

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 1, ARTICLE VII, CHAPTER 7, ARTICLE V AND  
CHAPTER 6, ARTICLE I AND REPEALING CHAPTER 2, ARTICLES XI  
AND XII OF THE PALISADE MUNICIPAL CODE.**

**WHEREAS**, the Town of Palisade (“Palisade” or the “Town”) is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

**WHEREAS**, Section 141 of Article VII of Chapter 1 of the Palisade Municipal Code establishes and describes a Town Seal; and

**WHEREAS**, the Town finds it necessary to update the description of the Town Seal to conform to the actual Town Seal; and

**WHEREAS**, Section 93 of Article V of Chapter 7 of the Palisade Municipal Code sets forth provisions requiring annual publication of a notice in the official newspaper of the Town notifying all owners, tenants and/or property managers of real estate that it is their duty to cut the weeds and brush and to remove the same from the real estate; and

**WHEREAS**, the Town finds that notice by publication in the official newspaper of the Town is extraneous; and

**WHEREAS**, the Town finds that posting notice in a conspicuous place at Town Hall will be sufficient and effective; and

**WHEREAS**, Section 12 of Article I of Chapter 6 of the Palisade Municipal Code sets forth provisions making it unlawful for any peddler, solicitor or transient merchant to engage in business or operate within the corporate limits of the Town without first having obtained a license from the Town Clerk; and

**WHEREAS**, recent Colorado court decisions have called into question the enforceability of such provisions which limit door-to-door advocacy by requiring a license; and

**WHEREAS**, the Town finds that the risks associated with enforcement outweigh the benefits of requiring a license; and

**WHEREAS**, Article XI of Chapter 2 of the Palisade Municipal Code sets forth provisions related to the creation of a Community Center Board charged with advising the Town of the operation and maintenance of the community center; and

**WHEREAS**, the Community Center Board intended by the Chapter has been dissolved and the Chapter is no longer pertinent to the operation of the community center; and

**WHEREAS**, the Town may operate the community center without the need for a Community Center Board; and

**WHEREAS**, Article XII of Chapter 2 of the Palisade Municipal Code sets forth provisions related to the creation of a Park and Recreation Advisory Board charged with advising the Town of the operation and maintenance of the Town's recreation programs and facilities; and

**WHEREAS**, the Park and Recreation Advisory Board intended by the Chapter has been dissolved and the Chapter is no longer pertinent to the operation of the Town's recreation programs and facilities; and

**WHEREAS**, the Town may effectively operate and maintain its recreation programs and facilities without the need for a Park and Recreation Advisory Board; and

**WHEREAS**, the Board of Trustees finds and determines that it is in the interest of the Town to update and amend the Palisade Municipal Code accordingly.

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

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** Article VII of Chapter 1 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

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Sec. 1-141. - Town seal established and described.

A seal, the impression of which shall be as follows: in the ~~center~~ foreground are two (2) peaches on a branch, and a cluster of grapes next to three rows of crops which lead to a mountain in the background and around the outer edge, the words "Official Seal, Town of Palisade, CO," shall be and is established and declared to be the seal of the Town.

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**Section 3.** Article I of Chapter 6 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

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Sec. 6-12. ~~Peddler, solicitor and transient merchant license; prohibitions.~~

- ~~(a) — No peddler, solicitor or transient merchant shall engage in business or operate within the corporate limits of the Town without first having obtained a license from the Town Clerk, except as otherwise provided in this Section.~~
- ~~(b) — Applications for a license under this Section shall be filed with the Town Clerk on forms provided therefor. Such applications shall, at a minimum, contain the following information:
  - ~~(1) — Full name and, if a natural person, physical description and date of birth.~~
  - ~~(2) — Permanent and local addresses.~~
  - ~~(3) — Brief description of the nature of the business and the goods or services to be sold, solicited or delivered.~~
  - ~~(4) — Length of time during which business is to be conducted within the Town.~~
  - ~~(5) — Proof of a valid state sales tax license, inclusive of the license number.~~
  - ~~(6) — If a vehicle is to be used, a description of the vehicle, including the license plate number and vehicle identification number, and the name and driver's license information for the vehicle operator.~~
  - ~~(7) — A statement whether the applicant has been convicted of any crime, including misdemeanors and violations of municipal ordinances, other than traffic violations, including the jurisdiction and nature of the offense and the penalty imposed.~~~~

~~No license shall be issued under this Section absent the payment of a fee as established by the Board of Trustees.~~

- ~~(c) — Transient merchants participating in a licensed special event need not obtain a separate license as otherwise required under this Section if they have previously registered with the event sponsor.~~
- ~~(d) — Except as may be otherwise allowed for sponsored special events, every individual who is a peddler, solicitor or transient merchant shall be required to make an individual application and obtain a license, which shall be issued in the individual's name. Any license issued to a firm, association or corporation shall include the name of the authorized representative of the firm, association or corporation, and the name of the individual authorized representative shall appear on the application. No license shall be transferable or be used by any person other than the individual whose name appears thereon and, if a firm, association, corporation or other entity is to have more than one (1) representative engaged in business within the Town, then a separate license shall be required for each representative.~~
- ~~(e) — It is unlawful for any peddler, solicitor or transient merchant to go uninvited upon any property, or approach any person upon property, that is posted by a sign that states "No Solicitors or Peddlers," or contains some similar warning or prohibition, or to engage in door-to-door sales or solicitations at private residences between the hours of 8:00 p.m. and 9:00 a.m. on the following day.~~
- ~~(f) — The following persons, organizations or activities shall be exempt from the licensing requirements contained in this Section:~~

- ~~(1) — Self-employed farmers or gardeners that go door to door or from place to place to sell and deliver, or offer for sale and delivery, fruits, vegetables or other agricultural produce grown by them; but excluding roadside or other temporary produce stands.~~
- ~~(2) — Merchants who have acquired a business license and operate within their established business premises or at a licensed special event.~~
- ~~(3) — Organizations or persons engaged in door to door political or religious advocacy or religious proselytizing.~~
- ~~(4) — Salespersons or merchants engaged in selling products wholesale or delivering services directly to licensed retail businesses.~~
- ~~(5) — Door to door newspaper delivery and persons delivering goods or services to preestablished residential customers pursuant to a regular schedule over a defined and established route.~~

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**Section 4.** Article V of Chapter 7 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

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Sec. 7-93. - Notice to cut and remove.

- (a) The Town Clerk shall ~~publish annually for one (1) or more times a notice in the official newspaper of the Town, at the proper time~~ post in a conspicuous place at Town Hall, notifying all owners, tenants and/or property managers of real estate, without naming them, that it is their duty to cut the weeds and brush and to remove the same, together with the rubbish, from the real estate, within the time specified in said notice; and that in default of such cutting and removal, the work may be done under orders of the Town Clerk and the cost thereof, together with the penalties provided in this Article, would be charged to their real estate; and that the aforementioned owners, tenants and/or property managers are guilty of a misdemeanor and subject to additional penalties for the violation.

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**Section 5.** Article XI of Chapter 2 of the Palisade Municipal Code is hereby repealed and said Article is “Reserved”.

**Section 6.** Article XII of Chapter 2 of the Palisade Municipal Code is hereby repealed and said Article is “Reserved”.


**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY**

**TITLE**, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on February 9, 2021.

TOWN OF PALISADE, COLORADO

By:   
Greg Mikolai, Mayor

ATTEST:

  
Town Clerk

