

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

WHEREAS, Colorado law specifically provides that municipalities, such as the Town of Castle Rock (the “Town”), may declare what is a nuisance and abate the same and impose fines upon parties who may create or continue nuisances or suffer nuisances to exist; and

WHEREAS, these powers, however, are not self-executing and require an ordinance passed by the governing body of the municipality to be effective; and

WHEREAS, the Town Council finds and determines that it is necessary, desirable and in the public interest to enact a local public nuisance law to protect the public health, safety, and welfare of the Town and its residents, to provide locally enforceable remedies for nuisance violations, and to otherwise deter public nuisances.

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

Section 1. Amendment. Section 4.03.180 of the Castle Rock Municipal Code is amended to read as follows:

4.03.180 - Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety and welfare, is declared and deemed a nuisance ~~and may be summarily abated or restored at the violator's expense; and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken pursuant to Chapter 8.01.~~

Section 2. Amendment. Section 6.02.140 of the Castle Rock Municipal Code is amended to read as follows:

6.02.140 - Public nuisance.

Under this Title, it shall be unlawful for any person to cause or constitute a public nuisance or to knowingly permit, encourage or unreasonably fail to prevent such nuisances. Such public nuisance may be abated pursuant to Chapter 8.01. ~~Nuisance~~ Nuisances, for purposes of this Section include, but are not limited to:

- A. Any continuous and habitual violation of any Section within this Title. Factors to be considered may be, but are not limited to, accumulated convictions for separate and distinct violations, degree of aggravation or failure of the owner to take corrective action for any violation or all violations.

- B. Any behavior involving animals that endangers the health, safety or public peace of the community.
- C. Negligence in allowing the accumulation of waste matter to the degree of creating a putrid, offensive, unsanitary or unhealthy condition to the surrounding area.

Section 3. Amendment. Title 8 of the Castle Rock Municipal Code is amended by the addition of a new Chapter 8.01 to read as follows:

Chapter 8.01 – Nuisances

8.01.010 - Purpose of Chapter.

It is the policy of the Town to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town; and, therefore, the Town Council declares that every public nuisance shall be unlawful and shall be restrained, prevented, abated and enjoined.

8.01.020 - Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Abandoned property means a property over which the author of a nuisance no longer asserts control due to death, incarceration or any other reason, and which is either unsecured or subject to occupation by unauthorized individuals.

Evicted property means and includes the personal property and effects, including without limitation furniture, clothes and appliances belonging to a person or persons lawfully evicted from any premises within the Town resulting from the execution of a writ of restitution pursuant to C.R.S. § 13-20-122.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater.

Inoperable vehicle means any vehicle that does not display current, valid license plates; lacks any part necessary for legal operation on a public street; or lacks glazing, lights or indicators, body sheet metal or paint on any part of the vehicle.

Junk means trash, waste, rubbish and other discarded things and salvage materials, including without limitation scrap copper, brass, iron, steel or other metals, tires, wheels, household appliances, furniture, rope, rags, batteries, glass, rubber debris, plastic debris, construction debris, remnants of wood, plumbing fixtures, port-o-potties, paint, concrete, cinderblock, bricks, asphalt or any discarded, dismantled, wrecked or scrapped motor vehicle or other machinery or parts thereof.

Litter means any and every rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, dead bird, dead fish, fishing line, bait, chemical compound, petroleum product or compound, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings, leaves, cut weeds, tree branches, bush clippings, sand, dirt, mud, gravel, stone, glass, ashes, cigarette, cigar, food or food product, solvent, dye, beverage, liquid except clean water, offal composed of animal matter or vegetable matter, or both, or any noxious or offensive matter whatsoever.

Public nuisance includes without limitation:

- a. The conducting or maintaining of any business, occupation or activity prohibited by statute or by ordinance;
- b. The continuous or repeated conducting or maintaining of any business, occupation, operation, activity, building, land or premises in violation of statute or ordinance;
- c. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety;
- d. Any illicit discharge or other unlawful pollution or contamination of any surface or subsurface waters in the Town, of the air or of any water, substance or material intended for human consumption;
- e. Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the Town or the county, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any regulation of the Town, the county or the state;
- f. Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the health or safety of the citizens of the Town, or which is indecent or offensive to the senses so as to interfere with the comfortable enjoyment of life or property; and
- g. Any nuisance defined or declared as such by statute or ordinance.

8.01.030 - Acts constituting a nuisance.

- A. It is a violation of this Chapter for any person:
 1. To create, operate, maintain or conduct any nuisance as defined in this Chapter, any other Section of this Code or at common law; or
 2. To interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by the Town.

