



Town Council Voting Work Session

Thursday, July 26th, 2018

Palmer Lake Town Hall – 28 Valley Crescent

This agenda is subject to revision

Town Council Voting Work Session 6:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes

Ordinances (roll call vote, public hearing required)

7. Ordinance NO. 12 of 2018: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING PROTECTION OF THE WATER SYSTEM BY PROHIBITING THE ENTRY OF ANIMALS, INCLUDING DOGS, AND SETTING AND IMPOSING THE PENALTY FOR VIOLATIONS THEREOF, AND DECLARING AND EMERGENCY

8. Tabled from July 12th, 2018 Council Meeting: Ordinance NO. 13 of 2018: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE REPEALING AND REPLACING SECTION 16.48.010 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE REGARDING THE WATER SUPPLY SYSTEM, RESTRICTING AND FURTHER EXPANSION OF SUCH WATER SUPPLY SYSTEM, AND DECLARING AN EMERGENCY

Resolutions (vocal vote only required, public comment at Mayors discretion)

9. Resolution NO. 8 of 2018: A RESOLUTION (1) CONDITIONALLY CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018, IN COORDINATION WITH THE EL PASO COUNTY, COLORADO, GENERAL ELECTION AND IN ACCORDANCE WITH THE UNIFORM ELECTION CODE; (2) DESIGNATING THE DESIGNATED ELECTION OFFICIAL; (3) AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH EL PASO COUNTY FOR THE CONDUCT OF THE COORDINATED ELECTION; (3) SUBMITTING A BALLOT ISSUE TO THE ELIGIBLE ELECTORS OF THE TOWN AUTHORIZING THE TOWN TO IMPOSE A SPECIAL SALES TAX ON THE SALE OF RETAIL ; (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AND (4) SETTING THE TITLE FOR THE BALLOT ISSUE

Motion

10. To formally enter into contract with Daniel Qualman with Emergency Services Consulting International.

Worksession

- 11. Schedule for budget worksession
- 12. Discussion amending Fire Ordinance

Adjourn

NEXT REGULAR COUNCIL MEETING August 9th, 2018



Record of Minutes

Regular Council Meeting
Thursday July 12th, 2018
Palmer Lake Town Hall – 28 Valley Crescent

Board of Trustees Present:

Mayor John Cressman
Trustee Paul Banta
Trustee Glant Havenar
Trustee Gary Faust
Trustee Bob Mutu
Trustee Mitch Davis
Mayor Pro-tem Mark Schuler, excused (arrived for executive sessions at 9:25pm)

Staff Present:

Town Attorney Chris Price
Town Administrator Catherine Green
Finance Officer Valerie Remington

1. Call to Order 6:00pm
2. Roll Call
3. Approval of Agenda as revised
Motion made by Trustee Havenar, 2nd by Trustee Faust, motion carried 6-0
4. Approval of Minutes (June 14, 2018)
Motion to approve minutes by Trustee Mutu, seconded by Trustee Faust. Motion passed 6-0.
5. *Unscheduled Public Comments:*
Ms. Jackie Burhans introduced the Strong D38 Community, a group formed to support public schools and the strength of School District 38. They have a facebook page at:
https://www.facebook.com/StrongD38Community/?ref=page_internal

New Business

Financials

7. Accept and file May 2018 financials (question of staff, no vote required)- Accept and record
8. Motion to approve May 2018 Check register
Motion made to approve check register by Trustee Faust, seconded by Trustee Havenar, passed 6-0
9. Approval of Checks over \$15,000
Motion made to approve checks over \$15,000 by Trustee Havenar, seconded by Trustee Banta. Motion passed 6-0

After a discussion, the Board asked that a second Board of Trustee meeting being added each month on the second Thursday of each month. This meeting will be set up as a work session for the more in-depth discussion of topics. Votes will be allowed under emergency situations but will be otherwise acted on at the first meeting of each month.

Staff Report

Council Comments

Unscheduled Public Comments

Trustee Mutu made a motion to go into Executive Session, seconded by Trustee Schular. Motion passed 7-0.

Executive Session

1. Executive Session: Pursuant to CRS 24-6-402 (4) (b) with Town council to discuss offer(s) for purchase of town owned property
2. Executive Session: Executive session pursuant to CRS 24-6-402(4)(b) with Town council to address specific legal questions on the Town's mill levy for fire protection services.

At 9:25 Pm, The Board voted to come out of executive session.

At 10:00 Pm a motion to adjourn was stated, All Aye-Motion passed 6-0

Adjourn

Please note: If you have a disability and need auxiliary aids or services, please notify the Town of Palmer Lake (719-481-2953) at least 48 hours in advance of when services are needed. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

Mayor John Cressman

Town Clerk Verla Bruner

PALMER LAKE, COLORADO

ORDINANCE NO. 12 OF 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING PROTECTION OF THE WATER SYSTEM BY PROHIBITING THE ENTRY OF ANIMALS, INCLUDING DOGS, AND SETTING AND IMPOSING THE PENALTY FOR VIOLATIONS THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED BY STATE LAW, INCLUDING, BUT NOT LIMITED TO, SECTIONS 31-15-401 AND 31-23-301 OF THE COLORADO REVISED STATUTES, TO EXERCISE ITS POLICE POWERS TO PROMOTE AND PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND ITS CITIZENS; AND

WHEREAS, CHAPTER 13.08 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS FORTH REGULATIONS FOR THE PROTECTION OF THE TOWN'S OPEN WATER STORAGE AND WATER SYSTEM; AND

WHEREAS, DUE TO DOGS ENTERING IN AND AROUND THE TOWN'S WATER STORAGE RESERVOIRS AND OTHER CONCERNS MAKING THE TOWN'S WATER SUPPLY VULNERABLE TO CONTAMINATION, THE TOWN DESIRES TO AMEND CHAPTER 13.08, AS PREVIOUSLY AMENDED, TO PROHIBIT THE WALKING OR RUNNING OF DOGS IN CERTAIN AREAS AND TO SET FORTH MINIMUM PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND

WHEREAS, THE TOWN BOARD FINDS THAT AN EMERGENCY EXISTS AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

Section 1. Section 13.08.030, entitled "Tampering with Water System-Penalty" of Chapter 13.08 entitled "Protection of Water System" is hereby amended to read as follows in its entirety with new additions shown in ALL CAPS and deletions shown as ~~strike-throughs~~:

13.08.030 Penalties for Violations of this Chapter.

Any person found guilty of violating any provision of this Chapter shall be punished as follows:

1. For any violation not specifically set forth below, any person convicted of violating this Chapter may be punished as set forth in Section 1.16.010 of this Code.
2. Any person convicted of violating any of the following Sections of this Chapter shall be punished as set forth herein:

a. A violation of Section 13.08.040 involving:

