not extend above the second story.

b. Awnings and canopies shall not be considered projecting signs so long as they carry only nameplates and have no other sign affixed to them.

c. A marquee may have a nameplate suspended beneath, subject to clearance requirements, without being considered a projecting sign.

d. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way; it shall not extend more than four (4) feet from the building wall except where such a sign is an integral part of an approved canopy, awning or marquee.

e. The two (2) sides of a projecting sign must be parallel back-to-back and no thicker than twelve (12) inches.

(J) Subdivision Entry Sign. A maximum of one (1) sign per major entry providing access to the subdivision is allowed.

a. Subdivision signs must meet the same size requirements as any other business sign.

b. No part of the sign shall extend above eight (8) feet from average grade.

c. The location, design and lighting are subject to approval of the Board of Trustees, following recommendation from the Planning Commission.

(14.50.040.030 - 14.50.040.040)

d. A landscaped area of two (2) square feet for each square foot of each side of the sign and supporting structure shall be required at the base of the sign, with a minimum area to be landscaped of twenty (20) square feet.

(K) Wall Signs.

- a. Wall signs are not allowed above the second story of the building.
- b. Wall signs shall not be higher than the eave line or parapet wall of the principal building and no sign part, including cut-out letters, shall project more than eight (8) inches from the building wall.

(Ord 10-1998 §70, 1998)

14.50.040.040 Temporary Signs - Specific Regulations: Temporary signs, unless specifically allowed herein, are prohibited. The temporary signs specified below are allowed by permit, at the discretion of the Board of Trustees (following recommendation from the Planning Commission) or allowed without a permit, as indicated. They are not counted as part of the total allowable aggregate sign area. There is no permit fee for temporary signs.

(A) Directional signs. Temporary, non-illuminated directional signs no larger than four (4) square feet are permitted. No permit is required.

(B) Political\Campaign Signs. Political and campaign signs shall be permitted for a period of thirty (30) days so long as the message remains non-commercial in nature. Only one (1) sign, not to exceed four (4) square feet, may be displayed per premise. Signs advocating a position regarding a specific candidate or proposition shall be removed at the expense of the candidate one (1) week after the election. No permit is required.

(C) Site development Sign. One (1) non-illuminated sign to indicate or identify a development or real property under construction is allowed at no larger than twenty (20) square feet, at the discretion of the Board of Trustees.

- a. The information permitted is limited to project name, prime agent's name with address and phone number, architect and builder, and may include one of the following phrases: "now accepting reservations", "for lease" or "for sale".

- b. Permission for displaying a Site Development Sign shall begin with the issuance of a Building Permit, and shall terminate with the issuance of a Certificate of Occupancy or termination of work on the project, whichever comes first.

(14.50.040.040 - 14.50.040.050)

- c. A free-standing sign shall be no higher than eight (8) feet above average grade and a wall-mounted sign shall be no higher than ten (10) feet above average grade.

(D) Special Events. Signs advertising or directing people to special events for the duration of the event may be permitted with approval of the Board of Trustees.

Revised (4/21/2011)

(E) Yard Sale Signs. A maximum placement of two (2) yard sale signs, not to exceed four (4) square feet each, shall be allowed without a permit. Signs shall not be placed prior to one (1) week before the yard sale and must be removed no later than one (1) week after the yard sale.

(Ord 10-1998 §71, 1998)

14.50.040.050 Exempt Signs - Specific Regulations: The following types of signs; exempt A - “Credit Card Signs”, E - “Gas Station Price Signs” & J - “Neon Signs, Interior”; are permitted in all zones and shall neither require a permit nor be considered part of the allowable aggregate sign area when erected and/or constructed in accordance with the provisions of this ordinance.

(A) Credit Card Signs. Credit card advertisements or trade association emblems, which are displayed together and the area of which does not exceed one (1) square foot, may be displayed. Such signs shall be displayed flat on window or door surfaces. The purpose of these signs is to offer a service and not to advertise the business. Credit Card Signs are allowed only in the following zones: CC, C-1 & M-1.

(B) Fine arts. Works of fine art, which in no way identify or advertise a product or business may be displayed, subject to approval by the Planning Commission and the Board of Trustees.

(C) Flags. United States, Colorado State and municipal flags are allowed in the proportions set by presidential declaration (3' x 5' when hung from a building and 5' x 7' when from a large flagpole) when not utilized as an attention getting device.

a. Flagpoles shall be a maximum height of thirty (30) feet.

b. Flags shall have a minimum clearance of eight (8) feet when projecting over public walkways and shall have a minimum pole clearance of fifteen (15) feet from top of the pole to average grade, except for residential areas.

c. The number, location, design, lighting and landscaping of flags on a building is subject to approval of the Board of Trustees, excepting official flags.

(14.50.040.050)

d. Flags, et al., shall be maintained in a clean and undamaged condition.

e. The display of national flags shall be governed by the standard rules of International Protocol.

(D) Real Estate Sales and Rental Signs. No permit shall be required for signs no large than three (3) square feet and only one sign is allowed for each listed property, or two (2) per corner lot.

Revised (4/21/2011)

(E) Gas Station Price Signs. Signs indicating gasoline prices, as required by Federal and State laws, are allowed, and are not counted in the total aggregate allowable sign area. Gas Station Price Signs are allowed only in the following zones: CC, C-1 & M-1.

(F) Health, Welfare and Safety Signs. Whenever unusual circumstances, arising out of unique conditions surrounding a building site or caused by its occupance, give rise to problems of health, welfare or safety that could be substantially alleviated by the use of sign, such sign as may be necessary for the purpose involved, may be erected and maintained without a sign permit.

(G) Holiday Decorations. Temporary, non-commercial decorations or displays, when they are clearly incidental to and re customarily associated with any national, local or religious holiday or celebration; provided that such decorations are maintained in an attractive condition, are not distracting or annoying to neighbors, and do not constitute a fire hazard, as determined by the Palmer Lake Fire Marshal, the Planning Commission and the Board of Trustees.

(H) Information Signs. One (1) information sign, not to exceed one (1) square foot in area per frontage, is allowed.

(I) Landmark\Historical Signs. Landmark\historical signs are allowed and do not require a permit. These would include the two (2) town entrance signs, Kaiser-Fraiser signs, Elephant Rock camp statuary, Pine Crest signs and signs designating historical buildings and residences.

(J) Neon Signs, Interior. Window neon signs, not to exceed two (2) square feet each, are allowed so long as they are obviously of an appurtenant nature and not the primary signage of the displaying business. A maximum of three (3) are allowed per business. Neon Signs, Interior, are allowed only in the following zones: CC, C-1 & M-1.

(K) Parking Signs. The Planning Commission may approve on-premise traffic and parking signs which are less than four (4) square feet per sign, not higher than four (4) feet.

(14.50.040.050 - 14.50.040.070)

(L) Public Safety Signs. Signs of a public, non-commercial nature used to indicate danger or to serve as an aid to public safety relating to road work or other construction activities are permitted.

(M) Public Traffic Signs. Traffic and other municipal signs, signals and notices, which relate to public welfare and safety, which are erected by the Town, County or State, shall be exempt from this Ordinance's restrictions, but are subject to approval by the Board of Trustees.

(N) Residential Nameplates. Not to exceed three (3) square feet, but shall not contain advertising of any kind.

(O) Utility Locations. Signs showing the location of public telephones and signs placed by public utilities to show the location of underground facilities are permitted.

(P) Vehicle Signs. These regulations shall not apply to vehicle signs as defined in Section 14.50.020.540. Vehicles used primarily as signs are addressed under Section 14.50.020.270 "Mobile Signs".

(Q) Window Signs. Window signs, not exceeding six (6) square feet each, are exempt from the provisions of this Ordinance, so long as they are appurtenant in nature. A maximum of three (3) per business are allowed. Window neon signs are addressed under Section 04.050 (J), "Neon Signs - Interior".

(Ord 10-1998 §72, 1998)

14.50.040.060 Projections and Clearances. Refer to Uniform Sign Code, 1991, Section 403 and pertinent chapters for specific information on sign projections and clearances. (Ord 10-1998 §73, 1998)

14.50.040.070 Utility Line Clearance. No permit for any sign shall be issued, and no sign shall be constructed or maintained, which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Colorado or rules and regulations duly promulgated by agencies thereof. (Ord 10-1998 §74, 1998)

(14.50.040.08

0)

14.50.040.080 Design and Construction Specifications (Materials).

(A) Design: General - Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified below:

a. Wind Loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in Chapter 23 of the Uniform Building Code as adopted by the Town of Palmer Lake as Ordinance #2 of 1993 (hereafter referred to as UBC).

Revised (4/21/2011)

b. Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the UBC.

c. Allowable Stresses. The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the UBC. Loads, both vertical and horizontal exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the UBC. Working stresses for wind and seismic loads combined with dead loads may be increased as specified in Chapter 23 of the UBC.

(B) Construction: General - Supports for signs or sign structures shall be placed in or upon private property and shall be built, constructed and erected in conformance with requirements of this code.

a. Standards of Quality. The following UBC standards are part of this code. The other standards listed are not adopted as part of this code and are guideline standards, compliance with which is prima facie evidence of compliance with the standard of duty to design and construct signs which are reasonably safe for persons and property.

1. Determination of combustibility. UBC Standard No. 4-1, Noncombustible Materials Test.

2. Steel.

UBC Standard No. 27-1, Materials Specification for Structural Steel. UBC Standard No. 27-9, Specification for the Design of Cold-formed Structural Members.

3. Smoke density.

UBC Standard No. 42-1, Test Method for Surface-burning Characteristics of Building Materials.

(14.50.040.080)

UBC Standard No. 52-2, Chamber Method Test for Measuring the Density of Smoke from Burning of Decomposition of Plastics.

4. Ignition properties and classification of plastics.

ASTM D 129-68 (1975), Ignition Properties of Plastics.

ASTM D 635-74, Method for Determining Classification of approved Light-transmitting Plastics.

(C) Materials. Materials utilized for signs and sign structures shall be of the quality and grade as specified for buildings in the UBC. Sign material shall be predominately natural, such as rough cedar, pine or other types of wood and rock. Stained glass bay also be considered.

a. Combustible materials other than approved plastics shall not be used in the construction of electric signs.

b. The standard for combustible materials for signs shall not exceed the standard for the building. Combustible and highly flammable materials are to be avoided in accordance with the Uniform Sign Code of El Paso County (1991).

(D) Anchorage. All anchorage members shall be constructed to conform with wind and seismic load limitations as specified in Chapter 23 of the UBC.

a. Portable ground signs supported by frames or posts rigidly attached to the base shall be proportioned so that the weight and size of the base will be adequate to resist wind loads specified in this code.

b. Signs attached to masonry, concrete or steel shall be securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

c. Wooden blocks, plugs or anchors with wood screws or nails shall not be considered to provide anchorage, except for signs attached to wood framing.

d. The anchorage or support of a sign shall not be connected to or supported by an unbraced wall, unless the walls are designed in accordance with the requirements for parapet walls.

(Ord 10-1998 §75, 1998)

(14.50.040.090 - 14.50.040.130)

14.50.040.090 Lighting

A. Angle. If lighting is provided, it shall be arranged to reflect away from the surrounding property, also from public streets or highways.

B. Intensity. The intensity of the light source shall not exceed that necessary to illuminate and make legible a sign from the traveled way. It shall not provide unnecessary distraction to neighbors or passing traffic.

(Ord 10-1998 §76, 1998)

14.50.040.100 Maintenance. All signs, including non-conforming signs as defined in 14.50.030.020 (B), shall be properly maintained at all times to the satisfaction of the Board of Trustees. (Ord 10-1998 §77,1998)

Revised (4/21/2011)

14.50.040.110 Expiration of Pertinent Advertising. Ninety (90) days after a sign no longer advertises a bona fide business conducted, product sold, activity or campaign being conducted, said sign shall be removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which the sign is found. (Reference Chapter 14.50.080, Enforcement and Penalties.) No sign shall be erected which does not advertise a bona fide business on the premises. (Ord 10-1998 §78, 1998)

14.50.040.120 Permit Expiration. Sign permits are valid for one-hundred eighty (180) days after issuance. Failure to erect the approved sign within this period shall require a new sign permit application. (Ord 10-1998 §79, 1998)

14.50.040.130 Permit Revocation. Permits may be revoked by the Board of Trustees after a hearing. Reference Chapter 14.50.080, Enforcement and Penalties. (Ord 10-1998 §80, 1998)

Chapter 14.50.050

PROHIBITED SIGNS

Sections:

- 14.50.050.010 Attention Getting Device
- 14.50.050.020 Back-Lit Signs
- 14.50.050.030 Banners and Pennants
- 14.50.050.040 Handbills and Posted Advertisements
- 14.50.050.050 Mobile Signs
- 14.50.050.060 Moving Signs
- 14.50.050.070 Neon Signs, Exterior
- 14.50.050.080 Price Signs
- 14.50.050.090 Product or Trade Names
- 14.50.050.100 Reflective Surfaces
- 14.50.050.110 Signs That Obstruct the Right-of-Way
- 14.50.050.120 Signs Attached to Trees or Utility Poles
- 14.50.050.130 Statuary Signs

14.50.050.010 Attention Getting Device. Attention getting devices are prohibited. (Ord 10-1998 §81, 1998)

14.50.050.020 Back-Lit Signs. Signs which are back-lit by means of light shining through a translucent surface are specifically prohibited, including outdoor vending machines, except where the sign portion is shielded from public view, except when the back-lit sign is located in a speed limit zone above 35 miles per hour. (Ord 10-1998 §82, 1998; Ord 6-2003, §1, 2003)

14.50.050.030 Banners and Pennants. Banners and pennants are prohibited, except for special community sponsored events. (Ord 10-1998 §83, 1998)

14.50.050.040 Handbills and Posted Advertisements. Handbills and posted advertisements are not allowed without written permission of the Board of Trustees and shall not be attached to trees, fences, utility poles, street furniture or automobiles. (Ord 10-1998 §84, 1998)

14.50.050.050 Mobile Signs. Mobile signs are prohibited. (Ord 10-1998 §85, 1998)

14.50.050.060 Moving Signs. Signs which move or simulate motion are prohibited. This shall include flashing, blinking, animated, rotation signs or signs whose illumination or surface change, but shall not include time and temperature signs. (Ord 10-1998 §86, 1998)

14.50.050.070 Neon Signs, Exterior. Exterior neon signs are prohibited. (Ord 10-1998 §87, 1998)

14.50.050.080 Price Signs. Signs specifying price, cost or value are not allowed, unless advertising the price of gasoline at a gas station. (Ord 10-1998 §88, 1998)

14.50.050.090 Product or Trade Names. Product or trade names are permitted as a part of an exterior sign only when that part of the occupant's name or product identified is integral to the use of the premises. No more than ten percent (10%) of the area of such exterior sign may be used to advertise the brand name of any products or commodities actually sold on the premises. In addition, an aggregate total of not more than twenty-five percent (25%) or six (6) square, whichever is lessor, of total window area may be used to advertise product or trade names in the form of window signs. (Ord 10-1998 §89, 1998)

14.50.050.100 Reflective Surfaces. Except for those signs exempt in 14.50.040.050, Exempt Signs, signs using reflective surfaces are prohibited. (Ord 10-1998 §90, 1998)

14.50.050.110 Signs That Obstruct Right-of-Way. No signs shall be permitted in any public right-of-way except as otherwise specifically allowed and/or approved by the Board of Trustees. (Ord 10-1998 §91, 1998)

14.50.050.120 Signs Attached to Trees or Utility Poles. No signs shall be attached to trees or utility poles. (Ord 10-1998 §92, 1998)

14.50.050.130 Statuary Signs. Statuary signs are prohibited. (Ord 10-1998 §93, 1998)

Chapter 14.50.060

MAINTENANCE

Section:

14.50.060.010 Maintenance

14.50.060.010 Maintenance. All signs, including non-conforming signs as defined in 14.50.030.010 (B), Prohibited Signs, shall be properly maintained at all times to the satisfaction of the Board of Trustees.

All signs and structures supporting the signs shall be maintained in a sound condition and in a neat appearance. Any maintenance of conforming signs shall not be considered construction or alteration so long as content or structural change is not made.

The Board of Trustees have the authority to order the painting, repair or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Notification shall be by certified mail. If within thirty (30) days, the maintenance orders are not complied with, the Board of Trustees shall order the sign removed at the owner's expense under provisions of Chapter ??08, Enforcement and Penalties.

These maintenance standards refer to all signs, new, as well as those in existence at the time of enactment of this ordinance.

(Ord 10-1998 §94, 1998)

Chapter 14.50.070

VARIANCES

Section:

14.50.070.010 Variances

14.50.070.010 Variances. Variances may be granted utilizing the procedures and criteria established in the Palmer Lake Municipal Code Book, Chapter 17.72, Board of Adjustments. (Ord 10-1998 §95, 1998)

Revised (4/21/2011)

Chapter 14.50.080

ENFORCEMENT AND PENALTIES

Section:

- 14.50.080.010 Enforcement and Penalties
- 14.50.080.020 Notice of Violation
- 14.50.080.030 Issuance of Summons and Complaint
- 14.50.080.040 Abatement of Signs in Violation
- 14.50.080.050 Penalties

14.50.080.010 Enforcement and Penalties. It shall be the duty of the Marshal or his delegate, at the discretion of the Board of Trustees, to administer and enforce the provisions of this Ordinance. (Ord 10-1998 §96, 1998)

14.50.080.020 Notice of Violation. When violations occur under this Ordinance, the Marshal shall cause notice to be given to the owner, occupant, agent or person receiving the benefits from the offending sign. Said notice shall be given by issuance and service of a written notice of violation, by certified mail.

Such notice of violation shall state the date issued, the address of the property, the violation involved, a time limit of thirty (30) given to remove or correct the cause of such violation and be signed by the issuing officer.

(Ord 10-1998 §97, 1998)

14.50.080.030 Issuance of Summons and Complaint. If, after thirty (30) days from the date of issuance of the Notice of Violation of this Chapter, the violation has not been abated, or a similar violation recurs, a Summons and Complaint shall be issued to the person or persons named on the Notice of Violation which has been either personally served or sent to the owner by certified mail, unless satisfactory arrangements for an extension of time have been made with the Enforcement Officer. (Ord 10-1998 §98, 1998)

14.50.080.040 Abatement of Signs in Violation.

(A) Upon the failure, neglect or refusal of the owner, occupant, agent or person receiving the benefits from the offending sign to correct or remove the cause of the violation within the time limits herein set forth, the Enforcement Officer shall have the sign removed from the premises by private contractor. The cost of removal plus a fifty dollar (\$50.00) administrative expense of the Town shall be collected from the record owner of such property and shall apply independently and in addition to the penalty provided for violation of this chapter.

(14.50.080.040 - 14.50.080.050)

(B) In the event the record owner or agent of the owner of such property, fails to pay such costs of removal of the sign within thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien hereby created shall be superior and prior to other liens regardless of date, except for liens for general taxes and special assessments. The Town Office shall certify to the County treasurer the assessments which are not paid within thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection.

In addition, the Town Attorney, acting on behalf of the Board of Trustees, may maintain an action for such equitable relief as may be necessary to enforce this Ordinance. (Ord 10-1998 §99, 1998)

14.50.080.050 Penalties. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to Chapter 1.16 of this Code. (Ord 10-1998 §100, 1998; Ord 1-2003, §24, 2003.)

Chapter 14.50.090

LIABILITY

Section:

14.50.090.010 Liability

14.50.090.010 Liability. The provisions of this Ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation erecting or owning a sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, his or its agents, employees, or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Ordinance. Nor shall it be construed as imposing upon the Town of Palmer Lake or its officers, employees or the Planning Commission, any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Ordinance. (Ord 10-1998 §101, 1998)

Chapter 14.50.100

SIGNAGE FEES

Section:

- 14.50.100.010 Basic Fees
- 14.50.100.020 Additional Fees
- 14.50.100.030 Annual Inspection Fees

14.50.100.010 Basic Fees. A basic processing fee of One Hundred Dollars (\$100.00) shall be paid to the Town Office at the time of application. Fee may be waived for non-profit organizations. (Ord 10-1998 §102, 1998)

14.50.100.020 Additional Fees. An additional fee of Seventy-five Dollars (\$75.00) shall be charged for the inspection of such signs as freestanding, signs requiring electricity, or any other form of sign not originally inspected by the El Paso County Regional Building Department. (Ord 10-1998 §103, 1998)

14.50.100.030 Annual Inspection Fees. A Twenty-five Dollar (\$25.00) subsequent inspections fee shall be charged for the inspection of any freestanding sign or signs requiring electricity. (Ord 10-1998 §104, 1998)

CHAPTER 14.60

TOWERS AND ANTENNAS

Chapters:

- 14.60.010 Intent and Purpose
- 14.60.020 Definitions
- 14.60.030 Applicability
- 14.60.040 General Guidelines and Requirements
- 14.60.050 Building Permits
- 14.60.060 Conditional Use
- 14.60.070 Removal of Abandoned Antennas and Towers

14.60.010 Intent and Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Town Board finds that these regulations are necessary in order to (1) facilitate the provision of wireless telecommunications services to the residents and businesses of the Town; (2) minimize adverse visual effects of towers through careful design and siting standards; (3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and (4) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community. (Ord. 3-2001 §2, 2001)

14.60.020 Definitions. The following words and terms when used in this Chapter shall have the following meanings unless the context clearly states otherwise:

- A. “Stealth Tower Structure” means man-made trees, clock towers, bell steeples, light poles, water towers, and similar alternative design mounting structures that have the capacity to camouflage or conceal the presence of antennas or towers.
- B. “Ancillary Telecommunications Facilities” means all telecommunications facilities as defined in Section 14.60.020.J. except for towers, antennas, or alternative tower structures.
- C. “Antenna” means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

- D. “Building Official” means the Town Clerk or her designee.
- E. “Town” means the Town of Palmer Lake, Colorado.
- F. “FAA” means the Federal Aviation Administration.
- G. “FCC” means the Federal Communications Commission.
- H. “Height” means, when referring to a tower or other structure, the distance measured from the average ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- I. “Pre-Existing Towers and Antennas” shall have the meaning set forth in Section 14.60.030.C. of this Chapter.
- J. “Telecommunications Facility” means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures support said equipment, equipment buildings, parking areas, and other accessory development.
- K. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.
(Ord. 3-2001 §3, 2001)

Section 14.60.030 Applicability.

- A. General Applicability. Except as specifically provided below, these provisions shall apply throughout the Town limits of Palmer Lake, and no tower or antenna shall be permitted except in compliance with these provisions.
- B. Amateur Radio and Receive-Only Antenna. This Chapter shall not govern any tower, or the installation of any antenna, owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, so long as all other requirements of the zoning districts are met.

(14.60.030 - 14.60.040)

(01/24/2003)

- C. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter, other than the requirements of Sections 14.60.040.B, C, D, E, F, G, and 14.60.070. Any such towers or antennas shall be referred to in this Chapter as pre-existing towers or pre-existing antennas.
(Ord. 3-2001 §4, 2001)

Section 14.60.040 General Guidelines and Requirements

- A. Principal or Accessory Use. Antennas may be considered either principal or accessory uses. Towers, unless specifically accessory to the use of a property, shall be considered a principal use of property. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna on such lot. Where a new lot has been created from a larger parcel, for purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the larger lot from which the new lot was created shall control. Towers that are constructed, and antennas that are installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.
- B. Aesthetics; Lighting. The guidelines set forth in this sub-section B shall govern the location of all towers and the installation of all antennas governed by this chapter. Where options for aesthetic treatment are provided, the Town shall direct which option is to be utilized.
1. All towers shall qualify as Stealth Tower Structures to the extent reasonably possible. (Ord 5-2002 §1, 2002)
 2. At a tower site, the design of the buildings and related telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities to the natural setting and built environment.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.

(14.60.040)

(01/24/2003)

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto public rights-of-way or nearby properties, particularly residences.
 5. No portion of any antenna array may extend beyond the property line setback.
 6. All applicants under this chapter shall comply with the Landscaping Standards found in section 14.60.060.G.
 7. Ancillary telecommunications facilities shall be no taller than a maximum of 30 feet (30') in height and shall be compatible with the surrounding area.
 8. Ancillary telecommunications facilities in areas of high visibility shall, where possible, be sited either below the ridgeline, amidst groups of trees, or designed (e.g. placed underground, depressed, or located behind earth berms) to minimize their profile.
 9. No application shall be approved until a conditional use permit has been issued pursuant to the Palmer Lake Municipal Code has been approved for the site.
- C. Federal Requirements. All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- D. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes, the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time, and all applicable codes adopted by the Town.

(14.60.040)

(01/24/2003)

1. In addition to any other applicable standards and requirements, the following shall apply to all towers and telecommunications facilities:
 - a. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.
 - b. No guy wires employed may be anchored within the area in front of any primary structure on a parcel.
 - c. At least ten feet (10') of horizontal clearance must exist between any antennas and any power lines, unless more clearance is required to meet Colorado Public Utilities Commission standards.
 - d. All telecommunications facilities must be designed and/or sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand without failure the maximum forces expected from wind, tornadoes, hurricanes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunications facilities, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer licensed in the State of Colorado describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the Building Official at least every five (5) years of an inspection report prepared by a Colorado registered structural engineer indicating the number and types of antennas and related telecommunications equipment actually present, and indicating the structural integrity of the tower. Based on this report, the Building Official may require repair of, or if a serious problem exists, removal of the tower of any telecommunications facilities.
2. If, upon inspection, the Town concludes that a telecommunications facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of a telecommunications facility, the owner shall have thirty (30) days to bring such telecommunications facility into compliance with such standards. If the owner fails to bring such telecommunications facility into compliance within said thirty (30) days, the Town may remove such telecommunications facility at the owner's expense.

(01/24/2003)

- E. Radio Frequency Standards. All applicants shall comply with federal standards for a radio frequency emissions. Within six (6) months after the commencement of any operations utilizing a tower, antenna or related telecommunications facilities, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the telecommunications facilities pursuant to section 14.60.070 of this chapter. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

- F. Signal Interference. All towers, antennas and telecommunications facilities must be designed and/or sited so as not to cause interference with the normal operation of radio, television, telephone, and other telecommunications services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety telecommunications.

- G. Prohibited Use. Advertising or communication of any visual messages from a tower or antenna is prohibited.
(Ord. 3-2001 §5, 2001)

Section 14.60.050 Building Permits. Towers, antennas, and telecommunications facilities are considered structures, requiring issuance of a building permit described in the Palmer Lake Municipal Code. In connection with the issuance of a permit for a tower, antenna, or telecommunications facility, and in order to provide the Town with accurate and current information concerning entities that own or operate telecommunications facilities within the Town; to assist the Town in enforcement of this chapter; to assist the Town in the collection and enforcement of any licensed fees or charges that may be due the Town; and to assist the Town in monitoring compliance with local, state, and federal laws, the applicant shall, prior to a permit being issued, submit registration information and a standard agreement to the Town Clerk.

- A. Registration Required. All applicants for a building permit shall register with the Town on forms to be provided by the Town Clerk, which shall include the following:
 - 1. The identity and legal status of the applicant, including any affiliates.

(14.60.050)

- 2. The name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the registration statement.

(01/24/2003)

3. A narrative and map description of the applicant's existing or proposed telecommunications facilities within the Town and outside of the Town within one (1) mile of its boundaries. This information shall include the applicant's facilities plans for the coming year, and, in a more general sense, for the next five (5) years. The Town shall not make public any information that the applicant marks "proprietary;" provided, however, that by submitting an application, all applicants acknowledge that the Town may direct future applicants to discuss co-location with an applicant that has disclosed to the Town the possibility of locating telecommunications facilities in a given area.
 4. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the FCC to provide telecommunications services or facilities within the Town.
 5. Such other information as the Town may reasonably require.
- B. Amendment. Each applicant shall inform the Town within sixty (60) days of any change of the information set forth in section 14.60.050.A.
- C. Standard Agreement Required. The standard agreement shall include:
1. An acknowledgment binding the applicant, the property owner (if other than the applicant), and the applicant's and/or owner's successors in interest to properly maintain the exterior appearance of and ultimately the removal of the tower and telecommunications facilities in compliance with the provisions of this chapter and any conditions of approval.
 2. A statement agreeing to pay to the Town all costs of monitoring compliance with and enforcement of the maintenance, removal, and/or disposal of any tower and telecommunications facilities and to reimburse the Town for all costs incurred to perform the work required of the applicant by this agreement that the applicant may fail to perform. Such agreement for reimbursement shall include all costs of collection and reasonable attorneys fees.
 3. An acknowledgment that the Town may enter onto the property and undertake any maintenance or removal activities so long as:

(14.60.050)

- a. The Town has provided the applicant written notice requesting the work needed to comply with this chapter and providing the applicant

(01/24/2003)

at least forty-five (45) days to complete the work; and a follow-up notice of default specifying failure to comply within the time period permitted and indicating the Town's intent to commence the required work within ten (10) days of the notice; and

- b. The applicant has not filed an appeal pursuant to Section 14.60.030 within ten (10) days of the notice of the Town's intent to commence the required work. If an appeal is filed, the Town shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it is taken in favor of the Town.
 - c. Notwithstanding anything contained in this section to the contrary, the Town shall not be required to provide the notice described herein if there is a significant risk to the public health and safety requiring immediate remedial measure.
4. The posting of a bond, submittal of a letter of credit, or filing of some other form of security acceptable to the Town in an amount to be set by the Town reasonably related to the costs that may be incurred by the Town should the applicant fail to comply with any of its obligations pursuant to this section 14.60.050.
5. In addition to any building permit fees and conditional use permit application fees, the applicant shall pay a telecommunications facilities permit fee. The initial telecommunications facilities permit fee shall be in the amount of \$2,500.00 for a new tower and any related antennas or other ancillary telecommunications facilities to be located on said tower and applied for in connection with the tower permit, and \$750.00 for antennas or other ancillary telecommunications facilities. These permit fees may be modified from time to time by a Town board resolution. Should the telecommunications facilities be placed on property owned by the Town of Palmer Lake, an additional fee to be negotiated shall be charged by the Town. The Town board resolution may further provide for waiver of fees in the case of:
- a. Construction of new towers with excess capacity where the applicant commits in advance to allow co-location;
 - b. Co-location of antennas on existing towers and/or alternative tower structures;
 - c. Location of antennas on existing alternative tower structures;

(14.60.050)

(01/24/2003)

d. Other conditions which the Town believes will minimize the need for construction of new towers.

(Ord. 5-2002 §2, 2002)

6. A statement that the applicant agrees to allow for the potential co-location of additional telecommunications equipment by other providers on the applicant's tower or within the same site location, subject to reasonable conditions.
7. If the applicant seeks a permit for a tower or telecommunications facilities on leased property, a copy of the lease agreement, memorandum of lease, or a verified written statement of the landlord indicating that the landlord is permitted to enter into leases of the same property with other telecommunications providers.
8. The applicant shall provide a written statement from a registered professional engineer certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems as described in section 14.60.040.F. Additionally, the agreement shall obligate the applicant to notify the Town at least ten (10) calendar days prior to the introduction of new service or changes in existing service and allow the Town to monitor interference levels with public safety telecommunications during the testing process.
9. Each applicant for an antenna or tower shall provide to the Town Clerk an inventory of its existing towers that are either within the City or within one (1) mile of the City's boundaries including specific information about the location, height, and design of each tower. The Town Clerk may share such information with other applicants applying for conditional use permits under this chapter or other organizations seeking to locate antennas within the Town; provided, however that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(Ord. 3-2001 §6, 2001)

(14.60.060)

Section 14.60.060 Conditional Use.

- A. General. The following provisions shall govern the issuance of conditional use permits for towers and antennas:

(01/24/2003)

1. In granting a conditional use permit, the Town may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
 2. Telecommunications facilities approved as a conditional use shall not require a variance for any specific conditions approved as part of the conditional use process.
 3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural, or electrical, shall be certified by a registered professional engineer.
- B. Information Required. Each applicant requesting a conditional use permit under this chapter shall, in addition to the information required by section 14.60.050.A, submit all information required by the Palmer Lake Municipal Code and other information deemed by the Town Clerk to be necessary to assess compliance with this chapter.
- C. Factors Considered in Granting Conditional Use Permits for Towers and Antennas. In addition to the criteria set forth in section 14.60.030, the Town shall consider the following factors in determining whether to issue a conditional use permit:
1. Height of the proposed tower;
 2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Surrounding topography;
 5. Surrounding tree coverage and foliage;
 6. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress;
 8. An evaluation of the applicant's one-year and five-year plans for development of its telecommunications facilities within the Town as well as those plans on file from other telecommunications facilities; (14.60.060)
 9. An evaluation of the criteria set forth in section 14.60.040.B, C, D, E, and F above; and

(01/24/2003)

10. Availability of suitable existing towers and other structures as discussed in subsection 14.60.060.D of this chapter.
11. Any other information that the Town deems reasonably necessary in connection with the review of the application.

D. Availability of Suitable Existing Towers or Other Structures. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower or structure can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

E. Setbacks and Separation. The following minimum setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required.

(14.60.060)

1. Unless waived by the Town, towers must be set back a distance equal to the height of the tower from any residential zoned property or residential structure.
2. The towers, guys, and telecommunications facilities must satisfy the minimum zoning district setback requirements or a distance of at least twenty percent (20%) of the height of the tower, whichever is greater.

(01/24/2003)

3. Towers over ninety feet (90') in height shall not be located within one-quarter (1/4) mile from an existing tower that is over ninety feet (90') in height, unless the applicant has shown to the satisfaction of the Town that there are no reasonably suitable alternative sites in the required geographic area, which can meet the applicant's needs.
- F. Security Fencing. Towers shall be enclosed by security fencing of a type approved by the Town, not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.
- G. Landscaping. The following requirements shall govern the landscaping surrounding towers, for which a conditional use permit is required.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property.
 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the perimeter may be sufficient to buffer.
- H. Decision. The decision on whether to approve or deny an application for a conditional use permit shall be in writing based upon evidence presented at a public hearing.
(Ord. 3-2001 §7, 2001)

(14.60.070)

Section 14.60.070 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned. The Town, in its sole discretion, may require an abandoned tower or antenna to be removed. The owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. Upon removal the site shall be restored and/or re-vegetated to blend with the surrounding environment. If such antenna or tower is not removed within said ninety (90) days, the Town may remove and dispose of such antenna or tower

(01/24/2003)

at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (Ord. 3-2001 §8, 2001)

(01/24/2003)

CHAPTER 14.70

MISCELLANEOUS

Sections:

14.70.010 Concertina Wire or Razor Wire

14.70.010 Concertina Wire or Razor Wire.

- (1) All concertina wire or razor wire must be installed and maintained a minimum of 8 feet (8') above ground level.
- (2) Failure to install or maintain concertina wire or razor wire 8 feet (8') above ground level shall constitute a separate offense for each and every day that same is maintained.

(Ord. 7 of 2004, §1, 2004)

TITLE 16

Chapters:

16.04	General Provisions
16.08	Definitions
16.12	General Procedure
16.16	Master Plan
16.20	Preliminary Plan
16.24	Performance Guarantee
16.28	Final Plat
16.32	Vacation Plats
16.36	Minor Subdivisions
16.40	Streets
16.44	Lots
16.48	Water and Sewer Utilities
16.52	Street Names
16.56	Easements
16.60	Required Improvements
16.64	Variances
16.68	Enforcement and Penalty
16.75	Subdivision Fees
16.80	Drainage
16.90	Land Dedication

CHAPTER 16.04

GENERAL PROVISIONS

Sections:

16.04.010	Title
16.04.020	Legal Authority
16.04.030	Purpose
16.04.040	Jurisdiction
16.04.050	Plats and Plans
16.04.060	Conflict with other Regulations

16.04.010 Title. This title shall be known as the subdivision regulations of the Town of Palmer Lake, Colorado, and may be so cited and pleaded. (Ord. 12-1972 §I:1, 1972)

16.04.020 Legal Authority. This title is adopted pursuant to Chapter 139, Article 59, of the Colorado Revised Statutes, 1963, as amended, and is declared to be in conformance with those statutes. (Ord. 12-1972 §I:2, 1972)

16.04.030 Purpose. The purpose of these regulations is to promote the health, safety, convenience, and general welfare of the citizens of Palmer Lake, by:

- A. Ensuring that land is subdivided correctly into lots that are of adequate size and configuration for the purpose for which they are intended to be used;
- B. Providing that streets will be laid out in relation to existing streets or according to the comprehensive plan of Palmer Lake; and that said streets will be built to adequate construction standards;
- C. Producing sound living environments with the necessary open spaces for people, traffic, utilities, public protection, light, air, recreation, and other community facilities;
- D. Implementing the comprehensive plan of Palmer Lake;
- E. Protecting the natural resources of the community. (Ord. 12-1972 §I:3, 1972)

16.04.040 Jurisdiction. This title is applicable to all incorporated land within the Town of Palmer Lake. (Ord. 12-1972 §I:4, 1972)

16.04.050 Plats and Plans.

- A. Every owner of any lot, tract, or parcel of land within the incorporated Town of Palmer Lake who may hereafter create a subdivision, as herein defined, shall submit a subdivision plat to the Board of Trustees in accordance with the provisions set out forthwith.
- B. The Board of Trustees is empowered, after it shall have adopted a major street plan of the territory within its subdivision jurisdiction or of any major section or district thereof, to make or cause to be made, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends be reserved for future acquisition for public streets. The Palmer Lake Planning Commission has been established to advise the Board of Trustees regarding all planning, zoning, and subdivision matters.
- C. The approval of any plats or plans by the Planning Commission shall not be deemed acceptance of any proposed dedication by the public. Such acceptance, if any, shall be given by the Board of Trustees. The owners and purchasers of any lots within a subdivision shall be presumed to have notice of public plans, maps, and reports of the Planning Commission affecting such property within its jurisdiction. (Ord. 12-1972 §I:5, 1972)

16.04.060 Conflict with other Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply. (Ord. 12-1972 §VIII:2, 1972)

CHAPTER 16.08

DEFINITIONS

Sections:

16.08.010	Alley
16.08.020	Block
16.08.030	Commission
16.08.040	Covenants or Restrictive Covenants
16.08.050	Cul-de-sac
16.08.060	Design Standards or Design Requirements
16.08.070	Easements
16.08.080	Improvements
16.08.090	Lot
16.08.100	Master Plan
16.08.110	Monuments
16.08.120	Plats
16.08.130	Property Lines
16.08.140	Radial
16.08.150	Regional Land Use Plan
16.08.160	Right-of-way
16.08.170	Road Profile
16.08.180	Street
16.08.190	Subdivider
16.08.200	Subdivision

16.08.010 Alley. “Alley” means a minor access way used primarily for vehicular service to the back or the side of properties otherwise abutting on a street. (Ord. 12-1972 §II:1, 1972)

16.08.020 Block. “Block” means an area of land within a subdivision which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision. (Ord. 12-1972 §II:2, 1972)

16.08.030 Commission. “Commission” means the Palmer Lake Planning Commission. (Ord. 12-1972 §II:3, 1972)

16.08.040 Covenants or Restrictive Covenants. “Covenants” or “restrictive covenants” mean a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and will therefore apply to succeeding owners. (Ord. 12-1972 §II:4, 1972)

(16.08.050 - 16.08.110)

(1972)

16.08.050 Cul-de-sac. “Cul-de-sac” means a street open at one end only, providing at the other end special facilities for the turning around of vehicular traffic. (Ord. 12-1972 §II:5, 1972)

16.08.060 Design Standards or Design Requirements. “Design standards” or “design requirements” mean all requirements and regulations relating to design and layout of subdivisions as contained in these regulations. (Ord. 12-1972 §II:6, 1972)

16.08.070 Easements. “Easements” mean areas within a subdivision other than streets or alleys which are reserved, conveyed, or dedicated for specialized or limited purpose. (Ord. 12-1972 §II:7, 1972)

16.08.080 Improvements. “Improvements” mean all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business, or manufacturing purpose. (Ord. 12-1972 §II:2, 1972)

16.08.090 Lot. “Lot” means a portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.

- A. “Corner lot” means a single lot having its front and one side adjacent to two streets.
- B. “Double frontage lot” means a single lot having the front and rear thereof adjacent to two street and does not include a corner lot.
- C. “Flag lot” means a lot, the main use or building area of which does not abut to a public street, but is connected thereto by a narrow strip of land which is part of the lot. (Ord. 12-1972 §II:9, 1972)

16.08.100 Master Plan. “Master plan” means a land use plan or map, which indicates the desired future physical development of any portions of Palmer Lake. Such a plan is submitted by the developer and is intended as a general summary of his proposal for development. (Ord. 12-1972 §II:2, 1972)

16.08.110 Monuments. “Monuments” mean the actual points set on the ground to locate, delineate, or describe tracts of land and/or the points set to define a legal description of a tract of land.

- A. “United States Land Survey Monuments” mean the points or corners established by the survey of public lands for the United States Government, also the reestablishment or restoration of said corners.

(16.08.110 - 16.08.160)

(1972)

- B. The points or corners set by a Colorado registered land surveyor in accordance with Chapter 136, Colorado Revised Statutes, 1963, as amended, to define a legal description on the ground. (Ord. 12-1972 §II:11, 1972)

16.08.120 Plats. “Plats” mean a subdivision as it is represented as a formal document by drawings and writing.

- A. “Preliminary plat” means a map or drawing showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.
- B. “Final plat” means a map indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation. It shall be prepared by a Colorado registered land surveyor in accordance with the provision of these regulations and shall, if approved by the governing body of the area, the aforementioned plat shall be recorded in the county Clerk and Recorder’s Office.
- C. “Vacation plat” means a map indicating a proposed vacation of a dedicated street, road, or easement, or the vacation of a subdivision. It shall be prepared by a Colorado registered land surveyor in accordance with the provisions of these regulations. After presentation of the appropriate petition and resolution to be Board of Trustees, if approved, a vacation plat shall be recorded in the office of the county Clerk and Recorder. (Ord. 12-1972 §II:12, 1972)

16.08.130 Property Lines. “Property lines” mean those imaginary lines outlining the boundaries of properties on lots for the purpose of description in sale, lease, building development, or other separate use of property. (Ord. 12-1972 §II:13, 1972)

16.08.140 Radial. “Radial” means a line forming right angles with the tangent of any given arc. (Ord. 12-1972 §II:14, 1972)

16.08.150 Regional Land Use Plan. “Regional land use plan” means the plan, and any functional elements to the plan as adopted, that was created through the joint efforts of the members of the Pikes Peak Area Council of Governments and which was adopted as the Pikes Peak Regional Land Use Plan 1990. (Ord. 12-1972 §II:15, 1972)

16.08.160 Right-of-Way. “Right-of-way” means the entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, as hereinafter established. (Ord. 12-1972 §II:16, 1972)

(16.08.170 - 16.08.200)

16.08.170 Road Profile. “Road profile” means a drawing reflecting a proposed or existing vertical section of a road, street, or alley, for which right-of-way is to be or has been

(1972)

conveyed to the Town for road purposes. It may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street, or ally. (Ord. 12-1972 §II:17, 1972)

16.08.180 Street. “Street” means a public right-of-way, which provides vehicular and pedestrian access to adjacent properties. For different kinds of streets, see section 16.04.090. Stub streets are designed to permit continuation of the street pattern in adjoining subdivisions. Every stub street shall end in a cul-de-sac. (Ord. 12-1972 §II:18, 1972)

16.08.190 Subdivider. “Subdivider” means any person, group, corporation, or other entity acting as a unit or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision for the purpose of sale or disposal of land as defined herein. (Ord. 12-1972 §II:19, 1972)

16.08.200 Subdivision. “Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided. (Ord. 12-1972 §II:20, 1972)

CHAPTER 16.12

GENERAL PROCEDURE

Sections:

16.12.010 Procedure for Plat Approval

16.12.010 Procedure for Plat Approval. In seeking to subdivide land, a property owner or his agent shall:

- A. Consult early and informally with the Planning Commission or its technical staff to become familiar with these regulations, the major thoroughfare plan, and other official plans or public improvement, which might affect the area to be subdivided;
- B. Prepare a Master Plan and/or preliminary plat, as required, and submit same to the Planning Commission at least thirty days prior to the next regular Planning Commission meeting. Master Plans shall be submitted by the Planning Commission to the Board of Trustees along with recommended actions. The Board of Trustees shall take appropriate action on the Master Plan at its next regular meeting;
- C. Following approval of the preliminary plat by the Planning Commission, the subdivider shall install or guarantee the installation of improvements as required in Chapters 16.16 through 16.32 and 16.40 through 16.60;
- D. Following the guarantee of or installation of improvements, the final plat shall be submitted to the Planning Commission in accordance with the requirements of Chapter 16.24. The Planning Commission shall make its recommendations to the Board of Trustees within thirty (30) days after submittal;
- E. Once approved by the Board of Trustees, the subdivider shall have his plat recorded in the county Clerk and Recorder's Office following the signing of the Certificate of Approval by the Board of Trustees. (Ord. 12-1972 §III:1, 1972)

CHAPTER 16.16

MASTER PLAN

Sections:

16.16.010	Master Plan - When Required
16.16.020	Contents
16.16.030	Approval
16.16.040	Submission to Planning Commission
16.16.050	Publication Procedures

16.16.010 Master Plan - When Required. A Master Plan for a subdivision shall be required when multiple land uses (more than one) are proposed for an area by the subdivider and/or when the developer does not intend to subdivide all of his contiguous holdings at the same time, or if a development is to be phased. An application fee as set forth in Chapter 16.75 shall be paid at the time of filing the Master Plan. (Ord. 15-1987 §8, 1987; Ord. 14-1984 §1, 1984; R&R Ord. 10-A-1981 §2, 1981; Ord. 2-1974 §1, 1974; Ord. 12-1972 §III:2:a, 1972)

16.16.020 Contents. The master plan shall be prepared at a suitable scale to indicate the proposed layout legibly, and one dimension shall be no more than forty-two inches on any side. The plan shall contain the following information:

- A. Name of the proposed master plan;
- B. A specific legal description;
- C. Name and address of owner or agent and of person preparing the plan;
- D. Date of preparation, scale, and northpoint;
- E. A vicinity location map;
- F. Proposed land uses, together with densities;
- G. Topography, with a contour interval of no more than twenty feet, from the appropriate USGS quadrangle. All areas with slopes thirty percent (30%) or greater shall be shaded or otherwise clearly indicated;

- H. Proposed sewage treatment systems;
- I. Proposed water supply system with adequate evidence that sufficient water exists to supply the proposed development. Evidence shall include material on quality, quantity, and the reliability of supply; ownership of water rights; amenability of the supply to changes in land use; and certification that public or private water owners can and will supply adequate water to the proposed development, where applicable;
- J. Any unusual or important man-made or natural features as identified in the Palmer Lake comprehensive plan;
- K. Summary statement of the characteristics of the proposed area including, but not limited to, geology, soils, and vegetation;
- L. Any potential radiation hazard, where applicable;
- M. Present land use, including proposed and existing borrow pits;
- N. Letter of commitment from the appropriate supplier of energy (natural gas, electricity, propane, etc.). (Ord. 2-1974 §4, 1974; Ord. 5-1973 §1, 1973; Ord. 12-1972 §III:2:c, 1972)

16.16.030 Approval. The Master Plan shall be approved by the Board of Trustees before any preliminary plat is approved. (Ord. 12-1972 §III:2:c, 1972)

16.16.040 Submission to Planning Commission. The Master Plan shall be submitted thirty (30) days before the regular Planning Commission meeting, in twenty copies. Those copies shall be sent to those agencies designated in Section 16.20.040. (Ord. 2-1974 §2, 1974; Ord. 12-1972 §III:2:d, 1972)

16.16.050 Publication Procedures.

- A. The applicant shall complete an application form and tender the required application fee to the Town Clerk;
- B. The Town Clerk, within fifteen (15) days after receipt, shall forward copies of the application to the Planning Department who shall publish legal notice of a Planning Commission hearing to consider the application. Such legal notice shall be given at least five (5) days prior to such hearing;

(16.16.050)

- C. After such public hearing by the Planning Commission, their recommendations shall be forwarded within fifteen (15) days to the Board of Trustees;

(Revised 2/17/89)

- D. The Board of Trustees shall hold a public hearing, in which legal notice of at least fifteen (15) days shall be given;
- E. Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved. (Ord. 2-1980 §9, 1980);
- F. In the event of amendments initiated by the Town, no application form or filing fee shall be required.

CHAPTER 16.20

PRELIMINARY PLAT

Sections:

16.20.010	Preliminary Plat Application Fee
16.20.020	Contents
16.20.030	Material To Accompany
16.20.040	Distribution and Review
16.20.050	Publication Procedures
16.20.060.	Planning Commission Action
16.20.070	Presence of Subdivider Required at Commission Meeting

16.20.010 Preliminary Plat Application Fee. The subdivider or his agent shall pay a preliminary plat application fee as set forth in Chapter 16.75 at the time of filing the preliminary plat. (Ord. 15-1987 §9, 1987; Ord 14-1984 §2, 1984; Ord 10-A-1981 §3, 1981; Ord. 12-1972 §III:3:a, 1972).

16.20.020 Contents. The preliminary plat shall be prepared at a scale of one inch equals two hundred feet, with a maximum width of forty-two inches, and submitted in twenty copies to the Planning Commission. All preliminary plats shall be in conformance with the design standards established in Chapters 16.40 through 16.56, and shall include the following:

- A. Name of the subdivision;
- B. A specific legal description of the subdivision with the approximate acreage of the subdivision;
- C. Name and address of the record owner(s) of the property as well as the subdivider(s) and adjacent property owner(s);
- D. Name and address of the designer, surveyor, and/or engineer;
- E. Date of preparation, scale, and northpoint;
- F. A vicinity map necessary to locate the tract;
- G. Existing proposed zoning boundary lines, including zoning of contiguous properties;

(16.20.020)

- H. Approximate location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision;
- I. Approximate layout, dimensions, number of lots, and proposed land use;
- J. All proposed road grades will be numerically indicated, along with the names of streets or other public ways. Existing easements, railroad and utility rights-of-way, section and incorporation lines within the tract shall be clearly indicated;
- K. The approximate radii of all street curves;
- L. Approximate location of all area subject to inundation or storm water overflow and location, widths, and direction of flow of all watercourses;
- M. Proposed location of bridges, culverts, and other provisions for collection and discharging surface drainage;
- N. Accurate and legible existing contours shall be shown at intervals of five feet or less; contours at intervals of twenty feet will be acceptable for very rough topography. Said contours shall be extended onto adjacent property a sufficient distance to establish proper topographical relationships. All areas with slopes thirty percent or greater shall be shaded or otherwise clearly indicated;
- O. Outline, to scale, of buildings and structures which are not to be moved in the development of the subdivision;
- P. Means of providing vehicular access to adjoining properties;
- Q. Adequate space for approval or disapproval stamp of the Commission;
- R. Existing land use;
- S. Delineation of the area subject to inundation. (Ord. 12-1979 §III:3:b, 1972).

(16.020.30)

(Revised 6/16/98)

16.20.030 Material to Accompany. Preliminary plats shall be accompanied by the following:

- A. Homeowners Association legal documentation for any homeowners association with may be involved in or pursuant to the development;
- B. A summary statement prepared by a qualified individual, including the following information:
 - 1. Total development area;
 - 2. Total number of proposed dwelling units;
 - 3. Total number of square feet of proposed nonresidential floor space;
 - 4. Total number of proposed off-street parking spaces, excluding those associated with single family residential development;
 - 5. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
 - 6. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;
 - 7. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the Town.
- C. Summary of soil types (including percolation rates) and pertinent data regarding geology, and vegetation;
- D. A water resources report which shall include:
 - Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not limit to:

(16.20.030 - 16.20.040)

Evidence of ownership or right or acquisition of our use of

(Revised 6/16/98)

existing and proposed water rights,

Historic use and estimated yield of claimed water rights,

Amenability of existing rights to a change in use,

Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

Evidence concerning the potability of the proposed water supply for the subdivision. (Ord. 12-1972 §III:4:c, 1972).

16.20.040 Distribution and Review.

A. The preliminary plat shall be presented to the Commission staff at least thirty days prior to the regular Commission meeting. If the plat is found to be in acceptable condition, according to these regulations, the staff shall immediately furnish the agencies determined by the Town Board with a copy for their review and comment. (Ord. 4-1997 §1, 1997):

1. Planning Commission Staff (2);
2. Palmer Lake Volunteer Fire Department;
3. County health department;
4. County road commissioner;
5. Intermountain Rural Electric Association;
6. Mountain States Telephone Company;
7. State Engineer (if applicable);
8. State Geologist;
9. District conservationist (USDA);
10. Town and counties within a two-mile radius;
11. Regional Planning Commission;
12. School Board of District 38;
13. Colorado State Highway Department;
14. U.S. Forest Service Ranger;
15. Colorado State Forest Service;
16. County park and recreation district;
17. Appropriate sanitation district;
18. People's Natural Gas.

(16.20.040 - 16.20.060)

B. Unless an extension is mutually agreeable to the developer and the reviewing agency, the above agencies shall have twenty-four days from the date the plat is mailed by certified mail to review it and return their comments to the staff.

(Revised 6/16/98)

Failure to return comments or otherwise to notify the staff shall constitute approval by the agency. The staff shall forward the collected comments to the Planning Commission at least two days prior to the meeting at which the plat will be considered. (Ord. 2-1974 §2, 1974; Ord. 12-1972 §III:4:d, 1972).

16.20.050 Publication Procedures.

- A. The applicant shall complete an application form and tender the required application fee to the Town Clerk;
- B. The Town Clerk, within fifteen (15) days after receipt, shall forward copies of the application to the Planning Department who shall publish legal notice of a Planning Commission hearing to consider the application. Such legal notice shall be given at least five (50 days prior to such hearing;
- C. After such public hearing by the Planning Commission, their recommendations shall be forwarded within fifteen (15) days to the Board of Trustees;
- D. The Board of Trustees shall hold a public hearing in which legal notice of at least fifteen (15) days shall be given;
- E. Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved;
- F. In the event of amendments initiated by the Town, no application form or filing fee shall be required. (Ord. 2-1980 §9, 1980).

16.20.060 Planning Commission Action.

- A. The Planning Commission shall consider the comments of the other agencies before reaching their decision to approve, conditionally approve, or disapprove the plat and within ten (10) days after the regular meeting, the Commission shall notify the subdivider of its decision;

(16.20.060 - 16.20-070)

- B. If the plat is conditionally approved or disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. Approval of the preliminary plat shall be valid for no longer than one year. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat. (Ord. 12-1971

(Revised 6/16/98)

§III:4:e, 1972).

16.20.070 Presence of Subdivider Required at Commission Meeting. The subdivider, or his agent, whose plat or plan is before the Planning Commission at its regular meeting, shall be present at the meeting. (Ord. 12-1972 §III:4:f, 1972).

(Revised 6/16/98)

CHAPTER 16.24

PERFORMANCE GUARANTEE

Sections:

16.24.010	When Required
16.24.020	Amount
16.24.030	Time Limit for Improvements - Extension
16.24.040	Release of Guarantee

16.24.010 When Required. Before the final plat is approved by the Board of Trustees, the subdivider shall install all the improvements required by the preliminary plat, built to the standards described in Chapters 16.40 through 16.60. If the subdivider prefers not to install the improvements, he shall furnish a letter of credit, cash, or evidence of cash held in escrow for such purpose, and shall submit a copy of the escrow agreement to the Board of Trustees along with his final plat. (Ord. 12-1972 §III:5:a, 1972)

16.24.020 Amount. The amount of the guarantee shall be based on a cost estimate prepared by a registered professional engineer, and approved by the Board of Trustees or its representative. The actual security shall be one hundred twenty-five percent (125%) of the cost estimate. (Ord. 12-1972 §III:5:b, 1972)

16.24.030 Time Limit for Improvements - Extension. All required improvements shall be installed within six (6) months after approval of the preliminary plat. In cases of undue hardship an extension not to exceed six (6) months may be granted by the Board of Trustees. (Ord. 12-1972 §III:5:c, 1972)

16.24.040 Release of Guarantee. When the required improvements on a plat are completed, the subdivider may apply in writing to the Board of Trustees for a partial or full release of the security. Upon receipt of such application, the Board or its agent shall inspect the completed improvements to ensure that they have been made in accordance with the final plat and the requirements of these regulations. If satisfactory, the security in sufficient amount to cover the cost of the improvements will be released. When all the improvements have been completed the full security shall be released. If, however, the improvements are not properly emplaned, the Town, at its discretion, shall have the power to use any of the security held to install the required improvements. (Ord. 12-1972 §III:5:d, 1972)

CHAPTER 16.28

FINAL PLAT

Sections:

16.28.010	Final Plat Application Fee
16.28.020	Contents
16.28.030	Material to Accompany
16.28.040	Planning Commission Action
16.28.050	Publication Procedures
16.28.060	Board of Trustees Action

16.28.010 Final Plat Application Fee. The Final Plat Application Fee as determined in Chapter 16.75 shall be paid by the subdivider or his agent to the Town Clerk at the time of filing the final plat. (Ord. 15-1987 §10, 1987; Ord. 14-1984 §3, 1984; Ord. 10-A-1981 §4, 1981)

16.28.020 Contents.

- A. The final plat should be submitted to the Town Clerk in four (4) copies, at least one of which shall be linen or suitable stable drafting film, on sheets twenty-four inches (24") by thirty-six inches (36") including a one-half inch (½") border on three (3) sides and a two inch (2") border on the left side. The plat shall be neatly and clearly drawn in India ink at a scale of one inch (1") equals one hundred feet (100'), except where the majority of the parcels is five acres or larger, in which case the scale may be one inch (1") equals two hundred feet (200'). The plat shall be submitted at least fifteen (15) days before the next regular Planning Commission meeting. All data and signatures on the plat shall be in India ink.
- B. All final plats shall show:
1. Name of the subdivision;
 2. An accurate and clear legal description of the subdivision with the acreage of the subdivision;
 3. Date or preparation, scale, and northpoint;
 4. A vicinity map necessary to locate the tract;

(16.28.020)

5. Location of land intended to be dedicated, reserved, or otherwise conveyed for public use or reserved in the deeds for the use of all property owners in the proposed subdivision;
6. All monuments placed and set in accordance with the requirements of the State of Colorado;
7. Certification by a registered land surveyor to the effect that the layout represents a survey made by him, that the monuments thereon actually exist as located, and that all dimensional and other details are correct;
8. Profiles of all roads;
9. Certificates for execution by each of the following:
 - a. Planning Commission chairman or vice chairman,
 - b. The Mayor and one member of the Board of Trustees
 - c. County Clerk and Recorder or a duly authorized deputy
10. Statement of ownership and acknowledgment or consent and ratification thereof, which may be separate, recorded documents, duly acknowledged;
11. A certificate waiving access rights across the right-of-way lines of major highways, parkways, streets, or freeways, where required as a condition of approval;
12. All areas shown on the map, which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision." All lines delineating such areas shall be dashed;
13. Relative bearings and distances to the nearest established street lines or official monuments, which shall be accurately tied to the lines of the subdivision by distances and bearings;

(16.28.020 - 16.28.030)

14. The exact layout including:

(Revised 2/17/89)

- a. Boundary lines with accurate distance and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. All dimensions to be determined by accurate field survey, which must balance and close within a limit of one in five thousand;
- b. The length of all arcs, internal angles, points curvature, length and bearing of the tangents;
- c. All easements as required by public and quasi-public agencies
- d. All lines of lots, blocks, and other parcels of land shall have accurate dimensions in feet and hundredths with bearing of angles to street and alley lines. Lots must close to one in ten thousand;
- e. All lots and blocks in the subdivision shall be numbered, consecutively throughout the tract, with no omissions or duplications;
- f. The right-of-way lines, widths, locations, and street names of all existing and proposed streets within. (Ord. 5-1973 §2, 1973; Ord. 12-1972 §III:6:b, 1972)

16.28.030 Material to Accompany: The final plat shall be accompanied by the following:

- A. Letter of credit or other security in the amount of one hundred twenty-five percent (125%) of the official estimate, excepting roads, as prepared by a registered professional engineer, and parroted by the Board of Trustees to guarantee installation of al required improvements; this will be waived if the improvements are installed prior to consideration of the final plat by the Board of Trustees;
- B. Copies of all closures;
- C. Copies of proposed restrictive covenants or deed restrictions to be recorded;
- D. A current title opinion by an attorney qualified to practice law in the State of Colorado, or current title opinion, commitment, or policy as to the land involved showing condition of title, and all parties in interest in the property shown on the plat;

(16.28.030 - 16.28.050)

- E. A drainage plan, prepared by a registered professional engineer based on a twenty-

(Revised 2/17/89)

five-year storm. The drainage plan shall include, based on the finished grades and levels of development, all necessary present and future culverts and other drainage structures and storm sewers, by size, designed to accommodate the runoff from the subdivision. Surrounding land uses shall be taken into consideration as well as all basins which are occupied in whole, or in part, by the subdivision. Cost estimates for all drainage structures and improvements shall be provided;

