

Posted: \_\_\_\_\_

Remove: \_\_\_\_\_



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Town Council Regular Meeting**

**Tuesday, September 19, 2023, 7:00 PM**

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

#### **Call to Order**

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Meeting Notice**

#### **Conflicts of Interest**

#### **Agenda Changes**

#### **Citizen Comments on Items not on the Agenda**

-Comments are limited to three minutes-

#### **Consultant Reports**

Consultant Attorney

Consultant Engineer

#### **Items for Consideration**

**A. Discussion: Rolling Fork Food Truck**

**B. Historic Preservation Commission Update**

**C. Consider Ordinance TC2023-4 - an Ordinance of the New Castle Town Council Repealing 17.84.060 of the New Castle Municipal Code (2<sup>nd</sup> reading)**

**D. Consider Ordinance TC2023-5 - an Ordinance of the New Castle Town Council Adopting 2020 Model Traffic Code (1<sup>st</sup> reading)**

**E. Discussion: Sign Code**

**F. Discussion: Wildland-Urban Interface Code**

**G. Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Administrators Supervisory Responsibilities, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.**

### **Staff Reports**

Town Administrator  
Town Clerk  
Town Treasurer  
Town Planner  
Public Works Director

### **Commission Reports**

Planning & Zoning Commission  
Historic Preservation Commission  
Climate and Environment Commission  
Senior Program  
RFTA  
AGNC  
GCE  
EAB  
Detox

### **Council Comments**

### **Adjourn**



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**Memorandum**

**To:** Mayor Riddile & Town Council

**From:** Dave Reynolds

**Subject:** Agenda Item: Discussion with Aaron Shockley – Rolling Fork Food Truck

**Date:** 9/19/2023

**Purpose:**

The purpose of this agenda item is to meet with Aaron Shockley (owner and operator of Rolling Fork Food Trucks) and discuss the possibility for Food Truck operations in Downtown along with the possibility of converting town owned property into a fixed location for his operations.



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## Memorandum

**To:** Mayor Riddile & Town Council

**From:** Dave Reynolds

**Subject:** Agenda Item – Historic Preservation Commission (HPC) Update and Budget Request

**Date:** 9/19/2023

**Purpose:**

The purpose of this agenda item is to allow time HPC Chairperson Mari Riddile to update Town Council on this year's HPC activities, 2024 planned activities, and 2024 budget needs.

HPC is expected to seek 2024 funding in the total amount of \$10,000 to be used roughly as follows:

- \$2,000 toward Trainings, webinars, classes, and legal expenses
- \$8,000 toward Historic Designations of identified buildings



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## Memorandum

**To:** Mayor Riddile & Town Council  
**From:** Dave Reynolds  
**Subject:** Agenda Item: Consider Ordinance TC 2023-4 on Second Reading  
**Date:** 9/19/2023

**Purpose:**

The purpose of this agenda item is to consider Ordinance TC 2023-4 on Second Reading.

Ordinance TC 2023-4 considers the removal of Municipal Code Section 17.84.060 which requires that *"All approved site plans for conditional uses, including modifications and conditions, shall be indorsed by the town council and made a permanent part of the zoning district map."*

During a regular Town Council meeting held on September 5<sup>th</sup>, Town Council voted to approve Ordinance TC 2023-4 on first reading. No changes have been made since the approval on first reading.

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE NO. TC 2023-4**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL REPEALING SECTION  
17.84.060 OF THE NEW CASTLE MUNICIPAL CODE.**

WHEREAS, Section 17.84.060 of the New Castle Municipal Code (“Code”) requires the Town of New Castle (the “Town”) to make all approved site plans for conditional uses a permanent part of the Town’s official Zoning Map

WHEREAS, Town staff finds that including all approved site plans for conditional uses on the Zoning Map as required by Section 17.84.060 of the Code creates an undue burden on Town resources and makes the Zoning Map unnecessarily complicated and unreadable by citizens; and

WHEREAS, based on the recommendations from Town staff and other information presented, Town Council now desires to amend the Code to repeal Section 17.84.060 in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. **Recitals.** The foregoing recitals are incorporated by reference herein as findings and determinations of Town Council.
2. **Repeal.** Town Council hereby repeals Section 17.84.060 of the Code in its entirety.
3. **Severability.** If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.
4. **Effective Date.** This Ordinance shall be effective fourteen days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED on September 5, 2023, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on September 19, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO  
TOWN COUNCIL

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

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Mindy Andis, Town Clerk



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**To:** Town Council  
**From:** Mindy Andis, Interim Town Clerk  
**Date:** September 19, 2023  
**Re:** Model Traffic Code & Moving Driving Under Restraint / Vehicle Registration  
Infractions to Municipal Court

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The purpose of this agenda item is to consider two potential municipal code changes that are recommended by Municipal Court Judge Amanda Maurer, Court Clerk Mindy Andis, Police Chief Chuck Burrows and Prosecutor Tim Graves ('staff').

The first is to adopt by reference the most recent version of the Model Traffic Code (MTC) as allowed by C.R.S. 31-16-201. The MTC was updated in 2020, and staff recommends updating the New Castle Municipal Code to reference this newest version.

The second consideration is in regard to 'Driving Under Restraint' infractions, which means to drive while your driver's license is suspended, revoked, denied or restrained, as well as 'Inoperable Vehicle' infractions.

Staff has discussed this at length and determined that it is appropriate to move the above infractions into the municipal court as allowed by C.R.S. Title 42. Currently, these tickets are written into county court. It is the staff's opinion that the county would much prefer municipal courts to handle the tickets, and staff feels the municipal court can easily manage the added workload.

An ordinance will be required to adopt the MTC, and the same ordinance can provide new municipal code sections that place the noted infractions into the municipal court jurisdiction.

Staff respectfully requests direction from the council to bring an ordinance forward to implement the proposed changes.

*Mindy Andis, CMC*  
*Interim Town Clerk*

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. 2023-5**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL REPEALING AND REENACTING CHAPTER 10.04 OF THE NEW CASTLE MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO, WITH CERTAIN AMENDMENTS AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Town of New Castle (“Town”) is authorized pursuant to C.R.S. §§ 31-15-401 and 42-4-110(1)(b), to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens, and specifically, to adopt a model traffic code that encompasses the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the Town is authorized to adopt Colorado statute or any standard published codes pursuant to Section 4.6 of the New Castle Charter and C.R.S. §§ 31-16-201, *et seq.*; and

WHEREAS, the Town Council previously adopted by reference the 2010 Edition of the Model Traffic Code for Colorado, as amended and codified in Chapter 10.04 of the New Castle Municipal Code; and

WHEREAS, the Colorado Department of Transportation (“CDOT”) has promulgated a 2020 Edition of the Model Traffic Code for Colorado (“2020 MTC”), which the Town Council desires to adopt to remain consistent with changes in the Model Traffic Code; and

WHEREAS, upon recommendation from Town staff, the Town Council also desires to amend Chapter 10.04 of the Code to include provisions regarding driving without a valid driver’s license and current vehicle registration; and

WHEREAS, the Town Council hereby finds and determines that the adoption of the 2020 MTC and requirement for valid driver’s licenses and vehicle registration is in the best interest of the public health, safety, and welfare of the citizens of the Town and desires to adopt such code by reference, as amended and set forth herein, and to adopt penalties for and violations thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Adoption by Reference. Except as provided in the following sections, the Town Council hereby adopts by reference the 2020 MTC, and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. In lieu of full publication of the foregoing, a true and correct copy of the 2020 MTC shall be available for inspection at the office of the Town Clerk as provided in Section 4.6 of the New Castle Charter.

3. Citation Corrections. The Town Council finds that there are numerous citation errors throughout the official 2020 MTC adopted by this Ordinance. As such, the Town Council approves and incorporates by reference herein the citation corrections listed in Exhibit A, attached hereto.

4. Repeal and Reenactment. Chapter 10.04 of the New Castle Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit B, attached hereto and incorporated by reference herein.

5. Applicability. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate.

6. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

7. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed. Provided, however, this Ordinance shall not affect the prosecution of any violation of the 2010 Edition of the Model Traffic Code that commenced prior to the effective date of this Ordinance.

8. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED on September 19, 2023, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on October 3, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO  
TOWN COUNCIL

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Mindy Andis, Town Clerk

## Exhibit A

The following citations in the 2020 Model Traffic Code are corrected as follows:

1. In Section 223, all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
2. In Section 225, subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
3. In Section 228, subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
4. In Section 237, subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
5. In Section 509, subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
6. In Section 613, the references to "Code 4" are modified to read "Article 4."
7. In Section 805, subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
8. In Section 1012, subsection (2.5)(c), the reference to September 1, 2003, is deleted.
9. In Section 1012, subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
10. In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."
11. In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; and the reference to "Code 10" is modified to read "Article 10."
12. In Section 1805, the reference to "Part 1 of Code 6 of this Title" is modified to read "Part 1 of Article 6 of Title 42, C.R.S."

## Exhibit B

### **10.04.010 - Interpretation.**

This chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of this chapter and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

### **10.04.020 - Application.**

This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413, and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

### **10.04.030 - Adoption.**

Pursuant to Section 4.6 of the New Castle Charter and Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference the 2020 edition of the Model Traffic Code promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222 ("Model Traffic Code"), and the amendments thereto set forth herein. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic regulations for the town. The purpose of this chapter and the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of the Model Traffic Code adopted herein are now filed in the office of the town clerk and may be inspected during regular business hours.

### **10.04.040 - Deletions.**

The 2020 edition of the Model Traffic Code is adopted as if set out at length, save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

- (A) Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;
- (B) Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;
- (C) Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

- (D) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;
- (E) Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", in its entirety;
- (F) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;
- (G) Any penalty provisions in the Model Traffic Code that conflict with the provisions set forth in Municipal Code Sections 10.04.050 or 10.04.060 are deleted and said Municipal Code provisions control.

**10.04.050 - Additions or modifications.**

The Model Traffic Code is subject to the following additions or modifications:

**A. Section 1101(2) is modified to read as follows:**

- (2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:
  - (a) Fifteen miles per hour in all alleyways;
  - (b) Twenty miles per hour on narrow, winding mountain highways or on blind curves;
  - (c) Twenty miles per hour in any business district, as defined in section 42-1-102(11), C.R.S., and in any residence district, as defined in section 42-1-102(80), C.R.S.;
  - (d) Forty miles per hour on open mountain highways;
  - (e) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);
  - (f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), C.R.S., and are not surfaced, four-lane freeways or expressways.
  - (g) Seventy-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), C.R.S., or are freeways or expressways;
  - (h) Any speed not in excess of a speed limited designated by an official traffic control device.

Signs shall be posted at the Town limits advising motorists entering the Town that the speed limit within the Town of New Castle is 20 mph on all streets, 15 mph in alleyways, unless otherwise posted.

**B. The following Traffic Control Schedules for Designated Streets are added in accordance with Sections 703, 1101 and 1102:**

(1) SCHEDULE I — THROUGH STREETS

In accordance with Section 703, and when official signs are erected giving notice thereof, drivers of vehicles shall stop or yield as required by said signs at every intersection before entering any of the following streets or parts of streets:

Name of Street	Segment Affected
Main Street (Highway 6 & 24)	East to West Town Limit
7th Street	Main Street to Front Street
Front Street	7th Street to Midland Avenue
Midland Avenue	Front Street to North Town Limit
County Road 335	East Town Limit to West Town Limit
Castle Valley Boulevard	Midland Avenue Main Street
Alder Avenue	West intersection to East intersection with Castle Valley Boulevard
Clubhouse Drive	Entire roadway, but through traffic to yield at marked pedestrian/ golf cart crossings

(2) SCHEDULE II — MODIFIED SPEED LIMITS

In accordance with Sections 1101 and 1102, and when official signs are erected giving notice thereof, the presumptive speed limits are modified for the following streets or portions thereof:

Name of Street	Portion Affected	Speed Limit
County Road 245	Castle Valley Boulevard to North Town Limit	30 mph
Castle Valley Boulevard, east bound	Midland Avenue to 700 block	30 mph
	700 block to Main Street (Highway 6 & 24)	20 mph
Castle Valley Boulevard (west bound)	Main Street (Highway 6 & 24) to Midland Avenue	30 mph
Main Street (Highway 6 & 24)	East Town Limit to a point 369 feet east of Castle Valley Boulevard	55 mph
	A point 369 feet east of Castle Valley Boulevard to west	45 mph

	intersection with Burning Mountain Avenue	
	West intersection with Burning Mountain Avenue to 150 feet west of Elk Creek Bridge	30 mph
	150 feet west of Elk Creek Bridge to West Town Limit	35 mph
County Road 335	Intersection of bridge over I-70/Colorado River and CR 335 west for .5 miles	35 mph
	.5 miles west of CR 335 intersection with I-70/Colorado River bridge to West Town Limit	45 mph

(3) SCHOOL ZONES

In accordance with Sections 1101 and 1102 of the 2010 Model Traffic Code, when official signs are erected giving notice thereof, the maximum permitted speed in designated school zones shall be 20 miles per hour at any time when children are present.

The following areas are designated as school zones:

(A) Kathryn Senor Elementary School Zone and Riverside Junior High School Zone

*Castle Valley Boulevard:* beginning at a point 1,416 feet east of the intersection with Midland and continuing to a point 654 feet west of the intersection with Alder Avenue.

*Current Drive:* entire road.

*Alder Avenue:* from the intersection with Castle Valley Boulevard to a point 750 feet north of the intersection.

(B) Elk Creek Elementary School Zone

*7th Street:* beginning at a point 386 feet north of the intersection with Main Street and continuing along the 7th Street corridor to a point 150 feet south of the intersection of North Midland Avenue with 1st Avenue.

**C. Section 1701 is amended by the addition of a new subsection (5)(a)(III) to read as follows:**

(III) If a person receives a penalty assessment notice for a violation under this Section 1701, and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

(A) For a violation having an assessment of three (3) or more points under section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by two (2) points.

(B) For a violation having an assessment of two (2) points under section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by one (1) point.

**D. Section 1204 is amended by the addition of a new subsection (9) to read as follows:**

(9) No person shall park a vehicle in any private commercial parking lot within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, and where such signs and their locations have first been approved in writing by the town's chief of police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three days after receiving notification of the violation, the town attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation.

**E. Section 1406 is repealed and reenacted in its entirety as follows:**

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 42-4-1701(4)(a)(I)(N), C.R.S.

(6) As used in this section:

(a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) "Human waste" means urine or feces produced by a human.

**F. Section 1407 is repealed and reenacted in its entirety as follows:**

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping, sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one-mile radius of the motor vehicle's last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations;  
or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102, C.R.S.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

**G. Subsection (3) of Section 114 is amended to read as follows:**

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

**H. Subsection 3 of Section 1205 is amended to read as follows:**

(3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

**I. The following definitions are added to the "Definitions" appendix of the Model Traffic Code:**

(28.5) "Electrical Assisted Bicycle" means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) "Electric Personal Assistive Mobility Device" or "EPAMD" means a self balancing, non tandem two-wheeled device, designed to transport only one person,

that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) "Low-Power Scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term "low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

**J. Section 239 is amended by the modification of subsections (5), (5.5), and (6) to read as set forth below:**

(5) (a) A person who operates a motor vehicle in violation of subsection (2) or of this Section commits a Class A traffic infraction as defined in Section 1701(3) of the Model Traffic Code, and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this Section is Class A traffic infraction as defined in Section 1701(3) of the Model Traffic Code, and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5) (a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this Section, a person who operates a motor vehicle in violation of subsection (3) of this Section commits a Class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person's actions are the proximate cause of bodily injury to another, the person commits a Class 1 misdemeanor traffic offense and shall be punished as provided in Section 1701(3)(a)(ii) of the Model Traffic Code.

(c) If the person's actions are the proximate cause of death to another, the person commits a Class 1 misdemeanor traffic offense and shall be punished as provided in Section 1701(3)(a)(ii) of the Model Traffic Code.

(6) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this Section unless a law enforcement officer saw the operator use a wireless

telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 1402 of the Model Traffic Code.

#### **10.04.060 – Penalties.**

The following penalties, herewith set forth in full, shall apply to this chapter:

- A. It is unlawful for any person to violate any of the provisions adopted in this chapter.
- B. Every person convicted of a violation of any provision of this chapter that is a point violation of four points or fewer, pursuant to C.R.S. § 42-2-127, as may be amended from time to time and which is adopted by reference, excluding careless driving, text messaging while driving, and compulsory insurance violations, shall be punished by a fine not exceeding two hundred dollars (\$200.00).
- C. Every person convicted of a violation of any provision of this chapter not addressed by subsection B of this section, shall be punished by a fine and/or imprisonment in accordance with Section 1.20.010.
- D. Pursuant to Section 615, when official signs are posted giving notice thereof, the penalties described in subsections B and C of this section, shall be doubled when a person is convicted of a moving traffic violation in an area designated as a school zone in Section 10.04.050.
- E. Fines shall be doubled for speeding violations in maintenance, repair or construction zones subject to the requirements of Section 614.

#### **10.04.070 – Operator’s Licenses.**

##### **A. License Required.**

1. Except as may be otherwise provided under state law for commercial drivers, no person shall drive any motor vehicle upon a right-of-way within the Town unless such person has been issued a current, valid driver’s or minor driver's license or an instruction permit by the State of Colorado or by another state or country.
2. No person shall drive any motor vehicle upon a right-of-way within the Town if such person’s driver’s or minor driver’s license has been expired for one year or less and such person has not been issued another such license by the State of Colorado or by another state or country subsequent to such expiration.
3. No person shall drive any motor vehicle upon a right-of-way within the Town unless such person has in his or her immediate possession a current driver's or minor

driver's license or an instruction permit issued by the State of Colorado or by another state or country. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a right-of-way within the Town without having such license or permit in such person's immediate possession.

4. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a right-of-way within the Town for which such person has not been issued the correct type or general class of license or permit.
5. A charge of a violation of subsection (2) of this section shall be dismissed by the Court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.
6. A charge of a violation of subsection (3) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.
7. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
  - i. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section; or
  - ii. The applicable conditions for exemption, as set forth in C.R.S. § 42-2-102, exist.
8. The issue of justification or exemption is an affirmative defense. As used in this subsection (H), "affirmative defense" means that, unless the evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.
9. Any person who violates any provision of subsection (1) or (4) of this section is guilty of a class 2 misdemeanor traffic offense. Any person who violates any provision of subsection (2) or (3) of this section commits a class B traffic infraction.

10. Notwithstanding any law to the contrary, a second or subsequent conviction under subsection (1) or (4) of this section, when a person receiving such conviction has not subsequently obtained a valid Colorado driver's license or the correct type or general class of license, shall result in the assessment by the department of six points against the driving privilege of the person receiving such second or subsequent conviction.

**B. Driving Under Restraint.**

1. Any person who drives a motor vehicle or off-highway vehicle with knowledge that the person's license or privilege to drive, either as a state resident or a non-resident is under restraint for an outstanding judgment is guilty of a Class A Traffic Infraction.
2. Except as provided in subsection (1) of this section, any person who drives a motor vehicle or off-highway vehicle upon any street, highway, public right of way or public property within the Town with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is guilty of a criminal offense. The municipal court may sentence a person convicted of this criminal offense to imprisonment for a period of not more than six months and may impose a fine of not more than five hundred dollars.
3. The municipal court shall not waive or reduce the three-point penalty imposed under state law for violation of this section.

- C. Permitting unauthorized persons to drive.** No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any right-of-way within the Town by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any right-of-way in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person. Any person who violates any provision of this section commits a class B traffic infraction.

**10.04.080 – Expired license plates.**

All motor vehicles operated within the Town shall have current registration. Pursuant to State law, § 42-3-114, C.R.S., as amended, every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street, highway, or right-of-way within the Town.



