

ORDINANCE NO. 2026-__

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING CANVASSERS, SOLICITORS, AND THE DISTRIBUTION OF FLYERS

WHEREAS, Section 5.04.060 of the Castle Rock Municipal Code ("CRMC") requires the Town of Castle Rock (the "Town") to maintain a list of persons within the Town who wish to restrict visits to their residential property by solicitors (the "No Knock List"); and

WHEREAS, the Town Clerk's Office is assigned the responsibility of maintaining the No Knock List, as well as distributing "No Knock" stickers to any person within the Town who is interested in displaying the sticker on the door of their residence; and

WHEREAS, CRMC Section 5.04.080.A.1 makes it unlawful for a commercial solicitor to enter or remain upon private property where the current occupant (i) has included such property on the No Knock List or (ii) has displayed a sign or sticker advising that the occupant does not wish to be called upon by solicitors; and

WHEREAS, over time, the Town Clerk has found that the No Knock List is increasingly burdensome to maintain and virtually impossible to update; and

WHEREAS, in addition, the presence of a person's name and address on the No Knock List is not determinative of whether a violation of CRMC Section 5.04.080.A.1 has occurred; and

WHEREAS, the Town Council finds and determines that elimination of the No Knock List will promote governmental efficiency, while not imposing any additional burden on Town residents; and

WHEREAS, the Town Council further finds and determines that the issuance of "No Knock" stickers when requested is beneficial to Town residents and, accordingly, wishes to continue providing this service; and

WHEREAS, in *Aptive Environmental, LLC v. Town of Castle Rock, Colorado*, 959 F. 3d 961 (2020), the U.S. Tenth Circuit Court of Appeals (the "Tenth Circuit") held that CRMC Section 5.04.080.A.4, which imposes a 7:00 p.m. to 9:00 a.m. curfew on commercial door-to-door solicitation, unconstitutionally burdened the First Amendment rights of commercial solicitors; and

WHEREAS, accordingly, the Tenth Circuit upheld the order of the U.S. District Court permanently enjoining the Town from enforcing this curfew; and

WHEREAS, the Town Council finds and determines that it is appropriate to take action to repeal the curfew.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 5.04.040 of the Castle Rock Municipal Code is amended to read as follows:

5.04.040 - Application for registration.

Any person or organization required to register under this Chapter shall provide the following information on application forms to be provided by the ~~Town Clerk~~ FINANCE DIRECTOR OR DESIGNEE:

- A. Proof of age, address and identification of the applicant, to be provided by presenting the applicant's driver's license, state identification card, passport or other government-issued identification card (issued by a government within the United States). The Town shall make a photocopy of the identification presented by the applicant, which shall be retained with the application.
- B. The name, permanent address and local address, if any, of the company represented by the applicant and a copy of the organization's Town business and tax license or Town contractor registration certificate.
- C. A brief description of the proposed activity related to this registration. (Copies of literature to be distributed may be substituted for this description, at the option of the applicant.)
- D. The motor vehicle make, model, year, color and state license plate number of any vehicle which will be used by each person.
- E. The web, email or other address for the company where residents having subsequent questions can go for more information.
- F. Two identical photographs of the applicant which reasonably identify the applicant; such photographs of the applicant to measure two inches by two inches.
- G. A statement as to whether or not the applicant:
 - 1. Has been convicted of any felony, misdemeanor or ordinance violation (other than a traffic violation) and, if so, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and the pertinent details thereof;
 - 2. Has been institutionalized for mental illness which caused acts of violence against the person or property of another; or
 - 3. Is required to be registered as a sex offender or as a sexual predator and the nature of the offense or the punishment or penalty assessed therefor, in this or any other state.

- H. Names, addresses and telephone numbers of former places of employment of the applicant during the previous two years, if any.
- I. All licenses currently held or previously held by the applicant within the five years preceding the date of application related to soliciting or a similar business endeavor, noting any nonrenewal, suspension or revocation by the issuing authority and the pertinent details thereof.
- J. A statement as to whether a civil judgment has ever been entered against the applicant or, to the applicant's knowledge, the company, for fraud, deceit or misrepresentation and, if so, the full details thereof.
- K. Authorization for the Town to conduct a background check to verify information disclosed on the application.

Section 2. Amendment. Section 5.04.060 of the Castle Rock Municipal Code is amended to read as follows:

5.04.060 - "No knock" ~~list~~ STICKERS.

UPON REQUEST, ~~the~~ Town shall make available ~~on the Town website a list of~~ "NO KNOCK" STICKERS TO persons within the Town who WISH TO restrict visits to their residential property (including their leasehold, in the case of a tenant) by solicitors. ~~Each solicitor registered pursuant to this Chapter shall be responsible for verification of addresses contained on the "No knock" list prior to engaging in solicitation within the Town; such verification may be made by reviewing the "No knock" list on the Town's website.~~

Section 3. Amendment. Section 5.04.080 of the Castle Rock Municipal Code is amended to read as follows:

5.04.080 - General prohibitions.

- A. No solicitor shall:
 1. Enter OR REMAIN upon private property ~~where the current occupant has included the property on the Town's "No knock" list, regardless of whether a Town-issued sticker indicating the property has been included on the Town's "No knock" list is posted, or remain upon any private property~~ when any form of sign or sticker is clearly displayed advising that the occupant does not wish to be called upon by solicitors, including but not limited to ~~the~~ A Town-issued "No knock" sticker or a "No soliciting" sign.
 2. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

3. Remove any yard sign, door or entrance sign or sticker that gives notice to such person that the resident or occupant does not invite visitors.

~~4. Enter upon any private property within the Town after 7:00 p.m. and before 9:00 a.m.*~~

~~*No curfew currently in effect due to pending litigation.~~

B. It shall be unlawful for any person, organization, corporation or business entity to instruct, direct, command, order, organize or otherwise arrange for any person to engage in solicitation in violation of Paragraphs A.1. through ~~A.4.~~ A.3. of this Section or in violation of Section 5.04.020 of this Chapter.

C. It shall be an affirmative defense to any violation of this Chapter that the solicitor has an express invitation from the resident or occupant of a dwelling allowing him or her to enter upon any posted property.

Section 4. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ___ day of _____, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager