

**ORDINANCE NO. 18-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AMENDING VARIOUS SECTIONS OF THE CASTLE PINES MUNICIPAL CODE REGARDING THE PENALTIES PERMITTED UNDER STATE LAW**

**WHEREAS**, the City of Castle Pines is a statutory municipality organized pursuant to Article 4 of Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the City is authorized pursuant to Section 31-15-401, C.R.S., to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants; and

**WHEREAS**, the Colorado General Assembly amended the Colorado Revised Statutes to allow fines for violations of municipal ordinances of up to two thousand six hundred fifty dollars (\$2,650.00) under Sections 13-10-113 and 31-16-101, C.R.S.; and

**WHEREAS**, the Castle Pines Municipal Code (“Municipal Code”) currently includes the outdated maximum fine of one thousand dollars (\$1,000.00) or other fine amounts that do not reflect current state law; and

**WHEREAS**, passage of the state legislation warrants amendments to the fines permitted by the Municipal Code, and the City Council desires to adopt such code revisions in the interest of the public health, safety, and welfare.

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

**Section 1.** Section 1-4-20, entitled “General penalty for violation”, of Chapter 1 of the Municipal Code (General Provisions) is hereby amended to read in full as follows, with additions shown in underline and deletions shown in strikethrough:

**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 ~~one thousand dollars (\$1,000.00)~~ two thousand six hundred fifty dollars (\$2,650) 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.

**Section 2.** Section 1-4-30, entitled “Application of penalties to juveniles”, of Chapter 1 of the Municipal Code (General Provisions) is hereby amended to read in full as follows, with additions shown in underline and deletions shown in strikethrough:

**Sec. 1-4-30. - Application of penalties to juveniles.**

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)~~ two thousand six hundred fifty dollars (\$2,650) 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.

**Section 3.** Subsection (d) of Section 6-1-130, entitled “Enforcement and fines”, of Chapter 6 of the Municipal Code (Business Licenses and Regulations) is hereby amended to read in full as follows, with additions shown in underline and deletions shown in strikethrough:

**Sec. 6-1-130. - Enforcement ~~and~~ fines.**

(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.~~

**Section 4.** Subsection (a) of Section 6-3-310, entitled “Violation”, of Chapter 6 of the Municipal Code (Business Licenses and Regulations) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 6-3-310. - Violation.**

(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.~~

**Section 5.** Section 6-4-120, entitled “Penalty for violations”, of Chapter 6 of the Municipal Code (Business Licenses and Regulations) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 6-4-120. - Penalty for ~~v~~Violations.**

Any person who violates any provision of this Division commits a municipal violation ~~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.~~

**Section 6.** Section 6-5-30, entitled “Penalties”, of Chapter 6 of the Municipal Code (Business Licenses and Regulations) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 6-5-30. - Penalties.**

Any act or omission in violation of any of the provisions of this Article or of the Douglas County Alarm Ordinance adopted by reference hereby shall be punishable by a fine ~~not to exceed two hundred fifty dollars (\$250.00) for each separate violation upon conviction thereof~~ as provided for in Section 1-4-20 of this Code.

**Section 7.** Section 6-6-70, entitled “Penalty”, of Chapter 6 of the Municipal Code (Business Licenses and Regulations) is hereby deleted in its entirety and replaced with the following section heading:

**Sec. 6-6-70. - Reserved.**

**Section 8.** Subsection (15) of Section 7-1-20, entitled “Amendments to code”, of Chapter 7 of the Municipal Code (Health, Sanitation and Animals) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 7-1-20. - Amendments to code.**

(15) All references to a specific dollar amount for any fine established under the Code shall mean "a fine of not more than one thousand dollars (\$1,000.00)," ~~as a fine as provided in Section 1-4-20 of this Code,~~ authorized by Section 31-16-101(1), C.R.S.

**Section 9.** Section 7-1-30, entitled “Enforcement and penalties”, of Chapter 7 of the Municipal Code (Health, Sanitation and Animals) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 7-1-30. - Enforcement and penalties.**

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 municipal violation ~~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~~ as provided in Section 1-4-20 of this Code.
- 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 municipal violation ~~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)~~ as provided in Section 1-4-20 of this Code. 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 municipal violation ~~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)~~ as provided in Section 1-4-20 of this Code. All fines shall be paid into the general fund of the City.

(4) **003-001 Restricting Open Fires and Open Burning in the Unincorporated Areas of Douglas County:**

- a. Section 9. Penalty for Violations. Any person who violates this Article from its effective date commits a municipal violation ~~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 as provided in Section 1-4-20 of this Code, 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)~~ as provided in Section 1-4-20 of this Code, plus applicable surcharges of the City of Castle Pines Municipal Court.
- c. Section 11. Disposition of Fines and Forfeitures. All fines 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 municipal violation ~~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 as provided in Section 1-4-20 of this Code.

- 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 municipal violation ~~misdemeanor~~ and, upon conviction thereof, shall be punishable ~~by a fine not to exceed one thousand dollars (\$1,000.00)~~ for each separate violation as provided in Section 1-4-20 of this Code. 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.