- (1) Such person washing, swimming, wading, bathing or otherwise coming into unlawful contact with water in the reservoirs of the Water System: A minimum fine of \$400.00 and up to one year in jail.
- (2) Such person setting campfires within the Water System: A minimum fine of \$1,000.00 unless a larger minimum fine is required as a result of any fire restrictions that are in place in accordance with Chapter 8.10 of this Code, and up to one year in jail.
- ~~(3) Failure to control a dog by leash or chain as required: A fine of \$50.00 for the first offense, \$75.00 for the second offense, \$150.00 for a third offense, and up to \$1000.00 and one year in jail for any offenses thereafter.~~
- (3) Allowing any animal, to include a dog, TO ENTER, BE WALKED, OR TO RUN ANYWHERE WITHIN THE WATER SYSTEM, OR to enter into or swim in OR DRINK FROM any waters of the Water System: A minimum fine of ~~\$400.00~~ 800.00 and up to one year in jail.
- ~~(4) Failing to pick up dog feces or the placement on any trail within or otherwise within the Water System of any bag or other container containing dog feces: A fine of \$50.00 for the first offense, \$75.00 for the second offense, \$150.00 for a third offense, and up to \$1000.00 and one year in jail for any offenses thereafter.~~

- b. A violation of Section 13.08.170 involving entering or being on the Reservoir Road or in the watershed area as a pedestrian, or bicycling or snowmobiling in violation of a posted sign setting forth the restrictions at the entrance to such road or Water System when an emergency exists: A minimum fine of \$200.00 and up to one year in jail.

Section 2. Section 13.08.040, entitled "Pollution of Water System" of Chapter 13.08 entitled "Protection of Water System" is hereby amended to read as follows in its entirety with new additions shown in ALL CAPS and deletions shown as ~~strike-throughs~~:

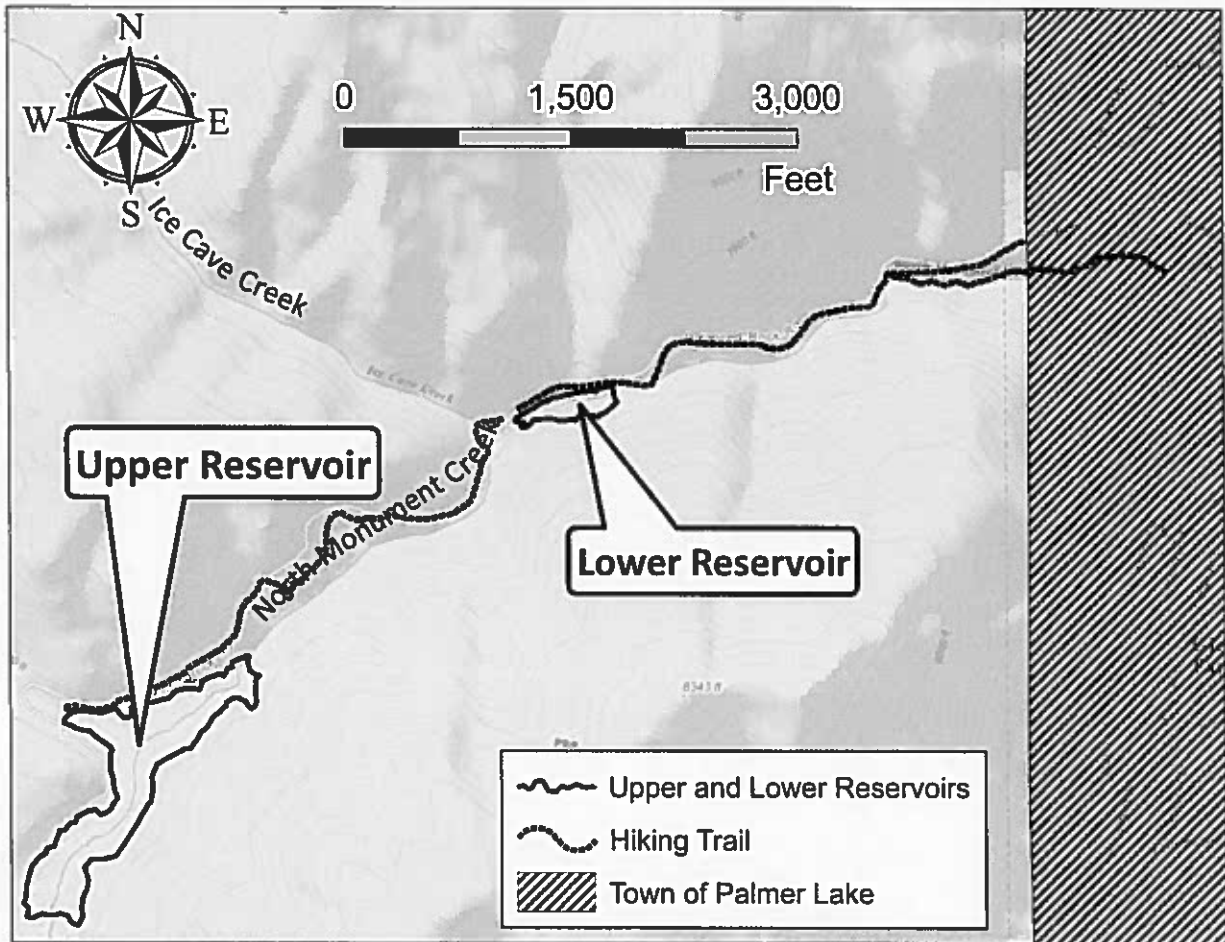
13.08.040 Pollution of Water System.

- A. No person, within any reservoir, lake, stream, or area or drainage basins from which the municipal water system's waters are taken or derived, and any of the waters or streams tributary or contributing to the water supply of the water works system of the Town of Palmer Lake, or any of the lands surrounding portions of

the Water System more fully described in Subsection B of this Section ("Water System") shall

1. Commit any act which shall tend to foul or pollute the Water System, or render it impure or unwholesome;
2. Cast into or allow to flow in or fall into any of the waters contributing to the Water System, any filth, sewage, carrion, garbage, minerals, clay, rock, or earth of any kind, or any excretion, clothing, paper, rags, or any extraneous substance;
3. Wash, swim, wade or bathe therein;
4. Boat, float or place any water craft thereon;
5. Camp;
6. Set campfires;
7. Discharge firearms;
8. Carry in any glass containers;
9. Allow or cause any animal, specifically including but not limited to dogs, to ENTER, BE WALKED, OR TO RUN ANYWHERE WITHIN THE WATER SYSTEM, OR TO enter into, swim in or drink from any of the waters of the Water System;
- ~~10. Fail to keep their dogs within the Water System under the control of a competent, responsible person by means of a leash or chain not exceeding twenty five (25) feet in length;~~
- ~~11. Fail to immediately pick up and remove from the Water System any dog feces or to pick up such feces in a bag or other container that is left on the trails of or within the water system;~~
10. Fish, to include ice fishing, on the Lower Reservoir as depicted on Exhibit A to this Chapter; or
11. Ice fish at the Upper Reservoir as described in Subsection B of this Section.

