

**ORDINANCE NO. 19-05**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**  
**CASTLE PINES, COLORADO, AMENDING CHAPTERS 1 AND 2 OF THE**  
**MUNICIPAL CODE TO CONFORM WITH THE CITY'S HOME RULE**  
**CHARTER ADOPTED BY THE VOTERS OF CASTLE PINES AT THE**  
**SPECIAL ELECTION HELD ON MAY 14, 2019**

**WHEREAS**, on May 14, 2019, electors of the City of Castle Pines ("City") voted to approve the City Home Rule Charter ("Charter"); and

**WHEREAS**, the Charter is the controlling document for the City, and any inconsistencies in the City Municipal Code ("Code") must be revised; and

**WHEREAS**, the City Council desires therefore to amend Chapter 1, General Provisions and Chapter 2, Administration, Articles 1-7 of the Code ("Amendments"), for the purpose of both consistency with the Charter and to eliminate outdated references and redundancies in the Code; and

**WHEREAS**, the City Council finds that the Amendments advance the public health, safety, convenience and general welfare of the residents of the City.

**THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS:**

**Section 1.** Section 1-1-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-1-10. – Adoption of Code.**

The published code known as the *Castle Pines Municipal Code*, ~~published by Colorado Code Publishing Company~~, of which one (1) copy is now on file in the office of the City Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been promulgated by the City of Castle Pines, Colorado, as a codification of all the ordinances of the City of Castle Pines of a general and permanent nature ~~through Ordinance No. 12~~, 2012, ~~for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the City.~~

**Section 2.** Section 1-1-40 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-1-40. – Adoption of secondary codes by reference.**

Secondary codes may be adopted by reference, as provided by ~~state law~~ *the Charter*.

**Section 3.** Section 1-1-80 of the Code, titled "Changes in previously adopted ordinances" is hereby repealed in its entirety.

**Section 4.** Section 1-1-90 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-1-~~90~~0. – Establishment of fees.**

~~All specific fees set out in this Code may be amended by a resolution adopted by the City Council. In adopting any new City-imposed fee or changing the amount of any existing City-imposed fee for any service rendered by the City (excluding franchise fees), the City Council shall determine the amount of such fee by resolution based on the direct and indirect costs incurred by the City in providing the service for which the fee is charged, in accordance with the Charter.~~

**Section 5.** Section 1-2-10 of the Code, titled “Definitions,” is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined, with the remaining definitions of Section 1-2-10 to remain in full and effect.

*City* means the City of Castle Pines, Colorado, or the area within the territorial limits of the City of Castle Pines, Colorado, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision, or by virtue of its Charter.

*Charter* means the City of Castle Pines Home Rule Charter, as adopted by the electors on May 14, 2019 and as may be amended pursuant to its terms.

*Final publication* means publication of an ordinance in accordance with Section 1-3-40(b) of this Code, as required by the Charter.

*Law* denotes applicable federal law, the Constitution and statutes of the State of Colorado, the Charter, the ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

**Section 6.** Section 1-3-30 of the Code, titled “Prohibited acts,” is hereby repealed in its entirety.

**Section 7.** Section 1-3-40 of the Code, titled “Purpose of Code,” is hereby repealed in its entirety.

**Section 8.** Section 1-3-50 of the Code, titled “Repeal of ordinances,” is hereby renumbered as Section 1-3-30.

**Section 9.** Section 1-3-60 of the Code is repealed in its entirety and replaced as follows.

**Sec. 1-3-40. - Passage of ordinances.**

- (a) City Council shall conduct two readings for all ordinances in accordance with the Charter, except as otherwise provided in the Charter and subsection (c). After first reading by City Council, if passed, all ordinances shall be published by title only in a newspaper of general circulation in the City. Such publication shall include a statement that the complete text of the ordinances is available through the City Clerk's office and on the City's official website and shall provide notice of second reading and public hearing of the ordinance, including date, time and location of the hearing.

- (b) Ordinances approved on second reading shall not take effect until thirty (30) days after publication on the City's official website and posting at the City Clerk's office, which publication shall constitute "final publication" for purposes of Section 6.5 the Charter.
- (c) Emergency Ordinances. Ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety and containing the reasons making the same necessary in a separate section shall be effective pursuant to this subsection (c). Such ordinances shall take effect immediately upon their final passage and adoption after one reading by the City Council if they are adopted by an affirmative vote of three-fourths (¾) of the members of the City Council present. Upon adoption of an emergency ordinance, City Council shall provide the public an opportunity for public comment on the emergency ordinance during a regular or special meeting in accordance with Section 6.6 of the Charter.