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## Memorandum

**To:** Mayor Riddile & Town Council  
**From:** Dave Reynolds  
**Subject:** Agenda Item – Consider Ordinance TC 2023-5 on First Reading  
**Date:** 9/19/2023

**Purpose:**

The purpose of this agenda item is to consider Ordinance TC 2023-5 on first reading.

As Council may recall, staff has been working to make needed adjustments to the Town's Sign Code which can be found in Municipal Code Section 17.18. Working with our Town attorneys, staff has addressed concerns which may have led to legal questions related to free speech and expression. Staff has also worked to simplify the sign code, remove unnecessary wording, and clarify sections that may have been confusing.

On June 28, 2023, staff presented the proposed revisions of the sign code to the Planning and Zoning Commission for their review and comment. Following their review, and making minor changes, the Planning and Zoning Commission approved *Resolution PZ 2023-2 Recommending the Amendment of Chapter 17.18 of the New Castle Municipal Code*.

Staff will discuss provide an overview of the proposed sign code changes and discuss any details as needed.

Attached for your review please find Planning & Zoning Resolution PZ 2023-2 as well as a copy of the changes proposed for Code Section 17.18, the Town of New Castle Sign Code.

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2023-5**

AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO AMENDING  
CHAPTER 17.18 OF THE NEW CASTLE MUNICIPAL CODE, ALSO KNOWN AS THE  
NEW CASTLE SIGN CODE.

WHEREAS, Chapter 17.18 of the New Castle Municipal Code (“Code”) provides regulations for signs within the Town of New Castle (“Town”); and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in the case of *Reed, et al. v. Town of Gilbert*, which imposed new standards under the First Amendment to the United States Constitution regarding municipal regulation of signs across the nation; and

WHEREAS, in light of the *Town of Gilbert* decision, Town Council directed the Town Attorney and Planning Staff to recommend any revisions to Chapter 17.18 of the Code in order to ensure compliance with the First Amendment as well as taking the opportunity to update and improve sign regulation and enforcement generally for the Town; and

WHEREAS, on June 28, 2023, the New Castle Planning Commission held a duly-noticed public hearing to consider revisions to Chapter 17.18 and make its recommendations to Town Council regarding same; and

WHEREAS, Town Council finds and determines that amendments are necessary and desirable and desires to amend Chapter 17.18 of the Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of Town Council.
2. Amendment. Town Council hereby repeals Chapter 17.18 of the Code and reenacts the same as set forth in Exhibit A, attached hereto and incorporated by reference herein.
3. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part thereof, the intent being that the provisions hereof are severable.
4. Effective Date. This Ordinance shall become effective 30 days after final publication as provided in C.R.S. 31-16-105.

INTRODUCED on September 19, 2023, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading,

and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on October 3, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF  
NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Mindy Andis, Town Clerk

Exhibit A

## Chapter 17.18 SIGN CODE

### Sections:

#### 17.18.010 Title.

This chapter shall be known and cited as the New Castle Sign Code.

#### 17.18.020 Purposes.

- A. The regulations in this chapter are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town of New Castle while preserving the right to free speech and expression. The purpose for these regulations include providing a balanced and fair legal framework for design, construction, and placement of signs that:
1. Recognizes that signs are a necessary means of visual communication for the convenience of the public and provides fair and consistent permitting and enforcement;
  2. Recognizes and ensures the right of those concerned to identify businesses, services, and other activities by the use of signs;
  3. Provides a reasonable balance between the right of an individual to identify their business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices;
  4. Protects the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs;
  5. Conserves energy by supporting use of lighting elements that utilize light emitting diodes (LED), florescent bulbs, and other low energy consuming lighting devices, thereby reducing energy demands;
  6. Minimizes light pollution by reducing or eliminating the over-lighting of signs and use of inefficient lighting systems;
  7. Supports use of materials in structures that include recycled products and other materials that are designed for longevity and that minimize environmental impacts;
  8. Ensures signs are well designed and contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image for the Town;
  9. Encourages signs which are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood;
  10. Ensures signs are compatible and integrated with a building's architectural design and with other signs on and near the property, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
  11. Prevents unnecessary or excessive competition between signs in the Town;
  12. Provides mechanisms for bringing nonconforming signs into compliance with these regulations as a result of changing use, abandonment, or other legal mechanisms;

- 
13. Establishes sign districts that differentiate the types of signs allowed in specific areas based upon characteristics particular to that district.

### **17.18.030 Definitions.**

As used in this chapter, the following words have the following meanings:

"Above-roof sign" means a sign displayed above the peak or parapet of a building.

"Administrator" or "code administrator" means the town administrator or his or her designee.

"Animation" or "animated" (*See also "changeable copy" and "movement"*) means the movement or the illusion of movement of any part of a sign's structure, design, or pictorial or text segment(s), including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

"Architectural detail" (*See also "sign area," "wall sign" and "roof sign"*) means any projection, relief, cornice, column, change of building material, window, or door opening on any building.

"Architectural, historic, or scenic area" means an area that contains unique architectural, historic, or scenic characteristics that require additional regulations to ensure that signs enhance the visual character and are compatible with the area.

"Auxiliary sign" means a sign in addition to other signs associated with a business or use. The sign area of any auxiliary sign is calculated in the sum of total square footage for all signs. For example, an awning sign may be considered an auxiliary sign when used in conjunction with a wall sign for a business.

"Awning" means a cloth, plastic, or other nonstructural covering that either is not moveable and permanently attached to a building or can be raised or retracted to a position against the building when not in use.

"Banner" means a sign on a lightweight material that may be temporarily but not permanently affixed to a building or other structure and that may be affected by the movement of air.

"Bare-bulb illumination" means a light source that consists of light bulbs with a twenty-watt maximum wattage for each bulb.

"Building" means a structure having a roof supported by columns or walls.

"Bulletin board" means a type of changeable copy sign located on a premises used for temporary posting of bulletins or notices. Bulletin boards may be open or enclosed, and/or protected by glass, Plexiglas or a similar clear protective cover.

"Canopy" means a structure other than an awning which is made of cloth, wood, metal, or other material with frames affixed to a building and carried by a frame.

"Changeable copy" means copy that changes automatically at intervals of more than once every one hundred eighty (180) seconds.

"Changeable copy—manual" means copy that is changed manually in the field.

"Clearance" means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Copy" means text, wording or numbers in either permanent or removable form.

"Double-faced" means a sign with two faces.

"External illumination" means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

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"Facade" means the entire building front including the parapet and any other architectural details which faces and is parallel to or nearly parallel to a public or private street. There can be only one building facade for each street upon which a building faces.