- F. Certificate of taxes due showing all due taxes paid. (Ord. 5-1973 §3, 1973; Ord. 12-1972 §III:6:c, 1972)

16.28.040 Planning Commission Action. Upon receipt of all final application requirements, the Planning Commission shall approve or disapprove the final plat within thirty days and send their recommendations to the Board of Trustees. (Ord. 12-1972 §III:7, 1972)

16.28.050 Publication Procedures.

- A. The applicant shall complete the application form and tender the required application fee to the Town Clerk;
- B. The Town Clerk, within fifteen (15) days after receipt, shall forward copies of the application to the Planning Department who shall publish legal notice of a Planning Commission hearing to consider the application. Such legal notice shall be given at least five (5) days prior to such hearing;
- C. After such public hearing by the Planning Commission, their recommendations shall be forwarded within fifteen (15) days to the Board of Trustees;
- D. The Board of Trustees shall hold a public hearing, in which legal notice of at least fifteen (15) days shall be given;
- E. Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved;
- F. In the event of amendments initiated by the Town, no application form or filing fee shall be required. (Ord. 2-1980 §9, 1980)

(16.28.060)

16.28.060 Board of Trustees Action.

- A. The Board of Trustees shall consider the Planning Commission's recommendations

(Revised 2/17/89)

at its next regular meeting and shall take appropriate action on the plat;

- B. Approval of the final plat by the Board of Trustees shall be deemed as certification of the final plat. With this certification, the Board of Trustees shall forward a signed copy of the final plat to the county Clerk and Recorder for recording;
- C. Receipt of a duly certified final plat by the subdivider is authorization that he may proceed with the subdivision. However, no lots(s) shall be sold unless either the required improvements have been installed or the installation of the improvements is a condition of sale of the subdivided lot(s). (Ord. 12-1972 §III:8, 1972)

CHAPTER 16.32

VACATION PLATS

Sections:

- 16.32.010 Preparation - Scale - Fees
- 16.32.020 Contents
- 16.32.030 Reversion of Cul-de-sac to adjoining Land Owner

16.32.010 Preparation - Scale - Fees. Final plats, once recorded, may be vacated in the event of unforeseen circumstances by submission and approval of a vacation plat. A petition and resolution of vacation shall be presented to and approved by the Board of Trustees. The vacation plat and four (4) copies shall be prepared by a registered land surveyor and submitted to the Town Clerk, at least one (1) copy of which shall be on linen or suitable stable drafting film, drawn on sheets twenty-four inches (24") by thirty-six inches (36") including a one-half inch (½") border on three (3) sides and a one inch (1") border on the left side, at a scale suitable to legibly portray the required information, in ink. The plat shall be submitted thirty (30) days in advance of the Planning Commission meeting and shall be accompanied by a fee as set forth in Chapter 16.75. (Ord. 15-1987 §11, 1987; Ord. 14-1984 §4, 1984; Ord. 10-A-1981 §5, 1981)

16.32.020 Contents. Vacation plats will contain the following information:

- A. Name of subdivision must begin with the following words: "A vacation plat of _____";
- B. An accurate and clear legal description of the subdivision with the acreage of the subdivision;
- C. Date of preparation, scale, and northpoint;
- D. A vicinity map necessary to locate the tract;
- E. Certification by the county Clerk and Recorder to the effect that the plat to be vacated is a recorded plat;
- F. Acknowledgment of the vacation of the dedicated lands on the plat before a notary public;

- G. Certificates for execution by each of the following:
1. Planning Commission chairman or vice chairman,
 2. The Mayor and one member of the Board of Trustees
 3. County Clerk and Recorder or a duly authorized deputy
- H. Statement of ownership and acknowledgment of the vacation by all owners of legal and equitable interests in the property; or consent and ratification there of the owners, which may be a separate recorded document, duly acknowledged;
- I. Attorney's title opinion or evidence of satisfactory title insurance showing record ownership;
- J. Layout. The exact layout including:
1. The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract;
 2. All existing drainage and utility easements as recorded, subject to the reservation of easements for existing drainage and utility installations;
 3. All lines of lots, blocks, identification system and other parcels of land as recorded;
 4. The plat shall show the right-of-way lines, widths, locations, and street names of all streets as recorded within, and immediately adjacent to the property being vacated. (Ord. 12-1972 §III:9:b, 1972)

16.32.030 Reversion of Cul-de-sac to adjoining Land Owner. Any part of a cul-de-sac, outside the regular street right-of-way, designated as a temporary turn-around, when the road system is to be extended, shall, by resolution of the Board of Trustees, revert to the adjoining land owner(s) when the road system is extended without the necessity of a vacation plat or presentation of a petition and resolution. (Ord. 12-1972 §III:9:c, 1972)

CHAPTER 16.36

MINOR SUBDIVISIONS

Sections:

16.36.010	Defined
16.36.020	Plat - Submission - Scale - Fee
16.36.030	Designation - Application
16.36.040	Designation - Approval
16.36.050	Plat - Filing

16.36.010 Defined. A minor subdivision is defined as a subdivision, in which the following occur:

- A. The proposed plat or subdivision contains less than five lots; and
- B. All lots within the proposed plat abut a dedicated and accepted town thoroughfare or street; and
- C. The proposed plat meets all the minimum requirements of these regulations, the zoning ordinance, and other applicable Town ordinances and resolutions; and
- D. There are no request for waiver of any of the requirements of the various Town regulations and resolutions. (Ord. 12-1972 §IX:1, 1972)

16.36.020 Plat - Submission - Scale - Fee. A careful and legible drawn minor subdivision plat and four (4) copies shall be submitted to the Town Clerk, at least one copy of which shall be linen or stable drafting film, on sheets twenty-four inches (24") by thirty-six inches (36") including a one-half inch (1/2") border on three (3) sides and a one inch (1") border on the left side. The plat shall be drawn in India ink at a scale of one inch (1") equals one hundred feet (100'), and shall be submitted to the Town Clerk at least thirty (30) days in advance to the next regular Planning Commission meeting, along with the fee set forth in Chapter 16.75. (Ord. 15-1987 §12, 1987; Ord. 14-1984 §5, 1984; Ord. 10-A-1981 §6, 1981; Ord. 12-1972 §IX:2, 1972)

16.36.030 Designation - Application. The owner or agent of a tract or parcel of land proposed to be used for agricultural or single family purposes, which adheres to sections 16.36.010 and 16.36.020, may apply to the Board of Trustees for designation as a minor subdivision. Such application shall be made by completing the appropriate form and attaching any requests for waivers to the application. (Ord. 12-1972 §IX:3, 1972)

(16.36.040 - 16.36.050)

16.36.040 Designation - Approval. The Planning Commission shall make a recommendation to the Board of Trustees, who shall approve the designation of the proposed division as a minor subdivision if it finds the following:

- A. That the proposed lots are not part of any other subdivision approved within one year;
- B. That the proposed division would not constitute a subdivision of a large tract or parcel of land into five or more building sites, tracts, or lots within five years;
- C. That the lots from the proposed division will each be accessible from an existing public road.

Otherwise, the Planning Commission shall designate the proposal as a subdivision as defined by these regulations. (Ord. 12-1972 §IX:4, 1972)

16.36.050 Plat - Filing. On obtaining a designation as a minor subdivision and if the proposed subdivision meets these requirements, the subdivider or his agent shall file the plat of the proposed lots in the office of the Town Clerk. (Ord. 12-1972 §IX:5, 1972)

CHAPTER 16.40

STREETS

Sections:

16.40.010	Arrangement	
16.40.020	Preservation of Natural Features	
16.40.030	Cul-de-sacs	
16.40.040		Centerline Off-Sets of Intersecting Streets
16.40.050	Blocks	
16.40.060	Half Streets	
16.40.070	Intersections	
16.40.080	Access Point to Lots - Culverts	
16.40.090	Design Standards - Arterials and Residential Streets	
16.40.100	Alleys	
16.40.110	Arterial Streets in or Abutting Subdivision	
16.40.120	Railroad Right-of-way or Limited Access Highway Right-of-Way in or Abutting Subdivision	
16.40.130	Vacation of Street Right-of-Ways	
16.40.140	Warranty of Streets Installed	

16.40.010 Arrangement. The arrangement of major streets shall conform to the major thoroughfare plan of Palmer Lake streets in the subdivision shall connect with those already dedicated in adjoining subdivisions. When adjoining land has not been platted, provisions shall be made to continue the street pattern in the future by the provision of stub streets. (Ord. 12-1972 §IV:1:a, 1972).

16.40.020 Preservation of Natural Features. In the layout of streets and blocks, natural features such as drainage-ways, rock formations, soil, vegetation, and topography shall be preserved as much as possible. (Ord. 12-1972 §IV:1:b, 1972).

16.40.030 Cul-de-sacs. Cul-de-sacs shall be designed with regard to section 16.40.020, and to the type of development, proposed density, and other features requiring consideration. Cul-de-sacs shall not exceed five hundred feet (500') in length and shall be designed with a turn-around of at least one hundred twenty feet (120') in the diameter of the right-of-way or by providing a loop street with a minimum centerline radius of sixty feet (60'). (Ord. 12-1972 §IV:1:c, 1972).

16.40.040 Centerline Off-Sets of Intersecting Streets. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty feet (150'). Roadways shall normally be located in the center of the right-of-way. Paved surfaces shall be located in center of the right-of-way. (Ord. 12-1972 §IV:1:d, 1972).

16.40.050 Blocks. Blocks in residential subdivisions shall be not less than four hundred feet (400') long and not more than fourteen hundred feet (1,400') long, except where topography and other conditions justify variations. When blocks exceed one thousand feet (1,000') in length a midblock walkway and/or pedestrian crosswalks, not less than ten feet (10') wide, may be required to provide access to community and other facilities. (Ord. 12-1972 §IV:1:e, 1972).

16.40.060 Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided. (Ord. 12-1972 §IV:1:f, 1972).

16.40.070 Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited. (Ord. 12-1972 §IV:1:g, 1972).

16.40.080 Access Point to Lots - Culverts. Each access point to a lot, if an adjacent roadside ditch is to be crossed, shall be provided with a corrugated metal pipe (CMP) culvert with a minimum diameter of eighteen inches (18") and a minimum length of twenty feet (20'). (Ord. 12-1972 §IV:1:h, 1972).

16.40.090 Design Standards - Arterials and Residential Streets. Street design standards as shown below shall be used as guidelines for development:

A. Arterial Streets.

1. These streets are designed to permit rapid and relatively unimpeded traffic movement throughout the Town. They will carry relatively high volumes of traffic and connect major land use elements and existing settlements;
2. Right-of-way shall be a minimum of eighty feet (80'). A twenty-four foot (24') all-weather road with six foot (6') shoulders on each side, surfaced with four inches (4") of compacted three-fourth inch (3/4") minus gravel on a compacted subbase, shall be provided. Compaction shall be to ninety-five percent (95%) of the appropriate AASHO standard;

(Revised 8/95)

(16.40.090)

3. Intersections will generally be at grade but shall be limited. Curb cuts and median cuts shall be strictly controlled as to number and location. Traffic will be regulated by traffic control devices and channelization.
4. Grade and Sight Distances.
 - a. Grades: Not less than five-tenths of one percent; not more than ten percent;
 - b. Sight Distance: Horizontal, one hundred feet (100').

Vertical, minimum length equivalent to ten times the algebraic difference in the rate grade.

B. Major Residential Streets. Collector Streets.

1. Major streets are designed to serve local needs in a neighborhood or subdivision by providing a means of collecting traffic and distributing it to the arterials. Curvilinear and loop streets are desirable, but in all cases efforts must be made to preserve the natural environment;
2. The right-of-way shall be a minimum of sixty feet (60'). A twenty-four foot (24') all-weather road with six foot (6') shoulders on each side, surfaced with four inches (4") of compacted three-fourth inch (3/4") minus gravel on a compacted subbase, shall be provided.
3. Intersections will be at grade and limited in number; curb cuts will be limited as much as possible, and direct access from houses will be discouraged;
4. Grades and Sight Distances.
 - a. Grades: Not less than five-tenths of one percent. Not more than ten percent.
 - b. Sight Distances: Horizontal, one hundred feet (100').

Vertical, minimum length equivalent to ten times the algebraic difference in the rate of change of grade.

(Revised 8/95)

C. Minor Residential Streets.

1. Minor streets are designed to serve the local needs of the subdivision by providing direct access to abutting properties. All traffic carried by minor street will originate or have a destination in the subdivision or neighborhood. Minor streets shall blend into the natural environment rather than destroy it;
2. Right-of-way shall be a minimum of fifty feet except in areas where the tops of cuts or bottoms of fills encroach on individual lots and in those cases a minimum of sixty feet shall be required along the whole length of the street.

A thirty-two foot (32') all-weather road surfaced with four inches (4") of compacted three-fourth inch (3/4") minus gravel on a compacted subbase, shall be provided.

3. Intersections will be at grade; curb cuts will be limited to one per lot and shall be designed to permit smooth access to the lot;
4. Grades and Sight Distances.
 - a. Grades: Not less than five-tenths of one percent. Not more than ten percent.
 - b. Sight Distances: Horizontal, one hundred feet (100').

Vertical, minimum length equivalent to ten times the algebraic difference in the rate of grade. (Ord. 12-1972 §IV:1:i, 1972).

16.40.100 Alleys. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access. Dead-end alleys are prohibited. (Ord. 12-1972 §IV:1:j, 1972).

16.40.110 Arterial Streets in or Abutting Subdivision. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along with the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of through and local traffic. (Ord. 12-1972 §IV:1:k, 1972).

16.40.120 Railroad Right-of-Way or Limited Access Highway Right-of-Way in or Abutting Subdivision. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. (Ord. 12-1972, §IV:1:1, 1972).

16.40.130 Vacation Street Right-of-Ways. Street right-of-ways may be vacated upon approval of the Town Board and upon payment of the processing fee equal to the fee set forth in Chapter 16.75. (Ord. 5-1987, §13, 1987; Ord. 14-1984, §7, 1984).

16.40.140 Warranty of Streets Installed. All developers, property owners and others who install streets or roads within the Town of Palmer Lake shall warrant same for a period of one year from and after their acceptance by the Town of Palmer Lake. During the one-year period all parts and labor for maintenance and repairs in connection with said streets or roads shall be at the sole cost of the installer of the streets or roads. At the end of the one-year warranty period, provided that the condition of the required streets or roads meets the Town's specifications, all maintenance thereafter shall be at the expense of the Town of Palmer Lake. (Ord. 8-1995, §4, 1995).

CHAPTER 16.44

LOTS

Sections:

16.44.010	Shape and Orientation
16.44.020	Area
16.44.030	Dimensions
16.44.040	Width to Depth Ratio
16.44.050	Corner Lots
16.44.060	Side Lot Lines
16.44.070	Ingress and Egress
16.44.080	Coverage and Building Setback Lines
16.44.090	Commercial and Industrial Lots

16.44.010 Shape and Orientation. The shape and the orientation of lots should be appropriate for the location of the subdivision and for the type of development proposed. The governing factor should be the usability of the lot. The general standards set out in this chapter shall apply in the evaluation of a subdivision plat. (Ord. 12-1972 §IV:2:a, 1972).

16.44.020 Area. The minimum area and the dimensions of lots shall conform to the requirements of the zoning ordinance for the district, in which the subdivision is located. (Ord. 12-1972 §IV:2:a(1), 1972).

16.44.030 Dimensions. The minimum dimensions of lots for residential use shall normally be fifty feet (50') in width at the property line, and one hundred feet (100') in depth. Flag lots will have at least a forty foot (40') frontage where the base of the stem abuts the property line. (Ord. 12-1972 §IV:2:a(2), 1972).

16.44.040 Width to Depth Ration. The depth of a lot shall not be greater than twice its width. (Ord. 12-1972 §IV:2:a(3), 1972).

16.44.050 Corner Lots. For residential use, corner lots shall be platted so as to permit conformance with the street side yard requirements of the zoning ordinance. (Ord. 12-1972 §IV:2:a(4), 1972).

16.44.060 Side Lot Lines. Side lot lines shall be approximately at right angles or radical to the centerline of streets. Side lines of lots located on a cul-de-sac shall be approximately radical to the adjacent right-of-way line. (Ord. 12-1972 §IV:2:a(5), 1972).

(16.44.070 - 16.44.090)

16.44.070 Ingress and Egress. Each lot in a new or replanted subdivision shall have sufficient means of vehicular ingress and egress to a dedicated public street. However, there shall be no access from individual lots to federal and state highways, and where feasible, to arterial roads as designated on the major thoroughfare plan, except through frontage roads. (Ord. 12-1972 §IV:2:a(6), 1972).

16.44.080 Coverage and Building Setback Lines. Lot coverage and building setback lines shall conform to the zoning ordinance. (Ord. 12-1972 §IV:2:a(7), 1972).

16.44.090 Commercial and Industrial Lots. Width and depths of commercial and industrial lots shall provide ample space for the required off-street parking and loading facilities and for the type of establishments contemplated for development. (Ord. 12-1972 §IV:2:a(8), 1972).

CHAPTER 16.48

WATER AND SEWER UTILITIES

Sections:

- 16.48.010 Water Supply System.
- 16.48.020 Sewage Treatment.
- 16.48.030 Minimum Lot Sizes for Water and Sewer.
- 16.48.040 Septic Tank Systems.
- 16.48.050 Sewage System Installation--Distances.
- 16.48.060. Warranty of Water Supply System.

16.48.010 Water Supply System.

- A. Where the public water supply is within five hundred feet of a proposed subdivision, the subdivider shall install, or have installed, connections to each lot prior to the surfacing of the street. Where the public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof in accordance with the lot standards in Section 16.48.030. The design of any such system shall be subject to the approval of the appropriate state or county health officers.
- B. Water mains shall be emplaced as per the requirements of the Town water district. Fire plugs shall be installed at each intersection or six hundred feet. Stand pipes are prohibited. Connections to water lines in alleys are prohibited.
- C. A drawing of the water system, as built, shall be provided to the Town Clerk. The drawing shall be at a suitable legible scale and shall be on mylar or other stable drafting material. (Ord. 12-1972 §IV:3:a, 1972)

16.48.020 Sewage Treatment.

- A. Where a public sanitary sewer is accessible by gravity flow within five hundred feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a public sanitary sewer accessible by gravity connection is not within five hundred feet (500') of the final plat, but where plans for the installation of public sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

(16.48.020 - 16.48.040)

- B. Sewer lines shall be located as per the requirements of the Palmer Lake sanitation district. Sewer manholes shall be installed at every four hundred feet (400'). Connections to sewer lines in alleys are prohibited.
- C. Notwithstanding the above five hundred feet (500') maximum, when a subdivision is located within a proposed service area, as designated on the regional sewer plan, or other municipal/county plan, provisions shall be made for connection to the public sewer system. It will not be mandatory to connect to the system until it is available within five hundred feet (500'), but break and domestic lines will be emplaned.
- D. A drawing of the sewer system, as built, shall be provided to the Town Clerk. The drawing shall be at a suitable legible scale and shall be on mylar or other stable drafting material. (Ord. 12-1972 §IV:3:b, 1972).

16.48.030 Minimum Lot Sizes for Water and Sewer. Municipal or other public provision of both water and sewer is required on lots less than two and one-half (2 ½) acres in area. On lots of two and one-half (2 ½) acres but less than five (5) acres a central system for sewage treatment will be provided, designed, and built in a manner approved by the State Health Department, provided, however, that the request for a central system for sewage treatment may be waived by the Board for good cause. On lots of two and one-half (2 ½) acres but less than five (5) acres individual lot water sources may be used. On lots of five (5) acres or more, individual water and sewer facilities may be installed according to the regulations herein and the appropriate state laws. (Ord. 3-1987 §1, 1987; Ord. 12-1972 §IV:3:c, 1972).

16.48.040 Septic Tank Systems.

- A. Cesspools are prohibited in all types of subdivisions.
- B. Size and Type of Septic Tanks. The minimum size of septic tanks shall be in accordance with the following:

2 or fewer bedrooms		750
	gallons	
3 bedrooms		1,000 gallons
4 bedrooms		1,250 gallons

and for each additional bedroom a further two hundred fifty (250) gallons will be added to the capacity of the tank.

Tanks will be constructed of concrete or sealed concrete blocks. The use of steal tanks is discouraged.

(16.48.040)

- C. Absorption Fields. Absorption fields will be of approved design and of a size adequate for the percolation rate of the soil, on which the field is located. The following graph shall be used in determining the size of absorption fields:

A 20% safety factor will be added to the area measured from the graph.

- D. Sealed Vaults. In areas where the percolation rate is slower than one inch (1") per hour or contamination of the water table is possible, sealed vault systems shall be installed.

In areas where the soil cover is not of sufficient depth to support an absorption field, that is, less than thirty inches (30"), sealed vaults will also be installed. (Ord. 12-1972 §IV:3:d, 1972).

(16.48.050)

(Revised 5/1/96)

16.48.050 Sewage System Installation - Distances. The following minimum distances will be observed whenever a sewage system is installed:

Where the water supply line must cross the sewer line, the bottom of the water service line within ten feet (10') of the point of crossing shall be at least twelve inches (12") above the top of the sewer line. The sewer line shall be of cast iron with leaded or mechanical joints at least ten feet (10') on either side of the crossing. (Ord. 12-1972 §IV:3:d, 1972).

16.48.060 Warranty of Water Supply System. Subdivider who installs or has installed a water supply system connected to the water system of the Town of Palmer Lake shall warrant same for a period of one year following the acceptance of the water supply system by the Town of Palmer Lake. During the one-year period all parts and labor for maintenance and repairs in connection with said improvements shall be at the sole cost of the subdivider. At the end of the one-year warranty period, provided that the condition of the required improvements meets the Town's specifications, all maintenance shall thereafter be at the expense of the Town of Palmer Lake. (Ord. 8-1995, §5, 1995).

(Revised 5/1/96)

CHAPTER 16.52

STREET NAMES

Sections:

16.52.010	Duplication Prohibited - Approval - Continuing Streets.
16.52.020	Designation Procedure.
16.52.030	Comprehensive Street Number Plan.
16.52.040	Notification.
16.52.050	Correct Street Numbers Displayed.

16.52.010 Duplication Prohibited--Approval--Continuing Streets. The names of streets shall not duplicate either phonetically or alphabetically any existing street name. Names shall be approved by the Planning Commission. Any street which is a continuation of an existing street or which approximates said continuation shall bear the name of the existing street. (Ord. 12-1972 §IV:4:a, 1972).

16.52.020 Designation Procedure. Street name designation shall be as follows:

- A. "Boulevard" or "parkway" shall be reserved for roadways designated on the major street plan having a median divider of sufficient size to allow for landscaping;
- B. "Avenue" or "road" shall be reserved for streets of substantial continuity such as major residential streets;
- C. "Street" or "drive" shall be reserved for streets of less continuity such as minor residential streets;
- D. "Court," "place," "circle," "way," or "terrace" shall be reserved for streets with no continuity whatsoever, such as public or private streets or render access to limited developments. (Ord. 12-1972 §IV:4:b, 1972).

16.52.030 Comprehensive Street Number Plan. The Town Administrator for the Town of Palmer Lake is hereby directed by the Town Board to develop an overall comprehensive plan for assignment of street numbers for each building currently built or planned for the Town of Palmer Lake and shall assign said street numbers to each building. (Ord. 3-1989, §11, 1989; Ord. 13-1988 §1, 1988).

16.52.040 Notification. The Town Administrator shall notify each building owner or occupant as to the correct street number of any building that does not have the correct assigned number. (Ord. 3-1989, §11, 1989; Ord. 13-1988 §2, 1988).

16.52.050 Correct Street Numbers Displayed. All owners of buildings or tenants shall within thirty days from the date of notification of the correct street number have the correct street number prominently displayed on said building so that the same may be seen from the street. (Ord. 3-1989, §11, 1989; Ord. 13-1988 §3, 1988).

CHAPTER 16.56

EASEMENTS

Sections:

16.56.010	Public Utility Easements
16.56.020	Drainage Easements
16.56.030	Other Easements

16.56.010 Public Utility Easements.

- A. Utility easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least twenty feet (20') wide.
- B. Terrain permitting easements for other public utilities such as telephone, gas, and electrical service shall be provided along the rear lot lines. Anchor easements shall also be provided where applicable. Wherever possible, all lines should be buried underground unless undue hardship would be caused by such placement.
- C. In all cases, however, the design and location of easements shall be agreed upon by the subdivider, the appropriate utility company, and the Planning Commission or board of Trustees. (Ord. 12-1972 §IV:5:a, 1972).

16.56.020 Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both waterflow and maintenance operations. (Ord. 12-1972 §IV:5:b, 1972).

16.56.030 Other Easements. Easements may also be required by other public agencies for a variety of purposes. Whenever possible, these easements shall be so established as to enhance the environment of the subdivision. (Ord. 12-1972 §IV:5:c, 1972).

CHAPTER 16.60

REQUIRED IMPROVEMENTS

Sections:

16.60.010	Developer's Responsibilities
16.60.020	Reimbursement for Costs
16.60.030	Required Improvements

16.60.010 Developer's Responsibilities. It shall be the responsibility of the developer to install, in accordance with the plans, specifications, and data approved by the Town Engineer or his deputy the required improvements outlined below. (Ord. 12-1972 §V:1, 1972).

16.60.020 Reimbursement for costs. Whenever the capacity of required roads, pipes, or system shall exceed that which is required for the service of the subdivision, the Town shall reimburse the developer for the extra cost incurred in meeting the increased requirements. (Ord. 12-1972 §V:2, 1972).

16.60.030 Required Improvements. Improvements are required according to the following schedule:

- A. Monuments: Shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Town Engineer. Material to be approved by him (iron rods, pipes or pins, one inch or more in diameter, twenty-four inches (24") more below grade;)
- B. Lot Pins: Lot pins at each corner of all lots;
- C. Grade Profiles: Grading and centerline gradients as per plan and profiles approved by County Engineer; to conform to design standards;
- D. Storm Drainage: Storm drainage improvements, as per plans approved by the County Engineer, using a twenty-five (25) year design storm;
- E. Sewage Disposal: Private methods depending on lot size. Provisions shall be made for connection to the public system;
- F. Water Supply: Private water facilities as approved by health department for individual lots, depending on lot size;

(16.60.030)

G. Streets:

Arterial streets - eighty foot (80') right-of-way

Major residential streets - sixty foot (60') right-of-way

Arterial and major residential or collector streets shall be surfaced with a twenty-four foot (24') roadway and six foot (6') shoulders on each side on an approved compacted subbase, adequate to provide an all-weather road, surfaced with four inches (4") of compacted three-fourth inch (3/4") minus gravel.

Minor residential streets - fifty foot (50') right-of-way and shall consist of a thirty-two foot (32') roadway on an approved compacted subbase to provide an all-weather road;

- H. Street Name Signs: Street name signs at all intersections. Signs will be uniform in design and materials with lettering at least three and one-half inches (3 1/2") wide and be legibly mounted. Yellow diamond, black lettered signs shall be placed at the entrance of all dead-end streets of cul-de-sacs;
- I. Fireplugs: Fireplugs at each intersection or six hundred feet (600') wherever a public water supply is used;
- J. Dedication: Dedication of land or cash in lieu of dedication, for public purposes;
- K. Sewage Disposal: When the public sewer is available the subdivider shall install the required sewer lines in the center of the street right-of-way at a minimum depth of six feet (6') from the finished street grade;
- L. Water Supply: When the public water supply is used, the subdivider shall install the required water lines at a minimum depth of six feet (6') from the finished street grade. The line shall be located ten feet (10') to the north of the road centerline in east-west road, and ten feet (10') to the east of the centerline in north-south roads. (Ord. 5-1973 §§7 - 9, 1973; Ord. 12-1972 §V:3, 1972).

CHAPTER 16.64

VARIANCES

Sections:

16.64.010 Planned United Development - Repealed - See 17.52.010, et seq.

(Revised 4/9/92)

CHAPTER 16.68

ENFORCEMENT AND PENALTY

Sections:

- 16.68.010 Compliance Required.
16.68.020 Penalty for Violations.

16.68.010 Compliance Required.

1. No plat of any subdivision within the application of these regulations shall be entitled to be filed or recorded or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by these regulations.
2. It is unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of or in conformity with any plat, plan, or replat or any subdivision within the area subject to application of these regulations unless the plan, plat or replat shall have been approved as prescribed herein and filed and recorded. (Ord. 12-1972, §VII:1, 1972).

16.68.020 Penalty for Violations. Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor, and shall upon conviction be punished according to Chapter 1.16 of this Code. The sale of each and every lot sold in violation of this title is considered a separate violation. These penalties shall be in addition to any others that may be imposed. (Ord. 12-1972, §VII:2, 1972; Ord 1-2003, §25, 2003).

CHAPTER 16.68

ENFORCEMENT AND PENALTY

Sections:

16.68.010 Compliance Required.

16.68.020 Penalty for Violations.

16.68.010 Compliance Required.

1. No plat of any subdivision within the application of these regulations shall be entitled to be filed or recorded or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by these regulations.
2. It is unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of or in conformity with any plat, plan, or replat or any subdivision within the area subject to application of these regulations unless the plan, plat or replat shall have been approved as prescribed herein and filed and recorded. (Ord. 12-1972, §VII:1, 1972).

16.68.020 Penalty for Violations. Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor, and shall upon conviction be punished according to Chapter 1.16 of this Code. The sale of each and every lot sold in violation of this title is considered a separate violation. These penalties shall be in addition to any others that may be imposed. (Ord. 12-1972, §VII:2, 1972; Ord 1-2003, §25, 2003).

CHAPTER 16.75

SUBDIVISION FEES

Sections:

16.75.010	Additional Costs.
16.75.020	Master Plan.
16.75.030	Preliminary Plat Application Fee.
16.75.040	Final Plat Application Fee.
16.75.050	Vacation Plat Fee.
16.75.060	Minor Subdivision Fee.
16.75.070	Vacation of Street Fee.
16.75.080	Permit Fee for Removal or Stockpiling of Earth, Sand, Rocks or Gravel.

