

ORDINANCE NO. 2019-020

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING THE ADMINISTRATION OF REGULATIONS FOR SOLICITORS

WHEREAS, pursuant to the recommendation of the Town Manager, the amendment of Chapter 5.04 summarizes the administration protocol for solicitor applications and designates responsibilities of the administrative enforcement of this Chapter 5.04.

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

Section 1. Amendment. Chapter 5.04 of the Castle Rock Municipal Code is amended to add Section 5.04.005 to read as follows:

5.04.005 Administration.

Pursuant to Section 3-3 of the Charter, the Town Manager has the authority to administer the regulations set forth in this Chapter 5.04.

Section 2. Amendment. Section 5.04.020 of the Castle Rock Municipal Code is amended to read as follows:

No person shall act as a solicitor within the Town without first registering with the Town in accordance with this Chapter. Canvassers are not required to register but may do so for the purpose of reassuring Town residents of the canvasser's good faith.

Section 3. Amendment. Section 5.04.030.A of the Castle Rock Municipal Code is amended to read as follows:

5.04.030 Application fees.

A. No application shall be received by the Town unless accompanied by an application fee in the following amount:

1. Canvasser: no fee.
2. Solicitor: \$35.00.

Section 4. Amendment. Sections 5.04.040.A and 5.04.040.K of the Castle Rock Municipal Code are amended to read as follows:

5.04.040 Application for registration.

A. Proof of age, address and identification of the applicant, to be provided by presenting the applicant's driver's license, state identification card, passport or other

government-issued identification card (issued by a government within the United States). The Town shall make a photocopy of the identification presented by the applicant, which shall be retained with the application.

K. Authorization for the Town to conduct a background check to verify information disclosed on the application.

Section 5. Amendment. Section 5.04.050 of the Castle Rock Municipal Code is amended to read as follows:

5.04.050 Registration; grounds for denial.

A. The Town may deny a registration for any of the following reasons:

1. Any person against whom a judgment based upon or a conviction for misrepresentation, fraud, deception, breach of warranty or breach of contract in the Town or elsewhere has been entered within the five years preceding the date of application.

2. Failure to comply with this Chapter or violation of any ordinance applicable to his or her permitted activities.

3. Failure to obtain a business license or contractor's registration certificate as required by the Town or failure of the applicant, his or her supervisor or his or her employer to remit any sales tax due the Town.

4. Registration as a sex offender or as a sexual predator in this or any other state, or conviction of any crime that requires such registration.

5. Felony convictions for crimes against the person or property of another.

6. Institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalization occurred within the five years preceding the date of application. For the purposes of this Section:

Crimes or acts of violence against the property of another shall include: theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude by whatever name.

Crimes or acts of violence against the person or another shall include: homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery and other similar felonies involving moral turpitude by whatever name.

7. Any false, misleading or fraudulent statement on an application, or when an applicant has omitted pertinent information on the application for registration.

8. The applicant is a person whose character and record are such as not to demonstrate reasonable assurances that he or she will conduct the business of

soliciting lawfully, honestly and fairly or without resorting to duress, coercion, intimidation or harassment of any person being solicited for business or other acts of violence or force against persons or property.

9. Any person who has been denied registration or had his or her registration revoked pursuant to this Chapter within the previous year, unless the applicant can and does show, to the satisfaction of the Town, that the reasons for such earlier denial or revocation no longer exist.

B. In making a determination pursuant to Subsection A. above, when considering a criminal or ordinance violation conviction or judgment, the Town shall be governed by the provisions of Section 24-5-101, C.R.S., pertaining to the effect of criminal convictions on employment rights. The Town shall also give consideration to the following criteria:

1. The reliability of any source as to character and record and any corroboration of any such evidence;

2. The nature of any criminal conviction or ordinance violation or any judgment involving fraud, deceit or misrepresentation, including the classification of any felony or misdemeanor conviction; length of time incarcerated or severity of remedy or penalty imposed; mitigating or aggravating factors involved; subsequent record of conduct, including educational achievements and work history; subsequent convictions or parole or probation violations; and the correlation, if any, between the illegal or fraudulent activity and the solicitor registration for which application has been made; and

3. Any evidence presented tending to show the applicant's rehabilitation as being a law-abiding and productive member of society.

