

**ORDINANCE NO. 12-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF CASTLE PINES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE**

**WHEREAS**, the City Council of the City of Castle Pines is authorized to adopt ordinances in furtherance of the public health, safety and welfare of its residents; and

**WHEREAS**, the City Council desires to codify all permanent and general ordinances of the City and to adopt such code by reference pursuant to C.R.S. § 31-16-201, *et seq.*; and

**WHEREAS**, the City has twice published notice of a public hearing as required by C.R.S. § 31-16-203 and such notice contained the information required by C.R.S. § 31-16-203; and

**WHEREAS**, in accordance with C.R.S. § 31-16-206, at least one (1) copy of the Castle Pines Municipal Code, and all secondary codes referenced therein, are on file in the office of the City Clerk and have been made available for public inspection at least fifteen (15) days prior to the hearing for adoption of this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:**

**Section 1.** The Code entitled the Castle Pines Municipal Code published by Colorado Code Publishing Company, 323 West Drake Road, Suite 200, Fort Collins, CO 80526, consisting of Chapters 1 through 18, with Tables and Index, is hereby adopted and shall be known as the "Castle Pines Municipal Code".

**Section 2.** All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Castle Pines Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

**Section 3.** The purpose of this Code is to codify the ordinances of the City which are of a general or permanent nature. The subject matter of this Code includes provisions on general penalty provisions, administration, revenue and finance matters including sales and use tax, City franchises, business and liquor licensing, regulations related to health and safety, general municipal offenses, vehicle and traffic regulations, streets and other public property, and building regulations.

**Section 4.** Whenever a reference is made to this Code as the Castle Pines Municipal Code or to any portion thereof, or to any ordinance of the City codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

**Section 5.** The following codes were previously adopted by reference and incorporated in the Castle Pines Municipal Code. One (1) copy of each is on file in the City Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, *et seq.*;

(2) The *International Building Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-1-10, *et seq.*;

(3) The *International Residential Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-2-10, *et seq.*;

(4) The *National Electrical Code*, 2008 edition, published by the National Fire Protection Association, as adopted in Section 18-3-10;

(5) The *International Mechanical Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-4-10, *et seq.*;

(6) The *International Plumbing Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-5-10, *et seq.*;

(7) The *International Fire Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-6-10, *et seq.*;

(8) The *International Fuel Gas Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-7-10, *et seq.*; and

(9) The *International Energy Conservation Code*, 2006 edition, published by the International Code Council, as adopted and amended in Section 18-8-10, *et seq.*

**Section 6.** The penalties provided by the Municipal Code of the City of Castle Pines are hereby adopted in full as follows:

**(1) Sec. 1-4-20. General penalty for violation. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment

not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

**(2) Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, General Provisions; Article 4, General Penalty)**

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 Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

**(3) Sec. 1-4-40. Altering or tampering with Code; penalty. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with this Code in any manner so as to cause the ordinances of the City to be misrepresented thereby, shall, upon conviction thereof, be punished as provided by Section 1-4-20 hereof.

**(4) Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation.

**(5) Sec. 2-4-150. Court costs. (Chapter 2, Administration; Article 5, Municipal Court)**

The Municipal Court is empowered, in its discretion, to assess the following costs against any defendant who is found guilty of violating any of the ordinances of the City or against any defendant who is granted a deferred prosecution or deferred sentence. The defendant's obligation to pay such costs is separate from and in addition to the obligations to pay any fines or penalties imposed. The Municipal Judge shall impose the following fees and costs as applicable:

(1) Court costs. Court costs of thirty-five dollars (\$35.00) shall be assessed against every defendant who enters a plea of guilty or no contest to any ordinance violation before the Municipal Court or who fails to appear to a scheduled trial; Court costs of fifty dollars (\$50.00) shall be assessed against every defendant who is guilty after a trial in the Municipal Court to any ordinance violation.

(2) Witness fees. A witness fee of five dollars (\$5.00) per witness per day or a part of a day in which the witness is actually in Municipal Court, up to a maximum of fifty dollars (\$50.00), plus mileage set at the rate established by the Municipal Judge for each mile actually and necessarily traveled from the witness's residence to the Municipal Court, may be assessed, but no City officer or employee may receive such witness fee. A witness fee of five dollars (\$5.00) per appearing witness may be assessed against any defendant who fails to appear at a scheduled trial.

(3) Bench warrant fee. Fifty dollars (\$50.00) per warrant issued plus any costs incurred for transporting the defendant from his or her place of arrest to the City.

(4) Probationary or other services. Twenty dollars (\$20.00) per month for probationary treatment services for the defendant of useful public service by the defendant, plus any actual costs for receipt of any services the defendant may be required to receive in accordance with the order of the Municipal Court.