16.75.010 Additional Costs. In addition to the fees set forth in this Chapter the subdivider or his agent shall be liable to the Town for any and all additional fees incurred by the Town to third parties in connection with the Plat or Application from the subdivider or his agent. Such additional fees would include, but not be limited to, fees incurred from the Town Engineer in reviewing the Application or Plat, including touring the site and conducting any investigations deemed appropriate; fees incurred by the Town Attorney in reviewing any Application or Plat; fees incurred by State or local agencies in conjunction with the review of the preliminary plat as required by 16.20.040; publication fees; consulting fees; and any other fees of like nature or character incurred by the Town in connection with the Application or petition of the subdivider or his agent. (Ord. 5-1995 §1, 1995, Ord. 15-1987 §1, 1987).

16.75.020 Master Plan. An Application fee for a Master Plan shall be five hundred dollars (\$500) plus ten dollars (\$10) per acre of land included in the Master Plan. This fee shall be paid by the subdivider or his agent to the Town Clerk at the time of filing the Master Plan. (Ord. 15-1987 §2, 1987).

16.75.030 Preliminary Plat Application Fee. The Application fee for a Preliminary Plat shall be five hundred dollars (\$500) plus ten dollars (\$10) per platted lot included in the preliminary plat, and shall be paid by the subdivider or his agent to the Town Clerk at the time of filing the preliminary plat. (Ord. 15-1987 §3, 1987).

16.75.040 Final Plat Application Fee. The application fee for a final plat shall be five hundred dollars (\$500) plus ten dollars (\$10) per lot platted (including reserved area), and shall be paid by the subdivider or his agent to the Town Clerk at the time of filing of the final plat. (Ord. 15-1987 §4, 1987).

(16.75.050 - 16.75.080)

16.75.050 Vacation Plat Fee. The fee for a vacation plat shall be two hundred fifty dollars (\$250) plus ten dollars (\$10) per acre of land included in the vacation plat and shall be paid by the vacator or his agent to the Town Clerk at the time of filing of the vacation plat. (Ord. 15-1987 §5, 1987).

16.75.060 Minor Subdivision Fee. The fee for a minor subdivision shall be four hundred dollars (\$400) plus twenty-five dollars (\$25) per acre of land included in the minor subdivision plat and shall be paid by the subdivider or his agent to the Town Clerk at the time of filing of the minor subdivision. (Ord. 15-1987 §6, 1987).

16.75.070 Vacation of Street Fee. The vacation of street right-of-way fees shall equal ten cents (\$0.10) per square foot of street right-of-way vacated and shall be paid to the Town Clerk at the time of filing an application for vacation of a street right-of-way. (Ord. 15-1987 §7, 1987).

16.75.080 Permit Fee for Removal or Stockpiling of Earth, Sand, Rocks, and Gravel. The fee for a permit to remove or stockpile earth, sand, rocks, or gravel shall be fifty dollars (\$50) and shall be paid to the Clerk of the Town of Palmer Lake at the time of filing the application for the permit. (Ord. 9-1989 §6, 1989).

CHAPTER 16.80

DRAINAGE

Sections:

16.80.010	Fees
16.80.020	Fee Calculation
16.80.030	Prudent Line
16.80.040	Options for Developers
16.80.050	Responsibility of Town Engineer and Town Clerk
16.80.060	Drainage Basin Planning Study
16.80.070	Changes in Fee
16.80.080	Palmer Lake Drainage Fund

16.80.010 Fees shall consist of a drainage fee shall which shall be paid at the time of issuance of a building permit for new construction or when assessed and charged by the Town Clerk. Remodeling and additions to existing structures shall not pay a drainage fee if the net impervious area of the lot will not increase. The fees to be paid shall be those in effect at the time of issuance of a building permit or assessment of fees by the Town Clerk and will be based on any net increase in impervious area. (Ord. 16-2000 §1, 2000; Ord. 3-2000 §2, 2000)

16.80.020 The schedule attached hereto and incorporated herein by reference and identified as Exhibit “A” is hereby adopted as the drainage fee on a per impervious acre basis for residential and for non-residential construction regardless of the size of the lots. Drainage fees shall be based on a review by the town engineer and shall be computed on a case by case basis, unless the “net % impervious” area is greater than that shown in Exhibit “A”. For purposes of this Ordinance the words “impervious surface” shall mean surfaces on or in real property where the passage of storm water into the earth’s surface has been reduced by the works of man. Works of man include buildings, roads, driveways, patio areas, roofs, sidewalks, parking lots or storage areas, and other manmade structures or hard-surfaced areas. (Ord. 3-2000 §3, 2000)

16.80.030 The fees set forth in Exhibit “A” are determined to be more accurate and equitable than those determined based upon total area of a development because scientific evidence indicates that a property’s contribution to storm water runoff and the related drainage infrastructure needs are proportional to the amount of “net % impervious” area on the property. These calculations were then further defined by applying the Prudent Line approach to channels in low density areas.

(16.80.030 - 16.80.050)

(01/03/01)

“Prudent Line” is defined as an approach to channel design that is applicable in less dense areas and entails the use of a buffer zone on either side of a channel - the Prudent Line setback - where development is prohibited and the channel is allowed to move laterally. The Prudent Line setback shall be a no build area and have a maintenance easement to the Town of Palmer Lake in excess of the flood hazard area. The flood hazard area is defined in the Town of Palmer Lake Municipal Code section 17.48.070. Maintenance of both the designated flood hazard area and the Prudent Line setback shall be the obligation of the applicable homeowners association, if such an association is required by the Town of Palmer Lake or one is established. Otherwise, the maintenance obligation shall be that of the individual owner of the fee title to the property underlying the flood hazard area as well as the Prudent Line setback. (Ord. 3-2000 §4, 2000)

16.80.040 If a drainage fee is considered not to be roughly proportional both in nature and extent to the impact of the proposed use or development of property in the Town of Palmer Lake, the person or entity responsible for paying the established fee may prepare, at their own expense, a Drainage Basin Planning Study or addendum to the Drainage Basin Planning Study (referred to as the “Updated Drainage Basin Identification and Fee Estimation Report, El Paso County, Colorado,” prepared by Muller Engineering Company, and dated January, 1989) or Master Development Drainage Plan as specified by Town ordinance. If such study is prepared pursuant to Town ordinance criteria and demonstrates, by standard engineering methods, that the existing fee is substantially in excess of the impact of the proposed use or development, the person or entity paying such fee may request that the Town Board amend the attached schedules to more accurately reflect the impact of the proposed use or development of the property in the Town of Palmer Lake. (Ord. 3-2000 §5, 2000)

16.80.050 The implementation of this fee system shall be determined by the Town Engineer and collection shall be the responsibility of the Town Clerk of the Town of Palmer Lake at the time of issuance of Building Permits. The basic procedure for handling credits and/or reimbursements will be the responsibility of the Town Engineer and will be as follows:

- a. A project which has no requirements to construct reimbursable drainage facilities will pay all drainage fees at the time of issuance of the building permit.
- b. When the cost estimate for reimbursable drainage facilities is less than the drainage fee for a project, the amount of the engineer’s cost estimate is subtracted from the fees due to obtain the balance due in cash at the time of the issuance of the building permit.

(16.80.050)

(01/03/01)

- c. When the engineer's cost estimate for providing reimbursable drainage facilities is greater than the drainage fee due for a project, no cash fees are paid at the time of permit. Actual costs of the facilities in excess of the fees due are eligible for credit or reimbursement from the Drainage Fund as funds become available.

The operation detail shall include the following fee reductions, credits and/or reimbursements subject to approval by the Town Engineer after the Town's administrative and engineering expenses:

- a. A fee reduction of 25% for those portions of development that consist entirely of 2.5 acres and larger lots.
- b. If the Town Engineer determines that the use of the Prudent Line is appropriate in a proposed use or development of property in the Town, a fee reduction up to the total fee for the land require by the Town to be dedicated for the Prudent Line, which is in excess of the flood plain, will be implemented. If the reduction exceeds the total fee, the remainder of the credit will be paid by the Town when the Drainage Fund account has sufficient moneys to do so. In addition, a reasonable construction cost for channel improvements associated with the Prudent Line and/or offsite planning study considerations will be eligible for credits and/or reimbursements.
- c. 100% of the reasonable land and construction cost of large on-site ponds that are either required facilities in a Drainage Basin Planning Study or an addendum to a Drainage Basin Planning Study that was prepared pursuant to Town criteria, accepted by the Town Engineer and paid for by other than the Town, will be eligible for credits and/or reimbursement.
- d. 100% of the reasonable land and construction cost of other regional facilities that are identified as reimbursable in a Drainage Basin Planning Study will be eligible for credits and/or reimbursement.
- e. 100% of the cost of approved Drainage Basin Planning Study will be eligible for credits and/or reimbursement.

(Ord. 3-2000 §6, 2000)

(16.80.060 - 16.80.080)

(01/03/01)

16.80.060 If a proposed use or development of property in the Town varies from the existing Drainage Basin Planning Study, as previously defined, the attached fee schedule may be inapplicable. If the Town determines that the proposed use or development may cause a material increase in stormwater runoff over the current approved Drainage Basin Planning Study, the Town may direct the person or entity responsible for paying the drainage fee to prepare, at that person's or entity's expense, a Drainage Basin Planning Study or addendum to Drainage Basin Planning Study or a Master Development Drainage Plan. Such study shall be prepared pursuant to drainage criteria. If such study establishes that the fee contained in the attached schedule is incorrect, the Town shall modify the drainage fee for the proposed use or development accordingly. (Ord. 3-2000 §7, 2000)

16.80.070 Changes in a fee based upon inflation in costs or new information including, but not limited to, a new Drainage Basin Planning Study or an addendum to a Drainage Basin Planning Study shall require action of the Board of Trustees. (Ord. 3-2000 §8, 2000)

16.80.080 All funds collected for drainage fees under this Ordinance shall be placed in the Town of Palmer Lake Drainage Fund. Expenditures from said fund shall be directly related to drainage problems and the construction or maintenance of drainage related structures within the Town of Palmer Lake or reimbursements as set forth in Section 16.80.050. (Ord. 3-2000 §9, 2000)

CHAPTER 16.90

LAND DEDICATION

Sections:

16.90.010	Land for Public Use
16.90.020	School Land Dedication or Cash In-Lieu Thereof
16.90.030	Park Land Dedication or Cash In-Lieu Thereof
16.90.040	Establishment of Cash In-Lieu of Amounts
16.90.050	Credits for Park & Recreational Open Space

Section 16.90.010 Land for Public Uses. In addition to dedication of lands for roads and easements for drainage and utilities, every subdivider shall convey to the Town land for the purpose of providing parks, open space, trails, school sites, or other public purposes as determined by the Board pursuant to the provisions of this chapter. The total public land dedication (or the cash in-lieu market value), not including right-of-way, shall equal twenty percent (20%) of the total land area (gross area) for a residential development and ten percent (10%) for a nonresidential development. (Ord. 7-2011, §1, 2011; Ord. 2-2001, §3, 2001; Ord 1-2003, §6, 2003)

16.90.020 School Land Dedication or Cash In-Lieu Thereof.

A. School Standards. It is hereby found and determined that minimum acreage requirements for schools, assuming ideal site topography, are as follows:

1. Elementary Schools: 450 students 10 acres min net usable acreage
0.0222 per student
2. Middle Schools: 900 students 25 acres min. net usable acreage 0.0278
acres per student
3. High School: 1,900 students 50 acres min. net usable
acreage 0.0263 acres per student

B. Dedication Standards. Applicable fees in lieu of land dedication shall be established by resolution of the Board of Trustees. Dedication of land for school purposes shall be based upon the following standards **by unit type:**

(Land Dedication for Residential Unit in Square Feet)

Single-Family Detached Residential

660 sq ft

Multi-Family, Mobile Home Park, and Other Residential 363 sq ft

Single-Family Detached Residential shall mean a residential dwelling unit completely separate of other units and situated on its own lot. For the purposes of this section, single family detached residential development will include any new development with a density less than eight (8) dwelling units per acre.

Multi-Family, Mobile Home Park, and Other Residential shall mean any type of residential units including, but not limited to, apartments, town homes, condominiums, and single family attached mobile homes located in rental space mobile home parks. For the purposes of this section, Multi-Family, Mobile Home Park, and Other Residential will include any new development with a density equal to or greater than eight (8) dwelling units per acre.

C. Fees in Lieu of Land or Guarantee of Future Land Dedication at Option of School District: When, after recommendation of the school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the school district may recommend to the Board of Trustees one of the following options:

1. Guarantee of future land dedication may be requested by the school district when dedication of all or portions of required school lands is not deemed feasible or in the public interest. Prior to final plat approval, the subdivider and the Board of Trustees shall enter into a written agreement in which the subdivider guarantees the future dedication of land for school sites. Said agreement shall be executed by the current owner(s) of the site(s) and the guarantor, who shall provide proof of ownership. The agreement shall include a legal description of the property to be dedicated in subsequent phase of the subdivision and shall be recorded with the office of the Clerk and Recorder of El Paso County. Said agreement shall be binding upon the subdivider's heirs, legal representatives, successors in interest, and assigns.
2. Fees in Lieu of Land: When, after recommendation of the school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the Board of Trustees shall require the payment of fees in lieu thereof.

(07/21/2012)

D. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay fee, or a combination of land dedication and fees, pursuant to statute, shall be as follows:

(16.90.020)

1. Based upon conversations with both the Town of Palmer Lake staff and School District staff during the pre-application phase of any project, at the time of filing a sketch plan or preliminary plat for approval, the subdivider shall, as part of such filing, either:
 - a. Designate the general area or areas the subdivider proposes to set aside for school areas and shall indicate the number of acres proposed for such uses and the number of proposed dwelling units in the development, or
 - b. Request waiver of a requirement to provide for school areas.
2. The preliminary plats and final plats of a proposed subdivision shall designate the specific areas proposed for uses as school areas, the number of acres so designated, and the proposed number of dwelling units by type in the subdivision, or the waiver of this requirement by plat note.

E. Determination of School Land Dedication. If the Board of Trustees determines that the dedication of land for school purposes is appropriate, then the subdivider shall convey the property and all improvements located thereon by warranty deed to the Lewis Palmer School District 38 with the recording of the final plat. Concurrently, the subdivider shall convey all tributary, non-tributary and not non-tributary water rights owned by the developer as a consequence of ownership of the dedicated property, water rights underlying the property, well rights, ditches and ditch rights appurtenant to the property, and mineral rights by warranty deed to the Town of Palmer Lake with the recording of the final plat.

F. Determination of Cash In-Lieu Payments. If the Board of Trustees determines that cash in-lieu of land for school purposes is appropriate, the amount of such cash amount shall be determined with reference to the following criteria:

	Elementary School	Middle School	High School
Required Acres/Site	10	20	45

(07/21/2012)

Student/Site	576	1,152	1,536	
Required Acres/Student	0.0174	0.0174	0.0293	
Percentage Enrollment by Grade Segment	45.5	24.8	29.7	
				(16.90.020)

Single Family Residential:				Total
School Children by Household	0.3289	0.1798	0.2153	0.725
Land Required (in acres)	0.0057	0.0031	0.0063	0.0152 (660 sq ft)

Multi-Family Residential:				
School Children by Household	0.1814	0.0989	0.1184	0.40
Land Required (in acres)	0.0031	0.0017	0.0035	0.0083 (363 sq ft)

Land Value:	\$19,234.00 per acre	\$0.4415 per sq ft
Cash In-Lieu Amount, Per Single Family Residence		\$291.39 per residential unit
Cash In-Lieu Amount, Per Multi-Family, Mobile Home & Other		\$160.26 per residential unit

G. School Fee Fund: A fund established for use of providing for the acquisition of school lands by the Town of Palmer Lake. Fees collected shall be deposited into the School Fee Fund and shall be used solely to finance the acquisition of school lands which will reasonably serve the Town of Palmer of Palmer Lake. Interest earned on school fees shall remain within the School Fee Fund and shall be used solely for the purposes set forth in this subsection. From time to time, the Lewis Palmer School District 38 may request that revenue deposited in the School Fee Fund be transferred to a school district account for use in the accordance with this section. Transfer of any revenue shall be at the Town's discretion.
(Ord. 7-2011, §2, 2011; Ord. 2-2001 §4, 2001; Ord 1-2003, §7, 2003)

16.90.030 Park Land Dedication or Cash In-Lieu Thereof.

A. Land Dedication Standards.

(07/21/2012)

1. Any land to be dedicated as a requirement of this section shall be suitable, in the opinion of the Board of Trustees, for use as park, open space, and/or trails. Land dedication shall include the Board of Trustees for use as park, open space, and/or trails. Land dedication shall include the real property together with all tributary, non-tributary, and not non-tributary water rights owned by the subdivider as a consequence of ownership of the dedicated property, well rights, ditches, and ditch rights appurtenant to the property, mineral rights and all improvements thereon. Factors to be used in evaluating the adequacy of proposed park areas shall include, but are not limited to, size, shape, topography, geology, flora, fauna, access, and location. No such land dedication shall be located within the one-hundred (100) year flood plan boundary unless this requirement is expressly waived by the Board of Trustees.
2. The Board of Trustees, in consideration of the recommendations of the Planning Commission, will determine the suitability of the land proposed for dedication in providing for the intended purpose of the dedication, in accordance with the standards and criteria set forth in this section. If the Board, in its sole discretion, determines that such land is not suitable for dedication or that the public interest would be better served by requiring cash in-lieu of such dedicated lands, the subdivider shall be required to provide cash in lieu of such dedicated lands pursuant to the provisions of subsection B here below. Further, nothing contained herein shall be construed to prevent the Board from requiring that part of the park land dedication requirement be made in the form of dedicated land and that part of such requirement be made in the form of cash in lieu of the remaining requirements for such land.
3. Dedication of land for park, open space, trails and/or other public purposes shall be based upon the following subdivision category standards:

B. Park Requirements.

1. Commercial/Industrial Use: The standard for park dedication shall be 0.05 acre for each gross acre of commercial/industrial use land.
2. Residential Use: The park standard for dedication shall be five (5.0) acres per one thousand (1,000) projected population. Projected population shall be based upon the average of the population yield per dwelling unit of all types of residential dwelling units. Based upon the 1990 US Census Count, the average yield is two point six nine (2.69) persons per dwelling unit. Parks should, if feasible, be located adjacent to schools and to the residential units that they are intended to serve.

(07/21/2012)

- C. Fees in Lieu of Park Land: When the dedication of required park, open space, and trail lands is not deemed suitable or not in the public interest, the Board of Trustees shall require the subdivider, in-lieu thereof, to pay to the Town of Palmer Lake a fee in-lieu of land. Such fees shall be determined by an appraisal performed by a qualified appraiser retained by the applicant. Such appraiser shall be acceptable to and approved by the Town prior to such appraisal being conducted. The value of the land which is the basis for the appraised amount shall be determined as of the date that such land would have been dedicated to the Town, if cash in lieu of such land dedication had not been required. The value determined by such appraisal shall be acceptable to and approved by the Town.
- D. Park Fee Fund. A fund established for use in providing for the acquisition of park lands by the Town of Palmer Lake. Fees collected shall be deposited within the Park Fee Fund and shall be used solely to finance the acquisition of park lands, which will reasonably serve the needs of the Town of Palmer Lake. Interest earned on Park Fees shall remain within the Park Fee Fund and shall be used solely for the purposes set forth in this subsection; provided, however, that such earned interest may be used by the Town of Palmer Lake to provide for necessary and required minimum levels of annual public health and safety maintenance of the properties until their development as parks.

(Ord. 2-2001 §5, 2001; Ord 1-2003, §8, 2003)

16.90.040 Establishment of Cash In-Lieu of Amounts. The Board of Trustees shall establish the fees in lieu of land by amendments to this ordinance. Such amendments may be made at any time. (Ord. 2-2001 §6, 2001; Ord 1-2003, §9, 2003)

16.90.050 Credits for Park and Recreational Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of the residents, a portion of the land area not to exceed fifty percent (50%) of the land dedication requirements may be credited against the requirement set forth in section 16.90.030, provided, the Board of Trustees finds that it is in the public interest to do so and that the following standards are met and cited as findings of fact:

- A. That such open space, park, or recreational purpose is perpetually protected and maintained by enforceable instruments duly recorded in the public records of El Paso County and maintenance of the land is adequately provided for by written agreement;
- B. That the proposed land area is reasonably usable for the use for park and recreational purposes;
- C. That the facilities proposed for the land area are in substantial accordance with the provisions of this regulation and are approved by the Board;

(07/21/2012)

D. That the facilities proposed conform to and/or complement the Town of Palmer Lake Comprehensive Plan.

(Ord. 2-2001 §7, 2001; Ord 1-2003, §10, 2003)

(07/21/2012)

Title 17

ZONING

Chapters:

17.04	General Provisions
17.08	Definitions
17.12	Zones and Maps
17.16	RA Residential Agricultural Zone
17.17	Creation and Appointment
17.18	R1 Estate Zone
17.20	R1 Low Density Residential Zone
17.24	R2 Intermediate Density Residential Zone
17.28	R3 Medium Density Residential Zone
17.32	R4 High Density Residential Zone
17.34	(Repealed) Manufactured Housing Zone
17.36	C1 General Business and Commercial Zone
17.37	C2 General Business and Commercial Zone
17.38	CC Convenience Commercial Zone
17.40	M1 General Industrial Zone
17.44	O1 Recreation Zone
17.48	Flood Plain Zone
17.50	Hillside Overlay District
17.52	Planned Unit Development
17.56	Signs and Billboards
17.58	Home Occupations
17.60	Off-Street Parking and Loading
17.64	Off-Street Parking and Enforcement
17.68	Administration and Enforcement
17.70	Vested Property Rights
17.72	Board of Adjustment
17.76	Amendments
17.80	Fees

CHAPTER 17.04

GENERAL PROVISIONS

Sections:

17.04.010	Title.
17.04.020	Legal Authority.
17.04.030	Purpose.
17.04.040	Intent.
17.04.050	Interpretations.
17.04.060	Conflict.

17.04.010 Title. The ordinance codified in this title shall be known as the zoning ordinance of the Town of Palmer Lake, Colorado and may be so pleaded and cited. (Ord. 15-1973 § I:1, 1973).

17.04.020 Legal Authority. The ordinance codified herein is authorized by Article 60, Chapter 139, of the C.R.S., 1963, as amended. The ordinance codified herein is hereby declared to be in accordance with all the provisions of those statutes. (Ord. 15-1973 §I:2, 1973).

17.04.030 Purpose. The purpose of this Title is to promote the health, safety, convenience, order, prosperity, aesthetics, environmental quality and general welfare of the present and future inhabitants of Palmer Lake, Colorado. (Ord. 15-1973 § I:3, 1973).

17.04.040 Intent. It is the general intent of this Title to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire and flood and other dangers; provide adequate light, air, sanitation and drainage; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; and further the appropriate use of land and conservation of natural resources so that the environment of the community is preserved and enhanced and the beautification of the community will proceed apace. It is further intended that this Title will help to implement the community's comprehensive plan or its component parts and the Title shall be administered and enforced with this intent in mind. (Ord. 15-1973 § I:4, 1973).

17.04.050 Interpretations. In interpreting and applying the provisions of this Title, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Title to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Title imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this Title shall govern. (Ord. 15-1973 § XI:1, 1973).

17.04.060 Conflict. Whenever this Title is at variance with other adopted rules, regulations, resolutions or ordinances, that which is most restrictive or requires the highest standards shall apply. (Ord. 15-1973 § XI:2, 1973).

CHAPTER 17.08

DEFINITIONS

Sections:

17.08.010	Generally
17.08.020	Accessory use or structure
17.08.030	Billboard
17.08.040	Boarding and/or rooming house
17.08.050	Building
17.08.060	Building area
17.08.070	Building height
17.08.080	Club
17.08.090	Conditional uses
17.08.100	Corner lot
17.08.105	Day Care Home
17.08.110	Dwelling
17.08.120	Essential services
17.08.130	Family
17.08.135	Foster Home
17.08.140	Frontage
17.08.150	Garage, commercial
17.08.160	Garage, private
17.08.170	Gross floor area
17.08.175	Group Homes for the Aged
17.08.180	Heavy manufacturing
17.08.190	Home occupation
17.08.200	Hotel
17.08.210	Junkyard
17.08.220	Kennel
17.08.230	Light manufacturing or industry
17.08.240	Loading area
17.08.250	Lot
17.08.260	Lot length
17.08.270	Lot lines and area
17.08.280	Lot width
17.08.285	Manufactured homes
17.08.290	Mobile home
17.08.300	Mobile home park
17.08.310	Motel

(17.08.010-17.08.040)

(Revised 6/15/98)

17.08.320	Net residential acreage
17.08.330	Nonconforming uses or structures
17.08.333	Non-Profit Group Home
17.08.338	Owner Occupied Group Home
17.08.340	Parking area
17.08.350	Professional home office
17.08.360	Public uses
17.08.370	Public utility
17.08.380	Rear yard
17.08.390	Side yard
17.08.400	Sign
17.08.410	Solid waste
17.08.420	Stable, commercial
17.08.430	Stable, private
17.08.440	Street yard
17.08.450	Structural alterations
17.08.460	Structure
17.08.470	Trailer
17.08.480	Variance
17.08.490	Yard

17.08.010 Generally. For the purposes of this title the following definitions shall be used. Words use in the present tense include the future; the singular number includes the plural and vice versa; the work "shall" is to be construed as mandatory; the words "occupied" or "used" shall be construed to mean intended, arranged or designed to be occupied or used both in the future and present tenses.

17.08.020 Accessory use or structure. "Accessory use or structure" means a use or detached structure subordinate to the principal use or structure and located on the same lot or parcel serving a purpose that is customarily incidental to the principal use of the principal structure.

17.08.030 Billboard. "Billboard" means any medium or device, such as letters, figures, emblems and/or colors that advertises a place, product, service or anything that is not available on the premises on which the device is located.

17.08.040 Boarding and/or rooming house. "Boarding and/or rooming house" means a building other than a hotel or a restaurant where meals and/or lodging are regularly furnished for four or more persons not members of the family, but not exceeding twelve persons, for compensation. This establishment is not open to transient customers. (Ord. 15-1973 §II:3, 1973).

17.08.110)

(17.08.050-

(Revised 6/15/98)

17.08.050 Building. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. (Ord. 15-1973 §II:4, 1973).

17.08.060 Building area. "Building area" means the total living area bounded by the exterior walls of the building at the floor levels, including garages, car parks, porches and breezeways. (Ord. 15-1973 §II:5, 1973).

17.08.070 Building Height. "Building height" means the vertical distance measured from the average elevation of the finished lot grade along the street yard face of the structure to the highest point of flat and mansard ridges of gable roofs, gambrel roofs, hip roofs and pitch roofs. (Ord. 15-1973 §II:6, 1973).

17.08.080 Club. "Club" means any membership organization including a lodge catering exclusively to the members and their guests and whose facilities are limited to meeting, eating and recreational use and whose activities are not conducted principally for monetary gain. (Ord. 15-1973 §II:7, 1973).

17.08.090 Conditional Use. The Planning Commission shall recommend approval or denial of conditional uses to the Board of Trustees. The Board of Trustees shall have final authority to deny or grant such a conditional use. The applicant for conditional use shall follow the same procedure as set forth in an application for zone change including the publication of legal notice. (Ord. 2-1980 § 1, 1980; Ord. 15-1973 § II:8, 1973).

17.08.100 Corner Lot. "Corner lot" means any lot which has more than one property line abutting a dedicated street. Each corner lot shall have twenty-five feet set-backs from those property lines that abut dedicated streets. (Ord. 15-1973 §II:9, 1973).

17.08.105 Day Care Home. A day care home is a family care home receiving two or more children not related to each other or children from more than one family for less than 24 hours per day care. A day care home must be licensed or be accepted to be licensed by the Department of Social Services (Ord. 1-1987, §1, 1987).

17.08.110 Dwelling. "Dwelling" means a detached building designed or used exclusively as a residential occupancy including 1-family, 2-family, and multi-family dwellings in R-A, R-1, R-2, R-3 and R-4 zones. In C-1 zones, dwellings can also mean an attached building used for both residential and commercial uses, if approved as a conditional use. The term "dwelling" shall not include boarding, lodging or rooming houses, motels, hotels, tents, trailers or mobile homes. (Ord. 8-1981 § 1, 1981; Ordinance 2-1980, § 2, 1980; Ord. 15-1973 § II:10, 1973).

(17.08.120 - 17.08.175)

(Revised 6/15/98)

17.08.120 Essential Services. "Essential services" are services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage and communications systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants. (Ord. 15-1973 §II:11, 1973).

17.08.130 Family. "Family" means one or more persons occupying a premises and living in a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or hotel. (Ord. 15-1973 §II:12, 1973).

17.08.135 Foster Home. A facility for child care in a place of residence of a family, person or persons, for the purpose of providing family care and training for a child or children under the age of 21 years, who are not related to the head of such home. The term includes any family care home receiving a child or children for regular part-time or regular full-time care, and anyone receiving a child or children from any state-operated institution for child care, or from any child placement agency. The term shall include "family care home" and "receiving home". The term shall not include foster parents who are designated as such for the purpose of qualifying for adoption.
(Ord 3-1996, §1, 1996; Ord. 1-1987, §1, 1987)

17.08.140 Frontage. "Frontage" means the smallest dimension of a lot abutting a public street measure along the street line or right-of-way. (Ord. 15-1973 §II:13, 1973).

17.08.150 Garage, commercial. "Commercial garage" means any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted, equipped or sold for remuneration. (Ord. 15-173 §II:14, 1973).

17.08.160 Garage, private. "Private garage" means a building used only for the housing of motor vehicles without their equipage for operation, repair, hire or sale, in conjunction with residential land uses. (Ord. 15-1973 §II:15, 1973).

17.08.170 Gross floor area. "Gross floor area" means the sum of all the roofed-over floor area of the building measured from its exterior walls, including all accessory buildings on the same lot. (Ord. 15-1973 §II:16, 1973).

17.08.175 Group Homes for the Aged. Either a non-profit group home or an owner occupied group home may be described in this title as a Group Home for the Aged. (Ord. 7-1990, §1, 1990).

(17.08.180 - 17.08.260)

(Revised 6/15/98)

17.08.180 Heavy manufacturing. "Heavy manufacturing" means any manufacturing or industrial processing which by nature of the material, equipment and process utilized procedures objectionable levels of noise, fumes, light or smoke which may or may not have hazardous effects. (Ord. 15-1973 §II:18, 1973).

17.08.190 Home occupation. "Home occupation" is defined as the provision of a service conducted primarily by the inhabitants residing on the premises. The requirements for a Home Occupation are set out in Chapter 17.58 of the Palmer Lake Municipal Code. (Ord. 1-1986, §1, 1986; Ord. 15-1973, §II:17, 1973).

