

ORDINANCE NO. 21-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, REPEALING ARTICLE 1 OF CHAPTER 7 OF THE CASTLE PINES MUNICIPAL CODE CONCERNING DOUGLAS COUNTY HEALTH AND SAFETY CODES

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipality authorized to exercise its police powers to promote and protect the public health, safety and welfare; and

WHEREAS, following incorporation of the City in 2008, the City Council adopted by reference certain Douglas County regulations via Ordinance No. 09-22 concerning: door to door solicitation; tobacco possession by minor; solicitations in public right-of-way; open fires; curfew for minors; and removal of snow and ice from sidewalks (“County Regulations”); and

WHEREAS, since the adoption of Ordinance No. 09-22, the City has adopted ordinances that are similar if not identical to the County Regulations (“City Ordinances”); and

WHEREAS, the City’s Ordinances are now codified in the Castle Pines Municipal Code in: Article 4, Chapter 6 (Solicitations); Section 10-3-50 (tobacco possession); Section 10-2-50 (Solicitation in public right- of-way); Section 10-5-10 (open fires, burning); Section 10-3-60 (curfew); and Section 11-1-20 (removal of snow and ice from sidewalks); and

WHEREAS, to remove duplication and avoid possible confusion in enforcement of the City ordinances, the City Council desires to repeal the County Regulations and rely exclusively on the City Ordinances for enforcement; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the public health, safety and welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. Article 1, Chapter 7 of the Castle Pines Municipal Code, titled “Adoption of Douglas County Health Code” is hereby repealed and reserved for future use to read in full as follows:

ARTICLE 1 – Reserved.

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repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.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. 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 (30) days after final publication on the City’s official website and posting at the City Clerk’s office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of January, 2021.

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 26th day of January, 2021.



Attested by:
Tobi Basile
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Tobi Basile, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff

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Tera Stave Radloff, Mayor

Approved as to form:
Linda C. Michow

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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 January 12, 2021; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on January 26, 2021”; and finally passed and adopted by the City Council on January 26, 2021, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on January 13, 2021.

ATTEST:

DocuSigned by:
Tobi Basile
AD03A3B02032499

Tobi Basile, CMC, City Clerk