

ORDINANCE NO. 11-04

INTRODUCED BY:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO ADOPTING BY REFERENCE THE DOUGLAS COUNTY ALARM ORDINANCE FOR THE REGULATION AND LICENSING OF ALARM SYSTEMS IN THE CITY, FOR THE REGISTRATION AND LICENSING OF ALARM INSTALLATION COMPANIES AND/OR MONITORING COMPANIES, AND FOR OPERATIONAL STANDARDS FOR ALARM SYSTEMS; AND PRESCRIBING THE PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the City of Castle Pines (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, Section 31-15-401(1), C.R.S., authorizes the City to adopt and enforce all necessary police ordinances; and

WHEREAS, law enforcement police services within the City are provided by the Douglas County Sheriff's Office pursuant to an intergovernmental agreement; and

WHEREAS, response to false alarms consumes many hours of valuable law enforcement time and resources, increases the potential for delay in responding to actual emergency calls for service, and presents significant health, safety and welfare hazards to the citizens of the City; and

WHEREAS, by Ordinance No. 0-007-064, the Board of County Commissioners of the County of Douglas adopted and published an ordinance regulating and licensing alarm systems in the unincorporated areas of Douglas County, establishing registration and licensing procedures and fees for alarm installation companies and/or monitoring companies, operational standards for alarm systems; and prescribing the penalties for violations thereof, which ordinance is entitled the "Douglas County Alarm Ordinance"; and

WHEREAS, Part 2 of Article 16, Title 31, C.R.S., authorizes the City to adopt by reference published compilations of ordinances adopted by other political subdivisions of the State upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, copies of said Douglas County Alarm Ordinance, as amended hereby, are available at the office of the City Clerk for public review and inspection at 7501 Village Square Drive, Ste. 100, Castle Pines, CO 80108; and

WHEREAS, the City held a public hearing, with proper notice provided, to consider adoption of such Douglas County Alarm Ordinance as required by law; and

WHEREAS, the City Council finds that the adoption by reference of the Douglas County Alarm Ordinance, as amended hereby, is a proper exercise of the City's police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the City to regulate and license alarm systems within the City, establish registration and licensing procedures and fees for alarm installation companies and/or monitoring companies, and operational standards for alarm systems, and to prescribe the penalties for violations thereof.

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

Section 1. Adoption by Reference. The City Council hereby adopts the Douglas County Alarm Ordinance, Douglas County Ordinance No. 0-007-064, by reference.

Section 2. Amendments to the Douglas County Alarm Ordinance, Douglas County Ordinance No. 0-007-064. Additions, deletions, and amendments to the Douglas County Alarm Ordinance are hereby adopted as follows:

- (a) The third "Whereas" clause is amended to read: "WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the public health, safety, and welfare of the citizens of Castle Pines."
- (b) Section 2(O) (Definitions) is amended to read: "Contract law enforcement is any incorporated portions of the County in which Douglas County Sheriff's Office provides law enforcement services, and includes the City of Castle Pines."
- (c) The following provisions of Section 3(B) shall be amended to read as follows:

"New Security Alarm Systems:

Any Alarm Installation Company and/or Monitoring Company that installs a security Alarm System on protected premises located within the City shall have ten (10) business days from the date of installation to notify the Alarm Administrator that a security Alarm System has been installed and send the Alarm Administrator the required information as listed in the Alarm Registration Section 3(D)."

- (d) Sections 12 and 12.5, concerning penalties and disposition of fines, are hereby deleted, and replaced by Section 3 of this Ordinance.

Section 3. Penalties. Any act or omission in violation of any of the provisions of this Ordinance or of the Douglas County Alarm Ordinance adopted by reference hereby shall be punishable by a fine not to exceed two hundred fifty (\$250) dollars for each separate violation upon conviction thereof.

Section 4. Liability. The adoption of this Ordinance and the Douglas County Alarm Ordinance provided for herein shall not create any duty to any person with regard to the enforcement or non-enforcement of this Chapter or said Ordinance. No person shall have any civil liability or remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Ordinance or said Douglas County Alarm Ordinance. Nothing in this Ordinance or in said Douglas County Alarm Ordinance shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, Colorado Revised Statutes, or to waive any immunities or limitations on liability otherwise available to the City, or its officers, employees or agents.

Section 5. 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 6. 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 7. Effective Date. Except as otherwise expressly provided herein, this Ordinance shall become effective thirty (30) days after final publication.

Section 8. Authorization. The officers of the City are authorized and directed to take actions necessary and appropriate to effect the provisions of this Ordinance.

INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 22nd day March, 2011.

READ, AND PASSED, AND ADOPTED ON SECOND READING, FOLLOWING PUBLIC HEARING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day April, 2011.

CITY OF CASTLE PINES:




Jeffrey T. Huff, Mayor

ATTEST:


Approved as to form:


Sharon DeRouen, City Clerk


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 22, 2011; published two times in the *Douglas County News-Press* on April 7, 2011 and April 14, 2011; and finally passed and adopted by the City Council on April 26, 2011 following a public hearing duly noticed in accordance with C.R.S. § 31-16-203.


City Clerk or Deputy City Clerk