- B. For purposes of this Chapter, the Water System shall include the areas set forth below and shall include a 50 foot right of way centered on the center line of the hiking trail and the area of the Upper Reservoir and Lower Reservoir plus an additional area of 50 feet from the drawn boundary lines of each such reservoir:



- C. Nothing in this Section shall prohibit an employee, official, or representative of the Town; provided, however, that any employee or representative of the Town may do and perform all acts necessary in the discharge of his official duties in the administration of the municipal water system and works.

Section 3. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 4. Emergency Declared, Effective Date and Publication. The Town Board finds that an emergency exists in that the public health safety and welfare requires the immediate effectiveness of this Ordinance. This ordinance shall become effective upon its adoption and the Town Clerk shall certify to the passage of this ordinance and publish it by title only in a newspaper of general circulation and cause it to be posted in full on the Town's official web site.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2018, BY A VOTE OF ____ FOR AND ____ AGAINST.

JOHN CRESSMAN, MAYOR

ATTEST:

VERLA BRUNER, TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of _____, 2018, and ordered published by title only by _____ newspaper on _____, 2018 and posted in full on the Town's official web site.

Verla Bruner, Town Clerk

PALMER LAKE, COLORADO

ORDINANCE NO. 13 OF 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE REPEALING AND REPLACING SECTION 16.48.010 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE REGARDING THE WATER SUPPLY SYSTEM, RESTRICTING ANY FURTHER EXPANSION OF SUCH WATER SUPPLY SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A STATUTORY MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF COLORADO AND HAS THE AUTHORITY TO REGULATE LAND USE WITHIN ITS JURISDICTION; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED AND REVIEWED A REPORT DATED JUNE 14, 2017, REGARDING THE TOWN'S WATER SYSTEM TAP AND WATER RIGHTS INFORMATION WHICH PROVIDES THAT THE MAXIMUM NUMBER OF WATER TAPS THAT CAN BE SUPPLIED WITH THE TOWN'S EXISTING WATER SUPPLY SOURCES IS 1,060; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE MAXIMUM TAP ESTIMATE OF 1,060 ASSUMES THAT THE TOWN'S SURFACE WATER DIVERSIONS ARE IN PRIORITY, UNDERSTANDING THAT IF LOW FLOW CYCLES OCCUR IN THE TOWN'S SURFACE WATER, THE WATER SUPPLY WILL HAVE TO BE AUGMENTED BY AQUIFER WELLS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE WATER SURFACE ELEVATION IN THE AQUIFER WELL AREAS HAS BEEN DROPPING APPROXIMATELY 35 FEET PER YEAR AND THAT THE WELLS ARE LOCATED IN A CONFINED AQUIFER, RESULTING IN A SLOW RECHARGE RATE SUCH THAT MORE WATER IS REMOVED FROM THE AQUIFER THAN CAN BE ADDED UNDER NORMAL CONDITIONS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION FROM ITS WATER PLANT OPERATOR THAT THE TOWN IS NEARING THE THRESHOLD NUMBER OF TAPS THAT IT CAN SERVE WITH THE TOWN'S CURRENT WATER SUPPLY; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES FINDS THAT THERE IS A DEMONSTRATED NEED TO PREVENT A SHORTAGE OF WATER FOR DOMESTIC AND FIRE FLOW USAGE FOR CURRENT AND FUTURE WATER CUSTOMERS OF THE TOWN; AND

WHEREAS, THE TOWN DESIRES TO REPEAL AND REPLACE SECTION 16.48.010 OF THE MUNICIPAL CODE WHICH ADDRESSES THE WATER SUPPLY SYSTEM TO PLACE A RESTRICTION ON ANY FURTHER EXPANSION OF THE WATER SUPPLY SYSTEM OR SERVICE OBLIGATIONS OUTSIDE THE EXISTING PERIMETER, IT BEING CONTEMPLATED THAT SUCH RESTRICTION SHALL REMAIN IN PLACE INDEFINITELY OR UNTIL SUCH TIME AS THE TOWN HAS STUDIED ITS WATER CAPACITIES, IDENTIFIED AND ACQUIRED NEW ALTERNATIVE AND ADDITIONAL WATER SOURCES, AND AMENDED ITS REGULATIONS AS NECESSARY TO ENSURE CONTINUED ADEQUATE WATER SUPPLY CAN BE PROVIDED; AND

WHEREAS, THE BOARD OF TRUSTEES FINDS THAT AN EMERGENCY EXISTS IN THAT THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRES THAT THE TOWN TAKE IMMEDIATE MEASURES TO ENSURE ADEQUATE WATER SUPPLY.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

Section 1. The Board of Trustees adopts the above recitals as findings and incorporates them by reference in support of this ordinance.

Section 2. Section 16.48.010 of the Town of Palmer Lake Municipal Code is hereby repealed and replaced to read as follows in its entirety:

16.48.010 Water Supply System.

- A. Effective June 28, 2018, the Town's public water supply system shall not be enlarged or expanded to provide water service outside the existing perimeters of the Water Supply System as identified on the following map, which shall be part of this Section:

[insert map]

- B. Service or main line connections to the Town's water supply system not otherwise restricted in accordance with subsection A hereof shall at all times conform to the engineering standards of the Town. Fire plugs shall be installed at each intersection or every six hundred feet, whichever is less. Stand pipes are prohibited. Connections to water lines in alleys are prohibited.

Section 3. Section 16.48.030 is hereby amended as follows with deletions shown as strikethroughs and additions shown in all caps:

16.48.030. Minimal Lot Sizes for Water and Sewer. Municipal or other public provision of ~~both water and~~ sewer is required on lots less than two and one-half (2-1/2) acres in area. On lots of two and one-half (2-1/2) acres but less than five (5) acres, a central system of sewage treatment will be provided, designed, and built in a manner approved by the State Health Department, provided, however, that the request for a central system for sewage treatment may be waived by the Board for good cause. ~~On lots of two and one-half (2-1/2) acres but less than five (5) acres individual lot water sources may be used.~~ On lots of five (5) acres or more, OUTSIDE THE TOWN'S WATER SUPPLY SYSTEM PERIMETER AS DESCRIBED IN SECTION 16.48.010 individual water and sewer facilities may be installed ~~according to regulations herein and the appropriate state laws.~~ ON LOTS OF FIVE (5) ACRES OR MORE, INDIVIDUAL SEWER FACILITIES MAY BE INSTALLED ACCORDING TO REGULATIONS HEREIN AND THE APPROPRIATE STATE LAWS.

Section 4. The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

Section 5. Emergency, Effective Date and Publication. In accordance with the recitations above, the Board of Trustees finds that an emergency exists, this Ordinance is declared necessary for the immediate preservation of the public peace, health, welfare and safety, and this Ordinance shall take effect immediately upon its adoption, as provided by Section 31-16-105, C.R.S. This Ordinance shall be published by title only in a newspaper of general circulation within the Town and shall be published in full on the town web site upon adoption.

