



Meeting Date: August 18, 2026

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mike Hyman, Town Attorney
Tara Vargish, PE, Director, Development Services

Title: Ordinance Adopting a New Chapter 8.01 and Amending Various Sections of the Castle Rock Municipal Code to Address Public Nuisances in the Town of Castle Rock (First Reading)

Executive Summary

Staff is requesting Town Council approval on first reading of an ordinance adopting a new Chapter 8.01 and amending related provisions of the Castle Rock Municipal Code concerning public nuisances. The ordinance establishes a clear nuisance inspection, notice, protest, abatement, and cost-recovery process while retaining the Town's emphasis on education, cooperation, and voluntary compliance.

Castle Rock has historically emphasized education, cooperation, and voluntary compliance when enforcing the Code. That philosophy has served the Town well and remains the foundation of the proposed ordinance. However, as the community has matured and neighborhoods have aged, staff has experienced an increasing number of chronic nuisance properties where years of outreach, notices, assistance, and even Municipal Court action have failed to achieve compliance.

The current Code does not provide a clear administrative process for the Town to resolve these long-standing nuisance properties when every other enforcement tool has been exhausted. The proposed nuisance code establishes a fair, transparent, and legally defensible process that preserves due process for property owners while providing the Town with the authority to abate chronic nuisance conditions and recover associated costs when voluntary compliance cannot be achieved.

The ordinance also consolidates and updates nuisance-related provisions concerning unsafe trees and shrubs, weeds and rubbish, construction waste and refuse containers, noise remedies, junked vehicles, and zoning enforcement. These coordinated amendments make the Code easier to administer and provide consistent cross-references to the new Chapter 8.01.

The ordinance provides a transparent and legally defensible final enforcement tool for chronic nuisance conditions after reasonable efforts to obtain voluntary compliance

have been exhausted.

Purpose

Town Council is being asked to approve the ordinance on first reading. The ordinance is intended to:

- Strengthen the Town's ability to address chronic nuisance properties;
- Establish clear procedures for inspection, notice, protest, abatement, and cost recovery;
- Consolidate and clarify nuisance-related standards and cross-references; and
- Preserve the Town's education-first, voluntary-compliance enforcement philosophy.

If approved on first reading, the ordinance will return to Town Council for second and final reading in accordance with the Municipal Code.

Discussion

Castle Rock is entering a different stage in its development than it experienced during much of the past three decades.

Historically, much of the Town's development activity centered around construction, new subdivisions, and rapid residential growth. As those neighborhoods mature, staff is increasingly encountering issues common to established communities, including deferred property maintenance, deteriorating landscaping, abandoned vehicles, outdoor storage, rubbish accumulation, and other nuisance conditions.

Fortunately, the overwhelming majority of Castle Rock property owners take pride in their homes and businesses. Most violations are corrected quickly after notification, and only a very small percentage require formal enforcement.

However, even a small number of neglected properties can significantly impact surrounding neighborhoods by reducing neighborhood appearance, affecting nearby property values, creating potential health and safety concerns, and generating repeated complaints from neighboring residents.

As the Town continues to mature, staff recommends the Code should evolve accordingly by providing effective, balanced enforcement tools that continue to emphasize education first while providing meaningful remedies when cooperation fails.

Current Enforcement Philosophy

The Town's code enforcement program has long been based upon achieving voluntary compliance rather than punitive enforcement.

When violations are identified, staff first works collaboratively with property owners by issuing Notices of Violation letters and providing the following:

- Explaining applicable code requirements;
- Providing reasonable time to correct violations;
- Connecting residents with community resources;
- Working with churches and volunteer organizations to assist residents in need;
- Conducting annual Neighborhood Cleanup Days in areas without homeowners associations;
- Providing multiple follow-up inspections and opportunities to comply.

Municipal Court is generally used only after all reasonable attempts at voluntary compliance have failed.

This philosophy has proven successful in resolving the vast majority of code enforcement cases while maintaining positive relationships with the community.

Why the Current Code Falls Short

Although voluntary compliance remains the preferred approach, staff has experienced an increasing number of chronic nuisance properties that remain unresolved despite years of enforcement efforts.

Over the past several years, staff has managed numerous cases involving nuisance violations that have persisted for five, ten, and in some cases more than ten years. While recent Municipal Court actions have demonstrated that judicial enforcement can be effective, the current Code lacks a clearly defined administrative process for the final step of enforcement when a property owner simply refuses to comply.

Under the current Code, if a property owner chooses to ignore court orders or simply pays fines without correcting the underlying violation, the Town has no clearly established authority to enter the property, perform the necessary cleanup, recover the costs of that work, and assess those costs against the property when appropriate.

Instead, staff are often required to restart the enforcement process through additional notices and court proceedings, creating a repetitive cycle that consumes significant staff resources while allowing nuisance conditions to continue indefinitely.

The proposed amendments are intended to close this gap by establishing a clear, fair, and legally defensible process that preserves due process while providing the Town with an effective final enforcement tool after all reasonable efforts at voluntary compliance have been exhausted.

Importantly, these amendments do not create broad new property maintenance requirements. Rather, they improve the Town's ability to enforce standards that already exist within the Code.

Proposed Nuisance Code Modernization

The proposed ordinance modernizes the Town's enforcement framework by adopting a

new Chapter 8.01 and coordinating nuisance-related provisions that are currently located throughout the Municipal Code.