"Face" means the area of a sign on which copy or graphics are placed.

"Flashing illumination" means illumination in which the artificial source of light is not maintained stationary or constant in intensity, color, or focus when a sign is illuminated.

"Frontage" means the length of the property line of any premises along a public right-of-way.

"Graphics" means the presentation of information, logos, or symbols in the form of diagrams and illustrations instead of as words or numbers.

"Ground sign" means a sign supported by one (1) or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

"Height" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is lowest in elevation.

"Illumination" or "illuminated" means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination is visible elsewhere than on and in the immediate vicinity of the sign.

"Indirect illumination" means a source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

"Internal illumination" means a light source that is concealed or contained within the sign and becomes visible through a translucent surface.

"Item of information" means a word, logo, abbreviation, symbol, or geometric shape.

"Legal nonconforming sign" means a sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of the sign code then in effect, but which does not presently comply with this chapter. If a premises lawfully has more signs than this chapter would otherwise allow, any sign in excess of that number is nonconforming.

"Lot" means a parcel of land legally defined on a subdivision map recorded with the clerk and recorder or a parcel of land defined by a legal record or survey map.

"Marquee" means a permanent structure other than a roof, awning, or canopy which is attached to, supported by, and projecting from a building. Marquees are often, but not always, designed to accept the placement of changeable copy, typically for the purpose of announcing current or upcoming events at the premises.

"Monument sign" means a ground sign permanently affixed to the ground at its base, supported entirely by a continuous base structure, and not mounted on a pole or system of poles.

"Movement" (*See also "animation"*) means physical redirection or revolution up or down, around, or sideways that completes a cycle of change at set intervals.

"Multi-tenant building" or "multi-building complex" means a grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

"Multi-use building" means a building consisting of more than one separate commercial use.

"Neon tube illumination" means a source of light for externally lit signs supplied by a tube filled with neon or other inert gas and which is bent to form letters, symbols, or other shapes.

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"Occupancy" means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

"Occupant" means a use or tenant located in a building and includes multi-use/multi-tenant buildings, or shopping centers.

"Off-premises sign" means a sign which is not related in manner to the property upon which it is located or which directs attention to a person, business, profession, or activity not conducted on the property in which it is located (see "Premises" below).

"Open space" means any interest in real property purchased or leased by the Town, or any interest in real property dedicated to the Town, for open space purposes, including but not limited to lawns, landscaped areas, natural areas, parks and public or private trails and recreation areas.

"Owner" means the person with legal title to all or a portion of a piece of property as evidenced by official records such as a deed or assessor's record. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

"Painted wall sign" means any sign that is applied with paint or similar substance on the face of a wall.

"Parapet" means the extension of a false front or wall above a roofline.

"Pole cover" means the cover enclosing or decorating a pole or other structural support of a sign.

"Peak" means the highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.

"Pole sign" means a freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a continuous base structure.

"Portable sign" means a sign designed to be transported and not permanently attached to the ground or a building nor designed to be permanently attached to the ground or a building including, but not limited to, menu and sandwich board signs.

"Premises" means the lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased.

"Projecting sign" means a sign attached to and projecting from the wall of a building not in the same plane as the wall.

"Public right-of-way" means all streets, roadways, sidewalks and alleys, and all other areas reserved for present or future use by the public as a matter of right for the purpose of vehicular or pedestrian travel.

"Roof sign" (*See also "above-roof sign"*) means a sign painted, erected, constructed, or maintained on the roof of a building; a sign that is displayed above the eaves and under the peak of a building.

"Shopping center" means a commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

"Sign" means a lettered, numbered, symbolic, pictorial, or illuminated visual display of copy and/or graphics designed to identify, announce, direct, or inform and that is visible from a public right-of-way. The term "sign" includes banners, pennants, streamers, moving mechanisms, and lights, whether or not the device contains copy or graphics. For the purposes of this Chapter, side-walk chalk art, graffiti art, murals, or similar artistic expressions are not considered signs.

"Sign area" means the surface area that describes the largest square, rectangle, triangle, parallelogram, polygon or sphere as further defined under sign area calculations.

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"Sign area calculations."

1. Awning, banner, bulletin board, canopy, changeable copy, marquee, off-premises, portable, suspended, or similar two-dimensional signs: The area of the sign face within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
2. Pole and monument signs:
  - a. Signs composed of one (1) or two (2) individual sign faces: The area of the single largest sign face (if the sign faces are different sizes) shall be counted in calculating sign area by using the following formula. The area enclosing the perimeter shall be summed to determine total sign area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - b. Signs composed of more than two (2) sign faces: The area enclosing the entire perimeter of each sign face shall be calculated and shall be summed with all other sign faces and divided by one-half to determine total sign area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
3. Projecting signs: The area of the single largest sign face (if the sign faces are different sizes) within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
4. Wall signs: The area of the sign face free of architectural details on the facade of a building or part of a building within a continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures shall be counted in calculating sign area.
5. Other signs: Other signs that do not fall into any single sign area calculation category due to geometry, design or other characteristics shall be calculated using one (1) or more of the most applicable aforementioned methodologies and based upon the more restrictive area calculation method as determined by Town staff.

"Sign district map" means the map accompanying and to be used with these regulations that identifies the boundaries of each sign district enumerated in these regulations. The official sign district map shall be kept on file in the Town Clerk's office.

"Size" means the total area of the face used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel, not more than two feet apart and supported by the same poles or structures, the size of the sign is one-half the area of the two faces. Spherical sign area shall be the entire surface of the sphere. The total area of multi-faced signs (more than two faces) shall be one-half the area of the two smallest faces plus the total area of all faces greater than the two smallest.

"Structure" means anything which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner. This term includes a building.

"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface of a building or structure such as a canopy, porch ceiling or portico and is typically used as a pedestrian scale sign.

"Temporary sign" means a non-permanent sign subject to the requirements of section 17.18.040(B) and 17.18.050(B.14).

"Temporary window sign" means a temporary sign displayed in a window.

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"Town" means the Town of New Castle, Colorado.

"Unified sign band" means a coordinated arrangement of signs on a structure with the same design style, font type, sign face, height and similar characteristics that create a unified appearance.

"Use" means the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

"Wall sign" means a sign painted on or attached directly to an exterior wall of a building or that which is dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which the sign is attached or which supports the sign.

