

ORDINANCE NO. 2026-028

**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**

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.

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.

Occupant means any person who occupies the whole or a part of a building, premises or land, whether alone or with others.

Owner means:

- a. Any owner or holder of any legal or equitable estate in real property, including a dominant or servient tenement, except a future or reversionary interest and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust; or
- b. The owner of record, as reflected by the records of the office of the county clerk and recorder.

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.

Rubbish shall have the same meaning as set forth in Section 8.12.020 of this Code.

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, 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 and Re-enact. Chapter 8.04 of the Castle Rock Municipal Code is repealed in its entirety and re-enacted to read as follows:

Chapter 8.04 - Unsafe Trees and Shrubs.

8.04.010 – Definitions.

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

Occupant shall have the same meaning as set forth in Section 8.01.020 of this Code.

Owner shall have the same meaning as set forth in Section 8.01.020 of this Code.

Unsafe trees and shrubs mean any trees or shrubs, or any parts thereof, located upon any real property within the Town which may be considered infested, diseased, dead, or otherwise hazardous or which, in any way, endanger the security or usefulness of any other tree or shrub, public street, highway, alley, sidewalk, or utility facility.

8.04.020 - Duty of owner or occupant to remove unsafe trees and shrubs.

A. It shall be the duty of the owner or occupant of real property within the Town upon which any unsafe trees or shrubs exist to take whatever remedial action may be deemed necessary with respect to such trees or shrubs by the Town Manager or the Town Manager's duly authorized representative, including, but not limited to, insect and disease control, trimming, pruning, and, if necessary, removal in whole or in part within a reasonable time following notice as provided in section 8.04.030.

B. It shall be the duty of the owner or occupant of real property within the Town to keep all trees located upon such property trimmed to a clear height of fourteen (14) feet above the surface of any public street, alley or highway, and eight (8) feet above any public sidewalk.

C. It shall be the duty of every owner or occupant of real property within the Town to remove any trees or shrubs, or any parts thereof, upon such property, the roots of which interfere with any public sidewalk or utility facility.

8.04.030 - Notification of owner or occupant.

A. The Town Manager or the Town Manager's duly authorized representative is authorized to give notice to the owner or occupant of real property within the Town ordering whatever remedial action may be deemed necessary with respect to any unsafe trees or shrubs located upon such property as provided in section 8.04.020. The notice shall indicate that the owner or occupant has seven (7) days from the transmission of such notice to bring such property into compliance with this Chapter.

- B. It is unlawful for the owner or occupant of any real property within the Town to fail to take timely remedial action with respect to any unsafe trees or shrubs on such property in response to an order issued pursuant to subsection A of this section.

8.04.040 - Nuisance.

Upon finding any violation of this Chapter, the Town Manager or the Town Manager's duly authorized representative is authorized and empowered to treat such violation as a nuisance and to take such steps as reasonably necessary to cause such violation to be corrected pursuant to Chapter 8.01.

8.04.050 - Penalties.

- A. Any person convicted of a violation of this Chapter shall be subject to the penalties set forth in Chapter 1.08 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 5. Amendment. Section 8.12.020 of the Castle Rock Municipal Code is amended to read as follows:

8.12.020 - Definitions.

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

Native plant means a plant species which is indigenous to the state of Colorado.

Noxious weed means ~~aggressive plants~~ a plant species that are is not native to our area indigenous to the state of Colorado and have has been identified designated as a noxious weed by the Colorado Department of Agriculture in or the noxious weed advisory board pursuant to the Colorado Noxious Weed Act, §§35-5.5-101, et seq., C.R.S., and meets one or more of the following criteria:

- a. Aggressively invades or is detrimental to economic crops or native plant communities;
- b. Is poisonous to livestock;
- c. Is a carrier of detrimental insects, diseases, or parasites; or
- d. The direct or indirect effect of which is detrimental to the environmentally sound management of natural or agricultural ecosystems.

~~The statewide Noxious Weed List identifies all weed species of concern in Colorado and are grouped for eradication (list A), containment (list B) or suppression (list C).~~

Noxious weed advisory board means the Town of Castle Rock Weed Advisory Board appointed by the Town Council and vested with the authority to advise the Town on matters of noxious weed management. For all purposes authorized by this Chapter, the Town's Parks and Recreation Commission shall convene as the Noxious Weed Advisory Board.

Noxious weed management plan means the Town of Castle Rock Weed Management and Enforcement Plan as developed by the Weed Advisory Board and adopted by the Town Council.

Occupant shall have the same meaning as set forth in Section 8.01.020 of this Code.

Owner shall have the same meaning as set forth in Section 8.01.020 of this Code.

Rubbish means any and every 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.

Rubbish storage container means a non-corrodible and water-tight container not exceeding 32 gallons capacity with a tight, insect-proof and rodent-proof cover; or a plastic bag of sufficient strength, filled not more than 75 percent of capacity and securely tied at the opening; or a paper bag baled from a mechanical compactor; or an approved dumpster bin designed for mechanical lifting into a rubbish vehicle; or any other container approved by the Town.

Weed means any undesirable plant that is not intentionally cultivated or is unsightly and economically useless, including, but not limited to, any noxious weed.

Section 6. Amendment. Section 8.12.030 of the Castle Rock Municipal Code is amended to read as follows:

8.12.030 - Growth of weeds and accumulation of weeds; prohibited.

A. ~~It is unlawful for any person having or being entitled to the ownership or possession the owner or occupant of any developed or utilized real property, or any part thereof, within the Town to permit, allow, or maintain any growth of weeds on such property to a height greater than twelve (12) inches.~~

B. ~~It is unlawful for any person having or being entitled to the ownership or possession of said the owner or occupant of any developed or utilized real property, or any part thereof, within the Town to fail to cut or otherwise control and remove such permit, allow, or maintain any growth of noxious weeds growing upon said real on such property or upon the~~

sidewalks abutting ~~said real such~~ property in accordance with the Town's Noxious Weed Management Plan.

- C. It is unlawful for the owner or occupant of any undeveloped or unutilized real property within the Town to permit, allow, or maintain any growth of weeds on that portion of such property located within one hundred (100) feet of any building or structure, or any street to a height greater than twelve (12) inches.
- D. Nothing in this Section is meant to preclude the use of grass clippings or other mulch and/or composting, provided that there is no odor objectionable to the senses of the average person or unsightly accumulation of ~~the such~~ materials. Nothing in this section is meant to preclude the use of or otherwise limit the growth of native grasses and plants in any landscaping, reduced irrigation landscaping, or methods used in as authorized by the Town of Castle Rock Landscape and Irrigation Criteria Manual.

Section 7. Amendment. Section 8.12.040 of the Castle Rock Municipal Code is amended to read as follows:

8.12.040 - Accumulation of rubbish;- prohibited.

- A. It is unlawful for ~~any person having or being entitled to the ownership or possession the~~ owner or occupant of any real property, ~~or any part thereof,~~ within the Town to permit, allow, or maintain the accumulation, collection, or presence of any rubbish upon ~~said real such~~ property, or upon ~~the edges of any other public way~~ street, highway, alley, or sidewalk abutting said real such property.
- B. It is unlawful for ~~any person having or being entitled to the ownership or possession the~~ owner or occupant of ~~said any~~ real property, ~~or any part thereof,~~ within the Town to fail to remove any accumulation, collection, or presence of any rubbish from ~~said real such~~ property ~~and fail to do so as often as necessary to assure compliance with this Chapter at least once a week and at more frequent intervals if found necessary. Such rubbish shall be removed by a registered rubbish hauler, in a registered rubbish vehicle.~~
- C. It shall be unlawful for any person to deposit any rubbish storage container on the right-of-way abutting any public street or within any front yard prior to 5:00 p.m. on the calendar day before the scheduled collection of rubbish or to leave the rubbish container on any right-of-way abutting any public street or within any front yard abutting any public street more than 12 hours after collection of the rubbish therefrom.

Section 8. Amendment. Section 8.12.050 of the Castle Rock Municipal Code is amended to read as follows:

8.12.050 - Duty of owner to manage weeds.

- A. It is the duty of ~~every~~ the owner or occupant of ~~land~~ any real property within the Town to manage all weeds growing thereon in accordance with the ~~Town's~~ Noxious Weed

Management Plan. For any ~~other~~ weeds not designated as noxious under the Noxious Weed Management Plan ~~every~~ the owner or occupant of ~~land~~ such property shall cut, or cause to be cut, all weeds growing thereon, in such a manner that ~~all cut portions~~ such weeds are reduced in length to six (6) inches or less, ~~with the following exception:~~.