ORDINANCE PASSED, APPROVED AND ADOPTED BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS OF THE BOARD OF TRUSTEES ON THIS 28th DAY OF JUNE, 2018, BY A VOTE OF __ FOR AND __ AGAINST.

JOHN CRESSMAN, MAYOR	Approved as to Form:
ATTEST:	MAUREEN JURAN, TOWN ATTORNEY
VERLA BRUNER, TOWN CLERK	

**TOWN OF PALMER LAKE
COUNTY OF EL PASO
COLORADO
RESOLUTION NO. 8 OF 2018**

A RESOLUTION (1) CONDITIONALLY CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018, IN COORDINATION WITH THE EL PASO COUNTY, COLORADO, GENERAL ELECTION AND IN ACCORDANCE WITH THE UNIFORM ELECTION CODE; (2) DESIGNATING THE DESIGNATED ELECTION OFFICIAL; (3) AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH EL PASO COUNTY FOR THE CONDUCT OF THE COORDINATED ELECTION; (3) SUBMITTING A BALLOT ISSUE TO THE ELIGIBLE ELECTORS OF THE TOWN AUTHORIZING THE TOWN TO IMPOSE A SPECIAL SALES TAX ON THE SALE OF RETAIL ; (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AND (4) SETTING THE TITLE FOR THE BALLOT ISSUE

WHEREAS, THE TOWN IS IN RECEIPT OF A FORM OF PETITION FOR CITIZEN INITIATED LEGISLATION TO ALLOW AND REGULATE THE SALE OF RETAIL MARIJUANA; AND

WHEREAS, IF THE PETITION IS SUBMITTED WITH SUFFICIENT VALID SIGNATURES AND IF THE TOWN BOARD OF TRUSTEES FAILS TO ENACT SUCH LEGISLATION UPON RECEIPT OF SUCH SUFFICIENT PETITIONS, THE QUESTION OF ALLOWING AND REGULATING THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN WILL LIKELY BE PLACED ON THE BALLOT AS A SPECIAL ELECTION TO BE HELD IN COORDINATION WITH THE NOVEMBER 6, 2018, STATEWIDE GENERAL ELECTION COORDINATED BY EL PASO COUNTY; AND

WHEREAS, SECTION 29-2-115(4), C.R.S., AUTHORIZES MUNICIPALITIES TO ENACT AN ADDITIONAL SPECIAL SALES TAX SPECIFIC TO THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, SUBJECT TO VOTER APPROVAL; AND

WHEREAS, UNDER THE TAXPAYER'S BILL OF RIGHTS, ARTICLE X, SECTION 20(4) OF THE COLORADO CONSTITUTION ("TABOR") GOVERNMENTAL ENTITIES ARE REQUIRED TO OBTAIN VOTER APPROVAL IN ADVANCE FOR ANY NEW; AND

WHEREAS, IF AND ONLY IF THE QUESTION OF ALLOWING AND REGULATING THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN IS PLACED ON THE BALLOT FOR THE NOVEMBER 6, 2018, GENERAL ELECTION, THE TOWN BOARD OF TRUSTEES HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS OF THE TOWN TO

ALSO SUBMIT TO THE VOTERS THE QUESTION OF IMPOSING AN ADDITIONAL SPECIAL SALES TAX ON THE SALE OF SUCH RETAIL MARIJUANA; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS DETERMINED THAT IT SHOULD FIX THE BALLOT TITLE FOR THE BALLOT ISSUE SET FORTH IN THIS RESOLUTION; AND

WHEREAS, THE TOWN BOARD FINDS THAT THE TITLE SET FORTH HEREIN IS NOT MISLEADING, CLEARLY IDENTIFIES THE EFFECT OF A "YES" OR "NO" VOTE, DOES NOT CONFLICT WITH THE TITLE OF ANY OTHER MEASURE THAT WILL APPEAR ON THE BALLOT, AND CORRECTLY AND FAIRLY EXPRESSES THE TRUE INTENT AND MEANING OF THE ISSUE.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Conditional Call for Election. If and only if the question of allowing and regulating the sale of retail marijuana within the Town is placed on the ballot for the November 6, 2018, general election, the Board of Trustees shall refer the referred ballot issue contained herein to the voters of the Town at a special election to be held in coordination with the regular general election coordinated with El Paso County, Colorado, on November 6, 2018. In accordance with Sections 29-2-115(4), 31-101-108 and 31-10-102.7, C.R.S., the election shall be held in accordance with the Uniform Election Code and the Town Clerk shall act as the Designated Election Official for the Town.

Section 2. Conditional Referral of Ballot Issue. If and only if the question of allowing and regulating the sale of retail marijuana within the Town is placed on the ballot for the November 6, 2018, general election, the Board of Trustees hereby refers and approves the following ballot issue for submission to the voters to appear on the ballot for the election to be held on November 6, 2018:

Ballot Issue:

SHALL THE TOWN OF PALMER LAKE TAXES BE INCREASED BY FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) IN THE FIRST FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AS DEFINED IN THE COLORADO RETAIL MARIJUANA CODE, CONDITIONED ON THE TOWN ALLOWING AND REGULATING THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS BY SEPARATE ACTION, WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED ON OR AFTER DECEMBER 31, 2020, WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 10%, WITH THE REVENUES DERIVED FROM SUCH TAX TO BE COLLECTED AND SPENT TO PROMOTE THE GENERAL PURPOSES OF THE TOWN OF PALMER LAKE AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, ARTICLE 1 OF TITLE 29, COLORADO REVISED STATUTES, OR ANY OTHER LAW?

_____ YES

___ NO

Section 3. Approval of Agreement with County. The Town Administrator is hereby authorized to enter into and execute an intergovernmental agreement with El Paso County for the conduct of the November 6, 2018, coordinated election in a form acceptable and approved by the Town Administrator and Town Attorney.

Section 4. Nothing in this Resolution or the ballot title or question shall amend, alter, impair, or affect the prior voter approvals related to the Town's sales, use, and property taxes or otherwise alter any currently effective voter approval to collect, retain and spend excess revenues, such that a failure of any of the ballot issue contained herein will not result in a reversal of any previously obtained voter approval.

Section 5. This Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such shall be the text of the question itself.

Section 6. The Town Clerk, as the Designated Election Official, is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of the ballot issue the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 7. The Designated Election Official and Town's Attorney are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot issue to be printed and placed on the ballot for the election.

Section 8. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 9. This Resolution shall take effect upon its approval.

APPROVED AND ADOPTED ON THIS ___ DAY OF _____, 2018, BY A MAJORITY VOTE OF THE TOWN BOARD OF TRUSTEES.