- B. Any person who makes or causes any nuisance to exist shall be deemed the author of the nuisance. Any person who has possession or control of any private ground or premises, whether they are the owner of the property or not, where any nuisance exists or is found shall also be deemed the author of the nuisance.
- C. Each day during which any nuisance continues shall be deemed a separate offense and shall be prosecutable and punishable as a separate offense.

8.01.040 - Inspection of properties.

- A. *Authorized inspector.* The Town shall have the power and authority to appoint and authorize any police officer, building inspector, Code enforcement officer, Department of Public Works employee, Department of Parks and Recreation employee or other officer of the Town to inspect and examine any public or private property in the Town for the purpose of ascertaining the nature and existence of any nuisance.
- B. *Right of entry generally.* Whenever it is necessary to perform an inspection under this Chapter, or whenever an authorized inspector has reasonable cause to believe that a nuisance exists in any building or upon any premises, the authorized inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on them, provided that:
 - 1. If such building or premises is occupied, the authorized inspector shall first present proper credentials and request entry; or
 - 2. If such building or premises is unoccupied, the authorized inspector shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons, shall present proper credentials and request entry.
- C. *Refused entry.* If entry is refused, or if the owner or occupant cannot be located after a reasonable effort, the authorized inspector shall leave at the building a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge, or by a judge of any other court having jurisdiction.
- D. *Search warrants.* After the expiration of the twenty-four (24) hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Judge and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling the Town to enter the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry.

- E. *Probable cause for issuance of search warrant.* For purposes of this Section, a determination of probable cause will be based upon reasonableness. If a valid public interest and reasonable suspicion of violation justify the intrusion contemplated, there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinary prudent person to act. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector acting pursuant to this Section.
- F. *Right of entry in emergencies.* Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, an authorized inspector may enter into any building or upon any premises within the jurisdiction of the Town, after presenting proper credentials.
1. In the case of an occupied building or premises, an authorized inspector shall present his or her credentials to the owner or occupant of the building or premises. In the case of an unoccupied building or premises, the authorized inspector must possess the requisite credentials prior to entry.
 2. In an emergency situation, an authorized inspector may use such reasonable force as is necessary to gain entry into the building or upon the premises.
 3. An emergency situation includes any situation where there is imminent danger of loss of, or injury or damage to, life, limb or property, or where there is an illicit discharge. It is unlawful for any owner or occupant of a building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized inspector in gaining such entry.
- G. *Authority to issue search warrants.* The Municipal Court shall have power to issue search warrants upon a showing of probable cause as provided in Subsection E above.

8.01.050 - Abatement of nuisances.

- A. *Notice of abatement.* Upon the discovery of any nuisance of any property within the Town, the Town shall notify the owner or occupant of the property to remove and abate from the property the thing or things herein described as a nuisance within the time specified in the notice.
1. The time for abatement of a nuisance posing an imminent danger of damage or injury to or loss of life, limb, property or health, or where there is an illicit discharge shall not exceed twenty-four (24) hours.
 2. The reasonable time for abatement for all other nuisances shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could

not reasonably be made within seven (7) days or that a good faith attempt at compliance is being made.

3. If the owner or occupant fails to abate the nuisance within the time stated in the notice, the Town may proceed to have the nuisance removed or abated from the property without delay.
4. In no event shall the notice described by this Section be required prior to the issuance of a summons and complaint for a criminal nuisance violation, for nuisances found on public property or for nuisances created by the placement of evicted property.

B. *Service of notice.* The Town may serve written notice to abate by any one (1) of the following methods:

1. Personally delivering a copy of the notice to the owner of the property described in the notice;
2. Personally delivering a copy of the notice to the nonowner occupant or resident of the property described in the notice and mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the county real estate records; or
3. Mailing one (1) copy of the notice by certified mail, return receipt requested, and a second (2nd) copy of the notice by regular mail to the last known address of the owner of the property described in the notice as reflected in the county real estate records. If the property is unoccupied, a copy of the notice shall also be posted in a conspicuous place at the unoccupied premises.

Personal service shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.