B. ~~Notwithstanding any provision of subsection A of this section to the contrary, that owners~~ the owner or occupant of parcels of ground any undeveloped or unutilized real property within the corporate limits of Town which contain more than five (5) acres in one (1) contiguous parcel shall be required to cut weeds only from those portions of said parcel such property which that are located within one hundred (100) feet of a any building or structure, or paved any street.

C. ~~In the event that all weeds are not reduced to a length of six (6) inches or less, then it~~ It shall be required that the duty of the owner or occupant any real property within the Town to remove, or cause the removal of, all cut weeds be removed from the such property to some place a location where refuse is ordinarily such weeds may be lawfully disposed.

Section 8. Repeal. Section 8.12.070 of the Castle Rock Municipal Code is repealed in its entirety.

Section 9. Amendment. Section 8.12.080 of the Castle Rock Municipal Code is renumbered as 8.12.070 and amended to read as follows:

~~8.12.080~~ 8.12.070 - 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 8.01~~, to cause the cutting, controlling or eradication of any weeds or 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 10. Amendment. The Castle Rock Municipal Code is amended by the addition of a new section 8.12.080, which section reads as follows:

8.12.080 - Penalties.

A. Any person convicted of a violation of this Chapter shall be subject to the penalties set forth in Chapter 1.08 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 11. Repeal. Section 8.12.090 of the Castle Rock Municipal Code is repealed in its entirety.

Section 12. Repeal. Section 8.12.100 of the Castle Rock Municipal Code is repealed in its entirety.

Section 13. Repeal. Chapter 8.16 of the Castle Rock Municipal Code is repealed in its entirety.

Section 14. Amendment. Section 8.20.010 of the Castle Rock Municipal Code is amended to read as follows:

8.20.010 - Definitions.

~~As used in~~ For purposes of this Chapter, the following terms shall have the following meanings:

A.——~~Construction~~ means ~~any change or activity upon any property whereby the person doing such change or activity or the owner of the property is required to obtain a building permit from the local building authority, or any other activity upon the property whereby excavation is being conducted for purposes other than raising a lawn or garden~~ the process of building, altering, repairing, improving, or demolishing any structure, building, or other improvements of any kind to real property within the Town whereby the person responsible for undertaking such activity and/or the owner of the real property is required to obtain a building permit for such activity from the Town.

B.——~~Dirt, debris, construction~~ Construction waste means common earth, salvage material, refuse, trash, or other waste materials associated with or resulting directly or indirectly from any construction activity or process.

Excavation means any operation in which earth is moved or removed by means of any tools, equipment, or explosives and includes augering, backfilling, boring, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, hydro-excavating, post holing, and tunneling. “Excavation” does not include routine maintenance of existing fences, planted landscapes, and irrigation facilities.

Excavation waste means common earth, landscaping material, refuse, trash, or other waste materials associated with or resulting directly or indirectly from any excavation.

C——~~Front yard setback~~ means ~~the existing setback for any parcel of property as determined by the applicable zoning regulation covering such property, but in no event shall it be less than twenty (20) feet~~ a yard extending across the full width of the lot between the front line and the nearest line or point of the building.

~~D~~—*General solid waste* means garbage, rubbish, litter, trash or other waste materials associated with or resulting directly or indirectly from general household use, or any business, commercial or industrial activity upon real property.

Occupant shall have the same meaning as set forth in Section 8.01.020 of this Code.

Owner shall have the same meaning as set forth in Section 8.01.020 of this Code.

Portable on-demand storage unit means a large reusable receptacle that can accommodate smaller cartons or cases or other material in a single shipment, designed for efficient handling of cargo.

Portable restroom means a self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

~~E~~—*Refuse container* means dumpsters, garbage cans, waste containers, dumpster bags, and other similar types of containers used for the deposit of refuse, garbage, litter, dirt, debris, construction waste, excavation waste, or ~~together with general solid waste, and the like.~~

Section 15. Amendment. Section 8.20.020 of the Castle Rock Municipal Code is amended to read as follows:

8.20.020 - Contractor and property owner responsibility.