(5) Jail costs. The actual per-day cost charged to the City by the Douglas County Jail or Douglas County Sheriff for each day a defendant is sentenced to jail.

(6) Late fee/time payment fee. A late fee of twenty-five dollars (\$25.00) shall be added for any payment that is not made within the time allowed by the Municipal Court. A time payment fee of twenty-five dollars (\$25.00) shall be added for any payment for which the Municipal Court, in its discretion, grants a stay of execution.

(7) Surcharges. In accordance with Section 8-2-60 of this Code, a surcharge of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund and twelve dollars (\$12.00) for the Colorado Traumatic Brain Injury Trust Fund shall be assessed against any person convicted of an ordinance violation.

(8) Other costs. Other costs may be assessed as deemed appropriate by the Municipal Court.

**(6) Sec. 2-4-160. Restitution. (Chapter 2, Administration; Article 4, Municipal Court)**

The Municipal Judge is empowered to order a defendant who is found guilty of violating any of the ordinances of the City or who is granted a deferred prosecution or deferred sentence to make restitution or reparation, or both, to the victim of the defendant's conduct for the damages or injury that was sustained.

**(7) Sec. 2-5-20. Incarceration of persons convicted of ordinance violations. (Chapter 2, Administration; Article 5, Law Enforcement)**

Wherever in this Code it is provided that a person convicted of a violation of a City ordinance or this Code shall be punished by imprisonment, such imprisonment shall be in the County jail, or other place provided by the City for the incarceration of such offenders. In lieu of such incarceration, the Municipal Judge may sentence an offender to the custody of the County Community Corrections Department, or such other agency with which the City may contract for correctional services.

**(8) Sec. 4-3-70. Assessment. (Chapter 4, Revenue and Finance; Article 3, Sales and Use Tax)**

(a) This Section shall apply if the City Manager determines that any person, taxpayer or vendor has failed, neglected or refused:

- (1) To make a return and pay all use taxes due;
- (2) To remit the proper amount of use tax due;
- (3) To pay in full all use taxes due because of negligence, fraud or on a regular basis;
- (4) To remit use taxes due pursuant to an audit, special assessment or special audit assessment;
- (5) To remit the proper amount of penalties and/or interest due; or
- (6) To remit the proper amount of license fees due, including any licensing penalties or interest.

(b) Assessment notice and due date. Penalties and interest shall be assessed, and the City Manager shall give to the delinquent person, taxpayer or vendor a written notice of final determination – assessment and demand for payment, which notice shall state the full amount of taxes, penalties and interest due and shall be served personally, by mail or e-mail, which assessment of deficiency amount will be due and payable within fifteen (15) days of the date that such notice is sent by the City Manager.

(c) Estimated assessment. If the City Manager is unable to audit the records of a taxpayer, either due to the taxpayer's refusal or lack of cooperation, due to time constraints or due to other reasons which the City Manager may reasonably determine, the City Manager shall make an estimate based upon such information as may be available and shall issue an assessment as provided herein.

(d) Penalty and interest. Unless the taxpayer shows that his or her failure to comply fully with this Article is due to reasonable cause, which the taxpayer may prove in a hearing requested pursuant to this Article, there shall be added to all assessments under the purview of this Article a penalty of fifteen percent (15%) of the deficiency. Interest in such case shall accrue and be collected at a rate of one and one-half percent (1.5%) per month on the amount of such deficiency from the time the return was due.

(e) Penalty for fraud. If any deficiency in use taxes paid is due to fraud with the intent to evade the tax, there shall be added, instead of the penalty prescribed in Subsection (d) above, a penalty of one hundred percent (100%) of the total amount of the deficiency to the assessment required by Subsection (b) above. Interest on such deficiency shall accrue and be collected at a rate of one and one-half percent (1.5%) per month on the amount of such deficiency from the time the return was due.

(f) Special penalty for repeated enforcement. In any assessment issued to a person or taxpayer against whom enforcement proceedings have been commenced in the past, a special penalty, in addition to all others provided in this Article, shall be assessed. This special penalty shall be equal to the greater of two hundred fifty dollars (\$250.00) or twenty-five percent (25%) of the tax deficiency. For purposes of this Subsection, *enforcement proceedings* shall mean:

- (1) Issuance of a distraint warrant;
- (2) Filing of a lawsuit in the district or county court; or
- (3) Issuance of a summons to Municipal Court or County Court.

(g) City Manager may waive penalty. The City Manager is hereby authorized to waive, for good cause shown, any penalty assessed as provided in this Article. Interest imposed in excess of nine percent (9%) per annum shall be deemed a penalty. If the City Manager finds that a taxpayer has, in good faith, paid tax to a vendor, then the City Manager is hereby authorized to abate the interest and penalty in its entirety.