<u>JOHN CRESSMAN, MAYOR</u>	Approved as to Form:
ATTEST:	<u>MAUREEN JURAN, TOWN ATTORNEY</u>
<u>VERLA BRUNER, TOWN CLERK</u>	



Emergency Services Consulting International

Providing Expertise and Guidance that Enhances Community Safety

PERSONAL SERVICES CONTRACT

This agreement made this ____ day of ____ 2018, by and between **Palmer Lake** and **Emergency Services Consulting International** doing business as an Oregon corporation in Wilsonville, Oregon, hereinafter called **ESCI**.

WITNESSETH:

1. For and in consideration of the payment, agreements, and scope of work herein attached as **Attachment A** to be made and performed, Client and **ESCI** hereby agree to commence and complete the consultation, to provide the work described, and comply with the terms of the contract to conduct a **Agency Assessment (Project)**.
2. **ESCI** will furnish labor, materials, and other services necessary to complete the **Project** for Client, and Client shall provide to **ESCI** the information, data, and assistance required as specified in the attached scope of work.
3. **Fees:** The Client shall pay **ESCI** a sum not to exceed **Twenty Thousand Three Hundred Twenty-One Dollars (\$20,321) including expenses**. Client shall pay **ESCI** according to the following schedule:
 - A. 10% due at contract signing
 - B. Monthly payments as work progresses
 - C. Payment shall be made within 30 days of receipt of invoice
4. This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
5. The laws of **Colorado** shall govern this agreement.
6. **ESCI** shall comply with all federal, state, and local laws applicable to the work under this agreement.
7. **Termination.** Client may terminate this agreement for any reason upon thirty (30) days written notice to **ESCI**. Payment for all work completed and expenses incurred up to the time of termination shall be due immediately upon termination by Client.
8. **Amendment.** This agreement may be amended by mutual written agreement of all parties.

9. **Independent Contractor.** *ESCI* is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to the payments under this agreement. *ESCI* is not currently employed by Client and will not be under the direct control of Client. Because *ESCI* is an independent contractor, Client will not be liable for any tax withholding, social security payments, state workers' compensation insurance, unemployment insurance, retirement system payments, or other similar expenses normally payable on behalf of employees of Client.
10. **Indemnification.** *ESCI* agrees to indemnify, defend, and hold harmless Client and its officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of *ESCI*, *ESCI's* agents, employees, or representatives under this Agreement.
11. **Attorney Fees.** If suit, action, or arbitration is brought either directly or indirectly to enforce the terms of this agreement, the prevailing party shall recover, and the losing party hereby agrees to pay, reasonable attorney's fees incurred in such proceeding, in the trial and appellate courts, as well as costs and disbursements as ordered by a court of competent jurisdiction.
12. This agreement is an integrated writing, executed by the parties after negotiation and discussions of all material provisions. None of the parties to this agreement have relied upon inducements, concessions, or representations of fact, except as set forth in this agreement.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, the agreement in two (2) copies, each of which shall be deemed an original, on the first date written above.

Palmer Lake

By: _____ Title: _____ Date: _____
Signature

Emergency Services Consulting International

By: _____ Title: _____ Date: _____
Signature

Scope of Work

PROJECT PLAN

The following phases and tasks will be completed to produce the final report and recommendations. This methodology has been developed specifically for this project based on our understanding of your expectations. ESCI will utilize approaches, tools, and techniques proven through experience to provide the kind and quality of information needed to make objective, informed decisions.

The evaluation and analysis of data and other information will be based on local standards, National Fire Protection Association (NFPA) standards, Insurance Services Office (ISO) schedules, Commission on Fire Accreditation International (CFAI¹) self-assessment criteria, health and safety requirements, federal and state mandates relative to emergency services.

The proposed methods, procedures, and anticipated deliverable items of this project have been organized into phases. Each project phase is described in detail below and on the following pages.

Assumptions

The assumption is that this scope will cover all aspects of the fire department. Some of these functions may not be desired as a part of the analysis. ESCI will work with Palmer Lake manager to narrow the scope if desired.

PROJECT SCOPE OF WORK

Phase I: Project Initiation

Task 1-A: Project Initiation & Development of Work Plan

ESCI will develop a project work plan based on the scope of work and converse with the community's project team to gain a comprehensive understanding of the organization's background, goals, and expectations for this project. This work plan will be developed identifying:

- Primary tasks to be performed
- Person(s) responsible for each task
- Time table for each task to be completed
- Method of evaluating results
- Resources to be utilized
- Possible obstacles or problem areas associated with the accomplishment of each task

This exchange will also help to establish working relationships, make logistical arrangements, determine an appropriate line of communications, and finalize contractual arrangements.

¹ The CFAI organization is now a subsection of the Center for Public Safety Excellence (CPSE) but maintains its prime function of accrediting fire agencies.

Task 1-B: Acquisition & Review of Background Information

ESCI will request pertinent information and data from the organization's assigned project manager. This data will be used extensively in the analysis and development of the master plan document. The documents and information relevant to this project will include, but not be limited to, the following:

- Past or current fire department studies or research
- Community Comprehensive Plan documents, including current and future land use information
- Local census and demographics data
- Zoning maps and zoning code
- Financial data, including debt information, long-range financial plans and projections
- Department administrative policies and procedures
- Department Standard Operating Guidelines (SOGs) and service delivery practices
- Current service delivery objectives and targets
- Facilities and apparatus inventories
- Local collective bargaining agreement(s), if applicable
- Automatic and mutual aid agreements
- Records management data, including National Fire Incident Reporting System (NFIRS) incident data
- Computer-Aided dispatch (CAD) incident records
- Local Geographic Information Systems (GIS) data, where available

Task 1-C: Stakeholder Input

The ESCI project team will conduct interviews with and gather information from key personnel including:

- Elected or appointed officials
- Fire department managers and other key staff
- Finance function managers
- Community planning staff
- External Fire and EMS agencies within the region
- Employee and volunteer groups
- Others as they may contribute to this project

The project team may interview key stakeholders of any organization associated with this study. At a minimum, members of the project team will interview appropriate community officials, fire department officials, volunteer association leaders, and others that the project contact deems necessary.

From these interviews, ESCI will obtain additional perspective on operational, economic, and policy issues facing the agency. In addition, the project team will learn more about availability of data necessary to meet projected goals.

Phase II: Fire Department Agency Analysis

The study will provide a baseline assessment of the current conditions and current service performance of the organization. ESCI will conduct an organizational analysis of the department based on the elements included in the following objectives. The purpose of this evaluation is to assess the agency's operations in comparison to industry standards and best practices, as well as to create a benchmark against which future improvements can be measured.

Task 2-A: Organization Overview

An overview of the organization and community will be developed discussing:

- Service area population and demographics
- History, formation, and general description of the fire agency
- Description of the current service delivery infrastructure
- Governance and lines of authority
- Foundational policy documents
- Organizational design
- Operating budget and funding source.

