

ORDINANCE NO. 19-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO AMENDING CHAPTER 7 OF THE
MUNICIPAL CODE TO ADD A NEW SECTION 7-3-140 ADDRESSING
CONSTRUCTION HOURS**

WHEREAS, the City of Castle Pines, as a home rule municipality, is authorized to regulate building and construction activity within the City; and

WHEREAS, the City currently regulates permissible construction hours through the issuance of building permits and conditions thereon; and

WHEREAS, the City Council desires to codify permissible construction hours to provide consistency and predictability throughout the City.

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

Section 1. Chapter 7 of the Municipal Code is amended to add a new Section 7-3-140 to read in full as follows:

Sec. 7-3-140. Permissible Construction times.

(a) For purposes of this Section, and unless the context clearly indicates otherwise, certain terms and words used herein shall be interpreted as follows:

City holidays mean New Year's Day; Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve and Christmas Day.

Construction activity means any activity, relating but not limited to, operating or permitting the operation of any tools or equipment in connection with the erection, fabrication, installation, alteration, excavation or demolition of any structure, facility or addition thereto. Construction activity extends to site preparation, earth moving, blasting, drilling, and loading and unloading from construction vehicles.

Construction site means real property, as defined by its boundary lines, over any part of which there is a construction activity, along with the public or private right-of-way adjacent to such property.

Construction vehicle means any car, truck, tractor, trailer or other vehicle or equipment of any type that is used to perform any part of a construction activity or to transport equipment, supplies or workers to a construction site.

Emergency work means work required to protect persons or property from exposure to imminent danger.

Homeowner construction activity means construction activity limited to repair, upgrade, remodel, fence repair and similar maintenance-type work performed by a property owner on their property on which they reside or intend to reside in the City.

(b) Construction activity, including homeowner construction activity, may be performed subject to the following restrictions:

Day	Permissible Hours
Monday through Friday	7 a.m. to 7 p.m.
Saturday	8 a.m. to 4 p.m.
Sundays and City holidays	Construction activity limited to homeowner construction activity only as defined in Section 7-3-140 (a) from 8 a.m. to 4 p.m.

(c) Exceptions. The following construction activities shall be exempt from the limitations on construction hours set forth in Section 7-3-140(a):

1. Emergency work as defined in section 7-3-140(a);
2. Construction activity granted by written permission by the City Manager or their designee based on evidence of special need or unique or unusual circumstances;
3. Construction activity that occurs solely within a fully enclosed structure; or
4. Construction activity performed by or on behalf of the City.

(d) Enforcement. If construction activity occurs on a construction site in violation of this Section, the City may, at its discretion, take one or more of the following actions:

1. Issue a stop work order;
2. Withhold any certificate of occupancy for any improvement on the construction site;
3. Withhold any required construction or building inspection approvals;
4. Reject any necessary acceptance by the City of construction or improvements;
5. Prosecute the violation in accordance with the City's laws governing nuisances or in accordance with the provisions set forth in Section 1-4-20 of this Code.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 3. 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 causes 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 4. 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 5. 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 Section 1 of this Ordinance within the Castle Pines Municipal Code.

Section 6. 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.

Section 7. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty days following final publication.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, the 23rd day of July, 2019.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 13th day of August, 2019.



DocuSigned by:
Tera Stave Radloff
6E668ED279D6479...
Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:
Tobi Basile
AD93A3082032490...
Tobi Basile, CMC, City Clerk

Approved as to form:
DocuSigned by:
Linda C. Michow
5241DE9888EE444...
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 July 23, 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 August 13, 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 August 22, 2019.

ATTEST:

DocuSigned by:

AD03A3B02032499

Tobi Basile, CMC, City Clerk