

ORDINANCE NO. 22-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO REPEALING AND REENACTING ARTICLE 3 OF CHAPTER 11 OF THE MUNICIPAL CODE OF CASTLE PINES TO ADOPT BY REFERENCE THE 2022 EDITION OF THE CASTLE PINES ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND ADOPTING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the City of Castle Pines (the “City”) desires to set forth the minimum design and technical criteria for roadway facilities and infrastructure; and

WHEREAS, in pursuit of these goals, the City desires to adopt the City of Castle Pines Roadway Design and Construction Standards (the “Roadway Standards”); and

WHEREAS, Section 6.7 of the Castle Pines Home Rule Charter allows City Council to adopt any code promulgated by any municipality by reference without publishing such code in full, provided that any penalty clause in any such code is set forth in full in the enacting ordinance; and

WHEREAS, the City Council hereby finds that the adoption of the 2022 edition of the Roadway Standards is necessary for the protection of health, safety, and welfare of the public and desires to adopt such standards by reference.

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

Section 1. Article 3 of Chapter 11 is hereby repealed in its entirety and re-enacted to read as follows:

ARTICLE 3
CITY OF CASTLE PINES ROADWAY DESIGN AND CONSTRUCTION STANDARDS

Sec. 11-3-10. – Adoption.

The City of Castle Pines Roadway Design and Construction Standards, 2022 Edition, as published by the City of Castle Pines, 360 Village Square Ln b, Castle Pines, CO 80108, is hereby adopted by reference as if fully set out in this Article. The purpose and subject matter of the Roadway Standards is to provide minimum standards for the design and construction of public and private roads and related infrastructure within the boundaries of the City.

Sec. 11-3-20. Violations and Penalties.

- (a) Violation. Failure to comply with any term, condition, limit, deadline, or other provision of the City of Castle Pines Roadway and Design Construction Standards, or any permit issued thereunder, or failure to obtain

a permit when one is required shall constitute a violation of this Code. Any person who violates any provision of this Article may be subject to one (1) or more of the enforcement actions outlined in this Section and/or in the current version of the City's Roadway Design and Construction Standards.

- (b) **Enforcement.** All authorized personnel under the Public Works Director shall have the power to conduct inspections, give verbal direction, issue notices of violations and implement other enforcement actions under this Article.
- (c) **Stop Work Order.** Any person, corporation, or entity that has performed work without first having obtained a permit or has performed work in the right-of-way that is considered a safety hazard or has nonconforming items that have not been addressed will be issued a notice to stop work. Any person, corporation, or entity issued a stop work order who does not immediately discontinue work is subject to penalties set forth in Section 1-4-20 of this Code. Upon being issued a stop work order, the Contractor shall be responsible for taking such precautions that may be necessary to prevent damage to the project, prevent inconvenience, or hazardous conditions for the general public, provide for normal drainage, and erect any necessary barricades, signs, or other facilities that may be necessary or directed by the Public Works Department. A stop work order shall remain in effect until the City rescinds the stop work order in writing. No stop work order will be rescinded until the City receives full payment for permits and city-incurred expenses, or poor workmanship or safety issues have been resolved.
- (d) **Abatement.** In cases where the Public Works Director, or his or her designee, determines it is necessary to affect a remedial action or repair or mitigate any dangerous or unsafe circumstances caused by emergencies or untimely performance by the Applicant, the City may perform such work and bill the Applicant for any of its costs. Untimely performance occurs when the Contractor has not performed the remedy within twenty-four (24) hours of notification. Emergency repairs are expected to be implemented immediately. The City may bill the Applicant mitigation repair costs, including without limitation: administrative costs, labor costs, material costs, and equipment costs.
- (e) **Re-inspection fees.** Whenever the Director determines that any activity is occurring that is not in compliance with the requirements of this Article and the City is required to inspect such activity, the person responsible for such non-compliance shall pay a re-inspection fee in accordance with the fee schedule established by resolution of the City Council.
- (f) **Criminal penalties; enforcement costs.** It is unlawful for any person to violate or permit or cause violation of this Article, the City Roadway Design and Standards, or the provisions of any permit issued under this Article. Violations shall be punishable as provided in Chapter 1, Article 4 of this

Code. Each day or part of a day any violation occurs or continues is a separate offense.

- (g) Violations deemed a public nuisance. Any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety and welfare and is declared and deemed a public nuisance and subject to enforcement and remedies set forth in Article 1, Chapter 7 of this Code. Any court of competent jurisdiction shall enjoin violations of this Article upon proof of such violations.
- (h) Remedies not exclusive. Except as expressly provided above, the remedies in this Article are cumulative and the exercise of any one (1) or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this Article. The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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.

[Remainder of page left intentionally blank.]

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of JULY, 2022.

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 September, 2022.


Tracy Engerman (Oct 5, 2022 21:44 MDT)

Tracy Engerman, Mayor

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Approved as to form:

Linda Michow

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 26, 2022; 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 July 27, 2022”; and finally passed and adopted by the City Council on September 13, 2022, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on July 26, 2022, and August 24, 2022.

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