Task 2-B: Management Components

The organization's basic management processes will be reviewed, including:

- Mission, vision, strategic planning, goals, and objectives
- Internal and external communications processes
- Document control and security
- Reporting and recordkeeping
- Security

Task 2-C: Organizational Planning Processes

The planning process of the organization shall be identified and reviewed. Key components include:

- Review and evaluate the adequacy of the current planning process
- Internal assessment of critical issues
- Internal assessment of future challenges

Task 2-D: Staffing

ESCI will review the department's staffing levels. Tasks to be completed include:

- Review and evaluate administration and support staffing levels
- Review and evaluate operational staffing levels
- Review staff allocation to various functions and divisions
- Review staff scheduling methodology
- Analyze current deployment methods and staffing performance for incidents

- Review utilization of career and volunteer companies (if applicable)
- Review responsibilities and activity levels of personnel

Task 2-F: Capital Assets and Capital Improvement Programs

ESCI will review the status of current major capital assets (facilities and apparatus) and analyze needs relative to the existing condition of those assets. Methods of financing capital needs will also be reviewed. The observations will include:

Facilities – Tour and make observations in areas related to station efficiency and functionality. Items to be contained in the report include:

- Design
- Construction
- Safety
- Environmental issues
- Code compliance
- Staff facilities
- Efficiency
- Future viability

Apparatus/Vehicles – Review and make observations regarding condition and inventory of apparatus. Items to be reviewed include:

- Age, condition, and serviceability
- Distribution and deployment
- Maintenance
- Regulations compliance
- Future needs
- Support equipment

Task 2-G: Service Delivery and Performance

ESCI will review and make observations in areas specifically involved in, or affecting, service levels and performance. Areas to be reviewed shall include, but not necessarily be limited to:

- Service Demand Study –
 - Analysis and geographic display of current service demand by incident type and temporal variation
- Resource Distribution Analysis –
 - Overview of the current facility and apparatus deployment strategy, analyzed through Geographical Information Systems software, with identification of service gaps and redundancies. The study will consider the Palmer Lake location as well as the nearest neighboring stations.
- Resource Concentration Study –
 - Analysis of response time to achieve full effective response force.
 - Analysis of company and staff distribution as related to effective response force.
- Response Reliability Review –

- Analysis of current workload, including unit hour utilization of individual companies (to the extent data is complete)
- Review of actual or estimated failure rates of individual companies (to the extent data is complete)
- Analysis of call concurrency and impact on effective response force assembly
- Response Performance Summary –
 - Analysis of actual system reflex time performance, analyzed by individual components (to the extent data is available)
- Mutual and automatic aid systems

Task 2-H: Training Program

The ESCI project team will review and make observations in critical areas involving training functions and support. Items to be reviewed include:

- General training competencies
- Training administration
- Training schedule
- Training facilities
- Training program goals and objectives
- Training procedures and manuals
- Recordkeeping
- Clerical support

Task 2-I: Fire Prevention/Public Education Program

ESCI will review the department's efforts toward fire prevention and public education programs.

Elements to be evaluated include:

- Code enforcement activities
- New construction inspection and involvement
- General inspection program
- Fire and Life-Safety public education programs
- Fire investigations
- Pre-incident planning
- Statistical collection and analysis

Phase III: Identify Gaps and Evaluate Future Options

Task 3-A Identify gaps in current conditions to industry standards and best practices.

ESCI will compare current conditions against industry standards and best practices to identify any gaps.

- Enumerate any gaps and describe potential solutions.
- Prepare financial analysis of any proposed changes.

Task 3-B Identify other options.

- Identify options that might be available and potential advantages or disadvantages of each.

Phase IV: Development, Review, and Delivery of Evaluation Report

Task 4-A: Development and Review of Draft Project Report

ESCI will develop and produce an electronic version of the draft report for review by the client and client representatives. Client feedback is a critical part of this project and adequate opportunity will be provided for review and discussion of the draft report prior to finalization. The report will include:

- Detailed narrative analysis of each report component structured in easy-to-read sections and accompanied by explanatory support to encourage understanding by both staff and civilian readers
- Clearly designated recommendations highlighted for easy reference and catalogued as necessary in a report appendix
- Supportive charts, graphs, and diagrams where appropriate
- Supportive maps, utilizing GIS analysis as necessary

Task 4-B: Delivery and Presentation of Final Project Report

ESCI will complete any necessary revisions of the draft and produce five publication-quality bound, final versions of the written report, along with an electronic version in pdf file format. A formal presentation of the project report will be made by ESCI project team member(s) to staff, elected officials, and/or the general public as necessary and will include the following:

- A summary of the nature of the report, the methods of analysis, the primary findings, and critical recommendations
- Supportive audio-visual presentation
- Review and explanation of primary supportive charts, graphs, diagrams, and maps, where appropriate
- Opportunity for questions and answers, as needed

All presentation materials, files, graphics, and written material will be provided to the client at the conclusion of the presentation(s).

PALMER LAKE, COLORADO

ORDINANCE NO. __ OF 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING FIRE AND BURNING RESTRICTIONS WITHIN THE TOWN, SETTING AND IMPOSING THE PENALTY FOR VIOLATIONS THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED BY STATE LAW, INCLUDING, BUT NOT LIMITED TO, SECTIONS 31-15-401 AND 31-23-301 OF THE COLORADO REVISED STATUTES, TO EXERCISE ITS POLICE POWERS TO PROMOTE AND PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND ITS CITIZENS; AND

WHEREAS, CHAPTER 8.10 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS FORTH REQUIREMENTS FOR FIRE RESTRICTIONS AND BURN PERMITS FOR FIRES WITHIN THE TOWN; AND

WHEREAS, DUE TO ITS URBAN WILDLAND INTERFACE, PROXIMITY TO NATIONAL FOREST AREA USED FOR HIKING, CAMPING AND OTHER ACTIVITIES WHICH ARE OFTEN ACCOMPANIED BY CAMP AND OTHER FIRES AND OTHER CONCERNS MAKING THE TOWN VULNERABLE TO WILDFIRES AND OTHER DANGERS FROM UNATTENDED OR CARELESS BURNING, THE TOWN DESIRES TO AMEND CHAPTER 8.10, TO INCLUDE SETTING FORTH MINIMUM PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND

WHEREAS, THE TOWN BOARD FINDS THAT AN EMERGENCY EXISTS, AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

Section 1. Chapter 8.10 entitled "Fire Restrictions and Burn Permits" is repealed and readopted with a new title to read as follows in its entirety:

CHAPTER 8.10 FIRE RESTRICTIONS AND BURN PERMITS

Sections:

8.10.010	Definitions
8.10.020	Unlawful Acts
8.10.030	Implementation of Fire Restrictions and Notice
8.10.040	Outdoor Grilling and Recreational Fires
8.10.050	Penalty for Violations

8.10.010. Definitions.

“El Paso County Fire Restrictions” means either El Paso County Stage 1 Restrictions or El Paso County Stage 2 Restrictions as imposed within the unincorporated areas of El Paso County, Colorado, in accordance with El Paso County Ordinance 15-001, as may be amended from time to time.

