

ORDINANCE NO. 12-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AMENDING CHAPTER 6 OF THE CASTLE PINES MUNICIPAL CODE BY ADDING A NEW ARTICLE 6 ENTITLED “REGULATION OF ESTATE SALES” AND IMPOSING REGULATIONS RELATING TO THE CONDUCT OF ESTATE SALES WITHIN THE CITY AND ESTABLISHING THE APPLICABLE PENALTY FOR VIOLATIONS OF SAID REGULATIONS

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, this Ordinance is adopted pursuant to the City’s general police power; and

WHEREAS, the City Council, in furtherance of the best interests of the City and the preservation and protection of the health, safety, prosperity, security, and general welfare of City residents and business owners, recognizes the need:

- (1) To regulate the conduct of estate sales within the community;
- (2) To prevent estate sales from negatively impacting the residential character of City neighborhoods;
- (3) To ensure that Agents conducting estate sales bear the costs associated with the City regulating their activities; and

WHEREAS, the City Council desires to amend Chapter 6, “Business Licenses and Regulations,” of the Castle Pines Municipal Code by adding a new Article 6, entitled “Regulation of Estate Sales”, setting forth the requirements and standards pertaining to the conduct of estate sales within the City; and

WHEREAS, it is deemed to be in the best interest of the public health, safety and welfare of the residents of the City of Castle Pines for the City to adopt regulations and standards pertaining to the conduct of estate sales in the City.

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

Section 1. A new Article 6 of Chapter 6, entitled “Regulation of Estate Sales”, shall be added to the City of Castle Pines’s Municipal Code to read in its entirety as follows:

CHAPTER 6

ARTICLE 6

Regulation of Estate Sales

Sec. 6-6-10. Definitions.

As used in this Article, unless otherwise noted:

“Estate Sale” means any type of auction or sale occurring at residential premises or within a residential zone district to dispose of any portion of the personal property or materials of the resident(s) or property owner(s) of the property at which the estate sale is conducted wherein the materials or personal property is held out for liquidation or public sale with the assistance of an Agent.

“Agent” means any person paid or in any way compensated for services associated with conducting an estate sale.

“Garage Sale” means the sale or offering for sale to the general public of items of personal property by the owner or tenant of a parcel, tract, or lot in a residential zone district without the assistance of an Agent.

Sec. 6-6-20. Permit Required.

It shall be unlawful for any Agent to engage in or conduct an estate sale within the City without first obtaining a City Sales Tax License and permit as herein provided. An estate sale permit shall be posted in a visible location on the property at which the estate sale is conducted during the entire period of the sale. No more than two (2) estate sale permits shall be issued for the same location in a calendar year. Garage sales shall be exempt from this requirement and this Article.

Sec. 6-6-30. Permit Application.

(a) Applicants for a permit must complete and return a permit application to the City of Castle Pines through the Director of Community Development or his or her designee at least five (5) business days in advance of the date of the proposed estate sale. The permit shall include the following information:

(1) Agent contact information including name and contact information, address, telephone number and email address.

(2) Address of the proposed estate sale, name and contact information for the property owner(s) or resident(s) at which the estate sale is proposed to be conducted.

(3) Signed statement from the property owner(s) or resident(s), or the estate of the same, acknowledging that the proposed estate sale relate to the assets of the property owner(s) or resident(s) or and is for the purpose of liquidating all or a portion of his/her estate.

(4) A description of the estate sale which will occur, including the date(s) and the hours of the estate sale.

(5) Proof that the Agent has been issued a City Sales Tax License.

(b) The authority to grant or deny such a permit shall be with the Director of Community Development. Failure to comply with the application requirements or regulations set forth herein shall be grounds for denial. Any Agent denied a permit by the Director of Community Development may appeal in writing to the City Manager and shall be entitled to a hearing before the City Manager. The appeal shall be made in writing, within two (2) business days of the decision of the Director of Community Development.

(c) The City Manager shall consider and render a written decision on the appeal within five (5) business days of the date of the appeal.

Sec. 6-6-40. Permit Fee; Expiration.

The fee for an estate sale permit shall be Fifty Dollars (\$50.00), which amount may be amended by resolution of the City Council. The permit will expire upon the time period as set forth on the permit. The permit shall not be transferable and shall be valid only for the specific address and times as set forth in the permit.

Sec. 6-6-50. Conditions applicable to permit.

Any permit issued by the City for an estate sale shall be subject to the following regulations:

(1) Items offered for sale at the estate sale shall be limited to the personal property of the resident(s) or property owner(s) of the property at which the estate sale is conducted.

(2) Items offered for sale at the estate sale shall be located entirely within the principal dwelling unit including garages and shall not be stored or displayed in front, side or rear yards.

(3) Estate sales shall have a maximum duration of forty-eight (48) consecutive hours and shall be limited to the hours of 8:00 a.m. to 5:00 p.m.

(4) No temporary structures, temporary lights, exterior speakers or amplifiers shall be used in conducting or advertising an estate sale.

(5) Traffic shall not be generated which significantly affects or alters the residential character of the neighborhood within which the estate sale is conducted.

(6) Signs advertising or announcing the estate sale shall be permitted in accordance with Section 29, Sign Standards, of the City of Castle Pines Zoning Ordinance.

Sec. 6-6-60. Revocation.

The permit may be revoked by the Director of Community Development, the City Manager, or his or her designee in the event of any violation of any conditions of the permit or this Article.

Sec. 6-6-70. Penalty.

Any person who violates or fails to comply with any provision of this Article 6 shall, upon conviction thereof, be punished by a fine of not less than Seven Hundred and Fifty Dollars (\$750.00). In addition, such person shall pay all costs and expenses in the case as determined by the municipal court. Each day such violation continues shall be considered a separate violation.

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.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final 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, 2012.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of June, 2012.

CITY OF CASTLE PINES:



Jeffrey T. Huff, Mayor

ATTEST:



Dan Schatz, City Clerk

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 regular meeting of the Castle Pines City Council on May 8, 2012; 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 June 12, 2012 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 June 21, 2012.

ATTEST:



City Clerk or Deputy City Clerk