17.08.200 Hotel. "Hotel" means a building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use. (Ord. 15-1973 §II:19, 1973)

17.08.210 Junkyard. "Junkyard" means a building or structure or parcel of land or a portion thereof used for the collection, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collection, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials and including the sale of whole or parts thereof. (Ord. 15-1973 §II:20, 1973).

17.08.220 Kennel. "Kennel" means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six or more dogs, cats or other domestic animals that are over four months old. (Ord. 15-1973 §II:21, 1973).

17.08.230 Light manufacturing or industry. "Light manufacturing or industry" means any manufacturing or industrial processing which by nature of the materials, equipment and process utilized is to a considerable degree quiet, clean and free from any objectionable or hazardous element. (Ord. 15-1973 §II:22, 1973).

17.08.240 Loading area. "Loading area" means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley. (Ord. 15-1973 §II:23, 1973).

17.08.250 Lot. "Lot" means a parcel of land having frontage on a public street occupied by a principal structure or use and sufficient in area to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this title. (Ord. 15-1973 §II:24, 1973).

17.08.260 Lot length. "Lot length" is the mean distance from the street to the rear of the lot measured perpendicularly from the street line upon which the lot faces. (Ord. 15-1973 §II:27, 1973).

(17.08.270 - 17.08.300)

17.08.270 Lot lines and area. "Lot lines and area" means the peripheral boundaries of a parcel of land and the total area lying within said boundaries. (Ord. 15-1973 §II:25, 1973).

(Revised 6/15/98)

17.08.280 Lot width. "Lot width" means the width of a parcel of land measured at the rear of the specified street yard. (Ord. 15-1973 §II:26, 1973).

17.08.285 Manufactured Homes.

(A) "Manufactured home" means a single family dwelling which:

- (1) Is partially or entirely manufactured in a factory;
- (2) Is not less than twenty-four feet in width and thirty-six feet in length;
- (3) Is installed on an engineered permanent foundation;
- (4) Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and
- (5) Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended.

(B) "Equivalent performance engineering basis" means that by using engineering calculations or testing following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units. (Ord. 13-1996 §2, 1996)

17.08.290 Mobile Home. A structure, transportable in one or more sections, which is eight (8) body feet or more in width and thirty two (32) body feet or more in length, and which is built on a permanent basis and designed to be used as a living unit without permanent foundation, when connected to the required utilities, and includes the plumbing heating, air conditioning and electrical systems contained therein. The structure shall be licensed as a mobile home under the laws and regulations of the State of Colorado and shall bear a "Mobile Home Certification" plate issued by the Colorado Division of Housing stating that the mobile home complies with the factory-built construction standards of the State of Colorado. The "Mobile Home Certification" plate shall contain a mobile home (MH) certification number. (Ord. 2-1980, §4, 1980).

17.08.300 Mobile home park. "Mobil home park" means any lot or parcel used for the storage or living purposes of more than one mobile home. (ord. 15-1973, §II:29, 1973).

(17.08.310 - 17.08.360)

17.08.310 Motel. "motel" means a permanent building or group of buildings designed for the accommodation of transient guests and their automobiles. Included here are such things as auto courts, tourist courts, motor lodges, motor inns, motor hotels and similar terms. (ord. 15-1973, §II:30, 1973).

(Revised 6/15/98)

17.08.320 Net residential acreage. "Net residential acreage" means the land area devoted to the carrying of residential land uses measured exclusive of streets, roads, alleys and other public and private uses. (Ord. 15-1973, §II:31, 1973).

17.08.330 Nonconforming uses or structures. "Nonconforming uses or structures" means any structure or land lawfully used, occupied or erected at the time of the effective date of the ordinance codified herein or amendments hereto. Any structure conforming in respect to use but not in respect to frontage, width, area, height, yard, parking, loading or distance requirements shall be termed a nonconforming structure, not a nonconforming use. (ord. 15-1973, §II:32, 1973).

17.08.333 Non-profit Group Home. "Non-profit Group Home" means a Group Home for the Aged which is owned and operated by a person or organization which is exempt from income taxes pursuant to Section 39-22-112, C.R.S. (Ord. 7-1990, §2, 1990).

17.08.338 Owner Occupied Group Home. "Owner Occupied Group Home" means a Group Home for the aged, which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the Group Home. (Ord. 7-1990, §3, 1990).

17.08.340 Parking area. "Parking area" means an open space or an enclosed structure used exclusively for the temporary storage of automobiles, such space having a graded and surfaced area of not less than two hundred square feet, that is ten feet by twenty feet, and having adequate ingress or egress to a public street or alley and measured exclusively of drives and other entrance or exit ways. (Ord. 15-1973, §II:33, 1973).

17.08.350 Professional home offices. "Professional home offices" mans residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, city or regional planners, register land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professional activities where the office does not exceed one-half the area of one floor of the residence, and only one non-resident person is employed. (Ord. 15-1973, §II:34, 1973).

17.08.360 Public uses. "Public uses" means any building open to the general use, participation or enjoyment of the public and owned by the town, county, state or federal government or by a public utility corporation. (Ord. 15-1973, §II:35, 1973).

(17.08.370 - 17.08.460)

17.08.370 Public utility. A "public utility" is an electricity substation, a gas regulator station, a telephone exchange, a water or sewer pump station or water reservoir and the accessories used to provide the service. (Ord. 15-1973, §II:36, 1973).

(Revised 6/15/98)

17.08.380 Rear yard. "Rear yard" means the yard opposite the street yard and extending across the full width of the lot, immediately behind the principal structure wall. (Ord. 15-1973, §II:37, 1973).

17.08.390 Side yard. "Side yard" means a yard extending from the street yard to the rear yard of a lot, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure or use. (Ord. 15-1973, §II:38, 1973).

17.08.400 Sign. "Sign" means any medium or device, such as letters, figures, emblems and/or colors, that advertises a place, product, device or other item available on the premises on which the device is located. (Ord. 15-1973, §II:42, 1973).

17.08.410 Solid waste. "Solid waste" means useless, unwanted or discarded material with insufficient liquid content to be free-flowing. Solid waste may be generated by a variety of land uses including agricultural, commercial, industrial, residential, etc. uses. (Ord. 15-1973, §II:48, 1973).

17.08.420 Stable, commercial. "Commercial stable" means any building designed, arranged, used or intended to be used for housing horses for the use of any person, for compensation. (Ord. 15-1973, §II:39, 1973).

17.08.430 Stable, private. "Private stable" means any building, located on a lot on which a dwelling is situated, which is designed, arranged, used or intended to be used for housing horses for the private use of the occupants of the dwelling. (Ord. 15-1973, §II:40, 1973).

17.08.440 Street yard. "Street yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto to the nearest point of the principal structure. (Ord. 15-1973, §II:41, 1973).

17.08.450 Structural alterations. "Structural alterations" means any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders. (Ord. 15-1973, §II:44, 1973).

17.08.460 Structure. "Structure" means any erection or construction such as buildings, towers, lamps, poles, booms, signs, decorations, carports, machinery and equipment. (Ord. 15-1973, §II:43, 1973).

(17.08.470 - 17.08.490)

17.08.470 Trailer. "Trailer" means a vehicle without motive power, used or adaptable for use as living, sleeping, business, storage or other quarters which has been transported to the site on wheels, dollies, flatbeds or other devices and which occupies said site for less than twelve months. The primary use of a trailer is as other than permanent living quarters. The term "trailer" includes camp car, house car and camper. (Ord. 15-1973, §II:45, 1973).

(Revised 6/15/98)

17.08.480 Variance. "Variance" means a legal modification or variation of provisions of this title as applied to a specific piece of property. (Ord. 15-1973, §II:46, 1973).

17.08.490 Yard. "Yard" means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation. The street and rear yard extend the full width of the lot. (Ord. 15-1973, §II:47, 1973).

CHAPTER 17.12

ZONES AND MAP

Sections:

17.12.010	Zones - Established.
17.12.020	Map - Boundaries.
17.12.030	Application.
17.12.040	Design.
17.12.050	Publication Procedures.
17.12.060	Certificate of Zoning Compliance.
17.12.070	Site Development Plan.
17.12.080	Certificate of Occupancy.
17.12.090	Temporary Certificate of Occupancy.

17.12.010 Zones - Established. For the purposes of this Title, the Town is divided into land use zones to be known as follows:

RA	Residential Agricultural (5 acres or more)
R1	Estate (2½ acres or more)
R1	Low Density Residential (1 acre or more)
R2	Intermediate Density Residential (1/2 acre or more)
R3	Medium Density Residential (5,000 sq. ft. or more)
R4	High Density Residential (15,000 sq. ft. or more)
R-10,000	Intermediate Density Residential Zone (10,000 square feet or more) (Ord. 3-1989 §7, 1989; Ord. 4-1987.)
CC	Convenience Commercial Zone (6,600 square feet or more) (Ord. 10-1995, §1, 1995)
C1	General Business and Commercial (6,600 sq. ft. or more)
C2	General Business and Commercial Zone (6,600 square feet or more) (Ord. 10-1995, §1, 1995)
M1	General Industrial (10,000 sq. ft. or more)
01	Recreation.
F1	Floodplain.
HO	Hillside Overlay (Ord. 3-1989 §8, 1989; Ord. 2-1986 §1, 1986.) (Ord. 5-1985; Ord. 15-1973 § III:1, 1973).

17.12.020 Map - Boundaries. Provisions of this Title shall apply within the corporate limits of the Town as now or hereafter fixed. District boundaries are shown on a map, titled Official Zoning for the Town of Palmer Lake, Colorado. Said map shall be considered as a part of this Title. Where uncertainty exists as to boundaries the following rules shall apply:

- (A) The centerline of streets or alleys shall be construed as boundaries;
- (B) Property lot lines shall be construed as boundaries;
- (C) Railroad or state or public utility right-of-way shall be construed as boundaries. (Ord. 15-1973 § III:2, 1973).

17.12.030 Requirements. Except as hereinafter provided or by variance granted or by amendment, no building, structure, or land shall be occupied, built, or used or erected or moved or structurally altered unless in conformity with all the regulations herein specified for the zone or district in which it is located. No lot area shall be so used or diminished that the yards or other open spaces are smaller than prescribed by this title. No required front, side, or rear yard shall have placed within it any building, nor shall any of the required yard set-back areas be used to provide yard, open space, or parking areas for any other building or property. Where more than one (l) platted lot is used to meet the requirements of this title, a covenant shall be executed by the owner stating that at all times, and henceforth, the included lots shall be conveyed in one parcel. Said covenant shall then be recorded with the El Paso County Clerk and Recorder, and a copy of said covenant shall be filed with the zoning officer along with the application for a zoning compliance certificate. Once a covenant has been recorded on the included lots, said lots may not thereafter be separated except as required under the subdivision regulations. (Ord. 1-1985 § 1, 1985; Ord. 15-1973 § III:3, 1973).

17.12.040 Design.

- (A) The design and location of any structure or number of structures on any lot or lots should be in accordance with the physical setting of the surrounding area. Strict attention should be paid to environmental considerations and topsoil should not be unduly disturbed, trees should be preserved as much as possible and natural watercourses should not be encroached upon;
- (B) The use of natural building materials is encouraged; merchants are urged to harmonize their store fronts in blocks; order, harmony, light, air and convenience are sought in any design and innovation is regarded as important. Garish colors and materials are strongly discouraged. (Ord. 15-1973 § III:4, 1973).

(17.12.050 - 17.12.080)

17.12.050 Publication Procedures.

(Revised 5/1/96)

- (A) The applicant shall complete an application form and tender the required application fee to the Town Clerk;
- (B) The Town Clerk, within 15 days after receipt, shall forward copies of the Application to the Planning Department who shall publish legal notice of a Planning Commission hearing to consider the application. Such legal notice shall be given at least five days prior to such hearing;
- (C) After such public hearing by the Planning Commission, their recommendations shall be forwarded within 15 days to the Board of trustees;
- (D) The Board of Trustees shall hold a public hearing in which legal notice of at least 15 days shall be given;
- (E) Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved;
- (F) In the event of amendments initiated by the Town, no application form or filing fee shall be required. (Ord. 2-1980 § 9, 1980).

17.12.060. Certificate of Zoning Compliance. All construction requiring a building permit shall also require a certificate of zoning compliance, which certificate shall be issued prior to application for building permit with the El Paso County Regional Building Department. (Ord. 1-1985 § 2, 1985).

17.12.070. Site Development Plan. All construction requiring a certificate of zoning compliance shall also require that a site development plan accompany all applications. Contents of the site development plan shall contain all provisions as required by the Town of Palmer Lake Municipal Code. The Town zoning officer shall compile the requirements of all provisions, and the same shall be approved by the Board of Trustees. (Ord. 1-1985 § 3, 1985).

17.12.080. Certificate of Occupancy. Upon completion of construction and prior to occupancy of the building, the owner shall request a final inspection and shall not occupy said building until a certificate of occupancy has been issued by the El Paso County Regional Building Department and the zoning officer. A requirement prior to issuance of the certificate of occupancy shall be submittal of an "as built" set of plans showing the finished project, including all revisions and changes made during the construction of the project. If the revisions and changes are such as to significantly modify the original plans and development, the owner shall file an amended plan of the project for approval by the Planning Commission and the Board of Trustees prior to the zoning officer's issuance of a permanent certificate of occupancy. (Ord. 1-1985 § 4, 1985).

(17.12.090)

17.12.090. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the Board of Trustees on application and presentation by the owner or developer

(Revised 5/1/96)

of the justification of need for said temporary certificate of occupancy. Said temporary certificate of occupancy shall not be valid for more than one year. (Ord. 1-1985 § 5, 1985).

(Revised 5/1/96)

CHAPTER 17.16

RA RESIDENTIAL AGRICULTURAL ZONE

Sections:

- 17.16.010 Principal Permitted Uses.
- 17.16.020 Conditional Uses.
- 17.16.030 Lot Sizes and Dimensions.
- 17.16.040 Structure Height and Area.
- 17.16.050 Required Off-Street Parking.
- 17.16.060 Signs.
- 17.16.070 Septic Tanks.

17.16.010 Principal Permitted Uses. Principal permitted uses in an RA Zone are agricultural uses, including but not limited to the following:

- (A) General farming, forestry, ranching, etc.
- (B) Farm houses for resident owners and laborers actually engaged in the principal permitted use or accessory uses
- (C) Churches
- (D) Schools
- (E) Public uses and essential services
- (F) Private and commercial stables
- (G) Private and commercial kennels
- (H) Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.

(Ord 5-1999 §1, 1999; Ord. 15-1973 § III:5:a, 1973).

17.16.020 Conditional Uses. The following conditional uses may be permitted as specified:

- (I) Animal hospitals, provided the principal structures or uses are not less than one hundred feet from any residential district and provided that adequate buffer or screen protection is provided;
- (J) Deleted (Ord 17-2000 §1, 2000)
- (K) Deleted (Ord 17-2000 §1, 2000)

(17.16.020 - 17.16.030)

- (L) An individual mobile home may be permitted provided it is placed on a permanent foundation with the wheels removed. The home shall be connected to the appropriate utilities. The individual mobile home must be HUB or UBC approved. (Ord 17-2000 §1, 2000; Ordinance 15-1973 § III:5:b, 1973).
- (M) Repealed (Ord. 5-1999 §8, 1999; Ord. 15-1978).
- (F) Water Tanks. (Ord. 3-1984 § 1, 1985).
- (G) Day Care Homes. (Ord. 1-1987 §2, 1987).
- (H) Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. The Board of Trustees shall consider the following criteria in determining whether a conditional use for a Group Home for the Aged should be granted:
 - (1) The size of the house and available yard space of the applicant;
 - (2) Satisfactory evidence of the applicant's good character;
 - (3) The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
 - (4) The compliance of the group home with State, County and Municipal health, safety and fire codes;
 - (5) The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
 - (6) That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
 - (7) That no other group home for the aged is located within 750 feet of the applicant;
 - (8) The wishes and desires of nearby property owners. (Ord. 7-1990 §4, 1990).

17.16.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an RA zone are as follows:

- Minimum lot size, five acres;
- Minimum lot width, two hundred fifty feet street frontage;
- Minimum front yard setback from property line, fifty feet. (Ord. 15-1973 § III:5:c, 1973).

(17.16.040 - 17.60.070)

17.16.040 Structures Height and Area. The structure height and area requirements for an RA zone are as follows:

Maximum residential structure height, thirty feet;
Maximum building height, fifty feet;
Maximum area to be covered by buildings, ten percent. (Ord. 15-1973 § III:5:d, 1973).

17.16.050 Required Off-Street Parking. For required off-street parking for an RA zone, See Chapter 17.60. (Ord. 15-1973 § III:5:e, 1973).

17.16.060 Signs. Signs in the RA zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord 17-2000 §2, 2000; Ord. 15-1973 § III:5:f, 1973).

17.16.070 Sewerage: Septic tanks may be permitted if all of the following conditions are met:

- A) Inability to tap existing sewer lines.
- B) Ability to meet current El Paso County “Sewage Disposal Regulations.”
- C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.

(Ord 17-2000 §3, 2000; Ord. 14-1987 §1, 1987).

CHAPTER 17.17

CREATION AND APPOINTMENT

Sections:

17.17.010 Creation and Appointment

17.17.010 - Creation and Appointment.

(A) A Board of Adjustments is established consisting of five members appointed by the Mayor. Each member shall serve for two years; provided, however, that of the first appointed Board, three members shall serve two year terms, and two members shall serve one year terms. (Ord. 6-1992, §1, 1992)

CHAPTER 17.18

R1 ESTATE ZONE

Sections:

17.18.010	Principal Permitted Uses.
17.18.020	Conditional Uses.
17.18.030	Lot Size and Dimensions.
17.18.040	Structure Height and Area.
17.18.050	Required Off-Street Parking.
17.18.060	Signs.
17.18.070	Sewerage.

17.18.010 Principal Permitted Uses. Principal permitted uses in an R-1 Estate Zone are as follows:

- (A) Single family dwelling and accessory uses;
- (B) Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 5-1999 §2, 1999; Ord. 5-1985 § 2, 1985).

17.18.020 Conditional Uses. The following conditional uses may be permitted as specified:

- (C) Education institutions, provided that a frontage of one hundred (100) feet will be necessary and that there will be fifty (50) feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood;
- (D) Churches and synagogues restricted as educational institutions;
- (E) Deleted (Ord. 3-1989, §2, 1989);
- (F) City, county and neighborhood parks;
- (G) Private stables and kennels, provided that the lot size is five (5) acres or more;
(17.18.020 - 17.18.030)

- (H) Repealed (Ord. 5-1999 §8, 1999; Ord. 5-1985 § 2, 1985).
- (I) Day Care Homes (Ord. 1-1987 §2, 1987).
- (J) Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. The Board of Trustees shall consider the following criteria in determining whether a conditional use should be granted:
 - (1) The size of the house and available yard space of the applicant;
 - (2) Satisfactory evidence of the applicant's good character;
 - (3) The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
 - (4) The compliance of the group home with State, County and Municipal health, safety and fire codes;
 - (5) The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
 - (6) That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
 - (7) That no other group home for the aged is located within 750 feet of the applicant;
 - (8) The wishes and desires of nearby property owners. (Ord. 7-1990 §5, 1990).

17.18.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an R-1 Estate Zone are as follows:

Minimum Lot Size: two and one-half (2.5) acres;
Minimum Lot Width: one hundred fifty (150) feet street frontage;
Minimum front yard setback from property line: twenty-five (25) feet;
Minimum side yard setback from property line: ten (10) feet;
Minimum rear yard setback from property line: twenty-five (25) feet.
(Ord. 5-1985 § 3, 1985).

(17.18.040-17.18.070)

17.18.040 Structure Height and Area. The structure height and area requirements for an R-1 Estate Zone are as follows:

Maximum building height: thirty (30) feet;
Maximum area covered by structure: thirty-five percent (35%) of lot.
(Ord. 5-1985 § 4, 1985).

17.18.050 Required Off-Street Parking. For required off-street parking for an R-1 Estate Zone, see Chapter 17.60. (Ord. 5-1985 § 5, 1985).

17.18.060 Signs. Signs in the R1 estate zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 4, 2000; Ord. 5-1985 § 6, 1985).

17.18.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines.
- (B) Ability to meet current El Paso County Sewage Disposal Regulations."
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 14-1987 §2, 1987; Ord. 5-1985 §7, 1985).

CHAPTER 17.20

R1 LOW DENSITY RESIDENTIAL ZONE

Sections:

17.20.010	Principal Permitted Uses.
17.20.020	Conditional Uses.
17.20.030	Lot Sizes and Dimensions.
17.20.040	Structure Height and Area.
17.20.050	Required Off-Street Parking.
17.20.060	Signs.
17.20.070	Sewerage.

17.20.010 Principal Permitted Uses. Principal permitted uses in an R1 zone are as follows:

- (A) Single family dwelling and accessory uses;
- (B) Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 5-1999 §3, 1999; Ord. 15-1973 § III:6:a, 1973).

17.20.020 Conditional Uses. The following conditional uses may be permitted as specified:

- (A) Education institutions, provided that a frontage of one hundred (100) feet will be necessary and that there will be fifty (50) feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood;
- (B) Churches and synagogues restricted as educational institutions;
- (C) Deleted (Ord. 1-1986 §20, 1986).
- (D) City, county and neighborhood parks;
- (E) Private stables and kennels, provided that the lot size is five (5) acres or more. (Ord. 2-1980 § 3, 1980; Ord. 15-1973 § III:6:b, 1973).

(17.20.020)

- (F) Repealed (Ord. 5-1999 §8, 1999; Ord. 15-1978).
- (G) Water Tanks. (Ord. 1-1986, §20, 1986; Ord. 3-1985 § 2, 1985)
- (H) Day Care Homes (Ord. 1-1987 §2, 1987).
- (I) Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. The Board of Trustees shall consider the following criteria in determining whether a conditional use should be granted:
 - (1) The size of the house and available yard space of the applicant;
 - (2) Satisfactory evidence of the applicant's good character;
 - (3) The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
 - (4) The compliance of the group home with State, County and Municipal health, safety and fire codes;
 - (5) The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
 - (6) That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
 - (7) That no other group home for the aged is located within 750 feet of the applicant;
 - (8) The wishes and desires of nearby property owners. (Ord. 7-1992, §3, 1992; Ord. 7-1990 §6, 1990).

(17.20.030 - 17.20.070)

(Revised 01/10/2001)

17.20.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an R1 zone are as follows:

Minimum lot size, one acre;
Minimum lot width, one hundred fifty feet street frontage;
Minimum front yard setback from property line, twenty-five feet;
Minimum side yard setback from property line, ten feet;
Minimum rear yard setback from property line, twenty-five feet.
(Ord. 15-1973 §III:6:c, 1973).

17.20.040 Structure Height and Area. The structure height and area requirements for an R1 zone are as follows:

Maximum building height, thirty feet;
Maximum area covered by structure, thirty-five percent of lot. (Ord. 15-1973 §III:6:d, 1973).

17.20.050 Required Off-street Parking. For required off-street parking for an R1 zone, see Chapter 17.60. (Ord. 15-1973 §III:6:e, 1973).

17.20.060 Signs. Signs in the R1 low density residential zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 5, 2000; Ord. 15-1973 §III:6:f, 1973).

17.20.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines.
- (B) Ability to meet current El Paso County "Sewage Disposal Regulations."
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 14-1987 §3, 1987; Ord. 3-1981 §1, 1981).

CHAPTER 17.24

R2 INTERMEDIATE DENSITY RESIDENTIAL ZONE

Sections:

17.24.010	Principal Permitted Uses.
17.24.020	Conditional Uses.
17.24.030	Lot Sizes and Dimensions.
17.24.040	Structure Height and Area.
17.24.050	Required Off-Street Parking.
17.24.060	Signs.
17.24.070	Sewerage.

17.24.010 Principal Permitted Uses. Principal permitted uses in an R2 zone are as follows:

- (A) Single family dwelling and accessory uses;
- (B) Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 5-1999 §4, 1999; Ord. 15-1973 §III:7:a, 1973).

17.24.020 Conditional Uses. The following conditional uses may be permitted as specified:

- (A) Education institutions as stated in Section 17.20.020A;
- (B) Churches and synagogues restricted as educational institutions;
- (C) City, county and neighborhood parks. (Ord. 15-1973 §III:7:b, 1973).
- (D) Repealed (Ord. 5-1999 §8, 1999; Ord. 15-1978).
- (E) Day Care Homes (Ord. 1-1987 §2, 1987).

(17.24.020 - 17.24.040)

- (F) Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. The Board of Trustees shall consider the following criteria in determining whether a conditional use should be granted:
- (1) The size of the house and available yard space of the applicant;
 - (2) Satisfactory evidence of the applicant's good character;
 - (3) The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
 - (4) The compliance of the group home with State, County and Municipal health, safety and fire codes;
 - (5) The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
 - (6) That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
 - (7) That no other group home for the aged is located within 750 feet of the applicant;
 - (8) The wishes and desires of nearby property owners. (Ord. 7-1990 §7, 1990).

17.24.030 Lot Sizes and Dimensions. The sizes and dimensions of a lot in an R2 zone are as follows:

Minimum lot size, one-half acre;
Minimum lot width, seventy-five feet street frontage;
Minimum front yard setback from property line, twenty-five feet;
Minimum side yard setback from property line, seven and one-half feet;
Minimum rear yard setback from property line, twenty-five feet (Ord. 15-1973 §III:7:c, 1973).

17.24.040 Structure Height and Area. The structure height and area requirements for an R2 zone shall be the same as stated in the low density residential zone, Section 17.20.040. (Ord. 15-1973 §III:7:d, 1973).

(17.24.050 - 17.24.070)

Revised (01/10/2001)

17.24.050 Required Off-Street Parking. For required off-street parking for an R2 zone, see Chapter 17.60. (Ord. 15-1973 §III:7:e, 1973).

17.24.060 Signs. Signs in the R2 intermediate density residential zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 6, 2000; Ord. 15-1973 §III:7:f, 1973).

17.24.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines.
- (B) Ability to meet current El Paso County "Sewage Disposal Regulations."
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 14-1987 §4, 1987; Ord. 3-1981 §1, 1981).

* See also Chapters 17.56. and 14.50

CHAPTER 17.26

R-10,000 INTERMEDIATE DENSITY RESIDENTIAL ZONE

Sections:

17.26.010	Principal Permitted Uses.
17.26.020	Conditional Uses
17.26.030	Lot Sizes and Dimensions.
17.26.040	Structure Height and Area.
17.26.050	Required Off-Street Parking.
17.26.060	Signs.
17.26.070	Sewerage.

17.26.010 Principal Permitted Uses. Principal permitted uses in an R-10,000 zone are as follows:

- A. Single family dwelling and accessory uses;
- B. Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 5-1999 §5, 1999; Ord. 4-1987 §1, 1987).

17.26.020 Conditional Uses. Conditional uses in an R-10,000 zone are as follows:

- A. Education institutions, as stated in Section 17.20.020A;
- B. Churches and synagogues restricted as educational institutions;
- C. Home occupations as defined;
- D. City, county and neighborhood parks.
- E. Repealed (Ord. 5-1999 §8, 1999).
- F. Day Care Homes (Ord. 1-1987 §2, 1987).

The G. Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. Board of Trustees shall consider the following criteria in determining whether a conditional use should be granted:

1. The size of the house and available yard space of the applicant;
2. Satisfactory evidence of the applicant's good character;
3. The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
4. The compliance of the group home with State, County and Municipal health, safety and fire codes;
5. The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
6. That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
7. That no other group home for the aged is located within 750 feet of the applicant;
8. The wishes and desires of nearby property owners. (Ord. 7-1990 §8, 1990).

17.26.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an R-10,000 zone are as follows:

Minimum Lot Size: Ten thousand square feet;
Minimum Lot Width: Fifty (50) feet street frontage;
Minimum front yard set back from property line; twenty-five (25) feet;
Minimum side yard set back from property line, seven and one-half (7½) feet;
Minimum rear yard set back from property line twenty-five (25) feet.

17.26.040 Structure Height and Area. The structure height and area requirements for an R-10,000 zone shall be the same as stated in the low density residential zone, Section 17.20.040. (Ord. 4-1987 §5, 1987).

(17.26.050 - 17.26.070)

(Revised 01/10/2001)

17.26.050 Required Off-Street Parking. For required off-street parking for an R-10,000 zone, see Chapter 17.60. (Ord. 4-1987 §5, 1987).

17.26.060 Signs. Signs in the R-10,000 intermediate density residential zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 7, 2000; Ord. 4-1987 §6, 1987).

17.26.070 Sewerage: Septic tanks may be permitted if all of the following conditions are met:

- A) Inability to tap existing sewer lines.
- B) Ability to meet current El Paso County “Sewage Disposal Regulations.”
- C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.

(Ord. 18-2000 § 8, 2000; Ord. 4-1987 §7, 1987).

CHAPTER 17.28

R3 MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

17.28.010	Principal Permitted Uses.
17.28.020	Conditional Uses.
17.28.030	Lot Sizes and Dimensions.
17.28.040	Structure Height and Area.
17.28.050	Required Off-street Parking.
17.28.060	Signs.
17.28.070	Sewerage.

17.28.010 Principal Permitted Uses. Principal permitted uses in an R-3 zone are as follows:

- A. Single family dwelling and accessory uses;
- B. Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 5-1999 §6, 1999 (Ord. 15-1973 § III:8:a, 1973).

17.28.020 Conditional Uses. Conditional uses in an R3 zone are as follows:

- A. Education institutions, as stated in Section 17.20.020A;
- B. Churches and synagogues restricted as educational institutions;
- C. Deleted (Ord. 1-1986 §20, 1986).
- D. City, county and neighborhood parks. (Ord. 15-1973 § III:8:b, 1973).
- E. Repealed (Ord. 5-1999 §8, 1999; Ord. 1-1986, §20, 1986; Ord. 15-1978).
- F. Day Care Homes (Ord. 1-1987 §2, 1987).

- G. Group Homes for the Aged. Owner occupied or non-profit Group Homes for the exclusive use of not more than eight persons 60 years of age or older per home. The Board of Trustees shall consider the following criteria in determining whether a conditional use should be granted:
1. The size of the house and available yard space of the applicant;
 2. Satisfactory evidence of the applicant's good character;
 3. The character of the neighborhood surrounding the proposed group home for the aged, and in the density of the neighborhood.
 4. The compliance of the group home with State, County and Municipal health, safety and fire codes;
 5. The number of persons 60 years of age or older who would be housed in the Group Home, which number shall not exceed eight;
 6. That the proposed use is not for persons 60 years of age or older who need skilled or intermediate facilities;
 7. That no other group home for the aged is located within 750 feet of the applicant;
 8. The wishes and desires of nearby property owners. (Ord. 7-1990 §9, 1990).