“Extinguished” means no excessive heat or visible flames, smoke, or emissions exist or hot embers are present.

“Fire pit” means an approved container for the purpose of containing flammable materials, embers, flame and sparks of an outdoor fire (recreational fire) to keep the fire from spreading beyond the container, and which must at all times meet the requirements set forth in Section 8.10.040.

“Fireworks” means a pyrotechnic device consisting of combustibles designed to burn or explode for the purpose of generating a loud noise, light, sparks, smoke or projectile propulsion for entertainment or display.

“Open burning” means vegetation management that involves the combustion of one or more piles of clean, dry natural vegetative material on an open premises, or on any public street, alley or other land adjacent to such premises the prescribed burning of fence lines or rows, fields, farmlands, rangelands, wild lands, trash and debris on any public street, alley or other land adjacent to such premises.

“Open fire” means an outdoor fire, including but not limited to Vegetation Management Burning, recreational fires, the use of explosives, outdoor welding or operating an acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, and the prescribed burning of fence lines.

“Outdoor commercial gas-fueled fire pit” means a commercially manufactured and sold ornamental structure of not more than three feet in diameter, the flame of which is fueled by natural gas or propane for outdoor fires, the medium of which is decorative, such as ceramic logs, fire glass, or lava rock, and that does not produce embers or sparks.

“Recreational Fire” means an outdoor fire used for pleasure, religious, ceremonial, warmth or similar purposes, including, but not limited to, campfires, fire pits, warming fires, charcoal grill fires, fires in wood-burning stoves involving the burning of charcoal or clean firewood, as well as outdoor commercial gas-fueled fire pit fires.

“Red Flag Warning” means a forecast warning issued by the National Weather Service to inform area firefighting, land use management agencies, municipalities and the public that conditions are ideal for wildland fire ignition and propagation either currently or within 24 hours.

“Town Imposed Fire Restrictions” shall mean any restrictions imposed in accordance with Section 8.10.030(B) of this Chapter, which may be in addition to or in lieu of any Town Stage I Restrictions or Town Stage II Restrictions.

“Town Stage I Restrictions” as in effect in Palmer Lake means that the following outdoor activities are prohibited:

1. Open Fire and Open Burning except that the following shall be allowed: (a) outdoor grilling that complies with the requirements of 8.10.040(A); (b) fires contained within liquid-fueled or gas-fueled stoves; (c) fires within outdoor commercial gas-fueled fire pits that meet the requirements of 8.10.040(B); (d), recreational fires that meet the requirements of Section 8.10.040(C); and (e) outdoor welding or operating an acetylene or other torch with open flame if in an area cleared of all flammable materials.
2. The sale or use of Fireworks except commercial or community fireworks displays properly permitted.
3. Outdoor (which does not include within an enclosed vehicle or building) smoking except (a) at private residences in an area cleared of all flammable materials including dry vegetation and not on a deck made of combustible materials or under the eaves of a structure of combustible vegetation and so long as the smoked product is fully extinguished, or (b) at commercial or retail establishments in a designated area cleared of all flammable materials including dry vegetation and not on a deck made of combustible materials or under the eaves of a structure of combustible vegetation and so long as the smoked product is fully extinguished and a non-combustible receptacle for disposing of such extinguished product is provided such as sand-filled ashtray).;

“Town Stage II Restrictions” as in effect in Palmer Lake means that the following outdoor activities are prohibited in addition to those prohibited under Town Stage I Restrictions:

1. All recreational fires and charcoal grill fires.
2. Fires contained within liquid-fueled or gas-fueled stoves.
3. All outdoor welding or operating an acetylene or other torch with open flame.
3. The sale or use of all Fireworks.

“Water System” shall have the same meaning as the term “water system” as defined in Section 13.08.04 of this Code and include any hiking trail or road thereto.

Section 8.10.020. Unlawful Acts.

- A. The restrictions and prohibitions in this Chapter shall not apply to any federal, state, or local officer or member of an organized rescue or firefighting force, in the performance of an official duty.

- B. It shall be unlawful to engage in any activity prohibited by Stage I or Stage II Fire Restrictions as set forth in Section 8.10.010 and 8.10.030(A) when any such restrictions are in effect within the Town, including public, private, state and applicable federal lands, inclusive of the Water System.
- C. It shall be unlawful to engage in any activity prohibited by Town Imposed Fire Restrictions as set forth in Sections 8.10.010 and 8.10.030(B) when any such restrictions are in effect within the Town, including public, private, state and applicable federal lands, inclusive of the Water System.
- D. It shall be unlawful for any person to engage in any Open Burning within the Town at any time, inclusive of the Water System, regardless of whether any Stage I or Stage II Fire Restrictions or Town Imposed Fire Restrictions are in effect.

Section 8.10.030. Implementation of Fire Restrictions and Notice.

- A. The Town shall at all times be under Town Stage I Fire Restrictions on all public and private property and on Town owned property to include the Water System.
- B. Whenever El Paso County, Colorado, imposes and advertises El Paso County Stage II Fire Restrictions within the unincorporated areas of El Paso County in accordance with El Paso County Ordinance 15-001, as may be amended, such action shall also mean that Town Stage II Restrictions, shall be automatically imposed within the boundaries of the Town of Palmer Lake on all public and private property and on Town owned property to include the Water System. The Town shall post notice of such fire restrictions on the Town web site, at Town Hall, at the Palmer Lake Post Office, and at the major trailheads to the Water System. Upon a cessation of El Paso County Stage II Fire Restrictions within the unincorporated areas of El Paso County, such Town Stage II Restrictions shall also automatically cease to be applicable within the Town, as the case may be, without limiting the ability of the Town to impose additional or different Town Imposed Fire Restrictions in accordance with Subsection (C). Upon a cessation of El Paso County Stage II Fire Restrictions, and resulting cessation of Town Stage II Restrictions, the Town shall alter or remove the provided notices, as relevant.
- C. Whenever a Red Flag Warning is issued which includes the Town of Palmer Lake, such action shall also mean that Town Stage II Restrictions as defined herein shall also be automatically imposed within the boundaries of the Town of Palmer Lake on all public and private property and on Town owned property to include the Water System. The Town shall post notice of such fire restrictions on the Town web site, at Town Hall, at the Palmer Lake Post Office, and at the major trailheads to the Water System. Upon a change in or cessation of the Red Flag Warning applicable to the Town, such Town Stage II Restrictions shall also cease to be applicable within the Town, without limiting the ability of the Town to impose additional or different Town Imposed Fire Restrictions in accordance with Subsection (C). Upon a resulting cessation of Town Stage II Restrictions, the Town shall alter or remove the provided notices, as relevant.

