

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
AMENDING CHAPTER 14, SECTION 14-41 OF THE PALISADE
MUNICIPAL CODE REGARDING REGULATED ACTIVITIES WITHIN
THE TOWN OF PALISADE WATERSHED PROTECTION DISTRICT.**

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, the Town has established a Watershed Protection District pursuant to the authority granted to the Town in Section 31-15-707(l)(b), C.R.S. that contains land owned by different public entities and agencies, including land owned by the Town in fee simple (the “Town Property”); and

WHEREAS, the authority granted to the Town in Section 31-15-707(l)(b), C.R.S. is specifically limited to maintaining and protecting the Town's waterworks from injury and to protect the water from pollution in territory occupied by such waterworks, and over the streams or sources from which the water is taken for five (5) miles above the point from which it is taken (the “Watershed Ordinance Purpose”); and

WHEREAS, the Town adopted Watershed Protection District Regulations in Chapter 14 of the Palisade Municipal Code (the “Code”) that clearly meets the Watershed Ordinance Purpose; and

WHEREAS, Section 14-41 of the Code sets for activities regulated by the Town in the Watershed Protection District; and

WHEREAS, Subsection (11) of Section 14-41 of the Code regulates hunting, shooting, camping, fishing, trapping, livestock grazing and removal of rocks, soil or native plants on or from the land owned by the Town in fee simple in the District, including the waterworks; and

WHEREAS, the activities in Subsection (11) have little relevance to the Watershed Ordinance Purpose and pertain more to the use of the Town Property which the Town can allow or deny as a fee simple owner of such land separate from the Watershed Protection District Regulations in Chapter 14 of the Code; and

WHEREAS, the activities in Subsection (11) have created confusion with the submittal of applications for a Watershed Permit to utilize the Town Property when such use has no bearing on the Watershed Ordinance Purpose; and

WHEREAS, the Watershed Ordinance Purpose is protected with the remaining regulated activities in Section 14-41 of the Code with the repeal of Subsection (11) to solve such confusion; and

WHEREAS, the Board of Trustees finds and determines that it is in the interest of the Town to 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. Section 14-41 of Chapter 14 of the Palisade Municipal Code is hereby amended as follows, with ~~strike-through language deleted~~:

Sec. 14-41. - Regulated activity.

It shall be unlawful for any person to engage in any of the following activities without first applying for and obtaining a Watershed Protection District permit under the provisions of these Watershed Regulations and according to the standards set forth in Section 14-57 of this Chapter.

- (1) Altering water drainage courses.
- (2) Timber harvesting, except for the approved removal of dead trees and deadfall.
- (3) Surface and subsurface mining operations, including drilling operations.
- (4) Excavating, grading, filling or surfacing of surface and subsurface soils.
- (5) Using, handling, storing or transmitting toxic, hazardous, radioactive or flammable or explosive materials and substances.
- (6) Spraying or the use of pesticides, herbicides and fertilizers.
- (7) Removing or altering vegetation.
- (8) Construction or installation of a sewage disposal system.
- (9) Prescribed fires, except with the approval of the Town in cooperation with any federal or state land management agency which seeks to conduct a supervised prescribed burn.
- (10) Motorized vehicular use of land owned in fee simple by the Town within the District and on the Cottonwood Creek Road.
- (11) ~~Hunting, shooting, camping, fishing, trapping, livestock grazing and removal of rocks, soil or native plants on or from the land owned by the Town in fee simple in the District, including the waterworks.~~

**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 August 24, 2021.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

Town Clerk

FAILED