**Section 10.** Section 1-3-70 of the Code, titled "Amendments to Code," is hereby repealed in its entirety.

**Section 11.** Section 1-3-80 of the Code, titled "Supplementation of Code," is hereby repealed in its entirety.

**Section 12.** Section 1-3-90 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-3-~~90~~50.** - Copy of Code on file.

- (a) At least one (1) copy of this Code so certified and sealed most recently shall be kept in the office of the City Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, ~~but may not be removed from the City Clerk's office except upon proper order of a court of law.~~
- (b) The copy of this Code as originally adopted or amended shall constitute the permanent and general ordinances of the City and shall be so accepted by the courts of law, administrative tribunals and all others concerned.

**Section 13.** Section 1-3-100 of the Code, titled "Sale of Code books," is hereby repealed in its entirety.

**Section 14.** Section 1-3-110 of the Code, titled "Severability," is hereby repealed in its entirety.

**Section 15.** Section 1-4-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-4-10.** – Violations *and Unlawful Acts.*

- (a) It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code.

(b) 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.

(c) Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful.

**Section 16.** Section 1-4-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 1-4-20. – General penalty for violation.**

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 two thousand six hundred fifty dollars (\$2,650.00) or by imprisonment not exceed ~~one (1) year~~ *three hundred sixty-four (364) days*, 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.

**Section 17.** Section 1-4-40 of the Code, titled “Altering or tampering with Code; penalty,” is hereby repealed in its entirety.

**Section 18.** Section 1-4-50 of the Code, titled “Penalty for violations of ordinances adopted after adoption of Code,” is hereby repealed in its entirety.

**Section 19.** Section 1-4-60 of the Code, titled “Interpretation of unlawful acts,” is hereby repealed in its entirety.

**Section 20.** Section 2-2-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-2-10. - City Council; terms, authority, qualifications and vacancies.**

(a) Terms. In accordance with ~~Section 31-4-107(3), C.R.S.~~ *the Charter*, the term of office of each Council Member shall be four (4) years, ~~in accordance with and subject to the following:~~

~~(1) At the November 3, 2009 regular election, the City Council candidate receiving the most votes in each City Council Ward shall be elected to a four-year term.~~

~~(2) At the November 3, 2009 regular election, the City Council candidate receiving the second most votes in each City Council Ward shall be elected to a two-year term, and at the November 1, 2011 regular election and every four (4) years thereafter, such City Council office shall be a four-year term.~~

(b) Authority. The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute *and the Charter*, to

exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

- (c) ~~Qualifications. Each Council Member shall be a resident of the City and a registered elector who has resided within the City limits for a period of at least twelve (12) consecutive months one (1) year immediately preceding the date of the election or appointment, subject to applicable Charter provisions. However, in case of annexation of property, any person who has resided within the annexed territory for the time prescribed in this Subsection shall be deemed to have met the residence requirements for the City.~~
- (d) ~~Removal from office. By a majority vote of all members of the City Council, the Mayor or any Council Member may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the City limits. When any officer ceases to reside within the City limits, he or she may be removed from office pursuant to this Subsection.~~
- (~~e~~) ~~Vacancies. In case of the death, resignation, vacation or removal of any of the Council Members during his or her term of office, the City Council, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the City, a suitable person to fill the vacancy. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where vacancies exist in the offices of Council Member and successors are to be elected at the next election to fill the unexpired terms, the three (3) candidates for Council Member receiving the highest number of votes shall be elected to four year terms, and the candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired terms. If a vacancy occurs in accordance with Section 2.8 of the Charter, the City Council may fill such vacancy by the process provided therein.~~
- (~~f~~) ~~Commencing with the November 3, 2009 regular election and every regular election thereafter, and in accordance with Section 31-4-105, C.R.S., the terms of office for City elected officers shall commence on the first Monday after the first Tuesday in January following their election. The term of office for each Council member and Mayor shall, in accordance with the Charter, commence upon their taking the oath of office at the first regular meeting of the City Council in the January following the election and shall continue during the term for which they shall have been elected until the terms of office of their successors have commenced.~~