"Window sign" means a sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

### **17.18.040 Sign permits and administration.**

- A. Sign Permit Required. To ensure compliance with the regulations of this chapter, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt as set forth in section 17.18.050 (Exempt Signs). In multitenant buildings, a separate permit shall be required for each business entity's sign(s). Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Changing or replacing the copy or graphics on an existing lawful sign shall not require a permit, provided the change does not result in a violation of this chapter.
- B. Temporary Banners. The Town may approve temporary sign permits subject to the following:
1. Temporary banners displaying a one-time event may only be displayed for a period not to exceed two (2), fourteen (14) day periods within any consecutive three hundred sixty-five (365) days. Such banners shall only be permitted as fourteen (14) day timeframes and may not be further subdivided or prorated.
  2. A temporary banner shall be securely attached to the wall of the establishment, other freestanding signs or properly designed and structurally sound poles or posts on private property.
  3. One (1) temporary banner per street frontage per establishment shall be permitted unless more than one (1) business occupies the same building. In that case, each business may be allowed to display a temporary banner. However, the other limitations of this section shall not be increased by the number of businesses at a location.
  4. A temporary banner shall not be placed within the public right of way nor off the premises granted the permit.
  5. A temporary banner shall be limited to the height and size provisions of this chapter.
- C. Application for a Sign Permit.
1. Sign Permit Application Requirements. Applications for sign permits shall be made in writing on forms furnished by Town staff. The application shall contain:
    - a. The location by street number and the legal description of the property upon which the proposed sign structure is to be located;
    - b. Names and addresses of the property owner, applicant (if different from the property owner), sign contractor and erectors;
    - c. Evidence of a current New Castle contractor's license may be required at the sole discretion of the Town Administrator depending on the nature of the sign;

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- d. Legible accurately scaled plan which includes the specific location of the sign and setbacks to adjacent property lines and buildings;
  - e. A detailed accurately scaled drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a structural engineer may be required by staff for a freestanding or projecting sign;
  - f. A graphic drawing or photograph of the sign;
  - g. A description of the lighting to be used including a listing of the energy conservation measures incorporated in sign (light fixture type(s), materials used etc.), fixture specifications, bulb type, wattage and placement, and an estimate of energy consumption by the sign;
  - h. Proof of premises liability insurance covering freestanding, projecting and wall signs;
  - i. If the sign is to be located off the premises listed in the application, a written lease or permission from the property owner of the site on which the sign will be located; and
  - j. Payment of a nonrefundable sign permit fee as established by the current fee schedule. The applicant shall pay all costs billed by the Town of New Castle relative to the review of the application including review fees by any outside consultants. Approved sign permit applications shall expire six (6) months from the date of issuance if installation of the sign has not been completed. A single six (6) month extension may be granted administratively upon completion of an extension application including a written narrative by the applicant explaining the basis for the extension request and payment of an extension application fee.
2. Sign Permit Application Review of Completion. Within fifteen (15) business days of the date of submission of an application, the Town Administrator or their designee shall determine whether the application is complete. If the application is deemed incomplete, the Town Administrator shall give written notice of the deficiency to the applicant. The applicant shall have fifteen (15) business days, or such other additional time as the Town Administrator may grant in their sole discretion, to correct the deficiency or the Town Administrator may deny the application.
  3. Review and Approval. When the application has been determined to be complete, the Town Administrator or their designee shall review the sign permit in accordance with the established review criteria. Within fifteen (15) business days of the determination of completeness, the Town Administrator must issue a written decision on the application. The Town Administrator may approve, approve with conditions or deny the sign permit. Upon approval of the sign permit, the sign permit and any building permits required for the sign must be obtained by the applicant prior to construction. Electrical permits, if required, shall be obtained from the state electrical inspector and evidence of an approved permit shall be provided to the Town prior to construction.
- D. Sign Permit Review Criteria. The following review criteria will be used by Town staff to evaluate all sign permit applications:
1. Sign meets the requirements of this chapter;
  2. Sign conforms to the requirements of all applicable codes, including, but not limited to, building and electrical codes;
  3. Sign conforms to the applicable zoning requirements, including but not limited to, size, height, material and location for the zoning and sign district in which it is located;
  4. Sign would not create visual obstructions which adversely impact public safety and/or that otherwise interfere with pedestrian or vehicular safety;
  5. Sign would not detract from the character of an architectural, historic, or scenic area;
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6. Sign would not be located so as to have a negative impact on adjacent residential property including, but not limited to, impacts from excessive lighting, shading of or impairment of solar access, visibility of or from public rights-of-way and similar adverse impacts;
  7. Sign would not impair pedestrian access of a street or area;
  8. Sign would not add to an over-proliferation of signs on a particular property or area; and
  9. Sign does not contain hateful, obscene, or threatening speech.

E. Appeals.

1. An applicant may file an appeal of the Town Administrator's decision on a sign permit application to the Town Council for any of the reasons set forth below. Sign application appeals to the Town Council shall be filed with the Town Clerk no later than ten (10) calendar days after the date of action by the Town Administrator. The following items constitute a basis upon which an applicant may file an appeal. Notice of appeal shall be in writing and shall state specifically any action appealed from and the grounds for such appeal.
  - a. Failure of the Town Administrator to provide a written response concerning completion of an application within fifteen (15) calendar days of the Town's receipt of the sign permit application.
  - b. Any written decision rendered by the Town Administrator concerning a permit or an interpretation of this chapter.
2. The action being appealed shall be held in abeyance pending the decision of the Town Council. The appeal shall be heard by the Town Council at the next available meeting, as determined by the Town Clerk. The Town Council shall review the decision of the Town Administrator under the same criteria applied by the Town Administrator. The Town Council is not bound by the findings and determinations of the Town Administrator, but may give such findings deference as determined by Town Council.

F. Variances. Any variance requested in association with a sign shall be processed pursuant to the provisions of Chapter 17.12 of the New Castle Municipal Code.

### **17.18.050 Exemptions and exceptions.**

A. Sign Permit Exemptions. This chapter does not apply to the following types of signs:

1. Signs of any type that are installed or posted, or required to be installed or posted, by the Town of New Castle, Garfield County, State of Colorado, Federal Government, or a School District, including but not limited to signs posted in Town open space.
2. Required signs, posted in accordance with applicable law and regulations.

B. Sign Permit Exceptions. The following types of signs may be displayed, constructed, installed, erected, or altered in any zoning/sign district without a sign permit. Such signs shall otherwise be in conformance with all applicable requirements contained in this chapter. All such signs (except government signs) shall be located outside of the public right of way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of owner's permission to install sign may be required. All other signs shall be allowed only with permit and upon proof of compliance with this chapter.

1. Address. Non-illuminated signs not to exceed two (2) square feet in area that identify the address and/or occupants of a building.
2. Building Identification, Historical Markers. Non-illuminated signs not exceeding four (4) square feet, constructed of metal, wood or masonry that are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by Town staff.
3. Bumper Stickers. Bumper stickers on vehicles.

