

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 11 OF 2016**

**AN ORDINANCE ADOPTING A NEW SECTION 2.04.125 OF THE PALMER LAKE MUNICIPAL CODE CONCERNING PUBLICATION OF ORDINANCES UPON ADOPTION AND DECLARING IT AN EMERGENCY**

WHEREAS, THE TOWN OF PALMER LAKE IS A STATUTORY TOWN; AND

WHEREAS, SECTION 31-16-105, C.R.S, REQUIRES THAT ALL ORDINANCES SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN UNLESS THE VOTERS APPROVE, AT A REGULAR OR SPECIAL ELECTION (CALLED FOR PURPOSES OTHER THAN SOLELY TO DETERMINE THIS ISSUE) TO PUBLISH ORDINANCES BY TITLE ONLY RATHER THAN BY PUBLISHING THE ORDINANCE IN FULL; AND

WHEREAS, THE TOWN HELD A SPECIAL ELECTION AS PART OF THE COORDINATED ELECTION HELD NOVEMBER 8, 2016, AT WHICH SEVERAL BALLOT QUESTIONS AND ISSUES WERE SUBMITTED TO THE TOWN VOTERS, INCLUDING TOWN OF PALMER LAKE BALLOT QUESTION 2D, WHICH SOUGHT VOTER APPROVAL TO PUBLISH ORDINANCES BY TITLE ONLY AS LONG AS THE FULL TEXT OF SUCH ORDINANCES WAS AVAILABLE ON THE TOWN'S WEB SITE, WHICH QUESTION READ AS FOLLOWS:

Shall the Town of Palmer Lake, Colorado, be authorized to publish ordinances by title only rather than by publishing each ordinance in full, in accordance with Section 31-16-105, Colorado Revised Statutes, thereby substantially reducing the cost incurred in the publication of ordinances, with such publication to include a statement that "The complete text of all ordinances is available through the Town Offices and on the Town's official website?"

; AND

WHEREAS, A MAJORITY OF THE VOTERS APPROVED (VOTED YES) QUESTION 2D; AND

WHEREAS, THE TOWN DESIRES TO AMEND THE MUNICIPAL CODE TO CODIFY THIS VOTER APPROVAL TO PUBLISH BY TITLE ONLY AS LONG AS THE FULL TEXTS OF ALL ORDINANCES IS AVAILABLE AT TOWN OFFICES AND ON THE TOWN WEB SITE.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:**

**Section 1:** The Palmer Lake Municipal Code shall be amended by the addition of a new Section 2.04.125 to read as follows in its entirety:

**2.04.125 Publication of Ordinances.** In accordance with Section 31-16-105, C.R.S., and as authorized by the voters at the election held November 8, 2016, upon passage., all ordinances of the Town shall be published by title only in a newspaper of general circulation within the Town and the full text shall be made available at Town offices and on the Town's official web site.

**Section 2. Severability.** It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance which shall be severable and severed since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 3. Publication and Effective Date.** This Ordinance shall become effective upon passage and any ordinance adopted after the voter approval date of November 8, 2016, may be published by title only in a newspaper of general circulation within the Town.

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2016 BY A VOTE OF \_\_ FOR AND \_\_ AGAINST.

 _____ JOHN CRESSMAN, MAYOR  ATTEST:  _____ TARA BERRETH, TOWN CLERK	Approved as to Form:  _____ MAUREEN JURAN, TOWN ATTORNEY
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# The Gazette

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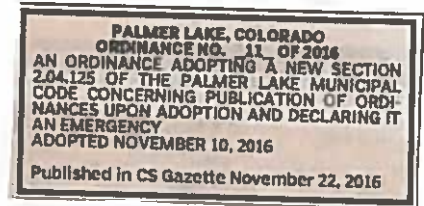
PALMER LAKE, COLORADO  
ORDINANCE NO. 11 OF 2016  
AN ORDINANCE ADOPTING A NEW SECTION  
2.04.125 OF THE PALMER LAKE MUNICIPAL  
CODE CONCERNING PUBLICATION OF ORDINANCES UPON ADOPTION AND DECLARING IT AN EMERGENCY  
ADOPTED NOVEMBER 10, 2016  
Published in CS Gazette November 22, 2016

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO  
COUNTY OF EL PASO

I, Virgil Quintana, being first duly sworn, deposes and says that he is the Legal Sales Representative of THE COLORADO SPRINGS GAZETTE, LLC., a corporation, the publishers of a daily public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit, November 22, 2016.