C. Any written notice issued pursuant to subsection B above shall include, at a minimum:

1. A description of the nuisance;
2. A date by which the nuisance must be abated;
3. A statement informing the owner or occupant that if the nuisance is not abated within the time specified, the nuisance may be abated by the Town and the individual may be charged in Municipal Court for violating this Chapter;
4. A statement that, if the Town abates the nuisance, the Town is entitled to recover the actual cost of abatement, which shall be based upon a schedule of costs prepared by the Town, plus an administrative fee of fifteen percent (15%) of the abatement costs;

5. A statement that, if the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed; and
6. A statement that the owner or occupant of the property, within the period of notice, may protest the findings of the authorized inspector pursuant to Section 8.01.080.

8.01.060 - Action to abate a public nuisance.

The Town may abate a public nuisance by any of the following procedures:

- A. *Abatement after notice.* If, after written notice has been given, the owner or occupant of the building or premises refuses or fails to abate the nuisance in the time specified in the notice, the Town may enter upon such property for the purpose of abating the nuisance.
- B. *Abatement by civil or criminal action.* If, after written notice has been given, the owner or occupant of the building or premises refuses or fails to abate the nuisance in the time specified in the notice, and if the Town elects not to summarily abate the nuisance under Subsection 1, the Town may initiate a civil or criminal action in Municipal Court to have the nuisance declared as such by the Court and for an order enjoining the nuisance and authorizing its restraint, removal, termination or abatement.
 1. An action to declare and abate a public nuisance shall be brought by the Town in the name of the people of the Town by the filing of a complaint, which shall be verified or supported by an affidavit.
 2. A summons and complaint shall be issued to the owner, agent, occupant or the person who allowed the nuisance to be caused or to continue by:
 - a. Personally delivering a copy of the summons and complaint to the owner of the property described in the complaint;
 - b. Personally delivering a copy of the summons and complaint to the nonowner occupant or resident of the property described in the complaint and mailing a copy of the summons and complaint by certified mail, return receipt requested, to the last known address of the owner as reflected in the county real estate records; or
 - c. Mailing one (1) copy of the summons and complaint by certified mail, return receipt requested, and a second copy of the summons and complaint by regular mail, to the last known address of the owner of the property described in the complaint, as reflected in the county real estate records. If the property is unoccupied, a copy of the summons and complaint shall also be posted in a conspicuous place at the unoccupied premises.

Personal service shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.

3. Any employee of the Town over the age of eighteen (18) may serve the summons and verified complaint. Trial shall be at the Municipal Court, and the Colorado Municipal Court Rules shall apply.

8.01.070 - Nuisance created by evicted property.

When a public nuisance has been created by the placement of evicted property in any public right-of-way or on public property, the following procedures shall apply:

- A. The Town shall abate the nuisance by immediately removing all evicted property from any public right-of-way or public property and transport such property to any site designated as a repository for solid waste or rubbish.
- B. No later than the close of the next business day following the removal of the evicted property, the Town shall provide notice, by first-class mail, postage prepaid, to the last known address of the owner of the evicted property as indicated in the county records. Such notice shall state that the evicted property constituted a nuisance and that such property has been removed. The notice shall identify by street address and telephone number the repository where the evicted property was disposed.
- C. The owner of the premises from which the evicted property was removed shall be responsible for reimbursing the Town for the cost of disposal of the evicted property. If the owner fails to pay such costs within thirty (30) days of receipt of an invoice from the Town, such costs may be collected by the Town in a civil action or assessed and filed as a lien against the property.
- D. The Town is authorized to abate any nuisance caused by the placement of evicted property onto any public right-of-way within the Town and to dispose of such evicted property as provided herein. The procedures contained herein shall not constitute a bailment, and the Town shall not be considered the bailee of any evicted property. No person shall maintain any claim or suit against the Town, its officers, officials, employees or agents responsible for disposing of any property or possession under this Section.

8.01.080 - Protest of notice of abatement.

- A. The owner, their agent or the occupant of the property subject to a notice of abatement, within the time stated in such notice for removal of the thing or things or abatement of the conditions described therein, may protest the findings of the authorized inspector with respect to any matter stated in the notice, by filing a written notice of protest with the Municipal Court. The Municipal Court shall deliver a copy of the protest to the authorized inspector who issued the notice. Upon receipt of a notice of protest, the authorized inspector shall file with the Municipal Court the notice to abate and the written notice of protest.

- B. Within ten (10) days after receipt of the protest by the Town, the Municipal Court shall schedule and conduct a hearing on the protest. At the hearing, the protesting party and representatives of the Town shall appear in person. Both parties may be represented by legal counsel, and the Colorado Municipal Court Rules shall apply.
- C. Upon the filing of a written protest as provided herein, the period of time for removal of the thing or things or abatement of the condition described in the original notice of abatement shall be extended until final disposition of the protest by the Municipal Court, plus the amount of time granted in the original notice, or as otherwise ordered by the Municipal Court.