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4. Carried Signs. Signs that are being carried by people or by service animals recognized under the Americans with Disabilities Act, provided that such signs are not set down or propped on objects.
  5. Temporary Site Signs. Temporary site signs installed in association with an active building permit that are removed upon issuance of a certificate of occupancy or expiration of the building permit, provided that:
    - a. Such signs shall have a maximum sign area of twelve (12) square feet.
    - b. Such signs shall be oriented toward the street.
    - c. Such signs shall not be illuminated.
    - d. Such signs shall only be installed on the private property on which the construction activity is located.
    - e. Such signs shall be removed within seven (7) days after issuance of a certificate of occupancy or expiration of the building permit.
  6. Directional. On-premises directional and instructional signs not exceeding four (4) square feet in area apiece.
  7. Flags. Flags that do not exceed thirty (30) square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
  8. Holiday or Seasonal Decorations.
  9. Private Property Signs. Signs erected on private property that do not exceed two (2) square feet per face, or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.
  10. "Sandwich Board" Signs. A single, temporary, portable sign not exceeding four (4) square feet per face and no more than eighteen (18) inches wide placed in front of the business and only during business hours on sidewalk in a manner that does not present a risk to public safety, accessibility (including handicap) or visibility.
  11. Scoreboards. Scoreboards for athletic fields.
  12. Signs with De Minimus Area. Signs that are affixed to a building or structure (even if wall signs are not permitted) that do not exceed one (1) square foot in sign area, provided that only one (1) such sign is present on each elevation that is visible from public rights-of-way or neighboring properties, and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones or utility cabinets.
  13. Strings of Light Bulbs. Displays of string lights, provided that:
    - a. They are steady burning, clear, non-colored bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.
    - b. They are no greater in intensity than five (5) watts.
    - c. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.
    - d. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.
    - e. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.
    - f. They shall be placed only on private property.
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- g. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this chapter.
14. Temporary Yard Signs. Temporary yard signs are allowed without a sign permit pursuant to the following:
- a. In Residential Zoning Districts.
    - i. Shall not exceed more than four (4) signs per property at any one (1) time;
    - ii. Shall not exceed twenty-four (24) square feet total yard signage on any property;
    - iii. Shall not exceed a height of forty-two (42) inches;
    - iv. Shall not be located in the public right-of-way;
    - v. Shall be located at least five (5) feet from any property line; and
    - vi. Shall not be displayed for a period of more than ninety (90) days per calendar year.
  - b. In Non-Residential Zoning Districts.
    - i. Shall not exceed more than four (4) signs per property at any one (1) time;
    - ii. Shall not exceed twenty-four (24) square feet total yard signage on any property;
    - iii. Shall not exceed a height of six (6) feet, or forty-two (42) inches if placed within a sight distance triangle;
    - iv. Shall not be located in the public right-of-way; and
    - v. Shall not be displayed for a period of more than ninety (90) days per calendar year.
15. Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy, provided that there are no structural changes, changes to sign area, change in illumination or other modifications.
16. Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles that are regularly being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business that are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this chapter, provided that the primary purpose of such vehicles is not for the display of signs and that the vehicles are parked or stored in areas appropriate to their use as vehicles for periods that do not exceed thirty (30) days.
17. Window Sign. Signs affixed, painted on, or otherwise attached to door glass.

### **17.18.060 Prohibited signs.**

- A. Prohibited Signs. The following signs are inconsistent with the purposes and standards in this chapter and are prohibited in all zoning districts within the Town:
    - 1. Signs located in the public right-of-way subject to the exemptions in section 17.18.050.
    - 2. Animated signs or signs that flash, rotate, blink or moving signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
    - 3. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
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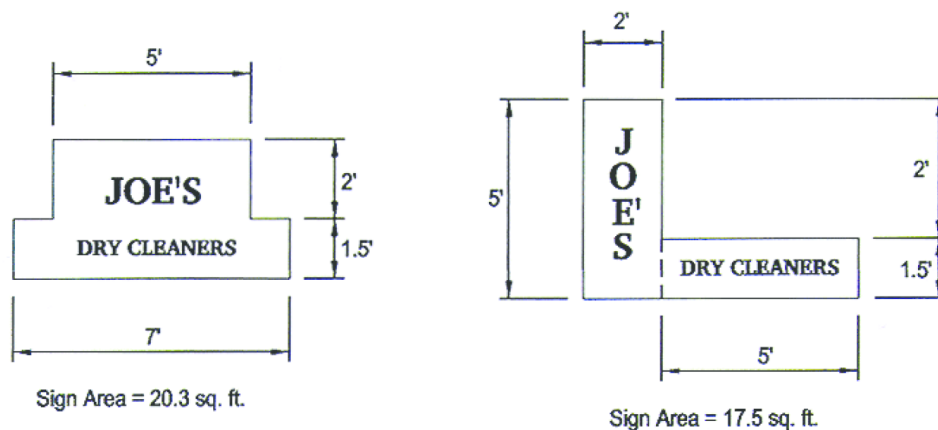
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4. Mechanical or electrical appurtenances, such as "revolving beacons," that are designed to attract attention.
  5. Off-premises signs.
  6. Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
  7. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
  8. Vehicle-mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only and not exceeding seventy-two (72) hours. Upon the conclusion of the special event, such signs must be dismantled.
  9. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except as permitted by this chapter.
  10. Searchlights.
  11. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
  12. Inflatable freestanding signs or tethered balloons or other inflatable figures or devices installed with the primary purpose of attracting attention.
  13. Stationery or portable electronic message boards, except governmental signs.
  14. Wind signs designed or installed to be activated by movement of the atmosphere.
  15. Any sign or sign structure that:
    - a. Is structurally unsafe;
    - b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
    - c. Is not kept in good repair; or
    - d. Is capable of causing electrical shocks.
  16. Any sign or sign structure that:
    - a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
    - b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;
    - c. Creates in any other way an unsafe distraction for motor vehicle operators or obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

#### **17.18.070 Removal, enforcement, and penalties.**

- A. Removal of Signs.
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1. Discontinued Establishments. Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed by the person or entity owning or having possession over the property within ninety (90) days after the discontinuance of such use.
  2. Removal of Illegal Signs in the Public Right-of-Way. The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.
  3. Storage of Removed Signs. Signs removed by the Town or its designee in compliance with this chapter shall be stored by the Town for thirty (30) days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the thirty (30) day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage, up to thirty (30) days, may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.
- B. Enforcement. The provisions of this chapter shall be enforced by the Town Administrator.
- C. Penalties. Violations of this chapter shall be subject to the penalties of the Town of New Castle Municipal Code Chapter 17.96.