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

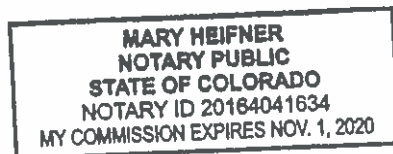


  
\_\_\_\_\_  
Virgil Quintana  
Legal Sales Representative

Subscribed and sworn to me this November 17, 2016, at said City of Colorado Springs, El Paso County, Colorado. My commission expires November 1, 2020.

  
\_\_\_\_\_  
Mary Heifner  
Notary Public

The Gazette



# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF EL PASO

**PALMER LAKE, COLORADO  
ORDINANCE NO. 8 OF 2016  
AN ORDINANCE REPEALING AND READOPTING  
CHAPTERS 14.04 AND 14.12 OF THE PALMER  
LAKE MUNICIPAL CODE CONCERNING  
BUILDING CODES AND ADOPTING BY  
REFERENCE THE THIRD PRINTING OF THE  
PIKES PEAK REGIONAL BUILDING CODE,  
2011 EDITION**

WHEREAS, PURSUANT TO PART 2, ARTICLE 16, TITLE 31 OF THE COLORADO REVISED STATUTES, THE TOWN OF PALMER LAKE, COLORADO (THE "TOWN") POSSESSES THE AUTHORITY TO ADOPT UNIFORM CODES AND MANUALS BY REFERENCE; AND  
WHEREAS, PURSUANT TO THIS AUTHORITY, THE TOWN PREVIOUSLY ADOPTED CERTAIN UNIFORM CODES AS CODIFIED AT CHAPTER 14.04 OF TITLE 14 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE; AND  
WHEREAS, THE TOWN IS PARTY TO AN INTER-GOVERNMENTAL AGREEMENT PURSUANT TO WHICH THE PIKES PEAK BUILDING AUTHORITY WAS CREATED TO ADMINISTER AND ENFORCE BUILDING CODES WITHIN THE JURISDICTION OF EACH OF THE PARTICIPATING ENTITIES; AND  
WHEREAS, THE PIKES PEAK REGIONAL BUILDING DEPARTMENT HAS PROMULGATED A THE PIKES PEAK REGIONAL BUILDING CODE, 2011 EDITION, THIRD PRINTING, ("PPRBC") ADDRESSING BUILDING REGULATIONS TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PALMER LAKE COMMUNITY; AND  
WHEREAS, THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ("BOARD") POSSESSES THE AUTHORITY TO ENACT ORDINANCES FOR THE PROMOTION OF HEALTH PURSUANT TO C.R.S. § 31-15-401 AND HAS THE AUTHORITY TO ENACT ORDINANCES FOR THE REGULATION OF BUILDING PURSUANT TO C.R.S. § 31-15-601; AND  
WHEREAS, PURSUANT TO THIS AUTHORITY, THE BOARD OF TRUSTEES PREVIOUSLY ADOPTED PROVISIONS GOVERNING DANGEROUS BUILDINGS WITHIN THE TOWN, CODIFIED AT CHAPTER 14.12 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE, WHICH IT NOW DESIRES TO REPEAL AS THE REGULATION OF DANGEROUS BUILDINGS IS ADDRESSED IN THE PPRBC AND ENFORCED BY THE PIKES PEAK REGIONAL BUILDING DEPARTMENT; AND  
WHEREAS, THREE (3) COPIES OF THE PIKES PEAK REGIONAL BUILDING CODE, 2011 EDITION, THIRD PRINTING, PROMULGATED BY THE PIKES PEAK REGIONAL BUILDING AUTHORITY (THE "PPRBC") WERE FILED WITH THE TOWN CLERK AT LEAST FIFTEEN (15) DAYS PRIOR TO PUBLIC HEARING ON THIS ORDINANCE AND THE SAME REMAIN OPEN TO PUBLIC INSPECTION AND PURCHASE IN ACCORDANCE WITH C.R.S. § 31-16-206 SAID COPIES BEING AVAILABLE AT THE TOWN HALL, 42 VALLEY CRESCENT, PO BOX 208, PALMER LAKE, COLORADO 80133; AND  
WHEREAS, AFTER DUE AND PROPER NOTICE IN ACCORDANCE WITH C.R.S. § 31-16-203, THE BOARD CONDUCTED A PUBLIC HEARING ON THE DATE, TIME AND PLACE NOTICED ON THE ADOPTION OF THIS ORDINANCE AND THE PPRBC, AT WHICH ALL INTERESTED PARTIES WERE AFFORDED AN OPPORTUNITY TO BE HEARD; AND  
WHEREAS, THE BOARD OF TRUSTEES HAS DETERMINED, BASED ON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARING, THAT THE ADOPTION OF THE PPRBC WITHOUT AMENDMENT WILL FURTHER THE HEALTH, SAFETY AND WELFARE OF THE INHABITANTS OF THE TOWN.  
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