(h) Interest and penalty assessment. Interest and penalties prescribed under this Article shall be paid upon notice and demand, and shall be assessed, collected and paid in the same manner as the tax to which it is applicable. If any portion of a tax is satisfied by credit of an overpayment, then no interest or penalty shall be imposed under this Section on the portion of the tax so satisfied.

**(9) Sec. 4-3-130. Interest on overpayments and refunds. (Chapter 4, Revenue and Finance; Article 3, Sales and Use Tax)**

(a) Interest on use tax overpayment. No interest shall be paid upon any overpayment of use tax unless such overpayment was made under protest.

(b) Interest on license fee overpayment. No interest shall be paid on any overpayment of license fees.

(c) Payment of interest.

(1) Interest owed by the taxpayer on an audit may be applied against calculated interest that would be credited if allowed.

(2) Interest paid on an eligible overpayment of taxes pursuant to Subsection (a) above under protest shall be allowed at the rate of nine percent (9%) per annum.

(3) Interest shall accrue only from the date of the taxpayer's application for a refund. If the refund is to be applied against other taxes owed by the taxpayer, interest shall not be paid on the refund for the period after the due date of the amount against which the credit is taken.

(d) Refund erroneously made to bear interest. Any portion of a tax, or any interest, assessable penalty, additional amount, additional tax or license fee, which has been erroneously refunded, shall bear interest at the rate of nine percent (9%) per annum from the date of the payment of the refund.

**(10) Sec. 4-3-270. Incorrect registration of motor vehicle. (Chapter 4, Revenue and Finance; Article 3, Sales and Use Tax)**

(a) It is unlawful to register a motor vehicle in violation of the provisions of Section 42-6-137(2), C.R.S.

(b) Any resident who registers a vehicle at an address other than his or her principal residence or place of business within the City for the purpose of evading the sales or use tax shall be considered in violation of this Article and subject to the penalties set forth herein.

(c) Any person residing in the City, as specified by Section 42-6-137, C.R.S., who shall purchase any motor vehicle, whether new or used, from sources within or without the City, for use within the City, and who has not paid the tax imposed thereon by this Article to a vendor required or authorized to collect such tax, shall immediately, and prior to registering the vehicle pursuant to Section 42-6-137, C.R.S., and obtaining the license therefor, make a return showing such transaction to the City Manager and thereupon pay to him or her the tax applicable thereto as provided in this Article, and failure to do so shall constitute a violation of this Article.

(d) Definitions for this Section:

*Notice of deficiency* means the notice issued by the City Manager of failure, neglect or refusal to pay any sales or use tax due or any penalties or interest thereon.

*Penalty assessment* means a written notice of the City Manager's determination that a violation of Section 42-6-137(2), C.R.S., has occurred and

assessment and demand for the payment of the civil penalty provided for in Subsection (e) below.

(e) Any person who causes a motor vehicle to be registered in violation of the provisions of Section 42-6-137(2), C.R.S., shall be assessed a five-hundred-dollar (\$500.00) civil penalty pursuant to the authority granted in Section 42-6-137(4), C.R.S. The procedure for the assessment of such penalty shall be as follows:

(1) When the City Manager determines, on such information as is available, that a person has caused a motor vehicle to be registered in violation of the provisions of Section 42-6-137(2), C.R.S., the City Manager shall provide to such person a penalty assessment. If the City Manager also has determined that sales or use taxes are due to the City on the purchase of such motor vehicle, such penalty assessment may be included in a notice of deficiency.

(2) Such person shall pay such penalty assessment within the same time period provided pursuant to Subsection 4-3-70(b) of this Article for payment of any amount due pursuant to a notice of deficiency, unless such person requests a hearing in the manner provided in this Article.

(3) If such person desires to protest such penalty assessment, such person shall request in writing a hearing from the City Manager within the same time period provided pursuant to Subsection 4-3-70(b) for payment of any amount due on the notice of deficiency. The request for hearing shall also set forth the facts which show that a violation of Section 42-6-137(2), C.R.S., did not occur. The City Manager shall issue a written decision affirming or withdrawing such penalty assessment within the same time period and in the same manner as provided pursuant to Section 4-3-70, after a hearing on a notice of deficiency. If the decision affirms the penalty assessment, such person shall pay such provided pursuant to Section 4-3-70 for payment of any amount due pursuant to a notice of deficiency.

(4) Such person may seek judicial review of the City Manager's decision pursuant to C.R.C.P. 106(a)(4). No such judicial review shall be available if a request for hearing was not timely made in the manner provided for in this Section.

(5) The City Manager may enforce collection of such penalty assessment in the same manner as provided for the collection of unpaid use taxes, penalties or interest.

