

*Second Reading Copy*

**ORDINANCE NO. 2015-31**

**AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 7-3 OF THE TOWN OF CASTLE ROCK HOME RULE CHARTER TO AUTHORIZE THAT PUBLIC NOTICE OF ORDINANCES BE MADE BY POSTING ON THE TOWN WEBSITE AND REFERRING TO THE ELECTORATE THE QUESTION OF APPROVING THIS CHARTER AMENDMENT AT THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 3, 2015; AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING**

**WHEREAS**, by Ordinance No. 2015-29, the Town Council called a special municipal election as part of the coordinated election on November 3, 2015,

**WHEREAS**, Section 7-3 of the Town of Castle Rock Home Rule Charter (“Charter”) prescribes that certain pre-hearing and post-adoption notice of ordinances be made via newspaper publication,

**WHEREAS**, such newspaper publication results in the Town annually incurring publication costs,

**WHEREAS**, the Town website, CRgov.com, is the primary communication source by which the public learns of governmental and community activities and initiatives, including the agenda of the Town Council meetings,

**WHEREAS**, public notice of hearings on proposed ordinances and the adoption of ordinances required by the Charter and municipal code will be more effective and reach a larger audience by utilization of the Town website, rather than newspaper publication, and

**WHEREAS**, in order to be assured that this Ordinance is in effect and in compliance with all statutory and Municipal Code requirements, it is necessary to adopt this Ordinance on an emergency basis on second and final reading.

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

**Section 1. Amendment to the Town Charter.** Section 7-3 of the Town of Castle Rock Home Rule Charter is amended to read as follows:

**Section 7-3. Procedure for Adoption and Effective Dates of Ordinances.**

- (a) The procedure for the adoption, and the effective dates, of ordinances shall be as set forth in the state statutes applicable to cities, as from time to time amended, except as otherwise provided in this Charter or as provided in ordinances not inconsistent with this Charter.

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- (b) Prior to the adoption of any ordinance, except an ordinance which is necessary for the immediate preservation of the public peace, health or safety and which contains a statement of the reasons therefor, the proposed ordinance shall be posted on the Town website along with a notice containing a summary of the subject matter of the proposed ordinance and identifying the location where the entire text of the proposed ordinance is available for public inspection. Following adoption, every ordinance shall be posted on the Town website along with a notice containing a summary of the subject matter of the ordinance and identifying the location where the ordinance is available for public inspection.
- (c) Unless otherwise provided by ordinance:
  - (1) No vote of the Town Council shall be required to introduce or read any proposed ordinance; and
  - (2) An ordinance may be both introduced and adopted during the same meeting of the Council.
- (d) The enacting clause of all ordinances shall be as follows: "It is ordained by the Town Council of the Town of Castle Rock, Colorado:".

**Section 2. Election Referral.** Before the Charter amendment proposed in this Ordinance shall become effective, such amendment shall be submitted to and receive the approval of a majority of the registered electors of the Town voting thereon at the special municipal election to be held on November 3, 2015 conducted in accordance with Ordinance No. 2015-29. The ballot title and question shall read as follows:

Castle Rock Charter Amendment \_\_\_:

Shall Section 7-3 of the Town Home Rule Charter be amended to require the posting of public notices of ordinances on the Town of Castle Rock website rather than publication in a newspaper, as provided in Ordinance No. 2015-31?

\_\_\_ Yes

\_\_\_ No

**Section 3. Construction.** Approval by the voters of any Charter amendment which repeals any section or portion of the Charter shall not be construed to be a limitation, denial, or suspension of any power of the Town of Castle Rock, or any power of the Town Council otherwise vested in or authorized to the Tow or the Town Council by the Constitution or statutes of the State of Colorado.

**Section 4. Filing; Effective Date.** Within twenty (20) days after approval of the Charter amendments authorized, the Town Clerk shall file with the Secretary of State a certified copy of each such amendment. The amendments shall take effect on the date of such filing.

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**Section 5. Repeal; Savings Clause.** All acts, orders, resolutions, ordinances, or parts thereof, in conflict herewith shall be repealed at the time the amendments provided for herein take effect. However, no such repeal shall be construed to destroy any property right, contract, right, or right of action of any nature or kind, vested in or against the Town by virtue of any such act, order, resolution, ordinance or part thereof, theretofore existing or otherwise accruing to the Town.

**Section 6. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

**Section 7. Emergency Clause.** For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public peace, health and safety for this Ordinance to take effect upon its adoption.

**Section 8. 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 4<sup>th</sup> day of August, 2015 by a vote of -5- for and - 0 - against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING** this 18<sup>th</sup> day of August, 2015, by a vote of the Town Council of the Town of Castle Rock, Colorado of \_\_\_\_ for and \_\_\_\_ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally A. Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Sally A. Misare, Town Clerk