**Section 1:** Chapter 14.04 of the Palmer Lake Municipal Code shall be repealed and readopted to read as follows in its entirety:

## CHAPTER 14.04 BUILDING CODE

### Section 1.44.04.010 Adoption by Reference.

Adoption by Reference. Violations and Penalties.

(a) Adoption. The Pikes Peak Regional Building Code, 2011 Edition, Third Printing, as published by the Pikes Peak Regional Building Authority, 2880 International Circle, Colorado Springs, Colorado 80910, all Chapters and Appendices thereof ("PPRBC"), is hereby adopted by reference as the Town of Palmer Lake Building Code, retroactively effective as of July 1, 2015, as if fully set out in this Chapter.

(b) Compliance Required. No building shall be hereafter constructed, erected, enlarged, altered, repaired, improved, removed, converted, demolished, equipped, used, occupied, maintained or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the PPRBC as adopted.

(c) Purpose. The purpose of the PPRBC is to provide minimum standards to protect the public health and safety by regulating and controlling buildings, structures, and equipment including but not limited to heating, ventilating, comfort cooling, refrigeration systems; signs and sign structures; elevators, dumbwaiters, escalators; boilers and pressure vessels; plumbing and drainage systems; electric conductors and equipment; and the storage and handling of hazardous materials; and adopting uniform codes, consistent with and generally conforming to similar ordinances and regulations throughout the Pikes Peak region, and to effect this purpose by acting with other governmental bodies in the Pikes Peak region in the promulgation of measures and procedures, and the establishment of committees and boards as provided in the PPRBC, and establishing procedures for licensing contractors.

(d) Amendments. There are no additions, deletions, or amendments to the PPRBC. 14.04.020 Violations and Penalties. It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure, or cause or permit the same to be done in violation of the PPRBC. Any person violating the PPRBC or any provision of the PPRBC shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than ninety (90) calendar days, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of this Code or of any provision of the PPRBC, the Town Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

**Section 2:** Repeal of Chapter 14.12, Chapter 14.12 of the Palmer Lake Municipal Code, concerning dangerous buildings, is hereby repealed.

**Section 3:** Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance which shall be severable and severed since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 4:** Publication and Effective Date. This Ordinance shall become effective thirty (30) days after the date of its publication.

**ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS 14th DAY OF JULY, 2016 BY A VOTE OF FOR AND AGAINST.**

JOHN CRESSMAN, MAYOR

ATTEST:

TARA BERRETH, TOWN CLERK

Approved as to Form:

MAUREN JURAN, TOWN ATTORNEY

Published in CS Gazette August 16, 2016