(6) Nothing in this Article shall preclude the collection of any tax or fee provided by law, the collection of any penalties or interest thereon provided by law, or the imposition of any other civil or criminal penalty provided by law.



**(11) Sec. 4-3-310. Violations and penalty. (Chapter 4, Revenue and Finance; Article 3, Sales and Use Tax)**

(a) Violations. It is unlawful for any person to violate any of the provisions of this Article. Without limitation, it shall also be a violation of this Article for any retailer, vendor, consumer, purchaser or any other person subject to the tax levied by this Article to refuse to make any return provided to be made by this Article, to make any false or fraudulent return or any false statements in any return, to fail or refuse to make payment to the City Manager of any taxes collected or due the City, or in any manner to evade the collection and payment of the tax, or any part thereof, imposed by this Article, or for any person or purchaser to fail or refuse to pay such tax or evade the payment thereof, to aid or abet another in any attempt to evade the payment of the tax imposed by making a false return or a return containing a false statement, to fail or refuse to apply for a license, or to fail or refuse to pay the applicable licensing fees and penalties.

(b) Penalty. Any violation of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code.

(c) Separate violations. Each and every twenty-four-hour continuation of any violation shall constitute a distinct and separate offense.

(d) Personal liability. Any taxpayer, or person who executes any form or report required by this Article to be submitted to the City, shall be personally responsible for the payment of any taxes required under this Article. Additionally, any officer, director, partner, managing partner or manager of a taxpayer shall be personally liable for any violations under this Article.

**(12) Sec. 6-1-130. Enforcement and fines. (Chapter 6, Business Licenses and Regulations; Article 1, Business Licenses)**

(a) In the event of a violation of this Article, the City may suspend or revoke the license after the licensee has been given notice and hearing, substantially in accordance with Section 6-1-90 of this Article. A license may be summarily suspended for no more than thirty (30) days by the City Manager when required for the immediate protection of the public health, safety and welfare. A hearing shall be scheduled as soon as may be reasonably possible.

(b) The City may withhold issuance of a building permit and/or certificate of occupancy if a contractor, subcontractor or supplier which has worked or is working on the subject property has not obtained the necessary license from the City.

(c) When violations occur on job sites where a building permit is valid and effective, the Chief Building Official shall have full authority to issue a stop work order, to remain in effect until the contractor has complied with all rules and regulations set forth in this Article.

(d) Any person in violation of any requirements of this Article shall be guilty of a violation of this Article. This Article may be enforced in the Municipal Court, or any court of competent jurisdiction. Any person who violates the requirements of this Article may be fined up to three hundred dollars (\$300.00) per violation. Separate violations will be deemed to occur for each day that a violation exists. All remedies of the City and sanctions against a licensee, business and/or contractor, shall be cumulative.

(e) Failure to obtain a business license by the expiration date shall result in imposition of a license late fee.

**(13) Sec. 6-2-300. Suspension, revocation and fines. (Chapter 6, Business Licenses and Regulations; Article 2, Alcoholic Beverages)**

(a) The Authority shall have the power, upon its own motion or upon complaint and in accordance with the Code, to:

(1) Summarily suspend any City license for a period not to exceed fifteen (15) days.

(2) Upon notice to the licensee and public hearing at which all parties in interest shall have an opportunity to be heard, suspend any City license for a period not to exceed six (6) months or revoke the license.

(3) Accept payment of a fine in lieu of any suspension of fourteen (14) days or less.

....

(d) Whenever a decision of the Authority suspending a license or permit for fourteen (14) days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license or permit suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the licensee has not had his or her license or permit suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2)

years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license or permit.

(e) The fine accepted shall be the equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(1) Payment of any fine pursuant to the provisions of this Article shall be in the form of cash or in the form of a certified check or cashier's check made payable to the City of Castle Pines.

(2) Upon payment of the fine pursuant to this Article, the Authority shall enter its further order permanently staying the imposition of the suspension. The Authority shall cause such moneys from the fine to be paid into the general fund.

**(14) Sec. 6-3-310. Violation. (Chapter 6, Business Licenses and Regulations; Article 3, Sexually Oriented Business Licensing Program)**

(a) Any person who fails or refuses to obey or comply with or violates any of the provisions of this Article commits a municipal violation and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any officer for any such violation.

(b) Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an action for injunctive relief.

(c) All remedies and penalties provided for in this Article shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies to the full extent allowed by law.

**(15) Sec. 6-4-120. Penalty for violations. (Chapter 6, Business Licenses and Regulations; Article 4, Door-to-Door Solicitation)**

Any person who violates any provision of this Division commits a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.

