

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2023-01**

**AN EMERGENCY ORDINANCE OF THE TOWN OF PALISADE,  
COLORADO, ESTABLISHING A TEMPORARY MORATORIUM ON  
THE ESTABLISHMENT OF ANY SKILLED GAMING BUSINESSES IN  
THE TOWN; AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Section 31-15-401 and 31-23-301, C.R.S., the Town of Palisade (the “Town” or “Palisade”) has broad authority to exercise its police powers to promote the health, safety and welfare of the community and its residents, and

**WHEREAS**, an activity known as *skilled gaming* operates in a gray area of the law which purports to distinguish games of skill from games of chance and has been proliferating throughout the region and Colorado; and

**WHEREAS**, these businesses look, feel and operate much like Las Vegas-style casinos and use technology that complicate the investigation and prosecution of businesses/business activities as illegal gambling; and

**WHEREAS**, Town staff has determined it necessary to amend Chapter 10 of the Palisade Municipal Code and the Town’s Land Development Code to provide for and clarify a Town enforced criminal offense of operating illegal gaming businesses, and to prohibit any land use authorization of the same; and

**WHEREAS**, to allow staff time to draft and implement these amendments, and in order to protect the public health, safety and general welfare of the inhabitants of the Town of Palisade, the Board of Trustees finds it is necessary to enact a temporary moratorium on the establishment of any skilled gaming establishments in the Town.

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

**Section 1. Temporary Moratorium.** Upon the effective date of this Ordinance, the Town of Palisade hereby imposes a temporary moratorium on the establishment of any skilled gaming businesses in the Town. This temporary moratorium shall automatically terminate at midnight on July 31, 2023, unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

**Section 2. Declaration of Emergency.** In accordance with Section 31-16-105, C.R.S. and Section 1-55 of the Palisade Municipal Code, the Board of Trustees finds and determines that this Ordinance is immediately necessary for the preservation of the public peace, health, or safety because skilled gaming has proliferated in neighboring jurisdictions, with a demonstrable increase in crime associated with these businesses that can drastically impact the Town. Therefore,

pursuant to Section 31-16-105 C.R.S., and Section 1-55 of the Palisade Municipal Code, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of three-fourths (3/4) of the members of the Board of Trustees of the Town of Palisade. In the event this Ordinance is approved, but not by an affirmative vote  $\frac{3}{4}$  of the members of the Board of Trustees, this Ordinance shall become effective 30 days following publication as required by law.

**Section 3. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or application of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, sentence, clause, phrase or portion thereof, despite the fact that any one or more section sentence, clause, phrase or portion would be declared invalid or unconstitutional.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on January 24, 2023.

TOWN OF PALISADE, COLORADO

By:

  
Greg Mikolai, Mayor

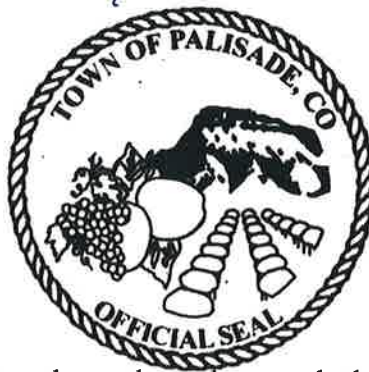
ATTEST:

  
Keli Frasier, Town Clerk

Publication Date:

JANUARY 29, 2023

Trustee MAXWELL introduced, read, and moved the adoption of the Ordinance titled,



**AN EMERGENCY ORDINANCE OF THE TOWN OF PALISADE,  
COLORADO, ESTABLISHING A TEMPORARY MORATORIUM ON  
THE ACCEPTANCE OF APPLICATIONS FOR MAJOR RESIDENTIAL  
SUBDIVISIONS AND LARGE RESIDENTIAL DEVELOPMENTS; AND**

**DECLARING AN EMERGENCY**

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee SOMERVILLE seconded the motion. On roll call, the following

Trustees voted "Aye":

MAYOR PRO-TEM TURNER , TRUSTEE MAXWELL ,  
TRUSTEE SOMERVILLE , TRUSTEE CHASE ,  
TRUSTEE CARLSON , TRUSTEE HARBAUGH .  
MAYOR MIKOLAI .

Trustees voted "Nay":

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