

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2023-05**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO  
AMENDING THE LAND DEVELOPMENT CODE TO PROHIBIT  
SKILLED GAMING BUSINESSES IN ALL ZONES WITHIN THE TOWN**

**WHEREAS**, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

**WHEREAS**, the Palisade Board of Trustees desires to amend the Land Development Code regarding skilled gaming businesses; and

**WHEREAS**, the Town's Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on July 18, 2023, a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on July 25, 2023, a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

**WHEREAS**, the Board of Trustees finds and determines that the amendments to the Land Development Code, as contained herein, are necessary and designed for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town of Palisade and are consistent with the Town's Comprehensive Plan and the Town's other goals, policies and plans.

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

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

**Section 2.** Land Development Code Section 6.01 Use Table is hereby amended **RED TEXT with new additions underlined and removals in ~~strikethrough~~** as follows:

Section 6.01 – Use Table

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
Retail Marijuana Testing Facility		C					C	C	C	C		<a href="#">Section 7.03M</a>
Retail Marijuana Store							C	C	C	C		<a href="#">Section 7.03M</a>
Retail, neighborhood*	Selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.				C	C	P	P		P	C	
Self-storage facility								C	C			
Service, general*	Personal services that include: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; security service; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds; canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith								P	P		
Service, neighborhood*	Personal care services such as hair, nail, tanning, massage therapy or any similar use.				C	P	P	P		P		
<b>Skilled Gaming Business</b>	<b>Not permitted in any zone district</b>											<a href="#">Section 14.02</a>
Sexually oriented business									C			
Tasting room		P			C	P	P	P	P	P		
Tattoo parlor								P	P	P		
Vehicle sales*	A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats or any similar use.								P	P		
Vehicle service, heavy*	Repair services or auto body work to tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment or any	C						C	P			

**Section 3.** Land Development Code Section 14.02 is amended **RED TEXT with new additions underlined and removals in ~~strikethrough~~** as follows:

### **Section 14.02 Defined Terms**

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**Skilled Gaming Business** means any business location which features slot machine(s), gambling device(s), simulated gambling device(s), or any mechanical, electrical, video, electronic or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value.

This definition expressly includes ‘fish game’ ‘fish game table’ ‘fish game gambling table’ whoever denominated that consists of a tabletop electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made from the machine, another machine, or from an employee of the business.

This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value, crane games, bingo operations, coin-operated music machines, or any bona fide amusement device authorized within restaurants by C.R.S. 44-3-103(47).

Slot Machine means any mechanical, electrical, video electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance or both may deliver or entitle the player operating the machine to receive cash premiums, merchandise tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter, and is not used for gambling purposes or limited gaming purposes.

Gambling Device means a device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine, except that the term does not include a crane game.

Simulated Gambling Device means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism, except that the term does not include bona fide amusement devices, as authorized in C.R.S. 44-3-103 (47), that pay nothing of value and cannot be adjusted to pay anything of value.

“Simulated gambling device” includes:

- a) Video poker game or any other kind of video card game;
- b) Video bingo game;
- c) Video craps game;
- d) Video keno game;
- e) Video lotto game;
- f) Video roulette game;
- g) Pot-of-gold;
- h) Eight-liner;
- i) Video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols;
- j) An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine;
- k) Slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Section 9 (4)(c) of Article XVIII of the Colorado constitution; and
- l) A device that functions as, or simulates the play of, a slot machine where results are determined by reason of the skill of the player or the application of the element of chance, or both as provided by Section 9 (4)(c) of Article XVIII of the Colorado constitution.

“Simulated gambling device” does not include any parimutuel totalizator equipment that is used for parimutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under Article 32 of Title 44 of Colorado Revised Statutes.

Crane Game means an amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost to the arcade of more than twentyfive dollars per item, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

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**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 July 25, 2023.

TOWN OF PALISADE, COLORADO

By:

  
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Greg Mikolai, Mayor

ATTEST:

  
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Keli Frasier, Town Clerk