- D. In addition to the Stage II Restrictions automatically imposed as set forth in Subsection (A), in the event that the Mayor or the Town Board of the Town of Palmer Lake determines, in consultation with the Fire Department, that an emergency exists and the fire danger in the Town or on Town owned property, to include the Water System, is above normal, then the Mayor or his designee or the Town Board, in consultation with the Fire Department, may declare that a fire danger exists and impose appropriate fire restrictions by written declaration. Such Town Imposed Fire Restrictions may be in addition to or in lieu of, and may or may not be the same as either Town Stage I or Stage II Fire Restrictions. Upon issuance of such emergency declaration and imposition of Town Imposed Fire Restrictions, the Town shall post notice of such Town Imposed Fire Restrictions on the Town web site, at Town Hall, at the Palmer Lake Post Office and at the major trailheads to the Water System. Town Imposed Fire Restrictions imposed hereunder shall remain in effect for the entirety of the time that such restrictions are posted in accordance with this Section. Upon a change in or the cessation of Town Imposed Fire Restrictions, the Town shall alter or remove the provided notices, as relevant.
- E. In addition to the legally required notice as set forth in subsections A, B and C of this Section, the Town may pursue, as a courtesy only, additional notice of the applicable fire restrictions to the public through a general press release to newspapers, radio and television channels operating or distributed within the Town. In addition, the Town may pursue, as a courtesy only, a posting of notice of any Town Stage I, Town Stage II or Town Imposed Fire Restrictions at designated signs.

Section 8.10.040. Outdoor Grilling and Recreational Fires.

A. Outdoor grilling.

1. Charcoal grill fires including within commercially manufactured grills designed for the purpose of cooking of food outdoors are prohibited during Town Stage II Fire Restrictions and both outdoor charcoal and outdoor gas or propane fueled grill type fires may be prohibited if the Town imposes Town Imposed Fire Restrictions that address and effect the same.
2. Outdoor grilling in other than a commercially manufactured grill designed for the purpose of cooking of food outdoors shall be treated the same as a recreational fire and the pit used for such grilling is subject to the requirements of subsection C of this Section.
3. Outdoor charcoal or gas or propane-fueled grill type fires in commercially manufactured grills intended for such purpose, when otherwise permitted, are allowed at private residences only (no public lands) in an area cleared of all flammable materials including dry vegetation and if not located on a deck made of combustible materials or under the eaves of a structure of

combustible vegetation.

B. Recreational fires in outdoor commercial gas-fueled fire pits.

1. Recreational fires in outdoor commercial gas-fueled fire pits are prohibited during Town Stage II Fire Restrictions and may be prohibited if the Town imposes Town Imposed Fire Restrictions that address and effect the same.
2. Recreational fires in outdoor commercial gas-fueled fire pits are allowed in the Town, or on Town owned property, in approved commercial gas-fueled fire-pits only if the fuel being burned is that for which the commercial gas-fueled fire pit is designed, there are no additional combustible materials added to the fire, and the use thereof otherwise complies with the requirements of subsection (C)(11), (12) and (13). Open fire in outdoor commercial gas-fueled fire pits may be prohibited if the Town imposes Town Imposed Fire Restrictions that address and effect the same.

C. Recreational fires in fire pits other than outdoor commercial gas-fueled fire pits.

1. Recreational fires in fire pits including outdoor commercial gas-fueled fire pits are prohibited during Town Stage II Fire Restrictions and may be prohibited if the Town imposes Town Imposed Fire Restrictions that address and effect the same.
2. No recreational fire shall be burned within the Town at any time (regardless of whether any Town Stage I, Town Stage II or Town Additional Fire Restrictions are in effect), other than in an outdoor commercial gas-fueled fire pit in compliance with subsection B of this section or in a permanent fire pit for which the owner or occupant of the property on which such fire pit is located has been issued a current and valid permit for such fire pit from the Town Fire Department following inspection for compliance with this chapter.
3. Fire pit permits issued by the Town Fire Department are valid for one year from the date of issuance and all permitted fire pits may be used only if in the same state as the fire pit was in on the date it was inspected and the permit was issued. Only one permit may be issued per lot.
4. The Town may charge a fee for an annual fire permit in an amount if and as set by the Board of Trustees by resolution.
5. The Palmer Lake Fire Department will maintain a database of issued fire pit permits to include the issuance and expiration dates of same and information on the dimensions of each permitted fire pit, its location on the property and the dimensions of the required pad on which it sits.
6. The Palmer Lake Fire Department may rescind a permit if the permitted fire-

pit is used other than in compliance with this Section, if the fire pit falls into disrepair, or if the pad on which the fire pit sits becomes vegetated or other combustible materials are found to be present within the required radius of the non-combustible pad.

7. Recreational fire pits other than outdoor commercial gas-fueled fire pits must have a base no larger than 36 inches in diameter and side walls no taller than 24 inches with no holes that could allow sparks to escape.
8. All recreational fire pits other than outdoor commercial gas-fueled fire pits must have a covering spark arrester screen with holes no larger than ½ inch, which arrester must be in place at all times that the fire pit is being used.
9. All recreational fire pits other than outdoor commercial gas-fueled fire pits must be located in a permanent spot on a non-combustible pad that extends 15 feet from the center of the fire pit in all directions, and shall not be moved from such location without applying for a new permit.
10. All recreational fires must burn only wood or charcoal and any wood burned must be free of any contaminants including insecticides, fungicides, paint, varnish, resin or glue or any other adulterants (with the short term exception of a commercial fire starter).
11. When a fire pit is in use, to include any outdoor commercial gas-fueled fire pit, flames shall not to exceed 2 feet in height.
12. When a fire pit is in use, to include any outdoor commercial gas-fueled fire pit, water, a charged hose or a fire extinguisher must be within reach of the required attendant at all times.
13. When a fire pit is in use, to include any outdoor commercial gas-fueled fire pit, it must be attended at all times by a responsible adult over the age of 18 as long as there are flames, sparks or glowing embers or coals present.

8.10.050 Penalty for Violations.

Any person found guilty of violating any provision of this Chapter shall be punished as follows:

1. For any violation involving fireworks, open burning or an open fire, to include without limitation prohibited recreational fires, a minimum fine amount of \$1000 and up to a maximum of one (1) year in jail.
2. For any violation involving prohibited smoking, a minimum fine amount of \$500 and up to a maximum of one (1) year in jail.

3. For any violation other than a violation set forth in subsection 1 or 2 above, a penalty in the discretion of the court

Section 2. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 3. Effective Date and Publication. This ordinance shall become effective thirty days after its publication and the Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted by title only.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2018 BY A VOTE OF __ FOR AND __ AGAINST.

JOHN CRESSMAN, MAYOR

ATTEST:

VERLA BRUNER, TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of _____, 2018, and ordered published by title only by _____ newspaper on _____, 2018.

Verla Bruner, Town Clerk