**Section 10.** Subsection (5) of Section 7-7-20, entitled “Additions, deletions and amendments”, of Chapter 7 of the Municipal Code (Health, Sanitation and Animals) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 7-7-20. - Additions, deletions and amendments.**

"(3) Any person convicted of a violation of this Section 1.06 shall be fined not less than Two Hundred Fifty Dollars (\$250.00) and not more than ~~One Thousand Dollars (\$1000.00)~~ the maximum fine set forth in Section 1-4-20 of this Code, or imprisoned in the County jail for not less than three (3) months and not more than twelve (12) months or both.

**Section 11.** Subsection (2) of Section 8-1-40, entitled “Violation and penalties”, of Chapter 8 of the Municipal Code (Vehicles and Traffic) is hereby amended to read in full as follows, with additions in underline and deletions in strikethrough:

**Sec. 8-1-40. - Violation and penalties.**

(2) Every person convicted of a violation of any provision of this Article shall 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, pursuant to and in the City's Fine and Penalty Schedule as provided in Section 1-4-20 of this Code., as the same may be amended from time to time.~~

**Section 12.** Subsections (h)-(k) of Section 10-5-10, entitled “Open fires and open burning”, of Chapter 10 of the Municipal Code (General Offenses) are hereby amended as follows, with additions in underline and deletions in strikethrough:

**Sec. 10-5-10. - Open fires and open burning.**

~~(h) Penalty for violations. Any person who violates this Section from its effective date commits a misdemeanor under Section 30-15-402(1), C.R.S., 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 a surcharge of ten dollars (\$10.00) under Section 30-15-402(2), C.R.S. Any person who violates this Section commits a misdemeanor under Section 30-15-402(1), C.R.S., as amended by House Bill 96-1117, and, upon conviction thereof, shall be punished by a fine of not more than six hundred dollars (\$600.00) for each separate violation, plus a surcharge of ten dollars (\$10.00) under Section 30-15-402(2), C.R.S.~~

- ~~(i) Penalty assessment procedure. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may 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 one thousand dollars (\$1,000.00), plus a ten-dollar surcharge. 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 to the City Treasury.~~
- ~~(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.~~

**Section 13.** Subsection (d) of Section 11-5-60, entitled “Enforcement and Penalty”, of Chapter 11 of the Municipal Code (Streets, Sidewalks and Public Property) is hereby amended as follows, with additions in underline and deletions in strikethrough:

**Sec. 11-5-60. - Enforcement and penalty.**

- ~~(d) Any person convicted of a violation of any provision of this Article shall be punished by a fine and/or imprisonment in accordance with Chapter 2, Article 4 of this Code.~~

**Section 14.** Subsection (d) of Section 11-7-130, entitled “Violations and penalty”, of Chapter 11 of the Municipal Code (Streets, Sidewalks and Public Property) is hereby amended as follows, with additions in underline and deletions in strikethrough:

**Sec. 11-7-130. - Violations and penalty.**

- ~~(d) Any person who violates this Article VII, upon conviction thereof, shall be punished in accordance with Section 1-4 of this Code.~~

**Section 15.** Section 18-9-40, entitled “Violation and penalties”, of Chapter 18 of the Municipal Code (Building Regulations) is hereby amended as follows, with additions in underline and deletions in strikethrough:

**Sec. 18-9-40. - Penalties for violation of International Existing Building Code.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. In addition to other sanctions set forth in the IEBC, a person or entity that violates the IEBC may be fined in an amount ~~not to exceed one thousand dollars (\$1,000.00) or imprisoned for a term not to exceed one (1) year,~~

~~or both such fine and imprisonment, as more fully set forth in Article 4 of Chapter 1 of the Municipal Code punished as provided in Section 1-4-20 of this Code.~~

**Section 16. Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 17. Codification Amendments.** The codifier of the City's Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

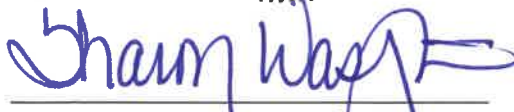
**Section 18. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption, unless it is adopted as an emergency ordinance, in which event it shall be effective immediately upon adoption.

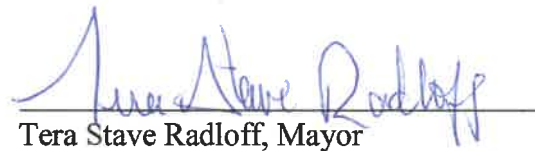
**INTRODUCED, READ, AND PASSED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 8TH DAY OF MAY 2018.**

**READ, PASSED, AND ADOPTED ON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 22<sup>nd</sup> DAY OF MAY, 2018.**



ATTEST:

  
Sharon Washington, CMC, City Clerk

  
Tera Stave Radloff, Mayor

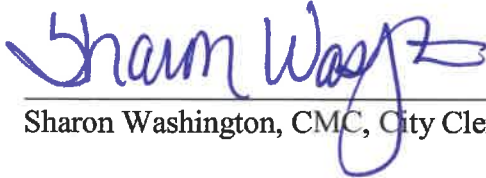
Approved as to form:

  
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 noticed public meeting of the Castle Pines City Council on May 8, 2018; 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 May 22, 2018 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 May 31, 2018.

ATTEST:

  
Sharon Washington, CMC, City Clerk