8.01.090 - Assessment and collection of costs of abatement.

- A. If the Town chooses to summarily abate a nuisance under Section 8.01.060.A, the owner of the property shall be liable for the actual cost of abatement, which shall be calculated based upon a schedule of costs prepared by the Town, plus an administrative fee equaling fifteen percent (15%) of the abatement cost.
- B. The costs of abatement may be recovered by:
 - 1. A claim for restitution in a Municipal Court proceeding;
 - 2. The institution of a civil action for damages; or
 - 3. If the costs of abatement have not been otherwise collected, the Town may prepare a statement enumerating the actual costs of abatement and any other administrative fee and costs and file a first and prior lien upon the property relating back to the date upon which the abatement was performed.
 - a. A copy of the Town's statement shall be deposited in the United States mail or personally hand delivered to the owner. The owner may request, in writing, a hearing before the Municipal Court to contest the amount of the costs.
 - b. The written request must be made within thirty (30) days of the date of mailing or service of the first statement to the owner.
 - c. The property owner shall be given written notice at least two (2) weeks prior to the date, time and place of any hearing scheduled before the Municipal Court.

8.01.100 - Specified nuisances.

In addition to common law nuisances, the following shall constitute nuisances:

- A. *Accumulation.* It is unlawful to accumulate or permit the accumulation of any damaged merchandise, litter, trash, rubbish, garbage, inoperable vehicles or junk on any property not zoned for such purposes.
- B. *Discharge of noxious liquids.* No person shall discharge out of or from, or permit to flow from any house or place any foul or noxious liquid into or upon any adjacent ground or lot or into any street, alley or public place.
- C. *Littering.*
1. It is unlawful to throw or cause or permit to be thrown onto any public highway, thoroughfare, street, sidewalk or other place any trash; or to distribute or cause or permit to be distributed any type of advertising matter in such a manner so as to cause the littering of any public place.
 2. It is unlawful to drive, move or propel a vehicle or to allow a vehicle owned by such person to be driven, moved or propelled in such a manner so as to cause to be spilled, dropped or jostled onto any street, highway, thoroughfare, park, open space, pedestrian trail, sidewalk or other public place in the Town any trash or rubbish; or to load or allow a vehicle to be so loaded that the contents or any portion of the contents of such vehicle shall be spilled, dropped or jostled from such vehicle. Vehicles, including trucks, loaded with or transporting any construction material, dirt, earth, clay, stone, macadam, brick, cement, sand, fuel, coal, wood, refuse or garbage, shall be loaded, and the vehicle shall be in such condition, so that none of the contents shall be loosed or spilled along the route which the vehicle is traveling.
 3. It is unlawful for any person operating a vehicle or being a passenger in any vehicle to throw or cause to be thrown from such vehicle onto any public highway, thoroughfare, park, open space, pedestrian trail, street, sidewalk or other public place in the Town any rubbish or trash, fruit or fruit particles, wrappers, containers, paper, paper products, bottles, glass, cans, hulls, handbills, confetti, shavings, shells, stalks, animals, cloth or any other material of any kind which would render such public highway, thoroughfare, park, open space, pedestrian trail, street, sidewalk or other public place unsightly, unsafe, unclean or unsanitary.
 4. The owner or person in control of any private property shall at all times maintain the premises free of litter. No person shall throw or deposit litter on any private property in the Town, whether owned by such person or not; provided, however, that the owner or person in control of private property may maintain authorized private receptacles for the deposit of trash in such a manner that trash will not be deposited onto any public or private property.
- D. *Dumping.* It is unlawful to use any land, premises or property within the Town for the dumping or disposal of trash, litter, excrement, discarded building materials or combustible materials of any kind.