**(16) Sec. 6-5-150. Enforcement and penalties. (Chapter 6, Business Licenses and Regulations; Article 5, Alarm Systems)**

Any act or omission in violation of any of the provisions of this Article shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) for each separate violation.

**(17) Sec. 7-1-30. Enforcement and penalties. (Chapter 7, Health, Sanitation and Animals; Article 1, Adoption of Douglas County Health Code)**

The following penalties for noncompliance with the code shall apply under this Article:

**(1) 996.002. Requiring the Registration of Persons who Engage in Door-to-Door Selling of Merchandise or Goods and the Delivery thereof:**

a. Section 10. Any person who violates any provision of this Article commits a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.

b. Section 14. All fines imposed and collected pursuant to this Article shall be paid into the general fund of the City.

**(2) 001-003. Prohibiting the Possession of Cigarettes and Tobacco Products by Minors:**

Section IV. Penalties and Enforcement: Violations of any provision of this Article shall be a misdemeanor, and the penalty for a violation of any provision of this Article shall be by a fine of not more than one thousand dollars (\$1,000.00). All fines shall be paid into the general fund of the City.

**(3) 002.001. Prohibiting Solicitation of Occupants of Vehicles in Roadways.**

Section IV. Penalties and Enforcement: Violations of any provision of this Article shall be a misdemeanor, and the penalty for a violation of any provision of this Article shall be by a fine of not more than one thousand dollars (\$1,000.00). All fines shall be paid into the general fund of the City.

**(4) 003-001. Restricting Open Fires and Open Burning in the City of Castle Pines:**

a. Section 9. Penalty for Violations. Any person who violates this Article from its effective date commits a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars

(\$1,000.00) for each separate violation, plus applicable surcharges of the City of Castle Pines Municipal Court.

b. Section 10. Penalty Assessment Procedure. The penalty assessment procedure of the City of Castle Pines Municipal Court may be followed by the arresting officer for any such violation of this Article. Pursuant to the penalty assessment procedure, the violator may pay a fine of not more than one thousand dollars (\$1,000.00), plus applicable surcharges of the City of Castle Pines Municipal Court.

c. Section 11. Disposition of Fines and Forfeitures. All fine and forfeitures for the violation of this Article shall be paid into the general fund of the City.

d. Section 12. Additional Remedies. The remedies provided in this Article shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including but not limited to prosecution under Section 18-13-109, C.R.S., or any other applicable statute, ordinance, rule, order or regulation.

(5) **117-001.** Imposing a Curfew for Minors who have not Reached Their Eighteenth Birthday: Making it Unlawful for any Parent, Guardian or Other Person having Legal Custody of Such Minor to Knowingly Allow or Permit Such Minor to Violate Said Curfew; Prescribing the Penalties for Violation Thereof; Providing for Enforcement; Providing for the Disposition of Fines; and Repealing All Ordinances and Resolutions in Conflict Therewith:

a. Section 3. Penalties for Violations. Any person who violates any provision of this Article commits a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.

b. Section 5. Disposition of fines. All fines imposed and collected pursuant to this ordinance shall be paid into the general fund of the City.

(6) **007-003.** Requiring the Removal of Snow and Ice from Sidewalks within 24 Hours of the Cessation of Snowfall, Rescinding and Replacing Ordinance O-977-006:

a. Section 6. Violation and Penalty. Any act or omission in violation of any of the provisions of this Article shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each separate violation. Abatement of any violation by the City after notice as provided in Section 7-1-40 of this Article shall not

preclude subsequent prosecution by the City for violation of Section 7-1-20 or 7-1-30 of this Article.

b. Section 8. Disposition of Fines. All fines imposed and collected pursuant to this Article shall be paid into the general fund of the City.

**(18) Sec. 7-2-170. Violations and penalties. (Chapter 7, Health, Sanitation and Animals; Article 2, Administration and Abatement of Nuisances)**

Any person who violates any of the provisions of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

**(19) Sec. 8-1-60. Violation; penalty. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)**

(a) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(b) Every person convicted of a violation of this Article or the Model Traffic Code shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

**(20) Sec. 8-2-60. Surcharges. (Chapter 8, Vehicles and Traffic; Article 2, Traffic)**

In addition to the fines and penalties prescribed in this Article, any person convicted of a violation of this Article shall be subject to the statutory surcharges of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund and twelve dollars (\$12.00) for the Colorado Traumatic Brain Injury Trust Fund. These surcharges shall be paid to the Clerk of the Court by each person convicted of violating this Article. The Clerk of the Court shall transmit the moneys to the respective funds in accordance with Section 30-15-402(2), C.R.S.