- A. It is the ~~direct~~ responsibility of the owner or occupant of any real property within the Town upon which any construction or excavation is taking place, ~~together with or any and all general contractor and or subcontractors subcontractor working performing any construction or excavation work upon such property whereon any construction is taking place,~~ to ensure that all dirt, debris, and construction waste, excavation waste, ~~and or any general solid waste~~ resulting from such work shall be:
1. ~~not be removed, blown off, washed away or otherwise taken off of such property except in a lawful and proper manner where such dirt, debris and construction waste or general solid waste is taken to a proper waste depository~~ Deposited in a refuse container and transported to and disposed of at an approved solid waste disposal site or facility; or
 2. Otherwise put to ~~proper~~ reuse in accordance with applicable federal, state, and local laws.
- B. It is the ~~further~~ responsibility of the owner or occupant of any real property within the Town upon which any construction or excavation is taking place, ~~or any person lawfully in possession of any property within the Town or any contractor or subcontractor working performing any construction or excavation work upon any such property, whereon dirt, debris, construction waste, general solid waste and the like is being generated to provide upon such property the necessary~~ a sufficient number of refuse containers ~~to place therein~~

~~such refuse, etc. on or adjacent to such property wherein all dirt, debris, construction waste, excavation waste, or general solid waste resulting from such work may be deposited.~~

Section 16. Amendment. Section 8.20.030 of the Castle Rock Municipal Code is amended to read as follows:

8.20.030 - Right-of-way and front yard ~~setback~~.

- A. It is unlawful for any person to ~~allow dump or deposit, or otherwise cause or permit the dumping or depositing of~~, any dirt, debris, ~~and/or~~ construction waste, ~~landscape material excavation waste, and/or~~ any general solid waste ~~to be dumped, deposited or otherwise placed within on~~ any public property, or in any public right-of-way, street, alley, or easement within the Town. ~~Included in~~ It shall be deemed unlawful for purposes of this subsection is if such dirt, debris, and construction waste, Excavation waste, or general solid waste falling falls out of a truck-bed motor vehicle transporting such material, being is carried off of a construction or excavation site and deposited ~~upon a public street or alley by truck, tractor or other vehicle~~ the tires of any motor vehicle, or being is blown or washed off of a construction or excavation site due to the lack of proper maintenance of the as the result of any failure to properly maintain or store such material upon the site.
- B. It is unlawful for any person to ~~allow place, or otherwise cause or permit the placement of~~, any refuse container, portable restroom, or portable on-demand storage unit ~~of any type to be placed within any public right-of-way, street, alley or easement within the Town at any time, either whether on a permanently permanent or temporarily temporary basis, except as may be otherwise authorized by the Town in accordance with Section 8.20.040.~~
- C. It is unlawful for any person to ~~allow place, or otherwise cause or permit the placement of~~ any refuse container, portable restroom, or portable on-demand storage unit ~~of any type to be placed within the front yard setback of any lot or plot within the Town, as defined in this Chapter, except as may be otherwise authorized by the Town in accordance with Section 8.20.040, or except where and then only if such refuse container, portable restroom, or portable on-demand storage unit has been properly adequately screened from view either by artificially artificial means or through with landscaping, and such screening has been properly as may be approved after application and review thereof administratively by the Town Manager or the Town Manager's duly authorized representative.~~

Section 17. Amendment. Section 8.20.040 of the Castle Rock Municipal Code is amended to read as follows:

8.20.040 - Exceptions.

- A. ~~Refuse containers~~ Any refuse container properly utilized that is being used for the any lawful business, commercial, industrial, or residential activity taking place upon the property wherein such containers are located, and which are is wholly contained wholly within an enclosed building or structure thereon located on the real property where such activity is conducted, are is excepted from the provisions of this Chapter.

- B. ~~Refuse containers~~ Any refuse container that is owned or leased by, the Town or is otherwise permitted by the Town, and which ~~are~~ is placed on any public property, or in any public right-of-way, street, alley, or easement ~~in otherwise unlawful locations~~ for the use ~~by~~ of the general public for depositing litter, ~~are~~ is excepted from the provisions of this Chapter.
- C. ~~Every person has the right, notwithstanding~~ Notwithstanding any provision of this Chapter to the contrary, any person shall be allowed to properly place any refuse containers container at a point location on his or her real property owned or otherwise lawfully occupied by such person, or the public right-of-way adjacent thereto, which is next to a public roadway or alley for the purpose of facilitating trash solid waste pick-up and disposal by a recognized trash licensed solid waste hauler licensed by the Public Utilities Commission; provided, however, that no such refuse container shall be so placed for a period greater than twenty-four (24) hours, whether or not the such refuse container contains solid waste or not.
- D. Any refuse container, portable on-demand storage unit, or portable restroom associated with active construction or excavation on any real property shall be placed in the driveway associated with such property. If no such driveway exists, or if the length or slope of such driveway is such that placement of the refuse container, portable on-demand storage unit, or portable restroom thereon is impractical or unsafe, the owner or occupant of the real property, or the contractor or subcontractor performing construction or excavation work upon such property, shall apply for and obtain a permit from the Town prior to placing any such item in the public right-of-way.
- E. Any contractor or subcontractor who possesses an active building or site construction permit and has not received final acceptance for the public improvements associated with such permit pursuant to section 15.56.040 will not be required to apply for and obtain a separate right-of-way permit for the placement of any refuse container, portable on-demand storage unit, or portable restroom in the public right-of-way, unless and until such final acceptance has been issued by the Town.

Section 18. Repeal. Section 8.20.050 of the Castle Rock Municipal Code is repealed in its entirety.

Section 19. Amendment. Section 8.20.060 of the Castle Rock Municipal Code is renumbered as 8.20.050 and amended to read as follows:

~~8.20.060~~ 8.20.050 - Violation; notice; removal.

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 20. Amendment. Section 8.20.070 of the Castle Rock Municipal Code is renumbered as 8.20.060 and amended to read as follows:

~~8.20.070~~ 8.20.060 - ~~Violation; license~~ License and permit withholding.

Where it is administratively determined ~~by the Town~~ that a contractor or subcontractor is in violation of ~~Section 8.20.060. A~~ any of the provisions of this Chapter, ~~it is permissible the Town Manager or the Town Manager's duly authorized representative~~ is authorized and empowered to withhold from such contractor or subcontractor any licenses, permits, and or other privileges until such violation is corrected ~~or~~ and all outstanding charges thereto are paid.

Section 21. Amendment. Section 8.20.080 of the Castle Rock Municipal Code is renumbered as 8.20.070 and amended to read as follows:

~~8.20.080~~ 8.20.070 - ~~Violation; penalty~~ Penalties.

A. Any person convicted of ~~violating any provision~~ a violation of this Chapter shall, upon conviction thereof, be punished by a fine not to exceed three hundred dollars (\$300.00), be subject to the penalties set forth in Chapter 1.08 of this Code, as determined by the Municipal Court of the Town; provided that such court shall also assess to such violating party any costs incurred by the Town in accordance with the provisions of Section 8.20.060. 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 22. 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 23. Amendment. The definition of “junked vehicle” in Section 10.20.010 of the Castle Rock Municipal Code is amended to read as follows:

10.20.010 - Definitions.

Junked vehicle ~~includes~~ means any vehicle that is partially or wholly dismantled, wrecked or discarded; lacks any part necessary for legal operation on a public street; lacks glazing, lights or indicators, body sheet metal or paint on any part of the vehicle; or any vehicle which is found to be inoperable, without that does not display current, valid licensing license plates or tags.

Section 24. Amendment. Section 10.20.070 of the Castle Rock Municipal Code is amended to read as follows:

10.20.070 - Enforcement.

It shall be deemed a separate violation of this Chapter for each day that any vehicle is found to be in violation hereof. It shall be the duty of the police department, and any other law enforcement officers so authorized within the Town, to enforce this Chapter, both with respect to the removal and disposition of vehicles in violation of this Chapter, and also by issuing a written summons and complaint to the person believed responsible for the violation. In addition to the enforcement processes and penalties provided herein, 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 and, as such, is declared and deemed a nuisance pursuant to Chapter 8.01.

Section 25. 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 26. 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 27. 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 18th day of August, 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:

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to Content

Tara Vargish, Director of Development Services