17.28.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an R-3 zone are as follows:

Minimum Lot Size: five thousand square feet;
Minimum Lot Width: fifty (50) feet street frontage;
Minimum front yard setback from property line: twenty-five (25) feet;
Minimum side yard setback from property line, seven and one-half (7½) feet;
Minimum rear yard setback from property line: twenty-five (25) feet.
(Ord. 15-1973, § III:8:c, 1973).

17.28.040 Structure Height and Area. The structure height and area requirements for an R3 zone shall be the same as stated in the low density residential zone, Section 17.20.040. (Ord. 15-1973 §III:8:d, 1973).

(17.28.030 - 17.28.070)

17.28.050 Required Off-Street Parking. For required off-street parking for an R3 zone, see Chapter 17.60. (Ord. 15-1973 §III:8:e, 1973).

17.28.060 Signs. Signs in the R3 medium density residential zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 9, 2000; Ord. 15-1973 §III:8:f, 1973).

17.28.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- A. Inability to tap existing sewer lines;
- B. Ability to meet current El Paso County "Sewage Disposal Regulations."
- C. Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 14-1987 §5, 1987; Ord. 3-1981 §1, 1981).

CHAPTER 17.32

R4 HIGH DENSITY RESIDENTIAL ZONE

Sections:

- 17.32.010 Principal Permitted Uses.
- 17.32.020 Conditional Uses.
- 17.32.030 Lot Sizes and Dimensions.
- 17.32.040 Structure Height, Area and Density.
- 17.32.050 Required Off-Street Parking.
- 17.32.060 Signs.
- 17.32.070 Sewerage.

17.32.010 Principal Permitted Uses.

- (A) Multiple family dwelling units.
- (B) Single family dwellings and accessory use providing that the lot is a minimum of 9,000 square feet and has a minimum street frontage of 75 feet. Setback requirements shall be the same as required in the R-3 zone. (Ord. 5-1999 §7, 1999; Ord. 2-1975).
- (C) Foster Homes: Subject to the home being licensed by the State and subject to receipt by the town of notification in writing by the licensing authority that the occupant of the home is licensed and for how many children.
(Ord. 6-1999; §7, 1999; Ord. 5-1999 §2, 1999)

17.32.020 Conditional Uses. The following conditional uses may be permitted as specified:

- (A) Professional offices as defined (Ord. 1-1986, §20, 1986);
- (B) Rest homes, clinics, nurseries, hospitals, provided that there is fifty feet between the neighboring lot line, that the design is in keeping with the residential character of the neighborhood, and that appropriate screening will be provided;
- (C) All conditional uses permitted in an R3 zone. (Ord. 1-1986, §20, 1986; Ord. 15-1978; Ord. 15-1973 § III:9:b, 1973).

17.32.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an R4 zone are as follows:

Minimum lot size, fifteen thousand square feet;
Minimum lot width, one hundred feet street frontage;
Minimum front yard setback from property line, twenty-five feet;
Minimum side yard setback from property line, ten feet;
Minimum rear yard setback from property line. (Ord. 15-1973 §III:9:b, 1973) (Ord. 15-1978)

17.32.040 Structure Height, Area and Density. The structure height, area and density requirements in an R4 zone are as follows:

Maximum building height, thirty-five feet;
Maximum area covered by structure, forty percent of lot;
Maximum density, fifteen units per net residential acre. (Ord. 15-1973 §III:9:d, 1973).

17.32.050 Required Off-Street Parking. For required off-street parking for an R4 zone, see Chapter 17.60. (Ord. 15-1973 §III:9:e, 1973).

17.32.060 Signs. Signs in the R4 high density residential zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 10, 2000; Ord. 15-1973 §III:9:f, 1973).

17.32.070 Sewerage. Septic tanks are not permitted.

(17.34.010)

CHAPTER 17.34

MANUFACTURED HOUSING ZONE

REPEALED (Ord. 13-1996 §1, 1996)

CHAPTER 17.36

C1 GENERAL BUSINESS AND COMMERCIAL ZONE

Sections:

- 17.36.010 Principal permitted uses.
- 17.36.020 Conditional uses.
- 17.36.030 Lot sizes and dimensions.
- 17.36.040 Structure height and area.
- 17.36.050 Required off-street parking and loading.
- 17.36.060 Signs.
- 17.36.070 Sewerage.

17.36.010 Principal permitted uses (C-1).

- (A) Restaurants
- (B) Licensed liquor or beer outlets.
- (C) Bed & Breakfast - 10 units or smaller (Ord. 18-2000 § 11, 2000)
- (D) Funeral homes and mortuaries.
- (E) Medical and dental clinics.
- (F) Service establishments, such as barber and beauty shops, watch and jewelry repair, pharmacies, pick-up stations for laundry or dry cleaning.
- (G) Community buildings, libraries, parks, museums, art galleries and post offices.
- (H) Retail stores including the following: Liquor store, Drug store, Sundries, Clothing store, Sporting goods, books, groceries, antiques, gift shop, and hardware.
- (I) Art, photographic, health, dance and music studios. (Ord. 2-1980 §5, 1980; Ord. 8-1992, §1, 1992)

17.36.020 Conditional Uses (C-1):

- (A) Parking garages
- (B) Day care centers
- (C) Wholesale businesses
- (D) Drive-in commercial use
- (E) Light equipment sales and repair
- (F) Vehicle sales and service
- (G) Bowling alleys
- (H) Educational institutions

- (I) Religious institutions
- (J) Public and semi-public uses
- (K) Nursing homes, hospitals
- (L) Ambulance services
- (M) Single-family and multi-family uses (R-1 through R-4 subject to all requirements of that particular zone.)
- (N) Building supplies provided any outdoor storage is screened from view
- (O) Light assembly of prefabricated parts
- (P) Mini-warehouses and storage rental spaces
- (Q) Mixed - Residential Dwelling and Commercial Uses occurring in the same building
- (R) Light Manufacturing
- (S) Kennel, provided that a minimum area of five acres is available for said kennel.
- (T) Hotels and Motels
- (U) Other such uses as listed and permitted which are not more detrimental, as determined by Planning Commission and Town Council.

(Ord. 18-2000 § 12, 2000)

17.36.030 Lot Sizes and Dimensions.

- (A) The sizes and dimensions of a lot in a C1 zone shall be as follows:

Minimum lot size, six thousand six hundred square feet;
 Minimum lot width, thirty-five feet street frontage.

- (B) No side yard set back shall be required provided the building's side wall is constructed of at least four-hour fire resistance. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required. (Ord. 15-1973 §III:10:c, 1973).

17.36.040 Structure Height and Area. The structure height and area requirements in a C1 zone are as follows:

Maximum building height, forty feet;
 Maximum area covered by structure, seventy-five percent of lot. (Ord. 15-1973 §III:10:d, 1973).

17.36.050 Required off-street parking and loading. For required off-street parking and loading for a C1 zone, see Chapter 17.60. (Ord. 15-1973 §III:10:e, 1973).

(17.36.060 - 17.36.070)

17.36.060 Signs. Signs in the C1 zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 13, 2000; Ord. 15-1973 §III:10:f, 1973).

(Revised 01/10/2001)

17.36.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines.
- (B) Ability to meet current El Paso County "Sewage Disposal Regulations."
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.
(Ord. 14-1987 §7, 1987; Ord. 3-1981 §1, 1981).

17.36.080 Outdoor Storage and Buffering. All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas. (Ord. 18-2000 § 14, 2000)

CHAPTER 17.37

C2 GENERAL BUSINESS AND COMMERCIAL ZONE

Sections:

- 17.37.010 Principal Permitted Uses
- 17.37.020 Conditional Permitted Uses
- 17.37.030 Lot Sizes and Dimensions
- 17.37.040 Structure Height and Area
- 17.37.050 Required Off-Street Parking and Loading
- 17.37.060 Signs
- 17.37.070 Sewerage
- 17.37.080 Outdoor Storage and Buffering

17.37.010 Principal Permitted Uses

- A. Restaurants.
- B. Licensed Liquor and Beer Outlets.
- C. Bed & Breakfast (Ord. 18-2000 § 15, 2000)
- D. Funeral Homes and Mortuaries.
- E. Medical and Dental Clinics.
- F. Service Establishments, such as Barber and Beauty Shops, Watch and Jewelry Repair, Pharmacies, Pick-Up Stations for Laundry or Dry Cleaning, Tradesman Shops.
- G. Commercial Buildings, Libraries, Parks, Museums, Art Galleries and Post Offices.
- H. Retail Stores including the following: Liquor Store, Drug Store, Sundries, Clothing Store, Sporting Goods, Books, Groceries, Antiques, Gift Shop, Hardware, and Furniture.
- I. Art, Photographic, Health, Dance and Music Studios.
- J. Light Equipment Sales and Repair.
- K. Day Care Centers.
- L. Building Supplies.
- M. Light Assembly of Prefabricated Parts.
- N. Arts/Crafts Shops such as Woodworking, Pottery, Jewelry or other Craft Based Industries.
- O. Small Animal Veterinary Clinic.
(Ord. 4-1995, § 2, 1995)

17.37.020 Conditional Permitted Uses

Parking Garages.

1. Wholesale Businesses
2. Drive-in Commercial Uses
3. Bowling Alleys.
4. Educational Institutions.
5. Religious Institutions
6. Public and Semi-Public Uses (per definition in section 17.08).
7. Nursing Homes, Hospitals
8. Ambulance Services
9. Single-Family and Multi-Family Uses (R-1 through R-4 subject to all regulations of that particular zone).
10. Mini-Warehouses and Storage Rental Spaces.
11. Mixed-Residential Dwelling and Commercial Uses Occurring in the same Building
12. Light Manufacturing
13. Kennel, provided that a Minimum Area of Five Acres is Available.
14. Vehicle Repair and Service.
15. Hotels and Motels
16. Other such uses as listed and permitted which are not more detrimental, as determined by the Planning Commission and Town Council.

(Ord. 18-2000 § 16, 2000; Ord. 4-1995, § 3, 1995)

17.37.030 Lot Sizes and Dimensions.

- A. The sizes and dimensions of a lot in a C2 zone shall be as follows:

Minimum lot size, six thousand six hundred square feet;
Minimum lot width, thirty-five feet street frontage.

- B. No side yard set back shall be required provided the building's side wall is constructed of at least four-hour fire resistance material. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required.

(Ord. 4-1995, § 4, 1995)

17.37.040 Structure Height and Area. The structure height and area requirements in a C2 zone are as follows:

Maximum building height, thirty two feet.

Maximum area covered by structure, seventy-five percent of lot. (Ord. 4-1995, § 5, 1995)

(17.37.050 - 17.37.080)

(Revised 01/10/2001)

17.37.050 Required Off-Street Parking and Loading. For required off-street parking and loading for a C2 zone, see Chapter 17.60. (Ord. 4-1995, § 6, 1995)

17.37.060 Signs. Signs in the C2 zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 17, 2000; Ord. 4-1995, § 7, 1995)

17.37.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- A. Inability to tap existing sewer lines.
- B. Ability to meet current El Paso County "Sewage Disposal Regulations."
- C. Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.
(Ord. 4-1995, § 8, 1995)

17.37.080 Outdoor Storage and Buffering. All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas. (Ord. 4-1995, § 9, 1995)

CHAPTER 17.38

CONVENIENCE COMMERCIAL (CC) ZONE

Sections:

17.38.010	Principal Permitted Uses
17.38.020	Conditional Permitted Uses
17.38.030	Lot Sizes and Dimensions
17.38.040	Structure Height and Area
17.38.050	Required Off-Street Parking and Loading
17.38.060	Signs
17.38.070	Sewerage
17.38.080	Outdoor Storage and Buffering

17.38.010 Principal Permitted Uses

- (A) Restaurants.
 - (B) Service Establishments, such as Barber and Beauty Shops, Watch and Jewelry Repair, Pharmacies, Pick-Up Stations for Laundry or Dry Cleaning.
 - (C) Commercial (Business) Offices, including Realty, Insurance and Travel Agencies.
 - (D) Retail Stores including only the following: Drug, Sundries, Clothing, Boutiques, Sporting Goods, Books, Small Grocery, Antiques, Gift, Soda, Crafts, Small Office Supply, Bakery, Small Print Shops, Moderate Sized Furniture and Florist.
 - (E) Art, Photographic, Health, Dance and Music Studios.
 - (F) Day Care Centers.
 - (G) Nursing Homes - Housing 10 or fewer full time residents
 - (H) Bed and Breakfast Establishments - having 10 or fewer rooms
 - (I) Private or Government owned Community Buildings such as Libraries, Parks, Museums, Art Galleries and Post Offices.
 - (J) Medical and Dental Clinics/Offices.
 - (K) Funeral Homes and Mortuaries.
- (Ord. 18-2000 § 18, 2000; Ord. 7-1999, §1, 1999; Ord. 3-1995, § 2, 1995)

17.38.020 Conditional Permitted Uses

- (A) Educational Institutions.
- (B) Religious Institutions.
- (C) Licensed Liquor and Beer Outlets.
- (D) Hotel/Motel.
- (E) Light Equipment Sales and Repair Shops.
- (F) Public and Semi-Public Uses.
- (G) Cabinetry, Wood Crafting Shop.
- (H) Non-Profit Organizations.
- (I) Video Rental Stores.
- (J) Nursing Homes - housing 11 or more full time residents
- (K) Mixed-Residential Dwellings and Commercial Uses occurring in the same Building
- (L) Single-Family and Multi-Family Uses (R10,000, R3 and R4 subject to all requirements of those particular zones).
- (M) Other such uses as listed and permitted which are not more detrimental, as determined by the Planning Commission and Town Council.

(Ord. 18-2000 § 19, 2000)

17.38.030 Lot Sizes and Dimensions.

- A. The sizes and dimensions of a lot in a CC zone shall be as follows:

Minimum lot size, six thousand six hundred square feet;
Minimum lot width, thirty-five feet street frontage.
- B. No side yard set back shall be required provided the building's side wall is constructed of at least four-hour fire resistance material. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required, see Chapter 17.36.030 of the Palmer Lake Municipal Code. (Ord. 3-1995, § 4, 1995)

17.38.040 Structure Height and Area. The structure height and area requirements in a CC zone are as follows:

Maximum building height, as required by section 14.11 in code book.

Maximum area covered by structure, seventy-five percent of lot, see Chapter 17.36.040 of the Palmer Lake Municipal Code.
(Ord. 3-1995, § 5, 1995)

17.38.050 Required Off-Street Parking and Loading. For required off-street parking and loading for a CC zone, see Chapter 17.60. (Ord. 3-1995, § 6, 1995)

17.38.060 Signs. Signs in the CC zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 20, 2000; Ord. 3-1995, § 7, 1995)

17.38.070 Sewerage: Septic tanks may be permitted if all of the following conditions are met:

- A) Inability to tap existing sewer lines.
- B) Ability to meet current El Paso County “Sewage Disposal Regulations.”
- C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 18-2000 § 21, 2000; Ord. 3-1995, § 8, 1995)

17.38.080 Outdoor Storage and Buffering. All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas. (Ord. 3-1995, § 9, 1995)

CHAPTER 17.40

M1 GENERAL INDUSTRIAL ZONE

Sections:

- 17.40.010 Principal Permitted Uses.
- 17.40.020 Conditional Uses.
- 17.40.030 Lot Sizes and Dimensions.
- 17.40.040 Structure Height.
- 17.40.050 Required Off-Street Parking and Loading.
- 17.40.060 Billboards.
- 17.40.070 Sewerage.

17.40.010 Principal Permitted Uses. Principal permitted uses in a M1 zone are warehouses and wholesale businesses, food and nonalcoholic drink processing, research and testing facilities, light manufacturing, sale and storage of building materials, public uses, essential services, equipment sales and repair. (Ord. 15-1973, §III:11:a, 1973)

17.40.010 Principal Permitted Uses (M-1):

1. Warehouses and wholesale business.
2. Parking garages.
3. Wholesale businesses.
4. Light equipment sales and repair.
5. Vehicle sales and service.
6. Public and semi-public uses.
7. Ambulance services.
8. Light assembly of prefabricated parties.
9. Mini-warehouses and storage rental spaces.
10. Food and drink processing.
11. Light manufacturing.
12. Sale and storage of building materials.
13. Heavy equipment sales and service.

(Ord. 17-2000 § 22, 2000; Ord. 2-1980, §7, 1980)

(17.40.020 - 17.40.070)

(Revised 01/24/2003)

17.40.020 Conditional uses (M-1).

1. Research and testing facilities.
2. Breweries and distilleries.
3. Canneries.
4. Freight yards.
5. Metal fabrication.
6. Kennels, provided that a minimum of five acres is available for said kennel.
7. Laboratories
8. Other such uses as listed and permitted which are not more detrimental, as determined by the Planning Commission and Town Council.
(Ord. 9-2001 § 1, 2001; Ord. 17-2000 § 23, 2000; Ord. 2-1980, §8, 1980)

17.40.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot in an M1 zone are as follows:

Minimum lot area	10,000 square feet;
Minimum lot width	100 feet street frontage;
Minimum street yard	25 feet;
Minimum side yard	20 feet.

(Ord. 15-1973 §III:11:c, 1973).

17.40.040 Structure Height. The maximum building height in an M1 zone shall be forty-five feet. (Ord. 15-1973 §III:11:d, 1973).

17.40.050 Required Off-Street Parking and Loading. For required off-street parking and loading for an M1 zone, see Chapter 17.60. (Ord. 15-1973 §III:11:e, 1973).

17.40.060 Signs. Signs in the M1 zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 24, 2000; Ord. 15-1973 §III:11:f, 1973).

17.40.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines.
- (B) Ability to meet current El Paso County "Sewage Disposal Regulations."
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.
(Ord. 14-1987 §8, 1987; Ord. 3-1981 §1, 1981).

(17.40.080)

(Revised 01/24/2003)

17.40.080 Outdoor Storage and Buffering. All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas. (Ord. 18-2000 § 25, 2000)

(Revised 01/24/2003)

CHAPTER 17.44

O 1 RECREATION ZONE

Sections:

17.44.010	Principal Permitted Uses
17.44.020	Conditional Uses
17.44.030	Lot Requirements
17.44.040	Structures
17.44.050	Required Off-Street Parking
17.44.060	Signs and Billboards
17.44.070	Sewerage

17.44.010 Principal Permitted Uses. Principal permitted uses in an O1 zone are local and regional parks and accessory uses, picnic grounds with facilities, travel trailer and tent camp grounds with facilities, historical areas, bicycle trails, motorcycle trails, snowmobile trails, horse riding trails, hiking trails, golf courses, skeet shooting and like uses, snow and water skiing facilities, tennis courts, and game areas. (Ord. 15-1973 §III:12:a, 1973)

17.44.020 Conditional Uses. Conditional uses in an O1 zone are stadiums and skating rinks, which shall be, if covered or with seating stands, in accordance with the community's comprehensive plan. (Ord. 15-1973 §III:12:b, 1973)

17.44.030 Lot Requirements. There are no lot requirements in an O1 zone, except that uses shall be in line with the locally adopted open space and recreation standards. (Ord. 15-1973 §III:12:c, 1973)

17.44.040 Structures. Structures shall not exceed fifteen feet (15') in height and shall not cover more than five percent (5%) of the proposed area, with the exception of indoor skating rinks and stadiums. (Ord. 15-1973 §III:12:d, 1973)

17.44.050 Required Off-Street Parking. For required off-street parking in an O1 zone, see Chapter 17.60. (Ord. 15-1973 §III:12:e, 1973)

17.60.060 Signs and Billboards. One twenty square foot ground sign with indirect illumination and a minimum height of ten feet (10') is permitted for each use. No other signs or billboards are permitted. (Ord. 15-1973 §III:12:f, 1973)

(17.44.070)

17.44.070 Sewerage. Septic tanks may be permitted if all of the following conditions are met:

- (A) Inability to tap existing sewer lines;
- (B) Ability to meet current El Paso County "Sewage Disposal Regulations";
- (C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code.
(Ord. 14-1987 §9, 1987; Ord. 3-1981 §1, 1981).

CHAPTER 17.48

FLOOD DAMAGE PREVENTION

Sections:

17.48.010	Palmer Lake Flood Damage Prevention Ordinance
17.48.020	Findings of Fact
17.48.030	Statement of Purpose
17.48.040	Methods of Reducing Flood Losses
17.48.050	Definitions
17.48.060	Lands to Which This Ordinance Applies
17.48.070	Basis for Establishing The Areas of Special Flood Hazard
17.48.080	Compliance
17.48.085	Penalties for Non-Compliance
17.48.090	Abrogation and Greater Restrictions
17.48.100	Interpretation
17.48.110	Warning and Disallowance of Liability
17.48.120	Establishment of Development Permit
17.48.130	Designation of Floodplain Administration
17.48.140	Duties and Responsibilities of Floodplain Administrator
17.48.150	Variance Procedures
17.48.160	General Standards
17.48.170	Specific Standards
17.48.180	Floodways

17.48.010 Palmer Lake Flood Damage Prevention Ordinance. The following shall be known as the Palmer Lake Flood Damage Prevention Ordinance: (Ord 19-2002 §1, 2002)

17.48.020 Findings of Fact.

- (A) The flood hazard areas of the Town of Palmer Lake are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- (B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord 19-2002 §2, 2002; Ord. 6-1987 §2, 1987)

17.48.030 Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (G) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (H) To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

(Ord 19-2002 §3, 2002; Ord. 6-1987 §3, 1987)

17.48.040 Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(17.48.040 - 17.48.050)

(Revised 06/04/2004)

- (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (D) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
 - (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
 - (F) Prohibiting any development in regulatory floodways if any increase in flood levels during the base flood discharge would result.
- (Ord 19-2002 §4, 2002; Ord. 6-1987 §4, 1987).

17.48.050 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provisions of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AH or AO zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(17.48.050)

"Development permit" means the permit issued by the floodplain administrator before a development occurs within any area of special flood hazard.

(Revised 06/04/2004)

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway fringe" means those areas denoted on the floodway map that are adjacent to the floodway and within the one-hundred-years floodplain.

(17.48.050)

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed to contain, control, or divert the flow of water to provide protection from flooding.

"Levee system" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices.

(Revised 06/04/2004)

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

"Manufactured home park or subdivision" means a parcel of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

"Recreational vehicle" means a vehicle, which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings,

(17.48.050 - 17.48.060)

the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary form; nor does it include the installation on the property

(Revised 06/04/2004)

of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (B) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

(Ord 19-2002 §5, 2002; Ord. 6-1987, §5, 1987).

17.48.060 Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Palmer Lake. (Ord 19-2002 §6, 2002; Ord. 6-1987 §6, 1987).

(17.48.070 - 17.48.100)

17.48.070 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for El Paso County, Colorado and Incorporated Areas," dated August 23, 1999, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. Three (3)

(Revised 06/04/2004)

copies of the Flood Insurance Study and FIRM are on file at the town office of the Town of Palmer Lake, Colorado. (Ord 19-2002 §7, 2002; Ord. 6-1987 §7, 1987).

17.48.080 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. (Ord 19-2002 §8, 2002; Ord. 6-1987 §8, 1987).

17.48.085 Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to penalty as provided in Chapter 1.16 of the Palmer Lake Municipal Code. (Ord 19-2002 §9, 2002)

17.48.090 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord 19-2002 §10, 2002; Ord. 6-1987 §9, 1987).

17.48.100 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord 19-2002 §11, 2002; Ord. 6-1987 §10, 1987).

(17.48.110 - 17.48.130)

17.48.110 Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Palmer Lake, Colorado, any officer or employee thereof, or the Federal Emergency Management Agency for

(Revised 06/04/2004)

any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord 19-2002 §12, 2002; Ord. 6-1987 §11, 1987)

17.48.120. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.48.070.

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (A) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (B) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (C) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 17.48.170(B); and
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of Section 17.48.140(B), Use of Other Base Flood Data.

(Ord 19-2002 §13, 2002; Ord. 6-1987 §12, 1987).

17.48.130 Designation of the Floodplain Administrator. The Floodplain Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord 19-2002 §14, 2002; Ord. 6-1987 §13, 1987).

(17.48.140)

17.48.140 Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to:

- (A) Permit Review

(Revised 06/04/2004)

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
- (2) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this ordinance, “adversely affects” means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

(B) Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 17.48.070, Basis for Establishing the Areas of Special Flood Hazard, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source. Where base flood elevation data are utilized, all new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 17.48.140(C), Information to be Obtained and Maintained.

(C) Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level to which the structure has been floodproofed.
 - (b) Maintain the floodproofing certifications required in Section 17.48.120 (3).
(17.48.140 - 17.48.150)
 - (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(D) Alteration of Watercourses

- (1) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Interpretation of FIRM Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.48.150. (Ord 19-2002 §15, 2002; Ord. 6-1987 §14, 1987).

17.48.150 Variance Procedure.

(A) Appeal Board

- (1) The Board of Adjustment, as established by the Town of Palmer Lake, Colorado, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the District Court, as provided by State Statute.
- (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and

(17.48.150)

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;

(Revised 06/04/2004)

- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity of the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with the existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

- (5) Upon consideration of the factors of Section 17.48.150(A)(4) and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(17.48.150)

- (6) The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(B) Conditions for Variances

(Revised 06/04/2004)

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) - (k) in Section 17.48.150(A)(4) have been fully considered and further provided that all National Flood Insurance Program (NFIP) minimum restrictions are met. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 17.48.150(A)(4) or conflict with existing local laws or ordinances.

(17.48.150 - 17.48.160)

- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

(Ord. 19-2002 §16, 2002; Ord. 6-1987 §15, 1987).

(Revised 06/04/2004)

17.48.160 General Standards. In all areas of special flood hazards the following standards are required:

(A) Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - (a) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side.
 - (b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side;
 - (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) any additions to the manufactured home to be similarly anchored.

(B) Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(17.48.160)
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as

(Revised 06/04/2004)

to prevent water from entering or accumulating within the components during conditions of flooding.

- (4) All new mechanical and utility equipment shall be designed and/or elevated to prevent water from entering or accumulating in components;

(C) Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce the exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(Ord 19-2002 §17, 2002; Ord. 6-1987 §16, 1987).

(17.48.170)

17.48.170 Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 17.48.070, Basis for Establishing the Areas of Special Flood Hazard, or Section 17.48.140(B), Use of Other Base Flood Data, the following provisions are required:

(A) Residential Construction

(Revised 06/04/2004)

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one (1) foot or more above the base flood elevation. (Ord 2-2003, §1, 2003)
- (2) Require within any AO Zone that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
- (3) Require within Zones AH and AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(B) Non-Residential Construction

- (1) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to one (1) foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that to one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water; (Ord 2-2003, §1, 2003)
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 17.48.140 (C)(2).

(17.48.170)

- (2) Require within any AO Zone that all new construction and substantial improvements of non-residential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Section 17.48.170 (B)(1).

(Revised 06/04/2004)

- (3) Require within Zones AH and AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(C) Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) Manufactured Homes

- (1) Manufactured homes shall be anchored in accordance with Section 17.48.160 (A)(2).
- (2) All manufactured homes or those to be substantially improved shall conform to the following requirements:

(17.48.170)

- (a) Require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured

(Revised 06/04/2004)

home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (b) Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provision in (a) above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(E) Recreational Vehicles

Require that recreational vehicles either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

(F) Below-Grade Residential Crawlspace Construction

New construction and substantial improvement of any below-grade crawlspace shall:

- (1) Have the interior grade elevation that is below base flood elevation no lower than two feet below the lowest adjacent grade;
- (2) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to top of the foundation wall, not to exceed four feet at any point;
- (3) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
(17.48.170 - 17.48.180)
- (4) Meet the provisions of Section 17.48.160(A) Anchoring; 17.48.160(B) Construction Materials and Methods; and 17.48.170(C) Openings in Enclosures Below the Lowest Floor.

(Ord 19-2002 §18, 2002; Ord. 6-1987 §17, 1987).

17.48.180 Floodways. Located within areas of special flood hazard established in Section 17.48.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(Revised 06/04/2004)

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) If Section 17.48.180(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17.48.160, General Standards, and Section 17.48.170, Specific Standards.
- (C) Prohibit the placement of any mobile homes except in an existing mobile home park or existing mobile home subdivision.
(Ord 19-2002 §19, 2002; Ord. 6-1987 §18, 1987)

CHAPTER 17.50

HILLSIDE OVERLAY DISTRICT

17.50.010	Title
17.50.020	Purpose
17.50.030	Definitions
17.50.040	Lot Coverage
17.50.050	Merger of Contiguous Lots
17.50.060	Development Standards
17.50.070	Site Plan
17.50.080	Grading and Erosion Control Plan
17.50.090	Drainage Plan
17.50.100	Exceptions
17.50.110	Submittal Requirements
17.50.120	Enforcement
17.50.130	Fees

17.50.010 Title. This Ordinance shall be known as the Hillside Ordinance of the Town of Palmer Lake. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §1, 1986)

17.50.020 Purpose. The purpose of this ordinance is to protect the health, safety and welfare of the citizens of Palmer Lake by:

- (A) Ensuring that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and similar hazards as well as visually unpleasant relationships.
- (B) Ensuring that the planning, design and construction of a development will be done in a manner which provides both maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible.
- (C) Ensuring, insofar as practical in permitting reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other similar hazards and to aid in preservation of natural scenic qualities of the Town of Palmer Lake.
- (D) Reducing air pollution caused by dust blown from areas under development. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §2, 1986)

(17.50.030)

(Revised 07/06/07)

17.50.030 Definitions.

- (A) AVERAGE SLOPE. The "average slope" shall be computed as follows:

$$S = 100 IL/A$$

I = Contour interval in feet

L = The summation of the length of all contour lines, in feet.

A = Area in square feet of the parcel considered

- (B) PERCENT SLOPE the ratio of the vertical rise (or elevation differential) divided by the horizontal run (or distance) x 100%.
- (C) CUT means removal of existing soil without replacing or backfilling the removed earth.
- (D) FILL means the adding of soil to the surface without later removal.
- (E) DISTURBED AREAS AND ALLOWABLE DISTURBANCE means areas of the land that have the existing natural surface permanently altered in any way, whether by filling (earth added), cut (earth taken away) or scraped, or otherwise permanently disturbed. Permanently disturbed areas include, but are not limited to, driveways, parking areas, the actual building site including the entire plan view of the proposed structure including all areas lying beneath the roof lines and any projections of the building beyond the foundations and decks, and other similar areas. (Ord. 5-2006, §1, 2006)
- (F) PROJECT: The following shall be referred to as a "project". All land development, building construction, additions, including the alteration by adding of earth to or the removal of earth from any parcel, lot or site within the Town. All projects shall require a special HILLSIDE LAND USE PERMIT prior to beginning any work. All plans and supporting documentation shall be prepared by a Colorado Registered Professional Engineer or Registered Professional Architect except as provided otherwise herein. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §3, 1986)

(17.50.040-17.50.060)

Section 17.50.040. Lot Coverage. The following percentage of the site shall remain in a natural state depending on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.

