

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2022-10**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 10, ARTICLE XI OF THE PALISADE  
MUNICIPAL CODE REGARDING CONCERT PERMITS.**

**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**, Article XI of Chapter 10 of the Palisade Municipal Code (the “Code”) establishes standards that eliminate and reduce excessive noise that is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business; and

**WHEREAS**, Section 10-231 of the Code sets for the requirements for concert permits in the Town; and

**WHEREAS**, the Board of Trustees finds and determines that it is in the interest of the Town to update and amend the Code for concert permits as set forth herein.

**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 XI of Chapter 10 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike-through language deleted~~:

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**Sec. 10-231. Concert permits required.**

(a) For purposes of this Section:

*Concert* means any music event that presents a group of more than three (3) musicians.

*Percussion instrument* means any instrument, including drums, bells, cymbals, xylophones, electronic keyboards, gongs or any other device, emitting a noise in association with the strike of a hand, stick or club.

A *trio* that incorporates the use of a percussion instrument as described above shall be required to secure a permit, and the event shall be considered a concert.

(b) A permit to sponsor or provide an outdoor concert shall be obtained from the Town ~~Administrator~~. Such permit may be also obtained for a specific outdoor venue for a specific time frame, not to exceed a calendar year. The Town may charge a fee for a concert permit, as provided for in the approved fee schedule. The application for the permit shall be made

within a reasonable time prior to the event and shall include the ~~number of performers and~~ the hours and length of the concert, as well as the location and maximum occupancy of the event and/or venue. The sponsor of the concert and/or the venue hosting the concert, shall be responsible for obtaining said permit and posting it conspicuously, as well as ensuring compliance with the limits set out in this Article ~~pertaining to acceptable~~ of allowed decibel levels and maximum occupancy of the event and/or venue. Police officers shall issue a summons to the sponsor of the concert and/or the host venue as the responsible party. ~~Individual band members may also be summoned depending on the totality of the circumstances.~~

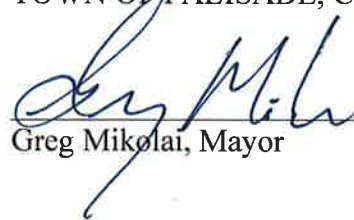
- (1) Outdoor concerts shall end no later than 10:00 p.m. on Friday and Saturday nights, during the summer season (dates the regular school year is out of session), or at any other time of the year when school is not in session by reason of holidays, teacher work days or for emergency reasons not specified.
  - (2) Outdoor concerts shall end at 9:00 p.m. at all other times, ~~regardless of the season~~, or unless a permit extending these hours has been approved by the Town ~~Administrator~~.
  - (3) Indoor concerts shall not require a concert permit but shall abide by the same ~~time requirements unless a permit to extend the hours has been approved by the Town Administrator, and the~~ noise limitations found in this chapter as well as maximum occupancy of the venue and requirements shall be enforced notwithstanding a permit.
- (c) The Town ~~Administrator~~ may grant or deny a permit application for an outdoor concert and/or specific outdoor venue after taking into consideration the ~~style of music, volume and~~ duration of the noise/activity sought to be permitted, the location of the proposed noise/activity, the anticipated impact of the proposed noise/activity on surrounding properties and neighborhoods, and whether the public health and safety will be ~~injured or served~~ impacted by the issuance of the permit. The Town ~~Administrator~~ may deny the permit at ~~his or her~~ its discretion, based on the timeliness of the application and any ~~or all of the~~ relevant circumstances concerning impacts on the adjacent residential zones, including previous history with police complaints and/or other enforcement action relative to noise or occupancy. The Town may also implement, at its discretion, black-out dates, during which no outdoor concerts may be held, due to conflicts with other community events and/or holidays. All concert permits, including those issued to specific outdoor venues, may be subject to review and or revocation at any time due to noncompliance. Business licenses are required for specific outdoor venues and may be suspended or revoked as provided for in Article 1, Chapter 6 of this Municipal Code.
- (d) An applicant or citizen dissatisfied with a decision of the Town ~~Administrator~~ in either approving or denying a permit may seek an appeal of the decision to the Board of Trustees by submitting a written notice of appeal to the Town Clerk within five (5) days from the date of the decision to approve/deny the permit. The Board of Trustees shall review the appeal and of the decision on the permit of the Town Administrator as soon as can be reasonably accommodated on the Board's meeting schedule/agenda. The Board of Trustees

may reverse, modify or affirm the decision ~~of the Town Administrator~~. The decision of the Board of Trustees shall be final.

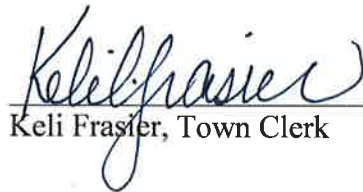
**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE**, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on March 22, 2022.

TOWN OF PALISADE, COLORADO

By:

  
\_\_\_\_\_  
Greg Mikolai, Mayor

ATTEST:

  
\_\_\_\_\_  
Keli Frasier, Town Clerk