**(21) Sec. 8-3-30. Impoundment. (Chapter 8, Vehicles and Traffic; Article 3, Parking)**

(a) In addition to the penalties and procedures set forth hereinabove, the Sheriff, or any person acting under his or her direction, is authorized to impound vehicles by means of towing or installation of any immobilizing device or "boot" under the following circumstances:

(1) If the registered owner of said vehicle has been issued three (3) or more traffic or parking citations that remain outstanding. For purposes of this Article, *outstanding* shall mean that the owner has failed to pay the fine or penalty imposed under said citation by the date set forth in the citation and, without prior authorization failed to appear in court on the date set forth in this citation.

(2) If the vehicle has been abandoned on a public right-of-way. For purposes of this Article, a vehicle is deemed *abandoned* if it is inoperative (regardless of registration status) or if, after an abandoned vehicle notice has been placed on the vehicle requiring that it be moved, the vehicle has not been moved within seventy-two (72) hours.

(3) If the vehicle is illegally parked for any length of time:

- a. In a manner that obstructs any roadway or emergency access;
- b. In a fire zone or in front of a fire hydrant;
- c. In a manner that prevents any other vehicle from being able to move;
- d. In any area marked by appropriate signage as a tow-away zone; or
- e. In any other circumstance where the Sheriff or a person acting under his or her authority determines that it would be unsafe for the vehicle to remain illegally parked.

(b) The cost of recovering an impounded vehicle shall be the responsibility of the owner of the vehicle and shall be in addition to any other fines or penalties that may otherwise apply.

**(22) Sec. 10-2-50. Solicitation of occupant of vehicles in roadways; prohibited.  
(Chapter 10, General Offenses; Article 2, Streets and Public Places)**

(a) Scope and authority. This Section applies on all streets and roadways, whether obtained by dedication or prescriptive use, within the City, and prohibits persons from soliciting or attempting to solicit employment, business, sales or contributions of any kind, or to collect money for the same, from the occupant of any vehicle.

(b) Definitions. The following definitions apply to the interpretation and enforcement of this Section:

*Highway* means the entire width between the boundary lines of every street or road dedicated to or maintained by the City or the State when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declare to be a public highway by any law of this State.

*Median* means that portion of a roadway separating opposing traffic flows.

*Roadway* means that portion of a highway improved, designed and ordinarily used for vehicular travel and includes shoulders, medians and areas designated for travel by bicycles or pedestrians.

*Shoulder* means that portion of roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

(c) Prohibited acts. It shall be unlawful for any person to enter or remain in a roadway for the purpose of soliciting or attempting to solicit employment, business, sales or contributions of any kind, or to collect money for the same, from the occupant of any vehicle.

(d) Penalties and enforcement.

(1) Violations of any provision of this Section shall be a misdemeanor, and the penalty for a violation of any provision of this Section shall be a fine of not more than one thousand dollars (\$1,000.00). All fines shall be paid into the general fund of the City.

(2) It is the duty of the Sheriff's Office to enforce the provisions of this Section. The penalty assessment procedure of the Municipal Court shall be followed by the Sheriff's Office in enforcing the provisions of this Section, except where a violation of law not subject to the penalty assessment provisions of Section 16-2-201, C.R.S., is also charged.

(3) In addition to the penalty prescribed in this Section, the fine is subject to applicable surcharges imposed by the Municipal Court. This surcharge shall be paid to the Clerk of the Court by the defendant.

(4) The defendant shall also pay court costs and any applicable docket fees.

**(23) Sec. 10-3-50. Possession of cigarettes and tobacco products by minors.  
(Chapter 10, General Offenses; Article 3, Minors)**

(a) Scope and authority. This Section applies within the City, and prohibits the possession of cigarettes and tobacco products by minors.

(b) Definitions. The following definitions apply to the interpretation and enforcement of this Section:

*Cigarette or tobacco products* means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking.

*Minor* means a person under the age of eighteen (18) years.

(c) Minors prohibited from possessing cigarettes or tobacco products. No minor shall possess any cigarettes or tobacco products.



(d) Penalties and enforcement.

(1) Violations of any provision of this Section shall be a misdemeanor, and the penalty for a violation of any provision of this Section shall be a fine of not more than one thousand dollars (\$1,000.00). All fines shall be paid into the general fund of the City.

(2) It is the duty of the Sheriff's Department to enforce the provisions of this Section. The penalty assessment procedure of the Municipal Court, shall be followed by the Sheriff's Department in enforcing the provisions of this Section, except where a violation of law not subject to the penalty assessment provisions of Section 16-2-201, C.R.S., is also charged.

(3) In addition to the penalty prescribed in this Section, the fine is subject to applicable surcharges of the Municipal Court. This surcharge shall be paid to the Clerk of the Court by the defendant.

(4) The defendant shall also pay court costs and any applicable docket fees.