<u>To Remain In</u>	<u>Average Slope</u>	<u>A Natural State</u>
	0 - 15.9	Limited to Section 17.50.060 Landscaping
	16 - 19.9	50%
	20 - 24.9	60%
	25 - 29.9	70%
	30 & Over	85%

(Ord. 5-1994, §1, 1994; Ord. 3-1989, §1, 1989; Ord. 12, 1987, §1, 1987; Ord. 2- 1986, §1, 1986)

17.50.050 Merger of Contiguous Lots. Contiguous parcels under one ownership, not including parcels separated by existing improved streets, may be merged at the option of the property owner for the purpose of computing the average slope. Any lots so merged shall be permanently joined as one building site by covenant filed and recorded in the records of the Clerk and Recorder of El Paso County, Colorado. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §5, 1986)

17.50.060 Development Standards.

(A) GRADING:

- (1) No earthwork cut shall have finished slope steeper than a ratio of 2 horizontal to 1 vertical.
- (2) No earthwork fill shall have a finished slope steeper than a ratio of 3 horizontal to 1 vertical.
- (3) The tops of fills and the bottoms of cuts shall be separated by at least 5 (five) feet of horizontal distance.
- (4) The bottoms of fills and the tops of cuts shall be separated by at least 5 (five) feet of horizontal distance.

(17.50.060)

(Revised 07/06/07)

- (5) No cut or fill shall at any point be closer to any property line than 5 (five) feet except as provided herein relative to driveway placement.
- (6) No cut or fill shall exceed 8 (eight) feet in height measured vertically at the maximum distance between the original existing natural grade and the finished grade except for basements, footings, retaining walls, and utility trenches, provided that the finished grade is that required by Town rules and regulations or the Regional Building Authority.
- (7) That men and equipment be provided at the site during storms to prevent incomplete work from endangering life or property.
- (8) Adequate protection shall be required of excavation or fills which would be hazardous without such protection.
- (9) All organic matter and top soil shall be stripped prior to placement of any fill material exceeding 1 foot.

(B) DRAINAGE:

- (1) Initial site grading shall be done in such a manner that the drainage across the property, either historic or the approved direction is maintained. Drainage ways or channels shall be kept operational during the construction process. If the construction process causes any of the drainage ways or roadside ditches to fill with sediment, the owner/builder shall immediately reconstruct the ditches to the preconstruction contours and shall clean out and open any culvert which may have been plugged.
- (2) The surface runoff water shall be controlled by piping, swales, and ditches capable of handling the designs flows.
- (3) It must be demonstrated that excess outside flows onto the lot will not impair the suitability of the proposed construction and that the new flow patterns will not be directed onto adjacent properties in a manner that will impair those properties.
- (4) Flows from paved areas or roofs shall be directed to existing roadway ditches or onto existing drainage easements. If the location of the proposed project blocks a natural drainageway, the developer shall redirect the flows in accordance with these regulations.

(17.50.060)

(Revised 07/06/07)

- (5) All culverts whether on-site or on Town right of way shall be sized in accordance with the drainage requirements and shall be approved for location and size by the Town Engineer or his representative. Unless otherwise approved, culverts shall be a minimum of 18 inches in diameter, shall be minimum of 20 feet in length, and shall be corrugated metal or reinforced concrete pipe and shall extend upstream and downstream a minimum of 2 ½ feet from the edges of the driveway and shall be placed so as not to damage the roadway and the side ditches. Cross pan driveways are generally not acceptable.
- (6) The owner shall maintain the culvert below the driveway in such a manner as to allow the passage of flows without impairment. Should the owner fail to maintain the culvert, the town will perform the necessary maintenance of the culvert and shall charge the owner for the labor and any necessary materials.
- (7) Efforts shall be made to abate the dust caused by the development of sites.
- (8) During construction of the project, it is mandatory that measures be taken to minimize any adverse effects on the neighboring properties.
- (9) Ingress and egress to the project shall be only by way of the approved driveway, etc.

(C) LANDSCAPING:

- (1) During construction and at all times thereafter, particularly prior to the establishment of vegetation, all disturbed areas not covered by structures, driveway or other hard surfaces shall be protected from erosion.
- (2) All disturbed areas shall be vegetated with erosion control grasses, shrubs and/or trees.
- (3) All required landscaping including revegetation and retaining walls shall be constructed and/or installed prior to occupancy of the premises except as provided in Section 17.50.100(c) below. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §6, 1986)

(17.50.070-17.50.100)

(Revised 07/06/07)

17.50.070 Site Plan. A map shall be prepared by a registered professional engineer, registered architect, or licensed surveyor licensed in Colorado which is drawn to the scale of 1 inch = 20 feet and shows contours at intervals of 2 feet. The map shall contain the location, height, and dimensions of existing and proposed structures and uses in relation to natural water courses, proposed landscaping, revegetation and publicly dedicated streets. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §7,1986)

17.50.080 Grading and Erosion Control Plan. A report shall be prepared by a registered professional engineer or registered architect licensed in Colorado showing the existing topography including tree cover, soil conditions, and revegetation and outlining how the proposed construction follows the Development Standards contained in this Ordinance. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §8, 1986)

17.50.090 Drainage Plan. All projects shall be in compliance with the Drainage Plan of the Town of Palmer Lake. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §9, 1986)

17.50.100 Exceptions.

- (A) If it can be proven that the actual allowable area of the proposed project that will be disturbed does not exceed 15.9% slope, requirements of this ordinance, except for § 17.50.060(c) above, shall not apply. Proof shall consist of certification by one of the Registered Professionals identified above or the Town zoning officer.
- (B) A driveway and its related cut or fill slopes necessary for the construction of the driveway may extend to the front or closest street property line provided that it meets engineering design requirements and is designed by a registered engineer.
- (C) A temporary Occupancy Permit may be issued by the Zoning Officer if in his opinion the season will not permit construction/installation of retaining barriers or revegetation required. Such Temporary Occupancy Permit shall run for 6 (six) months or thru 1 (one) full growing season.
- (D) The provisions relating to the dedication of land, payment of fees or both (as described in the Town ordinances) shall be applicable to land affected by this Ordinance.
- (E) In computing the "average slope" for any parcel placed in the District, any "average slope" not meeting the requirements of this Ordinance may be modified by elimination from the calculation of "average slope" that portion of the parcel placed by the lot owner in a Conservation Easement in favor of the Town as contemplated by Title 38, Article 30.5 of the Colorado Revised Statutes, provided that the Conservation Easement is accepted by the Town. Said easement remains the sole responsibility of the property owner. (Ord. 5-2006, §2, 2006)

(Revised 07/06/07)

- (F) No development or occupancy will be allowed unless the site plan, grading and erosion control plan and drainage plan which are approved by the Town or Zoning Officer are followed by the applicant.
- (G) Excavation for purposes of routine maintenance, provided that the ground is returned to original grade and revegetated condition.
- (H) Placement of topsoil for revegetation or landscaping purposes are exempt from the requirements of this ordinance. Placement of backfill for retaining walls not constructed with the primary project structure are exempt from the requirements of this ordinance. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §10, 1986)

17.50.110 Submittal Requirements.

- (A) All project plans shall be submitted to the zoning officer and conform to the requirements of this ordinance and shall show the following:
 - (1) Name, address, legal description, and street address of applicant, and professional designer(s).
 - (2) Plans shall be drawn at a scale of at least 1" = 20' (one inch equals twenty feet) or scale approved prior to submittal by the Zoning Officer.
 - (3) SHEET size: Minimum: 8½ by 11 inches. Project plans and plan elements may be shown on one or more sheets. Maximum size: 36" x 48".
 - (4) LOT SIZE: Show square footage of property if less than 1 acre. If more than 1 acre, show acreage to 2 decimal places.
 - (5) SETBACK DIMENSIONS clearly show the distance from the proposed structure to the property lines. (Measurements to be made perpendicular to the lot lines).
 - (6) STRUCTURE location.
 - (7) DRIVEWAY location, width, grade and surfacing material.
 - (8) CULVERT(S) SIZE and location.
 - (9) SEWER LINE: Location of main and house connection.
(17.50.110-17.50.130)
 - (10) WATER LINE: Location of main and house connection.

(Revised 07/06/07)

- (11) EASEMENTS: Show and identify all easements affecting the property.
- (12) GRADING: Show all contours at a minimum interval of 2 (two) feet plus all other necessary information in accordance with the requirements of this ordinance.
- (13) DRAINAGE: Show necessary information in accordance with the requirements of this and other ordinances.
- (14) PARKING: Show minimum required by ordinance and actual quantity shown on plan.
- (15) Percentage of lot coverage not permanently disturbed. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §11, 1986)

17.50.120 Enforcement. No permit shall be issued for the construction, erection or moving of any building or structure in this District unless the provisions of this Ordinance are followed. It is a violation of this Ordinance not to follow the site plan, grading and erosion control plan and drainage plan as approved by the Town. A stop order, cease and desist order or such other remedy as may be deemed appropriate by the Town may be utilized during construction to assure compliance with the Ordinance. (Ord. 3-1989, §1, 1989; Ord. 2-1986, §12, 1986)

17.50.130. Fees. The minimum fee for issuance of a permit under this ordinance shall be as set forth in Section 17.80.010. In addition, costs incurred by the Town for hiring a registered professional engineer to review projects shall be borne by the applicant. Hourly rates shall be as set in the contract agreement with the town engineer. (Ord. 5-1994, §2, 1994; Ord. 3-1989, §1, 1989; Ord. 2-1986, §13, 1986)

CHAPTER 17.52

PLANNED UNIT DEVELOPMENT

Sections:

17.52.010	Description.
17.52.020	Purpose.
17.52.030	Where Established.
17.52.040	Principal Permitted Uses.
17.52.050	Density.
17.52.060	Open Space Requirements.
17.52.070	Buffering, Screening and Setbacks.
17.52.080	Modification of Subdivision Regulations.
17.52.090	Procedure and Sketch Plan.
17.52.100	PUD Plan.
17.52.110	Final PUD Development Plan.
17.52.120	Building Permits.
17.52.130	Floodplains.
17.52.140	Maintenance Plans.
17.52.150	Results of Failure to Meet Schedule.
17.52.160	Development Time Frame and Appeals.

17.52.010 Description. The Planned Unit Development (PUD) district is intended to provide the means through which land may be developed through an overall unified approach that allows for flexibility and innovations in design, a mixture of uses, and site design that provides benefits over the standard uniform lot and block patterns and design features. Such benefits include the provision of open space for the use of the resident and guests, the preservation of unique, natural landscape features, variety in land use patterns and the siting of buildings and structures, and the potential for more efficient provision of municipal services and utilities. This ordinance is to implement the provisions of the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et. seq.). (Ord. 1-1991, §3, 1991; Ord. 15-1973, §1IV:1, 1973).

17.52.020 Purpose. Requests for a Planned Unit Development shall be reviewed for conformance with this purpose. The purpose of the Planned Unit Development district is:

- A. To encourage a unified approach to planning, design, and development of land that is consistent with the goals and objectives and comprehensive plan of the Town of Palmer Lake.

(17.52.020 - 17.52.040)

(Revised 4/9/92)

- B. To encourage flexibility, innovation of quality design and variety of development types in order to promote the most suitable and appropriate use of a site.
- C. To facilitate the adequate and efficient provision of streets, utilities and municipal services.
- D. To achieve a compatible land use relationship with the surrounding areas.
- E. To preserve the unique, natural, scenic, historical and cultural features of a site.
- F. To encourage energy efficiency and conservation of energy and natural resources.
- G. To provide for usable open space and recreational areas in new development.

The Planning Commission and the Town Board shall consider the purposes of this ordinance in approving or denying any requests for a Planned Unit Development District or for a Planned Unit Development Plan. (Ord. 1-1991, §4, 1991; Ord. 15-1973, §1IV:1, 1973).

17.52.030 Where Established. A Planned Unit Development district may be established upon any tract of land that is held under single ownership or unified control, provided a zoning/rezoning application is submitted for the tract in compliance with the provisions of this Chapter and the application is reviewed by the Planning Commission and approved by the Board of Trustees of Palmer Lake, provided that the landowner or his agent in fact with the power to consent to the inclusion of the site within the Planned Unit Development does so consent. (Ord. 1-1991, §5, 1991).

17.52.040 Principal Permitted Uses.

- A. Residential dwelling units in detached, attached or multi-family structures or any combination thereof.
- B. Nonresidential uses of a cultural, recreational, religious, non-profit or commercial character.
- C. Mixed uses of A and B above.
- D. In determining the principal permitted uses, the Planning Commission and Town Board will review and consider those uses that are allowed under the current zone district of the tract or tracts of land being requested for rezoning to PUD. (Ord. 1-1991, §6, 1991).

(17.52.050)

(Revised 4/9/92)

17.52.050 Density. The maximum density for any PUD residential development shall be fifteen (15) dwelling units per net acre (net of all publicly dedicated lands within the proposed development, e.g., street rights of way, parks, school sites, etc.) for attached dwelling units and eight (8) dwelling units per net acre for detached dwelling units. Maximum permissible densities for each development proposal will be determined as part of the PUD Plan approval for a PUD request. Densities will be determined in accordance with the following:

- A. Comprehensive Plan and Approved Zoning Map. The density established on the approved Comprehensive Plan shall be considered the maximum allowed density unless the Planning Commission, based on the PUD Plan or new evidence, finds that such density is not feasible or desirable.
- B. Other Areas. For all PUD's for areas that are not currently included under the Comprehensive Plan, maximum allowed density will be established in accordance with the following criteria:
 - 1. Land uses (actual or planned) and character of the surrounding neighborhood and the impact of the proposed PUD on adjacent areas.
 - 2. The ability of the existing municipal services and off-site streets, utilities, park and open space and drainage systems (together with improvements proposed) to effectively handle the proposed PUD density.
 - 3. The extent to which the proposed PUD contains unique or innovative design features or utilizes and incorporates special site conditions into its design in order to mitigate the impact of the proposed density on the site and adjacent areas.
 - 4. The amount of on-site, usable open space and active recreation areas.
 - 5. The density allowed under the current zoning of the tract or tracts being requested for rezoning will be considered in determining the density of the request. (Ord. 1-1991, §7, 1991).

(17.52.060)

17.52.060 Open Space Requirements.

(Revised 4/9/92)

- A. Amount of Open Space Required. The total usable open space within a PUD development shall be at least thirty percent (30%) of the gross acreage of the development. No more than twenty-five percent (25%) of the required percentage of usable open space shall be in the form of water surfaces, floodplains, drainage ways, steep slopes or storm water detention areas. At least twenty-five percent (25%) of the usable open space shall be developed for active recreation which may include but not be limited to playing fields; playground areas; tennis, volleyball, and basketball courts; picnic sites; boating areas; or similar active recreation areas. The requirement for active recreation areas is encouraged, but not required, in single family detached residential developments. For the purpose of this section, usable open space shall not include land to be dedicated for parks or schools without the consent of the Town Board.
- B. Usable Open Space Defined. Usable open space shall include common open space, or any portion of the development not developed or intended as public (dedicated) open space such as: schools or parks; building pads; storage areas; streets; driveways; service areas and parking areas. Usable open space shall be devoted to landscaping, patios, courts, walkways, trails, recreational areas and facilities (including enclosed buildings), and preservation of natural features such as mature vegetation, steep slopes, rock outcroppings, etc. For single family detached residential areas developed within the PUD zone district, private yards of individual lots, not covered by building pads and driveways, shall be considered usable open space for the purpose of satisfying the 30% usable open space requirement of the PUD district.
- C. Open Space Location and Access. Usable open space, as defined in subsection B. above, shall be so located as to provide for convenient use by residents. Insofar as reasonably practical, open space shall form an interconnected system with access to dwelling units.
- D. Open Space Maintenance. Provision shall be made through covenants, homeowners' associations or other means acceptable to the Board of Trustees for the continuing maintenance of any common open space and private walkways not intended to be dedicated to the Town.
- E. Homeowners' Association. When the Board of Trustees deems it appropriate, a nonprofit, incorporated homeowners' association, maintenance district or other suitable mechanism shall be required for the purpose of improving and maintaining common facilities and amenities. In addition, the Board may require approved protective covenants to run with the land. Prior to approval of the PUD development, agreements shall be provided which reflect suitable guarantees for the maintenance of common facilities and amenities. (Ord. 1-1991, §8, 1991).
(17.52.070 - 17.52.090)

(Revised 4/9/92)

17.52.070 Buffering, Screening and Setbacks. Uses, buildings or structures on the perimeter of the PUD district shall be set back, arranged and adequately buffered and/or screened to insure their appearance and use will be compatible with adjacent land uses. Building setbacks along the perimeter of the PUD zone district shall be a minimum of twenty-five (25') feet. Building setbacks shall be a minimum of fifty (50') feet along the frontage of Colorado State Highway 105 and Spruce Mountain Road. (Ord. 1-1991, §9, 1991).

17.52.080 Modification of Subdivision Regulations. When the situation so warrants, the following requirements of the subdivision regulations may be waived or modified after review by the Planning Commission and approval of the Board of Trustees of Palmer Lake based on the PUD Plan or the Final PUD Development Plan: right of way and driving surface widths, access and alleyways, location of utility easements or lines, lot and block design standards, requirement for street lights and storm drainage treatment, off street parking requirements, signs requirements and building height limitations. The Planning Commission or Board of Trustees may find that such requirements are not necessary for the general health, safety and welfare of the citizens. If a waiver based on a PUD Plan or Final PUD Development Plan has been approved, approval of the same waiver is not required at time of platting. A waiver may be approved if the modifications would result in at least one of the following:

- A. Preservation of natural features.
- B. Provision of a more livable environment.
- C. Provision of a more efficient vehicle and pedestrian circulation system.
- D. Provision of additional open space or active recreation area.
- E. Provision of innovative drainage treatment or facilities. (Ord. 1-1991, §10, 1991).

17.52.090 Procedure and Sketch Plan.

- A. Preapplication Conference.
 - 1. The applicant, who shall be the landowner or his agent in fact with the power to consent to the inclusion of the site within the PUD district, shall meet with the Planning Commission prior to the submittal of the application for PUD zoning.
 - 2. Preapplication conferences with the Planning Commission are informal and may involve the Town Mayor, the Zoning Officers, and the staff and other department heads involved in reviewing land development proposals.

(17.52.090)

(Revised 4/9/92)

3. During the meeting, the Planning Commission shall be available to answer questions of the developer regarding the following topics:
- a. General policies and viewpoints of the Planning Commission and Board.
 - b. Major requirements of applicable zoning and subdivision and other pertinent Town Codes.
 - c. Schedules and time lines for processing.
 - d. Building inspections (Regional Building Department).
 - e. Streets, parks and schools (conformity to Town Codes).
 - f. Concerns of community or neighborhood groups.
 - g. Impact fees (assessment against the developer, based on the effect the proposed development would have on utilities, surrounding land, schools, environment, etc.).
- Town
ordinances
monetary
streets,

The responsibility for meeting all of the requirements to this ordinance remains that of the developer.

B. Sketch Plan.

1. Contents of the Sketch Plan map to be reviewed at the preapplication conference are described in this section. This plan is to be an indication of the developer's intent, not necessarily to scale, and subject to change.
2. The Sketch Plan map should be approximately scaled, include the entire PUD tract, and show in schematic detail the topography of the land, the location of proposed uses and major buildings, the proposed development density, housing types, layout of roads by functional classification, approximate rights-of-way, layout and configuration of common open space, and location of all entrances to the tract.
3. The developer also submits a brief narrative text that describes the general design and architectural policies for the PUD, the treatment of environmentally sensitive land located in the project tract, the proposed time frame for the phased development, and the phases selected as concept plans in the preliminary plan for the PUD tract.

(17.52.090 - 17.52.100)

(Revised 4/9/92)

4. If development is to be phased, a Master Plan must be filed pursuant to § 16.16.010 et. seq.

C. Application for Zoning. After the preapplication conference or conferences, the applicant for a PUD zone district may make written application to the Planning Commission in accordance with current processing schedules and submittal time lines. All information required by this Chapter shall accompany the application. (Ord. 1-1991, §11, 1991).

17.52.100 PUD Plan. The zoning application shall be accompanied by a PUD Plan and shall be accompanied by the written consent of the landowner whose properties are included within the proposed Planned Unit Development. Procedures set forth in § 17.12.050 shall be followed, however, in addition, written notice of the public hearing to be held before the Planning Commission shall be delivered or mailed by first class mail, postage prepaid, to all adjoining landowners at least fifteen (15) days prior to the public hearing. The Planning Commission shall review the zone request and the PUD Plan. The PUD Plan and zone request and the recommendations of the Planning Commission shall be forwarded to the Town Board for their consideration. Final approval or disapproval shall occur no later than twelve (12) months after the filing of the application. The density for proposed residential development or maximum structural coverage for non-residential uses, type of dwelling or structure (use), and maximum building heights shall be established at time of zoning, based on the PUD Plan and the criteria for review that follows:

A. PUD Plan Submittal Requirements:

1. Written Information:

- a. Name, address and written consent of owner of record; name, address owner; and telephone number of developer/builder if different from name, address and telephone number of person or firm that prepared the plan.
- b. Type of unit, approximate size of unit, number of stories, approximate coverage and uses out in §14.11.010 Planning Commission, the Town Board determines that they should be waived if not residential. Building height limitations as set et seq., shall be followed unless, after review by the Commission, the Town Board determines that they should be modified.
- c. Number of dwelling units and gross and net density.
- d. Type of resident expected (elderly, families, single, etc.).

(17.52.100)

(Revised 4/9/92)

- e. Proposed ownership configuration (fee simple, condominium, etc.).
 - f. Description of design parameters (for example: solar orientation, of buyer, natural features, surrounding area, etc.).
 - g. Amount and function of proposed open space and active recreation areas, whether public or private, relationship to local park and open space facilities and plans.
2. Plan/Graphic Information:
- a. Appropriate scale (the scale shall be such as to adequately represent the information), north arrow, general vicinity map, date of and proposed project name.
 - b. Boundaries of the subject parcel, legal description, and total acreage.
 - c. Existing streets, right of way widths, and driving surface widths within and immediately adjoining the site.
 - d. Location, width, type, size and ownership of existing utility lines of way and easements.
 - e. Identification of existing natural features, such as mature vegetation, rock outcroppings, slopes 16 percent and over in grade (See Hillside Overlay Zone, Chapter 17.50), streams, ponds, drainage ways and provision for protection and/or incorporation into the design of the PUD.
 - f. Landforms and topographic character of the land. Topographic mapping at two foot (2') contour interval is required. Where topographic slopes are thirty percent (30%) and greater, contour mapping may be done at ten foot (10') contour interval. Contours shall be extended no less than one hundred feet (100') onto adjacent property. Unbuildable areas, if any, shall be identified on the plan.
 - g. For attached residential units, show building footprints; percentage building coverage; amount, location and function of open space and active recreation areas and facilities; and the percentage of usable space/recreational areas. If fee simple ownership is proposed for individual units, show approximate lot lines and area of lots by square footage.

(17.52.100)

(Revised 4/9/92)

show

h. For detached single family residential units, it is not necessary to every individual building envelope or footprint, but rather several typical of possible arrangements of units on individual lots, showing varying setback possibilities. Approximate lot lines and area of lots by square footage shall be shown. Location and function of any common open space and recreation areas.

i. For non-residential uses, show building envelopes or footprints, building square footage, proposed use and percentage of building coverage.

j. Traffic circulation and access plans showing street right of way or access easement widths for both public and private streets. It is not necessary to graphically depict driving surface widths, but driving surface widths shall be stated on the plan.

show

k. For attached residential PUD's and non-residential developments, the general arrangements of any detached garages; carports or open, off-street parking areas; parking spaces required by use; number of parking spaces provided; and percentage of coverage of tract(s) by parking and driveway areas.

project, provides for area are screening. avoided. The use including grasses is materials), used to

l. A landscaping design which contributes to the livability of the offers relief from density, aids in energy conservation and privacy. A variety of species indigenous to the Palmer Lake provided and selected with regards to shape, massing and Large expansive gravel, bark and pavement are to be of native vegetation and drought-resistant species encouraged. Any screening (manmade or landscape buffering or earth berming methods and provisions may be ensure compatibility of the project with the adjacent area.

m. Approximate development schedule and general timing of phases, if the project is to be phased.

n. General drainage scheme and description of method of providing for drainage. The 100 year (standard project) floodplain, if applicable, shall be delineated on the plan.

(17.52.100)

(Revised 4/9/92)

shall
Planning
be waived

or

o. A land use legend including relative percentages and acreages of residential uses by densities (including total number of units by density classification), non-residential uses by type (including approximate total building square footage and building square footage by use) street right of way, major utility easements or right of way, common open space or recreation areas, and any other significant uses.

p. A plan showing any proposed signs or advertising device which comply with §17.56.010 et. seq. unless, after review by the Commission, the Town Board determines that they should or modified.

q. Such other and additional information as the Planning Commission the Board of Trustees determines to be appropriate.

B. Criteria for Review of PUD Plan. The following shall be considered by the Planning Commission and the Town Board in approving or denying the PUD Plan or the final PUD Plan.

1. Compatibility of the proposed plan with the surrounding area.
2. Harmony of the proposed plan with the character of the neighborhood and the proposed site.
3. Affect of the proposed plan upon the immediate area.
4. Affect of the proposed plan on future development of the area.
5. Whether or not an exception from the zoning ordinance requirements is warranted by virtue of the design incorporated in the development plan.
6. Whether the land surrounding the proposed Planned Unit Development can be planned in coordination with the proposed plan.
7. Whether the proposed change is in conformance with the Palmer Lake Comprehensive Plan.
8. Whether the existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
9. Whether existing and proposed utilities are adequate for the proposed development.

(17.52.100)

(Revised 4/9/92)

10. Whether the Planned Unit Development creates a desirable and stable environment.
 11. Whether the Planned Unit Development makes possible a creative, innovative and effective use of the property.
 12. Whether the purposes of the Planned Unit Development zone set out in 17.52.020 are met.
- C. Amendments to the Approved PUD Plan. Minor changes in siting of buildings, interior access or arrangement of parking or open space may be approved by the Planning Commission. Determination of whether an amendment to the approved PUD Plan is necessary shall be made by the Planning Commission. Major changes as described below require an amendment to the PUD Plan to be resubmitted, reviewed by the Planning Commission and approved by the Board of Trustees. If changes are slightly in excess of the criteria below, but would result in minimal impact on the development and its surroundings, the requirement for an amendment may be waived by the Planning Commission.
1. Increased density.
 2. Relocation of points of access.
 3. Decreased perimeter setbacks.
 4. Major changes in building location, arrangement of parking, or open space.
 5. Change in unit type (townhouse to apartments, etc.).
 6. In projects over 20 acres:
 - a. Over 10% reduction in area of open space.
 - b. Over 10% increase in building lot coverage.
 7. In projects under 20 acres:
 - a. Over 5% reduction in area of open space.
 - b. Over 5% increase in building lot coverage.
(Ord. 1-1991, §12, 1991; Ord. 15-1973, §1IV:1, 1973).

(17.52.110)

(Revised 4/9/92)

17.52.110 Final PUD Development Plan. The Final PUD Development Plan must substantially conform to the approved PUD Plan. A Final PUD Development Plan which is in substantial conformance with the approved PUD Plan and which conforms to criteria contained in this Section shall be reviewed by the Planning Commission. The Final PUD Development Plan as reviewed by the Planning Commission, and their recommendations shall be referred to the Town Board for their consideration.

- A. Plan relationship to subdivision. No subdivision in a PUD zone district shall be approved nor any building permits issued until a Final PUD Development Plan is approved for an entire district, except for approved phased projects. Platting of separate phases may be approved if there is an approved Master Plan over the entire district and an approved Final PUD Development Plan on the phase to be platted.
- B. Control of Common Amenities in Phased Projects. If a phased project contemplates a disproportionate share of the open space, recreational facilities or other common amenities or facilities to be provided in later phases, some form of assurance, approved by the Board of Trustees, is required so that if the later phases are not developed, sufficient common facilities will be provided for the phases actually developed. Suitable assurances may be in the form of a letter of credit, escrow, recorded agreements by the mortgage holder or owner guaranteeing the development of the open space, recreational facilities or other common amenities.
- C. Final PUD Development Plan Submittal Requirements.
 - 1. Boundaries and size of parcel(s), legal description.
 - 2. Vicinity map, north arrow and appropriate scale.
 - 3. Name, address and consent of existing owner and name, address and telephone number of person or firm responsible for preparing the plan.
 - 4. Date of plan preparation.
 - 5. Proposed ownership configuration.
 - 6. All major improvements of surrounding properties within one hundred feet (100') of the proposed PUD.
 - 7. If this is a phased final development plan, show how this phase fits within the overall, approved PUD Plan and any previously approved Final PUD Development Plan phases.

(17.52.110)

(Revised 4/9/92)

8. Gross and net density, number of units, range of size of units, and maximum height of buildings with the heights being controlled by §14.11.010 et. seq. unless, after review by the Planning Commission, the Town Board has determined that the same may be waived or modified.
9. Area to be conveyed, dedicated or reserved for public parks, trails, schools and other public purpose sites.
10. Area to be used as common, usable open space and recreational facilities.
11. Lighting standards, location, typical detail and height.
12. Location and width of right of way or access easement and driving surface of proposed streets, public and private.
13. Public facilities plan including placement and size of all public facilities including streets, utility lines and storm drainage facilities and easements.
14. For attached residential and non-residential projects, show the location, required number, number provided and detail plans of proposed off-street parking and loading facilities, including any common trash enclosures. Indicate the percent of total area covered by parking surface and drives.
15. Landscaping plan. (See landscape plan requirements in 17.52.100(A)(1)(l))
16. Building size, location and use (if other than residential), including details of private outdoor space. Percent of coverage of lot by building.
17. Pedestrian facilities including types of surfacing.
18. Location, height, material and detail of fencing or walls and signs or advertising devices. Signs and advertising devices shall comply with §17.56.010 et. seq. unless, after review by the Planning Commission, the Town Board determines that the same may be waived or modified.
19. Existing and proposed contours and method of erosion control and reclamation when applicable. The 100 year (standard project) floodplain, if applicable, shall be delineated on the plan.
20. Details and location of significant natural features such as mature trees, streams, rock outcroppings, etc. and the means of incorporation into the design of the project.