- E. *Stale matter.* No person shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation.
- F. *Sewer inlet.* No person shall deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault with a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become injurious to public health.
- G. *Noise.* The use of music, noisemakers or loudspeakers on public streets for the sale or vending of products, advertising or other commercial purposes is a nuisance.
- H. *Noxious Odors.* Any odor that is so unreasonable, offensive, or injurious to an ordinary person's physical senses that it interferes with the comfortable enjoyment of life or property.
- I. *Inoperable vehicles.*
 - 1. It is unlawful to park or store or permit to be parked or stored an inoperable vehicle on any property unless such vehicle is located within a completely enclosed structure, such as a garage, or in a side or rear yard outside of the applicable setback and concealed from view from a public street or adjacent property by either:
 - a. A fence of sufficient height to screen the vehicle, but in compliance with applicable height limitations; or
 - b. A mature hedge or similar dense vegetation of sufficient height to screen the vehicle.
 - 2. This Subsection shall not apply to a person with one (1) vehicle which is inoperable for a period of less than thirty (30) consecutive days or to any person conducting a business enterprise in compliance with this Code.
- J. *Vacant dwellings.* A broken window in a vacant dwelling shall be replaced by the owner or agent within seventy-two (72) hours after discovery thereof.
- K. *Stagnant ponds.* The permitting of stagnant water on any lot or piece of ground within the Town limits is a nuisance.
- L. *Posting of handbills, posters and placards.* Any handbill, poster or placard which is stuck, posted or pasted upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house is a nuisance.
- M. *Accumulation of mud.* Causing, or allowing the migration, tracking or dragging of mud, dirt or soil by the tires of machinery from any parcel of property to any public rights-of-

way or public property is a nuisance. For purposes of this Subsection, *public rights-of-way* shall include areas that are not yet dedicated to the Town, but are open to the public.

- N. *Placement of construction or landscaping material on public rights-of-way or public property.* Causing or allowing the placement or storage of construction or landscaping materials, including without limitation debris, trash, trash bins, dumpsters, roll-offs, san-o-lets, spoils, chunks of concrete, lumber, rebar, nails, rocks, dirt, plantings or equipment, on public-rights-of-way or public property, except as expressly permitted by the Town, is a nuisance.
- O. *Failure to comply with erosion control plan.* Causing or allowing a development to be maintained in a condition that is contrary to the erosion control provisions described in Chapter 15 of this Code is a nuisance.
- P. *Landscaping.* Failure to maintain landscaping in a thriving condition, or failure to replace dead trees, bushes, grasses or other plantings listed in the approved landscaping plan is a nuisance.
- Q. *Exterior improvements.* Failure to install or maintain exterior improvements contained in approved plans, including without limitation curbs, gutters, sidewalks, traffic control devices, fences or screening devices is a nuisance.
- R. *Weeds.* The accumulation of weeds or brush on any real property may be declared a nuisance under this Chapter, in addition to the remedies provided by Chapter 8.12 and the Town's then-adopted Noxious Weed Management Plan, as defined by Chapter 8.12.010.

8.01.110 - Penalties.

- A. Any person convicted of a violation of this Article shall be subject to the penalties set forth in Chapter 1 of this Code. The Town also may seek an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. Each day a violation of this Chapter continues shall constitute a separate offense.
- B. Any remedies provided for herein shall be cumulative, non-exclusive and in addition to any other remedies provided by law.

Section 4. Repeal. Section 8.12.040 of the Castle Rock Municipal Code is repealed in its entirety.

Section 5. Amendment. Section 8.12.080 of the Castle Rock Municipal Code is amended to read as follows:

8.12.080 - Right of Town to enter property, cut, control or eradicate weeds, and remove rubbish and charge owner for same.

If there exists any accumulation of rubbish and/or weeds upon any premises or property in the Town, the Town Manager or his or her authorized representative is authorized and empowered, after giving written notice as provided for in this Chapter, to cause the removal of any rubbish from any premises or property ~~in such manner as the Town Manager or his or her authorized representative may determine~~ pursuant to Chapter 8.01.

Section 6. Amendment. Section 8.20.060 of the Castle Rock Municipal Code is repealed in its entirety and reenacted to read as follows:

8.20.060 - Violation; notice; removal.

Inasmuch as the unlawful placement of refuse containers or unlawful depositing of waste as described in this Chapter can lead to a public health hazard or nuisance, the Town, through its agents and employees, upon finding a violation of this Chapter, may take such steps as deemed reasonably necessary to cause the violation to be immediately corrected pursuant to Chapter 8.01.

Section 7. Amendment. Section 9.16.100 of the Castle Rock Municipal Code is amended to read as follows:

9.16.100 - Other remedies.

No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law or to abate a noise nuisance under the laws of the Town or State, including without limitation pursuant to Chapter 8.01.

Section 8. Amendment. Section 17.64.130 of the Castle Rock Municipal Code is amended to read as follows:

17.64.130 - Nuisance.

It is unlawful and deemed a nuisance pursuant to Chapter 8.01 to:

- A. Operate a natural medicine business in violation of any of the requirements set forth in the Regulatory Act or this Chapter 17.64.
- B. Dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 9. 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 as invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 10. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for 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

Tara Vargish, Director of Development Services