

ORDINANCE NO. 2018-042

AN ORDINANCE AMENDING SECTION 14.02.050 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING THE LEASE OF PUBLIC PROPERTY FOR WIRELESS COMMUNICATION FACILITIES

WHEREAS, the disposition of Town-owned property is governed by Chapter 14.02 of the Castle Rock Municipal Code (“CRMC”), incorporating applicable provisions in state statutes,

WHEREAS, pursuant to C.R.S. §31-1-102, the Town Council may, by adoption of an ordinance, vary the statutory requirements governing the disposition of real property by a municipality contained in C.R.S. §31-15-713,

WHEREAS, the Town Council seeks to provide equitable, fair, and efficient consent for installation of wireless communications facilities within Town-owned property.

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

Section 1. Amendment. Section 14.02.050 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

14.02.050 Lease of real property.

A. Except as provided in B and C, below, the lease of any real property for a term of less than one (1) year shall be authorized by Town Council resolution or at the option of the Town Council by ordinance. Any lease of real property interests for a term of greater than one year shall be authorized and approved only by ordinance.

B. The lease of any real property owned by the Town for the placement of (i) micro facilities, or (ii) small cell facilities, all as defined in Chapter 17.60 of the Castle Rock Municipal Code (“CRMC”), may be authorized administratively by the Town Manager or his/her designee.

C. The lease of any real property owned by the Town for the placement of macro cell wireless communication facilities, as defined in 17.60 of the CRMC, may be authorized by Town Council resolution. Provided, however, a macro facility located on an existing structure, other than Towers, as defined in 17.60 of the CRMC may be authorized administratively by the Town Manager or his/her designee, pursuant to 17.60.060.B.1.c of the CRMC.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. 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 6th day of November, 2018 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 4th day of December, 2018, by the Town Council of the Town of Castle Rock by a vote of__ for and against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services