

PALMER LAKE, COLORADO

ORDINANCE NO. 12-2020

**AN ORDINANCE AMENDING SECTION 5.80.210, SUBSECTION 5.80.040(f)(10),
AND SUBSECTION 5.80.230(C) REGULATING SEXUALLY-ORIENTED
BUSINESSES WITHIN THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

WHEREAS, previously the Board of Trustees adopted regulations regarding Sexually-Oriented Businesses within the Town of Palmer Lake, such regulations being codified in Chapter 5.80 of the Palmer Lake Town Code; and,

WHEREAS, the Board wishes to address the distance such businesses are located from other sexually-oriented businesses, churches, schools, residences and parks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. Section 5.80.040 of the Palmer Lake Town Code is hereby amended by striking the strikethrough language and adding the underlined language, to read in its entirety as follows:

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 or she 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 or she operates or causes to be operated a sexually-oriented business within ~~1,500~~ 2,000 feet of the following:

1. Another sexually-oriented business;

2. Any church;

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

4. The boundary of any residential district;

5. ~~A dwelling unit (single or multiple); or~~

65. A public park adjacent to any residential district.

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.

2. Subsection 5.80.040(f)(10) of the Palmer Lake Town Code is hereby amended by striking the strikethrough language and adding the underlined language, to read in its entirety as follows:

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~~ 2,000 feet of the property to be certified, and (iii) the property lines and structures of any other sexually-oriented business within ~~1,500~~ 2,000 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.

3. Subsection 5.80.040(c) of the Palmer Lake Town Code is hereby amended by striking the strikethrough language and adding the underlined language, to read in its entirety as follows:

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~~ 2,000 feet of a 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.

4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The 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 unconstitutional or invalid.

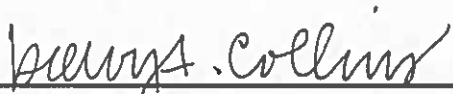
5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal

shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

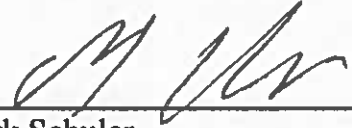
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 13TH DAY OF AUGUST, 2020.

ATTEST:

TOWN OF PALMER LAKE, COLORADO



Dawn A. Collins
Town Clerk/Deputy Administrator

BY: 

Mark Schuler
Mayor Pro Tem