(17.52.110)

(Revised 4/9/92)

21. Single family detached developments: Setbacks and building location may be established by showing the building envelope on the lots. The landscaping plan may be general in nature and may be shown by typicals rather than the entire site.
- D. Criteria for Review of Final Development Plan. (See Section 17.52.100 B. for review criteria).
- E. Amendments to the Approved Final PUD Development Plan: Minor changes in siting of buildings, interior access or arrangement of parking or open space may be approved by the Planning Commission. Determination of whether an amendment to the approved Final PUD Development Plan is necessary shall be made by the Planning Commission. Major changes as described below require an amendment to the Final PUD Development Plan be resubmitted, reviewed by the Planning Commission and approved by the Board of Trustees.
 1. Increased density.
 2. Relocation of points of access.
 3. Decreased perimeter setbacks.
 4. Major changes in building location, arrangement of parking or open space.
 5. Change in unit type (townhouse to apartment type, etc.).
 6. Substantial changes in the landscape plan.
 7. Projects over 20 acres:
 - a. Over 10% reduction in area of open space.
 - b. Over 10% increase in lot coverage.
 8. Projects under 20 acres.
 - a. Over 5% reduction in area of open space.
 - b. Over 5% increase in lot coverage. (Ord. 1-1991, §13, 1991).

(17.52.120 - 17.52.140)

(Revised 4/9/92)

17.52.120 Building Permits. No building permits shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless the property is platted in accordance with the Town of Palmer Lake subdivision ordinance as amended or until and unless a Final PUD Development Plan in conformance with this Chapter is reviewed by the Planning Commission and approved by the Town Board. (Ord. 1-1991, §14, 1991).

17.52.130 Floodplains. Any development in areas subject to flooding shall be in accordance with Chapter 17.48 of the code of the Town of Palmer Lake. (Ord. 1-1991, §15, 1991).

17.52.140 Maintenance Plan. In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners associations, or other non-governmental bodies, the applicant shall submit a maintenance plan, with the Final PUD Development Plan, conforming to the following requirements:

- A. Identification of present and proposed ownership for the facilities or areas included within the maintenance plan; in the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the estate to be granted shall be noted.
- B. A service plan to include:
 - 1. Proposed method of guaranteeing maintenance.
 - 2. Proposed form of unified control which shall include identification and description of corporations, partnerships, trusts, owner's association, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments.
 - 3. Cost of capital construction for proposed facilities, cost of maintenance of such facilities per year, amount proposed to be assessed to meet such expenses.
 - 4. Proposed administrative mechanism to assure that maintenance is carried out as planned.
 - 5. Suitable collateral to ensure that in case of discontinuance of control and maintenance, the Town of Palmer Lake may assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall include liens, letters of credit, bonds, or such method as approved by the Town Board. (Ord. 1-1991, §16, 1991).

(17.52.150 - 17.52.160)

(Revised 4/9/92)

17.52.150 Results of Failure to Meet Schedule. Failure by the developer to meet scheduled dates shall result in one of the following:

1. Stop orders (court orders stopping construction) or a freeze on the issuance of new development permits.
2. Extension of due dates if the extension is justified by the developer.
3. Suspension of approved development plan, pending its reinstatement upon meeting the obligations required for the passed due date and its resubmittal to the Planning Commission and Town Board.
4. Reversion of the PUD zone back to the conventional original zoning. (Ord. 1-1991, §17, 1991).

17.52.160 Development Time Frame and Appeals. For start of construction, the maximum time allowed is one year after approval of the final plan. One or more extensions may be allowed for good reason by the Planning Commission and the Town Council. (Ord. 1-1991, §18, 1991).

CHAPTER 17.56

SIGNS AND BUILDINGS

Sections:

17.56.010	Application.
17.56.020	Prohibitions.
17.56.030	Structural Soundness.
17.56.040	Permits - Applications.
17.56.050	Permits - Exceptions.
17.56.060	Amortization of non-conforming Signs and Billboards.
17.56.070	Administration and Enforcement.

17.56.010 Application. No sign shall be erected in the jurisdiction of the Town as now defined or as may be defined in the future, unless it conforms with the provision of this title. (Ord. 15-1973 §V:1, 1973)

17.56.020 Prohibitions. No billboards or reflective or animated signs shall be erected after the effective date of the ordinance codified herein. (Ord. 15-1973 §V:2, 1973)

17.56.030 Structural Soundness. Signs shall be structurally sound, and proof of soundness shall rest with the person or agent who erects the sign. (Ord. 15-1973 §V:3, 1973)

17.56.040 Permits - Applications. Any person wishing to erect a sign shall seek a permit from the building inspector of the Town. The application shall indicate in writing the location of the sign, its dimension, its content, illumination, etc., and its structural features. All signs shall conform to the provisions of the zone in which they are located regardless of whether a permit is required. (Ord. 15-1973 §V:4:a, 1973; Ord 1-2003, §28, 2003)

17.56.050 Permits - Exceptions.

- A. No permit is required when a sign(s) is to be erected as part of an improvement to land or structure, which required a building permit to be issued, provided that said sign(s) was noted as part of the application for the building permit.
- B. No house number or nameplate shall require a permit.
- C. No temporary sign shall require a permit, provided it does not exceed fifty square feet in area and is unlighted and shall not exist for more than six months.

(17.56.050 - 17.56.070)

- D. Political advertisements shall not require a permit, provided they are erected within forty-five (45) days of an election and removed within fifteen (15) days following said election.
- E. No church, school, municipal building, federal building, county building, or state building shall require a permit.
- F. Highway information, route markers, and street designation signs shall not require a permit. (Ord. 15-1973 §V:4:b, 1973)

17.56.060 Amortization of non-conforming Signs and Billboards.

- A. Billboards. All billboards shall be removed within a period of three years from the effective date of the ordinance codified herein.
- B. Nonconforming Signs. All nonconforming signs will be made to conform to the provisions of this title or be removed within a period of two years from the effective date of the ordinance codified herein.
- C. Prohibited Signs. All prohibited signs will be removed within thirty days of the effective date of the ordinance codified herein. (Ord. 15-1973 §V:5, 1973).

17.56.070 Administration and Enforcement. The building inspector shall enforce and administer the sign portion of this title and shall perform the necessary inspections and issue permits. (Ord. 15-1973 §V:6, 1973).

CHAPTER 17.58

HOME OCCUPATIONS

Sections:

- 17.58.010 Accessory Use.
- 17.58.020 Residential Use.
- 17.58.030 No Alteration.
- 17.58.040 No Signs Permitted.
- 17.58.050 No Outside Storage.
- 17.58.060 Activity Entirely With Dwelling.
- 17.58.070 No Exterior Display.
- 17.58.080 Maximum of One Home Occupation.
- 17.58.090 Area Not To Exceed One-Half.
- 17.58.100 No Adverse Effect.
- 17.58.110 No Objectionable Use.
- 17.58.120 No Retail, Wholesale or Warehousing Activity.
- 17.58.130 No Additional Parking Space.
- 17.58.140 Maximum In of Two Employees.
- 17.58.150 Off Street Parking Area Not To Be Occupied.
- 17.58.160 Business License Requirements.
- 17.58.170 Sales Tax Collection.

17.58.010 Accessory Use. Home Occupations are permitted as an accessory use in any Residential Zone subject to the standards contained in this Ordinance. (Ord. 1-1986, §3, 1986).

17.58.020 Residential Use. Where a residential use is permitted or has been permitted either by Conditional Use Permit or by prior non-conforming use in a non-residential zone, the provisions of this ordinance shall apply. (Ord. 1-1986, §4, 1986).

17.58.030 No Alteration. There shall be no alteration of the structure or building to in any way accommodate the Home Occupation or to indicate in any way that a Home Occupation activity is being conducted on the premises nor shall there be any activity conducted in connection with the Home Occupation that in any way alters the residential character of the neighborhood. (Ord. 1-1986, §5, 1986).

17.58.040 No Signs Permitted. No signs shall be permitted other than a house number or name plate not more than two (2) square feet in area which sign must be attached to the principal building. In addition, there shall be no illumination of said sign, either internally or externally. House numbers may be illuminated. (Ord. 1-1986, §6, 1986).

17.58.050 No Outside Storage. No outside storage, parking or maintenance of materials or equipment of any type shall be permitted in connection with a home occupation. (Ord. 1-1986, §7, 1986).

17.58.060 Activity Entirely With Dwelling. The Home Occupation use must be conducted entirely within the dwelling. (Ord. 1-1986, §8, 1986).

17.58.070 No Exterior Display. No exterior visible display shall be permitted which would indicate a use other than a dwelling. (Ord. 1-1986, §9, 1986).

17.58.080 Maximum of One Home Occupation. There shall be not more than one use constituting a Home Occupation per dwelling unit. (Ord. 1-1986, §10, 1986).

17.58.090 Area Not To Exceed One-Half. The total area used for a Home Occupation shall not exceed one-half of the principal floor area of the user's dwelling unit. (Ord. 1-1986, §11, 1986).

17.58.100 No Adverse Effect. The Home Occupation use shall not adversely effect the principal permitted use(s) in the residential district. (Ord. 1-1986, §12, 1986).

17.58.110 No Objectionable Use. No Home Occupation shall be permitted when the same is objectionable due to expulsion of noise, dust, smoke, gas, odor or other objectionable or obnoxious causes. (Ord. 1-1986, §13, 1986).

17.58.120 No Retail, Wholesale or Warehousing Activity. There shall be no retail, wholesale or warehousing activity other than that which is clearly incidental to the direct provision of the Home Occupation activity. (Ord. 1-1986, §14, 1986).

17.58.130 No Additional Parking Space. There shall be no Home Occupation permitted that requires additional parking spaces or causes undue vehicular traffic above that which is normally incidental to a residential use or interferes with the public use of adjoining streets or alleys or the private use of driveways. (Ord. 1-1986, §15, 1986).

17.58.140 Maximum In Of Two Employees. No Home Occupation shall be permitted which employs more than two other persons who are not residents of the premises. (Ord. 1-1986, §16, 1986).

(17.58.150-17.58-170)

(Revised 4/9/92)

17.58.150 Off Street Parking Area Not To Be Occupied. A Home Occupation use shall not occupy the required off-street parking area of the principal use. (Ord. 1-1986, §17, 1986).

17.58.160 Business License Requirements. In addition to the requirements of this ordinance, all Home Occupations shall be required to obtain a Business License from the Town of Palmer Lake in accordance with the Business License Ordinance of the Town of Palmer Lake. (Ord. 1-1986, §18, 1986).

17.58.170 Sales Tax Collection. All Home Occupation uses engaged in any way in the retail sale of any product or service shall comply with the Sales Tax Ordinance of the Town of Palmer Lake regarding the collection of retail sales taxes. (Ord. 1-1986, §19, 1986).

CHAPTER 17.60

OFF-STREET PARKING AND LOADING

Sections:

- 17.60.010 Parking Requirements.
- 17.60.020 Number of Spaces Required.
- 17.60.030 Unlisted and Combined Uses.
- 17.60.040 Loading Requirements.

17.60.010 Parking Requirements. In all zones and in connection with every use, there shall be provided at the time any use or building is erected, enlarged or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. Adequate access to a public street shall be provided for each parking space and driveways shall be at least ten feet wide for one-and-two family dwellings and a minimum of twenty-four feet for all other uses.
- B. Size of each parking space shall be not less than two hundred square feet exclusive of the space required for ingress and egress. Said space shall measure at least twenty feet by ten feet.
- C. Location shall be on the same lot as the principal use or not over four hundred feet from the principal use. No parking stall or driveway except in residential zones shall be closer than twenty-five feet to a residential zone lot line or a street line opposite a residential district.
- D. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- E. Curbs or barriers shall be installed so as to prevent the parked vehicle from extending over any lot lines.
- F. Screening. All off-street parking associated with non-residential uses or structures shall be screened when the parking spaces or area abuts a residential use or structure.
- G. Lighting. All off-street parking areas containing spaces for more than two (2) vehicles shall be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

(17.60.010 - 17.60.020)

(Revised 5/10/89)

- H. Planting. Parking areas containing spaces for more than nine (9) vehicles shall have planted boxes, with appropriate vegetation, designed to break up the expanse of the parking area. (Ord. 15-1973 §VI:1:a - h, 1973).

17.60.020 Number of Spaces Required. Number of parking spaces required shall be as follows:

- A. Single-family dwellings and mobile homes, two (2) places for each dwelling unit;
- B. Mobile home parks, two (2) places for each lot;
- C. Multi-family dwellings, one and five-tenths (1 5/10) places for each dwelling unit;
- D. Hotels, motels, dormitories, lodging, and boarding-houses, one (1) place for each guest room plus one place for each three (3) employees;
- E. Hospitals, sanitariums, institutions, rest and nursing homes, one (1) place for each two (2) beds plus one (1) place for each three (3) employees;
- F. Medical and dental clinics, three (3) places for each doctor;
- G. Churches, theaters, auditoriums, community center, vocations and night schools, and other places of public assembly, one (1) place for each five (5) seats;
- H. Elementary and secondary schools, one (1) place for each two (2) employees plus adequate student parking;
- I. Clubs, restaurants, bars, places of entertainment, repair shops, retail and service stores, one (1) space for each one hundred fifty (150) square feet of gross floor area;
- J. Manufacturing and process plants, laboratories, and warehouses, one (1) space for each three hundred (300) square feet of floor area;
- K. Financial institutions and business, governmental, and professional offices, one space for each three hundred (300) square feet of floor area;
- L. Funeral homes, one (1) space for each four (4) seats;
- M. Bowling alleys, five (5) spaces for each alley. (Ord. 15-1973 §VI:1:i, 1973).

(17.60.030 - 17.60.040)

(Revised 5/10/89)

17.60.030 Unlisted and Combined Uses. In the case of structures or uses not listed, the provision for a use, which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use. (Ord. 15-1973 §VI:2, 1973).

17.60.040 Loading Requirements. In all non-residential districts, adequate loading, maneuvering or unloading areas shall be provided completely off the public ways and so that all vehicles need not back onto any public way. (Ord. 15-1973 §VI:3, 1973).

CHAPTER 17.64

NON-CONFORMING USES

Sections:

17.64.010	Existing Non-Conforming Uses
17.64.020	Enlargement or Alternation
17.64.030	Discontinuance
17.64.040	Replacement

17.64.010 Existing Non-Conforming Uses. Except as herein provided, the lawful uses of land or structures existing at the time of adoption or amendment of the ordinance codified herein may be continued even though said use or structure does not conform to the provisions of this title. Exemptions shall not extend to signs or billboards; obsolete and abandoned structures; obsolete, inoperative, or dismantled machinery; vehicles or implements that are parked; stored or located on any street, right-of-way, easement, or required yard space. (Ord. 15-1973 §VII:1, 1973).

17.64.020 Enlargement or Alternation. No enlargement or alteration of a non-conforming use or structure shall take place. Once a use or structure is made to conform to the provisions of this title it may not revert to non-conformance either in part or in whole. (Ord. 15-1973 §VII:2, 1973).

17.64.030 Discontinuance. If a non-conforming use or structure is discontinued or unused for a period of twelve (12) months it shall be deemed ended and may not be resumed. (Ord. 15-1973 §VII:3, 1973).

17.64.040 Replacement. If a non-conforming use or structure is damaged to the extent of fifty percent (50%) or more of its true market value, as based on its current assessed value, it may not be rebuilt or repaired unless in conformance with this title. The total, lifetime structural repairs to a non-conforming use or structure shall not exceed fifty percent (50%) of its true market value, based on current assessed value, unless the use or structure is made to conform with the provisions of this title. (Ord. 15-1973 §VII:4, 1973).

CHAPTER 17.68

ADMINISTRATION AND ENFORCEMENT

Sections:

17.68.010	Zoning Officer designated
17.68.020	Building Permit - Required
17.68.030	Building Permit - Application
17.68.040	Building Permit - Fee
17.68.050	Building Permit - Plans
17.68.060	Building Permit - Forms
17.68.070	Building Permit - Issuance - Term
17.68.080	Enforcement
17.68.090	Penalties

17.68.010 Zoning Officer designated. This shall be administered and enforced by town building official. Said official shall be known as the Zoning Officer for purposes of this title. An appeal from the decision of the Zoning Officer may be made to the Board of Adjustment as provided herein. (Ord. 15-1973 §VIII:1, 1973)

17.68.020 Building Permit - Required. It is unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension, or moving of any building, structure, or any portion thereof, or the use of land, without first having applied in writing to the zoning officer for a permit to do so and until a permit has been granted therefor. (Ord. 15-1973 §VIII:2:a, 1973)

17.68.030 Building Permit - Application. Every application for a building permit shall be in writing and delivered to the zoning officer and shall be accompanied by a detailed set of plans, in duplicate, showing:

- A. Size of the proposed building;
- B. Structure or use;
- C. Building's location on the lot;
- D. The materials of which it is to be constructed;
- E. Details and type of construction to be used;

(17.68.030 - 17.68.090)

- F. Approval of the Palmer Lake Sewer District or the Board of Trustees of the Town if conditional approval of a septic tank is required. (Ord. 15-1973 §VIII:2:b, 1973)

17.68.040 Building Permit - Fee. The Board of Trustees may set fees for the issuance of building permits, as appropriate. Such fees shall be paid to the zoning officer. (Ord. 15-1973 §VIII:2:c, 1973)

17.68.050 Building Permit - Plans. On the issuance of a permit, one set of the plans shall be retained by the Zoning Officer as a permanent record and one set shall be returned to the applicant. The Zoning Officer may, at his own discretion, permit the substitution of a written statement covering the essential information required in the place of said plans. (Ord. 15-1973 §VIII:2:d, 1973)

17.68.060 Building Permit - Forms. Blank forms shall be provided by the Zoning Officer for the use of those applying for permits as provided by this title. Any permits issued by the zoning officer shall be on standard forms for such purpose and shall be furnished by the Town. (Ord. 15-1973 §VIII:2:e, 1973)

17.68.070 Building Permit - Issuance - Term. A permit in writing shall be issued by the Zoning Officer when the application and the investigation thereof indicates compliance by the applicant with all of the provisions of this title and all other controlling ordinances of the Town and the laws of the state. Each permit shall run for one (1) year from date of issuance. (Ord. 15-1973 §VIII:2:f, 1973)

17.68.080 Enforcement. The Zoning Officer shall be charged with the responsibility of enforcing the provision of this title. He shall make periodic inspections, review complaints, and perform such other tasks necessary to insure compliance with the provisions of this title. The Zoning Officer shall issue a written order in person or by registered mail to the violator or the property owner indicating the nature of the violation. (Ord. 15-1973 §VIII:3, 1973)

17.68.090 Penalties.

- A. Fines and Imprisonment. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this title shall be punished according to Chapter 1.16 of this Code for each offense. (Ord 1-2003, §26, 2003).
- B. Continuing Offenses. Each day that a violation is permitted to exist beyond the time designated in the written notification by the Zoning Officer constitutes a separate offense.

(17.68.090)

- C. Termination of Use. In the event that there is any violation of this title, which, in

(Revised 06/04/2004)

the opinion of the Zoning Officer or the legally constituted officials of the Town, jeopardizes the health, safety, or welfare of the people, said officials shall remove, restrict, terminate, or otherwise prevent such violation from continuing and shall levy such costs incurred in this action against the violator or property owner. (Ord. 15-1973 §VIII:4, 1973)

(Revised 06/04/2004)

CHAPTER 17.70

VESTED PROPERTY RIGHTS

Sections:

17.70.010	Purpose
17.70.020	Definitions
17.70.030	Notice and Hearing
17.70.040	Approval - Effective Date - Amendments
17.70.050	Notice of Approval
17.70.060	Payment of Costs
17.70.070	Other Provisions Unaffected
17.70.080	Limitations

17.70.010 Purpose. The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. (Ord. 14-1999 §2, 1999.)

17.70.020 Definitions. As used in this chapter, unless the context otherwise requires:

A. “Site specific development plan” means:

For all developments, the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner must so request at least sixty (60) days prior to the date said approval is to be considered. Failure to so request renders the approval not a “site specific development plan,” and no vested rights shall be deemed to have been created.

B. “Vested property right” means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

(Ord. 14-1999 §3, 1999)

17.70.030 Notice and Hearing. No site specific development plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the Town's option, be combined with the notice required by Section 31-23-304, C.R.S., as amended, for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard. (Ord. 14-1999 §4, 1999)

17.70.040 Approval - Effective Date - Amendments. A site specific development plan shall be deemed approved upon the effective date of the Board of Trustees approval action relating thereto, as set forth at section 17.70.020 above. In the event amendments to a site specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Ord. 14-1999 §5, 1999)

17.70.050 Notice of Appeal. Each map, plat, or site plan or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the site specific development plan in a newspaper of general circulation with the Town. (Ord. 14-1999 §6, 1999)

17.70.060 Payment of Costs. In addition to any and all other fees and charges imposed by this code, the application for approval of a site specific development plan shall pay all costs occasioned to the Town as a result of the site specific development plan review, including publication of notices, public hearing, Town Engineer Review, and other review costs. At the option of the Town, these costs may be imposed as a flat fee of Five Hundred Dollars (\$500.00). (Ord. 14-1999 §7, 1999)

17.70.070 Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property. (Ord. 14-1999 §8, 1999)

17.70.080 Limitations. Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this chapter shall be deemed to be repealed and the provisions hereof no longer effective. (Ord. 14-1999 §9, 1999)

CHAPTER 17.72

BOARD OF ADJUSTMENT

Sections:

- 17.72.010 Creation and Appointment.
- 17.72.020 Meetings and Procedures
- 17.72.030 Powers and Duties.
- 17.72.040 Procedure.
- 17.72.050 Stay of proceedings.

17.72.010. Creation and appointment.

- (A) The Town Council shall appoint a Board of Adjustment consisting of five (5) voting members, as follows, one (1) member from the board of trustees; one member (1) from the planning commission and three (3) regular members. Each member shall serve for two years; provided, however, that of the first appointed Board, three members shall serve two year terms, and two members shall serve one year terms. Board Members must be residents and qualified electors of the Town of Palmer Lake (Ord. 4 of 2004, §1, 2004; Ord. 6-1992, §1, 1992; Ord. 13-1973, §IX:1, 1973).
- (B) Two associate members to the Board of Adjustments may also be appointed by the Town Council. Each associate member must be a resident and a qualified elector of the Town of Palmer Lake. Associate members shall perform all of the duties of a regular member in the absence or disqualification of a regular member from a meeting. (Ord. 4 of 2004, §1, 2004; Ord. 15-1973 §IX:1, 1973).
- (C) Two months prior to the term expiration date, the Town Clerk shall publish a notice of expiration of term in at least one issue of a newspaper of general circulation in Palmer Lake area. Any member currently serving and wishing to be reappointed for an additional term, shall do so by submitting a letter of intent after the publication of notice. The Town Council shall appoint the new member from among those responding to the published notice. Members may be reappointed to serve successive terms without limitation. (Ord. 4 of 2004, §1, 2004)
- (D) The Board of Adjustment shall elect from its members a Chairperson and Vice-Chairperson whose term shall be for one year. The Chairperson and Vice-Chairperson positions shall be offered to the citizen members, if no citizen member wishes to serve in either capacity, then either position may be filled by the Board of Trustee member or the Planning Commission member. (Ord. 4 of 2004, §1, 2004)

(17.72.010-17.72.020)

- (E) Any member of the Board of Adjustment may be removed for chronic absenteeism or for other good cause as determined by the Town Council upon written notice. For purposes of this section, “chronic absenteeism” shall mean three (3) or more consecutive unexcused absences from Board meetings or absences from more than fifty percent (50%) of the Board’s meetings in any twelve (12) month period. (Ord. 4 of 2004, §1, 2004)
- (F) Members shall serve without compensation, except that the Town Council may authorize the reimbursement of reasonable out-of-pocket expenses incurred by members in the performance of their duties. (Ord. 4 of 2004, §1, 2004)

17.72.020 Meetings and Procedure

- (A) All meetings of the Board shall be subject to the requirements of the Colorado Open Meeting Laws. Not less than four (4) members or associate members must be present at a regular or special meeting to transact business, and all questions coming before the Board shall be decided by simple majority vote of all those present. All votes shall be recorded ayes and nays, except that a roll call vote shall be conducted upon the request of any member. A tie vote shall be deemed a denial of the matter voted upon. (Ord. 4 of 2004, §1, 2004)
- (B) Minutes of all regular and special meetings and resolutions passed by the Board of Adjustment shall be authenticated by the presiding officer and timely recorded in an official book kept for that purpose. (Ord. 4 of 2004, §1, 2004)
- (C) The Board shall meet on an as-needed basis, with a regular meeting date and time being established by the Board. The Board may, by majority vote, set and conduct special meetings in addition to conducting regular meetings. (Ord. 4 of 2004, §1, 2004)
- (D) Any meeting, regular or special, shall be publicly posted and/or published in a newspaper of general circulation fifteen (15) days prior to the set date and shall the information as set forth in Section 17.72.040 of this title including the following information:
 - 1. Meeting date, time and location;
 - 2. Applicant’s name;
 - 3. The affected property tax schedule number, physical address and/or the distance and direction from nearest intersection;
 - 4. Name of newspaper and date of publication(Ord. 4 of 2004, §1, 2004)

(17.72.030 - 17.72.040)

(Revised 03/2005)

17.72.030. Powers and Duties. The Board of Adjustment shall have the following powers and duties, all of which shall be exercised, subject to the laws of the State and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this title, the policies of the Town Council, and in accordance with the public interest and the most appropriate development of the neighborhood:

- (A) To hear and decide appeals from, and review any order, requirement, decision or determination by an administrative official charged with the enforcement of the regulations established by this Ordinances;
- (B) Where by reason or exceptional shape or topography of a lot, or other exceptional situation or condition of building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this title the board may authorize, upon appeal in specific cases, exceptions to the:
 - 1. Minimum area of lot;
 - 2. Minimum width of lot (reduced street frontage);
 - 3. Minimum front yard;
 - 4. Minimum side yard;
 - 5. Minimum rear yard.
- (C) No relief shall be granted by the Board of Adjustment when, in the opinion of said Board, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the request is determined to be a self-imposed hardship.

(Ord. 4 of 2004, §1, 2004; Ord. 4-1982 §1, 1982; Ord. 15-1973 §IX:2, 1973).

17.72.040. Procedure.

- (A) A formal application shall be submitted to the Town Clerk and shall consist of the following:
 - 1. A completed application form;
 - 2. Proof of ownership of the land which is the subject of the request or a notarized letter from the owner authorizing the representative to represent the owner;
 - 3. Application fee;
 - 4. If applicable and without placing undo financial burden on the applicant, a to scale site plan identifying and locating the subject of the request;

(17.72.040 - 17.72.050)

(Revised 03/2005)

5. If applicable, letters of support and/or opposition from adjacent property owners.
- (B) The Town Clerk shall review the application for completeness, schedule the meeting date and notify the Board members of the request, either by telephone, e-mail or mail, as soon as possible.
- (C) The Town Clerk shall cause the request to be published in a newspaper of general circulation and by the posting of the property at least fifteen (15) days before the scheduled hearing date and shall include the following information:
1. Meeting date, time and location;
 2. The affected property tax schedule number, physical address and/or the distance and direction from nearest intersection;
 3. The nature of the request;
 4. Applicant's name;
 5. Name of newspaper and date of publication.

Upon approval, the Town Clerk shall prepare and record a copy of the motion of approval.

(Ord. 4 of 2004, §1, 2004; Ord. 15-1973 §IX:3, 1973).

17.72.050. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. (Ord. 15-1973 §IV:5, 1973).

CHAPTER 17.76

AMENDMENTS

Sections:

- 17.76.010 Procedures.
- 17.76.020 Overruling the Planning Commission.
- 17.76.030 Fees.

17.76.010. Procedures:

- (A) The applicant shall complete an application form and tender the required application fee to the Town Clerk;
- (B) The Town Clerk within fifteen (15) days after receipt, shall forward copies of the Application to the Planning Department who shall publish legal notice of a Planning Commission hearing to consider the application. Such legal notice shall be given at least five (5) days prior to such hearing;
- (C) After such public hearing by the Planning Commission their recommendations shall be forwarded within fifteen (15) days to the Board of Trustees;
- (D) The Board of Trustees shall hold a public hearing in which legal notice of at least fifteen (15) days shall be given;
- (E) Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved;
- (F) In the event of amendments initiated by the Town, no application form or filing fee shall be required. (Ord. 2-1980 §9, 1980; Ord. 8-1979).

17.76.020. Overruling the Planning Commission. A vote of three-quarters of the Board of Trustees shall be required to approve an amendment not recommended for approval by the Planning Commission. (Ord. 15-1973 §X:2, 1973).

17.76.030. Fees. A fee for filing an amendment may be established, as appropriate, by the Board of Trustees. (Ord. 15-1973 §X:3, 1973).

CHAPTER 17.80

FEES

Sections:

- 17.80.010 Fees.
- 17.80.020 Additional Costs.

17.80.010. Fees. Fees to be charged by the Town in the administration of Title 17 shall be the following:

- (A) Variance Application - \$200.00 (Ord. 9-1996 §1, 1996);
- (B) Sign Permit - \$100.00;
- (C) Conditional Use Application - \$250.00 per use applied for;
- (D) Zone Change Application - \$500.00, plus the actual publication and mailing costs;
- (E) Mineral Use Extraction Permit or Renewal - \$1000.00;
- (F) Flood Plain Development Permit - \$600.00.
- (G) Hillside Ordinance Review - \$250. (Ord. 9-1996 §2, 1996; Ord. 5-1994 §3, 1994)

All fees shall be paid to the Town Clerk before any application will be processed. (Ord. 14-1984 §6, 1984)

17.80.020 Additional Costs. In addition to the fees set forth in this Chapter, the applicant under the zoning regulation of the Town of Palmer Lake or his agent shall be liable to the Town for any and all additional fees incurred by the Town to third parties in connection with the application, permit or review requested by the applicant or his agent. Such additional fees would include, but not be limited to, fees incurred from the Town Engineer in reviewing the application, including touring the site and conducting any investigations deemed appropriate; fees incurred by the Town Attorney in reviewing the application; consulting fees; and any other fees of like nature or character incurred by the Town in connection with the application, the permit or the review request by the applicant or his agent. (Ord. 5-1995, §2, 1995).