**(24) Sec. 10-5-10. Open fires and open burning. (Chapter 10, General Offenses; Article 5, Miscellaneous Offenses)**

(a) Purpose. The purpose of this Section is to preserve and protect the public health, safety and welfare of the citizens of the City by restricting open fires and open burning, and the sale of fireworks, in the City in order to prevent forest and grass fires when a high danger of such fires exists as a result of atmospheric conditions, including lack of moisture and other local conditions in the City.

....

(h) Penalty for violations. Any person who violates this Section from its effective date commits a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation, plus applicable surcharges of the Municipal Court.

(i) Penalty assessment procedure. The penalty assessment procedure of the Municipal Court shall be followed by the arresting officer for any such violation of this Section. Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of not more than one thousand dollars (\$1,000.00), plus applicable surcharges of the Municipal Court. If the penalty assessment procedure is not used and the alleged offender is found guilty, court costs may be assessed in addition to the fine.

(j) Disposition of fines and forfeitures. All fines and forfeitures for the violation of this Section shall be paid into the general fund of the City.

(k) Additional remedies. The remedies provided in this Section shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil,

which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, including but not limited to prosecution under Section 18-13-109, C.R.S., or any other applicable statute, ordinance, rule, order or regulation.

**(25) Sec. 11-1-20. Snow and ice removal required. (Chapter 11, Streets, Sidewalks and Public Property; Article 1, Streets and Sidewalks)**

(a) Definitions. Unless otherwise specified or the context otherwise requires, the following words shall have the following meaning throughout this Section:

....

(e) Applicability. This Section shall apply to all incorporated areas of the City.

(f) Violation and penalty. Any act or omission in violation of any of the provisions of this Section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each separate violation. Abatement of any violation by the City after notice as provided in Subsection (d) above shall not preclude subsequent prosecution by the City for violation of Subsection (b) or (c) above.

**(26) Sec. 11-3-30. Enforcement and penalties. (Chapter 11, Streets, Sidewalks and Public Property; Article 3, Roadway Design and Construction Standards)**

The following penalties for noncompliance with the Roadway Standards shall apply under this Article:

(1) Any failure to cancel a City inspection as required under Chapter 8 ("Roadway Inspection and Testing Procedures") will result in a penalty fee levied.

(2) For items required under Section 8.3 ("Roadway Subgrade Preparation") and Section 8.5 ("Aggregate Base Course"), should testing by the City indicate unsatisfactory work, the necessary reworking, compaction or replacement will be required prior to continuation of the paving process.

(3) For items required under Section 8.6 ("Cement Treated Aggregate Base Course"), should testing by the City indicate unsatisfactory work, necessary adjustments shall be required to be made to the pavement section to comply with original design strength requirements.

(4) For items required under Section 8.7 ("Plant Mix Hot Bituminous Pavement"), should testing by the City indicate unsatisfactory work, removal and

replacement or overlay work will be required as determined by the City Public Works Department.

(5) For items required under Section 8.8 ("Portland Cement Concrete"), should testing by the City indicate unsatisfactory work, removal and replacement or grinding will be required.

(6) For items required under Section 8.9 ("Other Materials"), should dust or contamination of prime or tack coats occur, brooming and reapplication shall be required.

(7) In accordance with Section 9.1, if a contractor makes a cut into new pavement which is not an emergency cut, the contractor or owner of the infrastructure shall be liable for additional costs as defined in Chapter 10.

(8) In accordance with Section 9.9 ("Maintenance Period"), the applicant shall be responsible for the condition of pavement patches and remedial backfill required as a result of any backfilling of any trench in the City right-of-way. The applicant/contractor shall be responsible for all repairs or replacement to meet applicable standards. The applicant/contractor shall also be responsible for all inspection costs of the City as set forth in the Douglas County Department of Public Works User Fee Manual.

(9) Any failure to cancel a City inspection, as required under Chapter 10 ("Permit Procedures and Bonding Requirements"), will result in a penalty fee levied.

(10) Section 10.1.9 is amended to read:

"Failure of an applicant to comply with any of the terms and conditions of a right-of-way permit or access permit shall be sufficient cause for cancellation of the permit and may result in removal of the utilities, approaches or other facilities by the City and applicant's expense."

(11) Section 10.1.11 is amended to read:

"If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees thereunder forfeited, unless a written extension of time is obtained from the City Public Works Department."

(12) The applicant shall pay required fees and provide insurance and bonding, if required, prior approval of the permit.

(13) Section 10.2.8 is amended to read:

"Repairs of damage caused to existing facilities as a result of work carried out under a valid permit shall be the responsibilities of the permittee."

(14) No refunds shall be made on any permit fee.

(15) Any permit determined to be without an adequate bond as required shall be subject to immediate revocation by the City.

(16) Section 10.7 ("Stop Work Orders") is amended to read:

"Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation who, without first having obtained a permit and/or who having made a cut in a public right-of-way which has settled, has failed or which has not been repaired in conformance with established City standards, shall be subject to a "Stop Work Order" issued by the City, whereupon that person, corporation or utility shall, except for emergency repair work, discontinue all work within public rights-of-way within the City until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made or the City reimbursed for its expenses. The City of Castle Pines may, on its own initiative, make required repairs and bill the responsible contractor. Minimum charge shall be a three-hundred-dollar (\$300.00) administrative charge, plus costs for labor, materials and equipment on a portal to portal basis."

(17) Section 10.11 ("Fees") is amended to read:

"10.11.1 Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. A copy of this fee schedule may be obtained from the Public Works Department of the City of Castle Pines."

"10.11.2 Any person or corporation commencing any work without prior valid written authorization shall be required to pay a penalty fee. The penalty fee shall be three (3) times the permit fee that would have otherwise been collected. The penalty fee includes the normal inspection fee."

(18) Section 10.12.4 ("Revocation of License") is amended to read:

"If it is found that work performed under the permit obtained by a licensed person is repeatedly substandard according to the requirements and specifications of the City, the City may call a hearing to determine if the license holder should:

- a. Retain his license;

- b. Be given a probationary period; or
- c. Have his license revoked.

A person's license cannot be revoked unless the Public Works Director of the City of Castle Pines determines that allowing the licensed person to continue to obtain permits and perform work on public property would be detrimental to the health, safety and welfare of the general public."

(19) Section 13.7 ("Unpermitted Access") is amended to read:

"Any access, driveway or curbcut which is constructed within the public right-of-way without an access permit issued by the City shall be subject to a 'Stop Work Order' and shall be removed immediately. Failure to remove the unpermitted access may result in the removal of said access by the City (the cost for removal shall be charged to the property owner from which the access originates). Failure to obey the 'Stop Work Order' may result in the prosecution of the violators."

(20) Additional Remedies. Any remedies provided for in this Article shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

**(27) Sec. 11-4-30. Penalties. (Chapter 11, Streets, Sidewalks and Public Property; Article 4, Excavations)**

Any person convicted of violating the provisions of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

**(28) Sec. 18-6-30. Amendments. (Chapter 18, Building Regulations; Article 6, Fire Code)**

Additions, deletions and amendments to the International Fire Code are hereby adopted as follows:

....

(5) Section 109.3, Violation penalty, is hereby amended to read in full as follows:

"Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as specified in Chapter 18, Article 10 of the Castle Pines Municipal Code."

....

**(29) Sec. 18-8-20. Violation and penalty. (Chapter 18, Building Regulations; Article 8, Energy Conservation Code)**

Any violation of the International Energy Conservation Code as adopted by the City will be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each day that the International Energy Conservation Code is violated shall be considered a separate offense and violation.

**(30) Sec. 18-10-20. Penalty. (Chapter 18, Building Regulations; Article 10, Enforcement and Penalties)**

Any person who violates any provision of this Chapter, or any landowner who allows the use of his or her land by another in violation of this Chapter, shall, upon conviction, be fined an amount not to exceed one thousand dollars (\$1,000.00) for each such violation, such fine to inure to the City, or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and such person shall be punished accordingly.

**Section 7.** Additions or amendments to the Code, when passed in the form as to indicate the intention of the City to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**Section 8.** Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

**Section 9.** This Ordinance is necessary for the preservation of the public peace, health, and safety.

**Section 10.** This Ordinance shall become effective thirty (30) days following final adoption and publication pursuant to C.R.S. § 31-16-105.

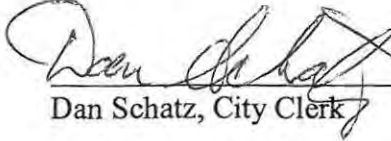
**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 13<sup>th</sup> day of March, 2012.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 10<sup>th</sup> day of April, 2012.**


**CITY OF CASTLE PINES:**

  
\_\_\_\_\_  
Jeffrey T. Huff, Mayor

ATTEST:

  
\_\_\_\_\_  
Dan Schatz, City Clerk

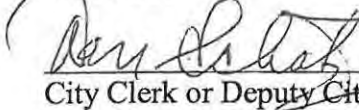
Approved as to form:

  
\_\_\_\_\_  
Linda C. Michow, City Attorney

**CERTIFICATION OF PUBLICATION**

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on March 13, 2012; published by reference by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on April 10, 2012 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on April 19, 2012.

ATTEST:

  
\_\_\_\_\_  
City Clerk or Deputy City Clerk