**Section 21.** Section 2-2-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-2-20. - Mayor.**

- (a) The Mayor shall be elected to serve a term of four (4) years, in accordance with the same Charter provisions applicable to Council members. The Mayor shall meet the same qualifications as a Council Member and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Council Member, as set forth in Section 2-2-10 above and in accordance with the Charter.
- (b) The Mayor shall preside over all meetings of the City Council and shall be recognized as the head of the City ~~shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial, dignitary and legal purposes, the Mayor shall be the executive head of the City.~~
- (c) The Mayor shall execute and authenticate all legal instruments by his or her signature ~~all bonds, warrants, contracts and instruments of and concerning the business of the City, as required by the Council Members, Charter or other lawany statutes or ordinances may require.~~
- (d) ~~Except as may be required by statute, the~~ The Mayor shall exercise only such powers as the Charter Council Members or ordinances shall specifically confer upon him or her. The Mayor shall have all the powers, rights and privileges of a Council member in accordance with the Charter.

**Section 22.** Section 2-2-30 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-2-30. – Mayor Pro Tem.**

At its first meeting following each biennial election, the City Council shall choose one (1) of the Council Members as Mayor Pro Tem in accordance with Section 2.6 of the Charter. In the absence or disability of the Mayor ~~from any meeting of the City Council, during the absence of the Mayor from the City or during the inability of the Mayor to act,~~ the Mayor Pro Tem shall perform the duties of the Mayor and shall have the powers and and duties of the Mayor, as well as the powers, rights and privileges of a Council member, in accordance with the Charter.

**Section 23.** Section 2-2-60 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-2-60. – Regular meetings.**

The City Council shall meet regularly at least once each month at a day, hour and place to be fixed by City Council ~~resolution~~ by the procedures and rules of order of City Council.

**Section 24.** Section 2-2-70 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-2-70. – Special meetings.**

Special meetings of the City Council shall be called by the City Clerk with at least twenty-four (24) hours' notice to each member of the City Council and to the public. Special meetings

*shall be called and held in accordance with the Charter, the procedures and rules of order of City Council and Colorado Open Meetings Law, as may be amended from time to time.*

~~(a) The Mayor and any three (3) members of the City Council may call special meetings by written notice to each member of the City Council, personally served or left at the member's usual place of residence by the City Clerk, at least forty eight (48) hours in advance of the meeting.~~

~~(b) The City Council at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the City Council not in attendance.~~

**Section 25.** Section 2-2-80 of the Code, titled "Posting notice of public meetings," is hereby repealed in its entirety.

**Section 26.** Section 2-2-90 of the Code, titled "Boards and commissions," is hereby repealed in its entirety.

**Section 27.** Section 2-3-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-3-10. – Appointed officers.**

(a) The following officers of the City may be appointed by a majority vote of all the members of the City Council, *in accordance with the Charter*:

- (1) City Manager;
- (2) City Attorney; and
- (3) Municipal Judge.

(b) Said officer shall hold their respective offices in accordance with the terms of their respective contract. ~~Vacancies shall be filled by appointment of the City Council.~~

**Section 28.** Section 2-3-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-3-20. – Powers and duties of officers.**

Appointed officers of the City shall have such powers and perform such duties as ~~are now or hereafter may be~~ prescribed by *the Charter state law*, by contract and the ordinances of the City. *Appointed officers* shall further perform any additional duties required by ~~the~~ City Council.