C. Persons whose applications for registration have been denied shall be notified in writing of the reason for such denial within three business days of receipt of the application for registration by the Town. Upon written request to the Town Manager, applicants that have been denied are entitled to an administrative review of the denial by the Town Manager. The Town Manager shall determine whether the reasons for registration denial in fact exist and shall notify the applicant in writing of said determination within three business days of receipt of the written request for administrative review by the Town Manager.

Section 6. Amendment. Section 5.04.055 of the Castle Rock Municipal Code is amended to read as follows:

5.04.055 Identification badge; replacement.

A. When an application for registration is approved, the Town shall issue an identification badge to the solicitor, which badge shall be worn so as to be plainly visible at all times while the solicitor is performing any activities within the Town that require registration pursuant to this Chapter.

B. Upon receipt of an application for a replacement badge, stating that the previously issued identification badge has been lost or stolen, payment of a replacement fee in the amount of \$10.00 and submission of new passport-sized photographs, the Town may issue a replacement badge. No replacement badge shall be issued unless the Town is able to verify that the solicitor remains employed by the company listed in the original application, or otherwise will be engaged in the same soliciting activities as specified in the original application.

Section 7. Amendment. Section 5.04.060 of the Castle Rock Municipal Code is amended to read as follows:

5.04.060 "No knock" list.

The Town shall make available on the Town website a list of persons within the Town who restrict visits to their residential property (including their leasehold, in the case of a tenant) by solicitors. Each solicitor registered pursuant to this Chapter shall be responsible for verification of addresses contained on the "No knock" list prior to engaging in solicitation within the Town; such verification may be made by reviewing the "No knock" list on the Town's website.

Section 8. Amendment. Section 5.04.090 of the Castle Rock Municipal Code is amended to read as follows:

5.04.090 Violations record.

The Municipal Court Clerk shall report to the Town Manager all convictions for violations of this Chapter. The Town shall record the reports of violations in its record for each certificate of registration issued.

Section 9. Amendment. Section 5.04.100.B of the Castle Rock Municipal Code is amended to read as follows:

5.04.100 Registration; revocation.

B. If the Town finds that any of the grounds stated in Section 5.04.050 of this Chapter exist or that the applicant has, during the period of registration, been convicted of a violation of this Chapter or any other crime or ordinance violation that would be cause for denial of a registration, the Town shall revoke the certificate of registration; or, for other just cause related to the health, safety or welfare of the citizens of the Town or related to the person's business integrity or responsibility, the Town may revoke the certificate of registration.

C. A person whose certificate of registration has been revoked shall be notified in writing of the reason for such revocation immediately upon revocation and, upon written request to the Town Manager, is entitled to an administrative review of the revocation by the Town Manager. The Town Manager shall determine

whether the reasons for revocation in fact exist and shall notify the applicant in writing of said determination within three business days of receipt of the written request for administrative review by the Town Manager.

Section 10. Amendment. Section 5.04.110 of the Castle Rock Municipal Code is amended to read as follows:

5.04.110 Registration; expiration.

Each registration shall expire on the date specified on the identification badge, and the Town shall issue no registration for a period longer than one year. On the expiration of a registration, any person may apply for the issuance of a new registration. Each successive registration shall be subject to all requirements for issuance of a new registration, including but not limited to a new background check, new photographs being provided and a new application fee being paid.

Section 11. 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 12. 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 2nd day of July, 2019 by a vote of 7 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 16th day of July, 2019, 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

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

David L. Corliss, Town Manager