

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2026-02**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 1, ARTICLE IV OF THE PALISADE MUNICIPAL  
CODE TO ENSURE MUNICIPAL PENALTIES DO NOT EXCEED STATE  
PENALTIES FOR SIMILAR OFFENSES**

**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 adopted a general penalty for municipal offenses in Article IV of Chapter 1 of the Palisade Municipal Code (the “Code”); and

**WHEREAS**, in a recent Colorado Supreme Court case, the court held that when a municipal ordinance and a state statute prohibit identical conduct, the municipal penalties for such conduct may not exceed the corresponding state penalties for that conduct; and

**WHEREAS**, the Board of Trustees desires to amend the Code to ensure it is in compliance with this new ruling.

**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 1-82(a) is hereby amended as follows, with underlined text added:

**Sec. 1-82. – General Penalty for violations.**

(a) Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the Town shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment except as hereinafter provided in Section 1-83. In addition, the court may sentence such person to perform a certain number of hours of community or useful public service, not to exceed forty (40) hours, subject to the restrictions of Section 16-11-701, C.R.S. For the purpose of this Section, community or useful public service means any work which is beneficial to the public, any public entity or any bona fide nonprofit private or public organization, which work involves a minimum of direct supervision or other public cost and which work would not, with the exercise of reasonable care, endanger the health or safety of the persons required to work. The court shall assess an amount, not to exceed sixty dollars (\$60.00), upon every person required to

perform community or useful public service pursuant to this Section. The court may waive this fee if the court determines such person to be indigent. The penalty for any offenses intended to address similar conduct in the Colorado Revised Statutes shall be the penalty for any violation of this Code.

**Section 3.** Section 1-83(a) is hereby enacted to read as follows:

**Sec. 1-83. - Application of penalties to juveniles.**

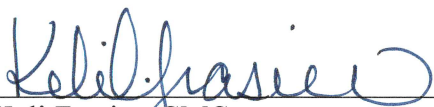
(a) Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. In addition, the court may sentence such person to perform a certain number of hours of community or useful public service, not to exceed forty (40) hours, subject to the restrictions of Section 16-11-701, C.R.S. For the purpose of this Section, community or useful public service means any work which is beneficial to the public, any public entity or any bona fide nonprofit private or public organization, which work involves a minimum of direct supervision or other public cost and which work would not, with the exercise of reasonable care, endanger the health or safety of the persons required to work. The court shall assess an amount, not to exceed sixty dollars (\$60.00), upon every person required to perform community or useful public service pursuant to this Section. The court may waive this fee if the court determines the defendant to be indigent. The penalty for any offenses intended to address similar conduct in the Colorado Revised Statutes shall be the penalty for any violation of this Code.

**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 January 27, 2026.

TOWN OF PALISADE, COLORADO

By:   
Greg Mikolai, Mayor

ATTEST:

  
Keli Frasier, CMC  
Town Clerk