**Section 29.** Section 2-3-30 of the Code, titled "Oath of office; bond," is hereby repealed in its entirety.

**Section 30.** Section 2-3-40 of the Code, titled "City Treasurer," is hereby repealed in its entirety.

**Section 31.** Section 2-3-50 of the Code, titled "City Clerk," is hereby repealed in its entirety.

**Section 32.** Section 2-3-60 of the Code, titled “City Clerk; duties; City seal,” is hereby repealed in its entirety.

**Section 33.** Section 2-3-70 of the Code is hereby repealed in its entirety and replaced as follows.

**Sec. 2-3-30. - City Manager.**

- (a) The City Manager shall be the chief administrative officer of the City and shall be responsible to and report directly to the City Council on the proper administration of all affairs of the City in accordance with Article VII of the Charter.
- (b) Appointment and compensation. The City Manager shall be appointed by the City Council and shall serve for an indefinite term. The City Manager shall be selected on the basis of demonstrated executive and administrative qualifications, with special preference given to the candidate's experience and training. The City Manager shall receive such compensation as negotiated by contract and agreed to by the City Council and the City Manager. In the absence of a City Manager, the City Council may appoint an individual to serve as Interim City Manager.
- (c) Powers and duties. The City Manager shall have the powers, duties and responsibilities specified in Article VII of the Charter and as may further be provided by ordinance or by direction of the Council, including but not limited to:
  - (1) Enforcing or supervising enforcement of all laws of the City.
  - (2) Hiring and supervising personnel, overseeing all aspects of City functions and activities, servicing contracts and departments that report to the City Manager, including purchases as authorized on behalf of the City and representing the City in dealings with other agencies and entities.
  - (3) Performing or supervising the performance of budget-related duties, accounting duties, financial and risk planning, reporting and management.
  - (4) Reporting regularly to the City Council on the functioning of all City department, services, activities, performance measures and financial matters, including developing personnel policies and a compensation plan, to be approved by the City Council, and administration of the same.
  - (5) Developing a plan for City Council approval, which outlines the efficient operation of City business in instances where the City Manager may be temporarily unavailable due to illness or incapacity.
  - (6) Attending all meetings of the City Council, participating therein in an advisory capacity and making such recommendations to the City Council as he or she may deem necessary or expedient.
  - (7) Hiring or retaining a chief financial officer who shall perform such duties as may be prescribed by the City Manager.
  - (8) Hiring or retaining a City Clerk who shall perform such duties as may be prescribed by the City Manager.
  - (9) Appointing a Clerk of the Municipal Court.



(10) Performing such other duties as may be prescribed by ordinance, resolution or direction of the City Council.

**Section 34.** Section 2-4-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-10. - Created.**

There is hereby created and established a qualified Municipal Court of record as set forth in ~~Section 13-10-102(3), C.R.S.~~ *Article VIII of the Charter*. The presiding Municipal Judge shall provide for the making of a verbatim record of all Municipal Court proceedings by either an electronic device or stenographic means. The Municipal Court shall abide by all rules of Court set forth by the Supreme Court of the State and the statutes enacted by the General Assembly of the State of Colorado.

**Section 35.** Section 2-4-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-20. – Jurisdiction.**

The Municipal Court shall have original jurisdiction over all cases arising under the *Charter and ordinances* of the City.

**Section 36.** Subsection (a) of Section 2-4-30 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-30. – Municipal Judge.**

(a) Appointment. In accordance with Section 13-10-105(1)(a), C.R.S. *and the City Charter*, biennially, commencing in January 2010, the City Council, by resolution, shall appoint a presiding Municipal Judge for a two-year term of office. ~~The term shall expire at the first regular City Council meeting in January of each even-numbered year. Any appointment of a Municipal Judge prior to January 2010, shall be for an interim period.~~

**Section 37.** Section 2-4-40 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-40. – Removal of Judge.**

The Municipal Judge may be removed by *majority vote of City Council*. ~~the City Council during his or her term of office only for cause. The Municipal Judge may be removed for cause for:~~

- ~~(1) Conviction of a felony or any other crime involving moral turpitude;~~
- ~~(2) Any disability that renders the Municipal Judge unable to perform the essential job functions;~~
- ~~(3) Willful or persistent failure to perform his or her duties; or~~
- ~~(4) Being a habitual intemperate.~~

**Section 38.** Section 2-4-50 of the Code, titled "Municipal Court Clerk," is hereby repealed in its entirety and replaced to read as follows.

**Sec. 2-4-50. – Municipal Court Clerk.**

The City will provide the municipal court with a municipal court clerk to assist in matters of the court.

**Section 39.** Section 2-4-110 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-110. – Applicable statutes.**

Except as modified by ordinance of the City Council, the Municipal Court shall be governed by the Charter and applicable statutes of the State as amended and modified from time to time.

**Section 40.** Section 2-4-150 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-150. - Court costs.**

The Municipal Court is empowered, in its discretion, to assess ~~the following~~ certain 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 applicable~~ fees and costs as applicable; as provided in the fee schedule set forth by resolution of the City Council, which shall include: court costs, witness fees, bench warrant fees, probationary and other service fees, jail costs, late fees/time payment fees, and surcharges.

- ~~(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) 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.~~

**Section 41.** Section 2-4-200 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-4-200. – Appeals.**

- (a) Appeals from the Municipal Court shall be to the Douglas County District Court.
- (b) For all appeals in the Municipal Court to the Douglas County District Court, the Municipal Court Clerk shall require a transcript deposit according to the following fee schedule set forth by resolution of the City Council:
  - ~~(1) One hundred fifty dollar transcript deposit for a trial to the Municipal Court; and~~
  - ~~(2) Two hundred dollar transcript deposit for a trial to a jury.~~

The Municipal Court Clerk shall charge the transcript preparation fee and photocopy cost prescribed by the Supreme Court of Colorado. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of the transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the Municipal Court Clerk. If the preparation cost of the transcript is more than the transcript deposit, the Municipal Court Clerk shall require the requesting party to pay the additional cost to prepare the transcript. The Municipal Judge may waive the transcript deposit and the transcript preparation cost in instances of proven indigence.