Major components include:

- **Establishing a Clear Abatement Process**
The ordinance creates a step-by-step process for inspection, written notice, a reasonable compliance period, protest to the Municipal Court, and Town-performed abatement when the required process has been completed.
- **Preserving Property Owner Rights**
Owners and occupants receive written notice, reasonable compliance periods, and the right to protest an abatement notice to the Municipal Court. A timely protest pauses the abatement period until the protest is resolved.
- **Defining Town Authority**
The ordinance identifies authorized inspectors, requires credentials and a request for entry, provides for search warrants when entry is refused, and authorizes emergency entry when an imminent danger or illicit discharge exists.
- **Cost Recovery**
When the Town performs an abatement, the ordinance authorizes recovery of actual abatement costs plus a fifteen-percent administrative fee. Unpaid costs may be pursued through restitution, civil action, or a lien, subject to notice and an opportunity to contest the amount.
- **Consolidating Existing Regulations**
The ordinance consolidates nuisance standards and updates related provisions for unsafe trees and shrubs, weeds and rubbish, construction waste, noise, junked vehicles, and zoning enforcement.

Benefits to the Community

The proposed nuisance code is intended to benefit both property owners and neighborhoods by:

- Protecting neighborhood appearance and property values.
- Reducing long-term blight.
- Addressing chronic nuisance properties more efficiently.
- Improving public health and safety.
- Providing consistent and transparent enforcement procedures.
- Encouraging continued investment in established neighborhoods.
- Protecting the interests of the overwhelming majority of residents who maintain their properties responsibly.

The proposed ordinance continues to emphasize education and voluntary compliance

while providing a meaningful final remedy for the limited number of properties that remain in violation after years of enforcement efforts.

Examples of Existing Challenges

The following examples illustrate the types of nuisance cases staff regularly encounters. They represent situations where Town staff spent months or, in some cases, years working collaboratively with property owners to achieve voluntary compliance through education, notices, community resources, and legal enforcement. While these cases represent only a small percentage of overall code enforcement activity, they demonstrate why a clearly defined nuisance abatement process is needed when all reasonable efforts to obtain compliance have been exhausted.

Example 1 – Commercial Property Maintenance

Town staff worked with a national commercial property owner for several years to address recurring weeds, dead landscaping, and rubbish accumulation. Despite repeated notices and outreach, achieving compliance required extensive communication through multiple corporate contacts and management levels, resulting in lengthy delays before corrective action occurred.



How the Proposed Code Could Help: The proposed ordinance clarifies who may be considered a responsible party, allowing the Town to work directly with local property managers while maintaining accountability for the property owner. It also establishes a clear enforcement process if voluntary compliance cannot be achieved, allowing the Town to resolve long-standing nuisance conditions more efficiently.

Example 2 – Chronic Residential Nuisance Property

Town staff have worked with this property owner since 2019 to address repeated violations involving weeds, rubbish, abandoned vehicles, and obstruction of the public

right-of-way. Throughout that time, staff provided multiple notices, offered cleanup resources, coordinated assistance opportunities, and pursued enforcement through Municipal Court. Despite these efforts, the violations have continued.



How the Proposed Code Could Help: The proposed nuisance code establishes a clear process that allows the Town, after notice, due process, and court involvement, when necessary, to abate chronic nuisance conditions and recover associated costs. This provides a meaningful final enforcement step for the small number of properties that remain in violation after years of unsuccessful compliance efforts.

Example 3 – Long-Term Residential Compliance Case

Since 2020, Town staff have worked extensively with this homeowner to address ongoing property maintenance violations. Staff provided educational materials, connected the resident with outside assistance programs, and repeatedly extended opportunities for voluntary compliance. While this collaborative approach is successful in most cases, the property remains in violation despite years of outreach.





How the Proposed Code Could Help: The proposed ordinance preserves the Town's commitment to voluntary compliance while providing a clearly defined process for resolving chronic cases when education, assistance, and traditional enforcement efforts are unsuccessful.

Example 4 – Commercial Rubbish and Site Maintenance

Town staff spent more than six months working with a commercial property owner to address the accumulation of rubbish and debris that obstructed parking spaces and rear service access. Multiple inspections, notices, and communications were required before limited progress was achieved, requiring ongoing enforcement resources.





How the Proposed Code Could Help: The proposed ordinance establishes a more effective enforcement framework for commercial as well as residential properties by providing clear notice requirements, defined compliance timelines, and a final abatement process when property owners fail to correct violations.

Staff Recommendation

Staff recommends that Town Council approve the public nuisance ordinance on first reading.

The ordinance preserves Castle Rock's long-standing emphasis on voluntary compliance while establishing a clear process for the limited number of chronic nuisance cases that remain unresolved after education, assistance, notices, and traditional enforcement efforts.

Recommended Motion

"I move to approve Ordinance No. 2026-____, An Ordinance Adopting a New Chapter 8.01 and Amending Various Sections of the Castle Rock Municipal Code to Address Public Nuisances in the Town of Castle Rock, on first reading."

Alternative Motion

"I move to approve Ordinance No. 2026-____, An Ordinance Adopting a New Chapter 8.01 and Amending Various Sections of the Castle Rock Municipal Code to Address Public Nuisances in the Town of Castle Rock, on first reading, with the following changes: _____."

Attachments

Attachment A: Summary of Titles 4, 6, 8, 9, 10 and 17 Code Amendments

Attachment B: Ordinance – Chapter 8 Public Nuisance Code Update