

ORDINANCE NO. 2016-

**AN ORDINANCE AMENDING TITLE 19 OF THE CASTLE ROCK MUNICIPAL CODE
CONCERNING POSTING SIGNS IN THE PUBLIC RIGHTS-OF-WAY**

WHEREAS, The Town of Castle Rock is continuing its efforts to ensure that the Town's sign regulations, as more fully set forth in Title 19, Sign Code Regulations, of the Town's Municipal Code (the Code), are consistent with evolving legal authority including *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), decided by the United States Supreme Court last year; and

WHEREAS, the Town has begun the process of reviewing its Code, initially with a specific focus on signage in the rights-of-way and related provisions; and

WHEREAS, the Town seeks to ensure that signage within the rights-of-way, is subject to uniform and content-neutral regulations; and

WHEREAS, the Town is desirous of ensuring that certain signs are allowed within the rights-of-way, while prohibiting others; and

WHEREAS, the Town believes that in some instances the Code could be clearer, simpler, and more succinct.

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

Section 1. Amendment. Section 19.04.012.C of the Castle Rock Municipal Code is amended in its entirety to read as follows:

C. The following signs are exempt from the provisions of this Chapter:

1. Signs that are not visible beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or right-of-way, but such signs are not exempt from the safety regulations of the Town Uniform Building Code, Chapter 15.04, or National Electrical Code, Chapter 15.08;

2. Official government notices and notices posted by government officers in the performance of their duties, ~~including notices of community events, meetings and elections, government signs controlling traffic, regulating public conduct, identifying streets or warning of danger, and notices posted by authorized representatives of neighborhood and community associations of association events and activities. However, those signs or sign structures that are not in good repair, together with bulletin boards and identification signs accessory to government buildings or other facilities, are subject to the provisions of this Chapter;~~

3. Decorative lighting displays, including for example, holiday lights, that do not display a commercial message; provided that:

(i) such displays comply with the lighting standards set forth in Chapter 17.58; and

(ii) such displays may not be displayed for longer than two consecutive months per year;

~~3. Works of art that in no way identify or advertise a product or business or impede traffic safety;~~

~~4. Temporary decoration or displays, if they are clearly incidental to and customarily and commonly associated with any national, local or religious celebration, but not including freestanding structures; the Town, in displaying its decorations in accordance herewith shall be entitled to utilize public thoroughfares and rights-of-way without obtaining a right-of-way encroachment permit; the use and availability of the Town's banner poles on the Wilcox Street right-of-way may be made available through a permit.~~

45. Temporary or permanent signs erected by public utilities or construction companies to warn of danger or hazardous conditions in the public right-of-way or on private property, including without limitation, signs indicating the presence of underground cables, gas lines and similar devices;

56. Signs displayed on motor vehicles that are being operated or stored in the normal course of a business; ~~such as signs indicating the name of the owner of the business,~~ that are located on moving vans, delivery trucks, rental trucks and trailers; but only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles; and

7. Commercial Signs carried by a person and not set on or affixed to the ground.

Section 2. Amendment. Chapter 19.04 of the Castle Rock Municipal Code is amended to add a new section 19.04.015, Substitution, to read as follows:

19.04.015 Substitution.

Any sign that is permitted or otherwise allowed to be displayed under the provisions of this Chapter may contain any non-commercial message.

Section 3. Amendment. Section 19.04.041.A.6 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

6. Signs required or specifically authorized for a public purpose

by any law, statute or ordinance of any type, number, area, height above grade, location or illumination authorized by law, statute or ordinance under which such signs are required or authorized, but no such sign may be placed in the public right-of-way unless specifically authorized or required by law, statute or ordinance; ~~and, except for warning signs or barricades of a temporary nature, all such signs shall be permanently affixed to the ground, a building or another structure;~~

Section 4. Repeal. Subparagraph B of Section 19.04.047 is repealed in its entirety.

Section 5. Amendment. Section 19.04.052.I is amended in entirety to read as follows:

I. One (1) sandwich board sign is allowed for each businessoccupant within any platted lot that abuts a public right-of-way, provided that such sandwich board sign is located within that portion of the right-of-way adjacent to such lot. ~~The sandwich board sign may only advertise a business located on such lot.~~ Sandwich board signs shall not be placed so as to block building entrances or exits and may not be illuminated in any manner. Sandwich board signs may only be displayed during daylight hours. Sandwich board signs may be placed or maintained on public sidewalks or the area between the sidewalk and street within a right-of-way owned by the Town, provided that the sign as displayed:

1. Maintains not less than four (4) feet of continuous width of the sidewalk unobstructed so as to permit pedestrian use of the sidewalk, including disabled persons;
2. Does not unreasonably block the motoring public's view of pedestrian crossings or intersections; and
3. Does not otherwise create a safety hazard for pedestrians or motorists.

Section 6. Amendment. Section 19.04.053.C.7 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

7. Any sign in a public right-of-way, except for signs exempted pursuant to Sections 19.04.012, 19.04.044, and 19.04.052~~19.04.012 and 19.04.044~~ of this Chapter.

Section 7. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or

applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 16th day of August, 2016 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 ____ of _____, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney