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## **Chapter 1.01**

### **Code Adoption**

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#### **1.01.010 Adoption.**

The Castle Rock Municipal Code as promulgated by the Town of Castle Rock, Colorado, is hereby adopted and enacted by reference. The purpose of this Code is to codify the ordinances of the Town which are of a general and permanent nature. The subject matter of this Code includes provisions concerning the application and interpretation of the Code; the administration, personnel and organization of the Town; revenue and finance; business taxes, licenses and regulations; animals; health and safety; public peace, morals and welfare; vehicles and traffic; streets, sidewalks and public places; public services; buildings and construction; subdivisions; zoning; and flood plan regulations. (Ord. 83-3 §1(A), 1983)

#### **1.01.030 Title; citation; reference.**

This Code shall be known as the "Castle Rock Municipal Code" and it shall be sufficient to refer to said Code as the Castle Rock Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the Castle Rock Municipal Code. Further reference may be made to the titles, chapters, sections and subsections of the Castle Rock Municipal Code and such references shall apply to that named or numbered title, chapter, section or subsection as it appears in the Code. (Ord. 83-3 §2, 1983)

#### **1.01.040 Ordinances passed prior to adoption of Code.**

The preparation of the Castle Rock Municipal Code has taken considerable time during which additional ordinances have been passed which will necessarily need to be codified into the Code. The following ordinances are specifically saved from repeal and directed to be codified: Ordinance No. 3.74, Ordinance No. 9.11, Ordinance No. 9.12, Ordinance No. 3.03, Ordinance No. 1.28, Ordinance No. 10.10, Ordinance No. 8.12 and Ordinance No. 83-2 or 3.03.03, whichever is applicable. (Ord. 83-3 §5, 1983)

#### **1.01.050 Repeal of prior ordinances.**

All ordinances of the Town of Castle Rock, of a general and permanent nature, which were finally adopted on or before January 1, 1983, whether or not in legal effect at that date, are hereby repealed,

except as hereinabove and hereafter provided, and except as the Castle Rock Municipal Code expressly saves any such ordinance or part thereof from repeal. Ordinance No. 1.01 is hereby expressly repealed. (Ord. 83-3 §6, 1983)

**1.01.060 Matters not affected by repeal and ordinances saved from repeal.**

A. The repeal of ordinances and any parts thereof, of a permanent or general nature, by Section 1.01.050 shall not affect any offense committed or any act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time when said ordinances and parts of ordinances are repealed.

B. The repeal of ordinances of a general and permanent nature by Section 1.01.050 shall not repeal any ordinance or part thereof saved from repeal specifically by the Castle Rock Municipal Code, nor shall such repeal affect any ordinance:

1. Promising, guaranteeing or authorizing the payment of money by or for the Town;
2. Authorizing or relating to specific issuance of bonds or other evidences of indebtedness;
3. Granting a franchise or permit;
4. Establishing the compensation of Town officers or employees, or setting forth personal regulations therefor;
5. Levying taxes, making appropriations or adopting a budget;
6. Creating specific local improvement districts;
7. Making special assessments for local improvements;
8. Vacating, accepting, establishing, locating, relocating or opening any street or public way;
9. Affecting the corporate limits of the Town or annexing any property;
10. Zoning or rezoning any areas or property within the Town;
11. Which is of a special or temporary nature;
12. Dedicating or accepting any plat or subdivision. (Ord. 83-3 §7(part), 1983)

**1.01.070 Codes kept on file.**

A. It shall be the responsibility of the Town Clerk to maintain at least three (3) copies of the Castle Rock Municipal Code, together with one (1) copy of each primary or secondary code adopted therein, all certified by the mayor and the Town Clerk to be true copies of such codes as they were adopted by the ordinance codified in this Chapter and previous adopting ordinances, on file in the office of the Town Clerk, available for public inspection. One (1) copy of each such primary or secondary code may be kept in the office of the chief enforcement officer thereof rather than in the office of the Clerk.

B. The Town Clerk shall prepare and publish revised sheets of every loose-leaf page in need of revision by reason of amendment, addition or repeal. The Town Clerk shall distribute the revised loose-leaf sheets for such fee as the Town Council may direct.

C. In addition to those copies of this Code specified in subsection A of this Section, a copy of this Code shall be kept on file in the office of the Town Clerk in which it shall be the express duty of the Town Clerk to insert in their designated places all amendments or ordinances which are intended to become a part of the Castle Rock Municipal Code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may from time to time be repealed. This copy of the Castle Rock Municipal Code shall be available to all persons desiring to examine it and shall be considered the official code of the Town of Castle Rock. (Ord. 2002-47 §2, 2002; Ord. 83-3 §9, 1983)

**1.01.080 Sale of Code copies.**

The Town Clerk shall maintain a reasonable supply of the municipal Code to be available for purchase by the public at a moderate price. (Ord. 83-3 §10, 1983)

**1.01.100 Chapter severability.**

Each section of this Chapter is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof. (Ord. 83-3 §7(part), 1983)

**1.01.110 Code severability.**

If any section, subsection or other provision of the Castle Rock Municipal Code, or the application thereof to any person or circumstances, is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of the Castle Rock Municipal Code if they can be given effect without the invalid section, sections, subsections, provision or application. (Ord. 83-3 §8, 1983)

**Chapter 1.04**

**General Provisions**

**(Reserved)**

**Chapter 1.08**

**General Penalty**

**1.08.010 Violation; penalty**

**1.08.010 Violation; penalty.**

A. No person shall violate any of the provisions of the ordinances of the Town, including the provisions of this Code. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town or this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and he or she shall be punished accordingly. (Ord. 2002-47 §4, 2002; Ord. 83-3 §3, 1983)

**Chapter 1.10**

**Other Laws and Regulations**

**1.10.010 Applicability of federal and state laws.**

**1.10.010 Applicability of federal and state laws.**

A. No approval, license, permit or other privilege or entitlement ("authorization") shall be granted or issued under the provisions of this Code or under any administrative regulation or process for any activity or conduct that is proscribed by state or federal law, irrespective of any other provision of the Code. Any authorization shall be conditioned on the ongoing compliance by the beneficiary of the authorization with all state and federal laws and regulations, as the same may be amended from time to time, applicable to the activity or conduct subject to the authorization. Any authorization that permits or allows an activity or conduct proscribed under state or federal law or regulation shall be subject to immediate revocation or revision, subject to any hearing or other due process requirement expressly granted under the provision of the Code under which the authorization was made. Accordingly, applicants seeking approval from the Town for development, building permit, variance or any other matter regulated by the Town are responsible for complying with all laws, including federal and state laws and regulations, and the issuance of a building or development permit or other approval by the Town does not constitute approval or authorization with respect to such other regulations.

B. Development within and around the Town is specifically subject to the Endangered Species Act, 16 U.S.C. § 1531, et seq. Species protected under the Endangered Species Act, including the Preble's Meadow Jumping Mouse, and their habitat may occur in the vicinity of proposed development activities. The Endangered Species Act prohibits the unauthorized take of such species, whether directly or indirectly, such as through habitat alteration. Such development activities may, therefore, require a permit or other approval from the U.S. Fish and Wildlife Service, which the applicant is solely responsible for obtaining. (Ord. 2009-41 §1, 2009; Ord. 2002-47 §5, 2002)