**Section 42.** Section 2-6-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-6-20. – Composition and appointments.**

The Board shall consist of ~~five (5)~~ seven (7) members with ~~one (1) alternate member~~, each to serve for a three-year term; except that ~~the terms of three (3) members first appointed shall be three (3) years and two (2) members shall be two (2) years~~ such terms shall be staggered so that no more than three (3) terms end in any given year. Members of the Board shall be residents of the City and shall be appointed at large. Members of the Board shall not be members of the City Council. Members of the Board may serve individually or collectively on the Planning ~~and Zoning~~ Commission. Board members may be paid a meeting stipend subject to and as set by City Council resolution. The Board shall adopt bylaws and rules of procedure, based on those in effect for the City Council, to govern its responsibilities of

officers, procedures and rules for meetings and public hearings, requirements for applications for consideration, requirements for resubmittal of applications, if desired, and other internal operations, all in accordance with applicable state statutes and this Section.

**Section 43.** Section 2-6-40 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-6-40. – Removal.**

Members of the Board may be removed by majority vote of the City Council ~~for nonperformance of duty or misconduct upon presentation of written charges after a hearing. Failure to attend regular meetings on a consistent basis may be considered cause for removal.~~

**Section 44.** Section 2-7-10 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-7-10. – Establishment and powers.**

There is hereby established a Planning ~~and Zoning~~ Commission to review all land use applications and make formal recommendations to the City Council, in accordance with this Article and with any other applicable law ~~the powers and duties established in Title 31, Article 23, Parts 2 and 3, C.R.S. The Planning and Zoning Commission may be referred to herein as the "Commission" or the "Planning Commission."~~

**Section 45.** Section 2-7-20 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-7-20. – Composition and appointments.**

The Commission shall consist of ~~five (5)~~ seven (7) members ~~with one (1) alternate member,~~ each to serve for a three-year term; except that ~~the terms of three (3) members first appointed shall be three (3) years and two (2) members shall be two (2) years such terms shall be staggered so that no more than three (3) terms end in any given year.~~ Members of the Commission shall be residents of the City and shall be appointed at large. Members of the Commission shall not be members of the City Council. Members of the Commission may serve individually or collectively on the Board of Adjustment. Commission members may be paid a meeting stipend subject to and as set by City Council resolution. The Commission may adopt bylaws and rules of procedure, based on those in effect for the City Council, to govern its responsibilities of officers, procedures and rules for meetings and public hearings, requirements for applications for consideration, requirements for resubmittal of applications, if desired, and other internal operations, all in accordance with applicable state statutes and this Section.

**Section 46.** Section 2-7-40 of the Code is amended as follows, with portions to be removed struck through and portions to be added italicized and underlined.

**Sec. 2-7-40. – Removal.**

Members of the Commission may be removed by majority vote of the City Council ~~for nonperformance of duty or misconduct upon presentation of written charges after a hearing.~~

~~Failure to attend regular meetings on a consistent basis may be considered cause for removal.~~

**Section 47.** Every reference in Chapters 1 and 2 of the Code to “Council Member” is hereby replaced with “Council member”.

**Section 48.** Every reference in Chapters 1 and 2 of the Code to “he” or “she” is hereby replaced with “they” or “them” as applicable.

**Section 49.** Every reference in Chapters 1 and 2 of the Code to “his” or “her” is hereby replaced with “their”.

**Section 50. Severability.** Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

**Section 51. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 52. Repeal of Previous Ordinances.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 53. Codification Amendments.** The codifier of the City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

**Section 54. Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

**Section 55. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, the 25th day of JUNE, 2019.**

**READ, PASSED, AND ADOPTED ON SECOND READING WITH AMENDMENTS, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 9th day of JULY, 2019.**



DocuSigned by:  
*Tera Stave Radloff*  
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Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:  
*Tobi Basile*  
AD09A5B02032499...  
Tobi Basile, City Clerk

Approved as to form:

DocuSigned by:  
*Linda C. Michow*  
3241DE09B8FF441...  
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 on June 25, 2019; published 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 July 9, 2019, following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on July 18, 2019.

ATTEST:

DocuSigned by:  
*Tobi Basile*  
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City Clerk