**17.18.080 Measurement of sign area and height.**

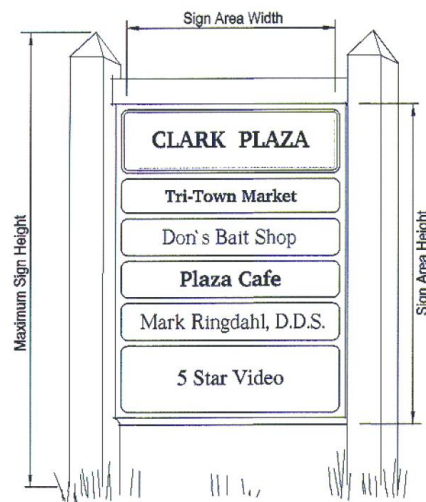
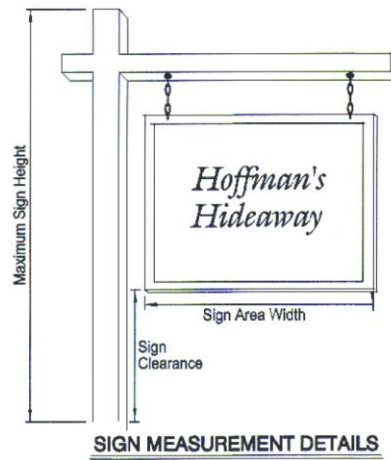


**SIGN AREA MEASUREMENT**

**Figure 7-1**

- A. Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.
- B. Sign Support. Supporting framework or bracing that is clearly incidental to the display itself and does not include logos, advertising text or similar commercial messages shall not be computed as sign area.
- C. Back-to-Back (Double-Faced) Signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point.

- D. Three-Dimensional Signs. Where a sign consists of one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with section 7.18.120 (Creative Signs).
- E. Wall Signs. The area of a rectangle or geometric shape that most closely outlines the sign face or letters of the sign shall be the calculated sign area. F. Sign Height. The height of a sign shall be measured from the highest point of a sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is lower in elevation. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.



**Figure 7-2**

**17.18.090 Sign design.**

- A. Design Compatibility.

1. Creative Design Encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town of New Castle encourages imaginative and innovative sign design. The creative sign application procedure (section 7.18.120) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.
2. Proportionate Size and Scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be compatible in scale and proportion to the building facade upon which they are mounted.
3. Sign Location and Placement.
  - a. Visibility. Signs shall not visually overpower nor obscure architectural features.
  - b. Integration With the Building and Landscaping. Signs shall be carefully coordinated with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
  - c. Unified Sign Band. Whenever possible, signs located on buildings with the same block-face shall be placed at the same height, in order to create a unified sign band. Wall signs for retail uses may only be located at the first floor level.
  - d. Monument Signs. Monument signs should be located in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity.
  - e. Pedestrian-Oriented Signs. Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand on a sidewalk or location adjacent to the business.
  - f. Signs near or within the public right-of-way. The provisions of sections 17.18.050-17.18.060 notwithstanding, no sign shall be erected near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.



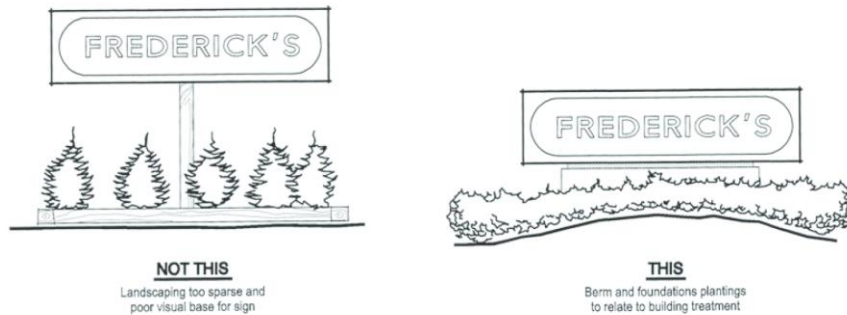
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**NOT THIS**

**Figure 7-3**

4. Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.



**Figure 7-4**

5. Low Impact Signs. Signs adjacent residential neighborhoods shall be designed and located so that they have little or no impact on residential areas. Small-scale signs are encouraged.



## REDUCE SIGN IMPACT

Figure 7-5

B. Color.

1. Color Selection. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.
2. Contrasting Colors. Substantial contrast between the color and the material of the background and the letters or symbols will make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.
3. Excessive Colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

C. Materials.

1. Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, manufactured composite products with ingredients that use recycled materials, painted/treated/patina metal, stone, brick and stucco are the preferred materials for signs.

D. Legibility.

1. Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:
  - a. The speed at which they are viewed;
  - b. Distance from the edge of the right-of-way;
  - c. The context and surroundings in which they are seen; and
  - d. The design, colors and contrast of the sign copy and sign face.
  - e. The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages

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without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

E. Sign Illumination.

1. Unnecessary lighting is to be avoided.

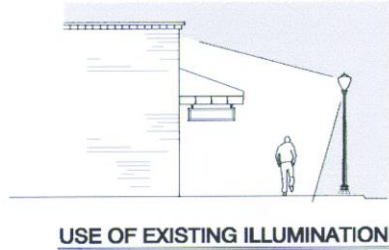


Figure 7-6

2. Sign illumination shall complement, not overpower, the overall composition of the site.
3. All lighted signs incorporating a direct light source shall be designed to direct lighting to illuminate only the face of the sign. External light sources aimed at a sign shall be concealed from pedestrians' and motorists' lines of sight.
4. Signs must be illuminated in a way that does not cause lighting trespass, illumination of adjacent properties, over-lighting or glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability.

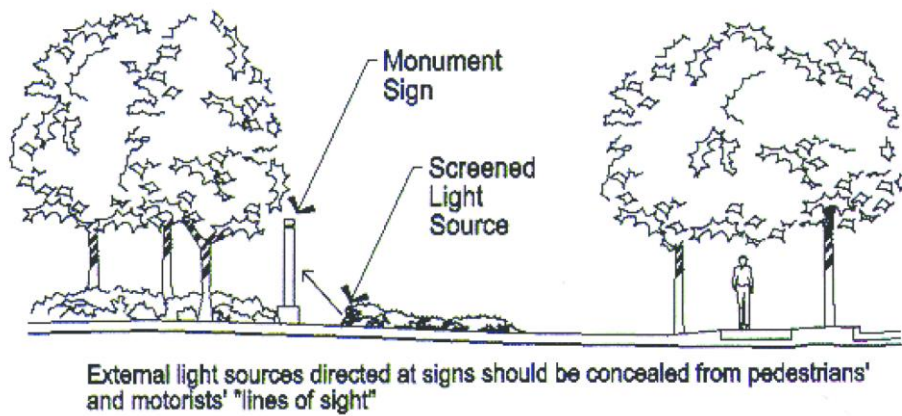


Figure 7-7

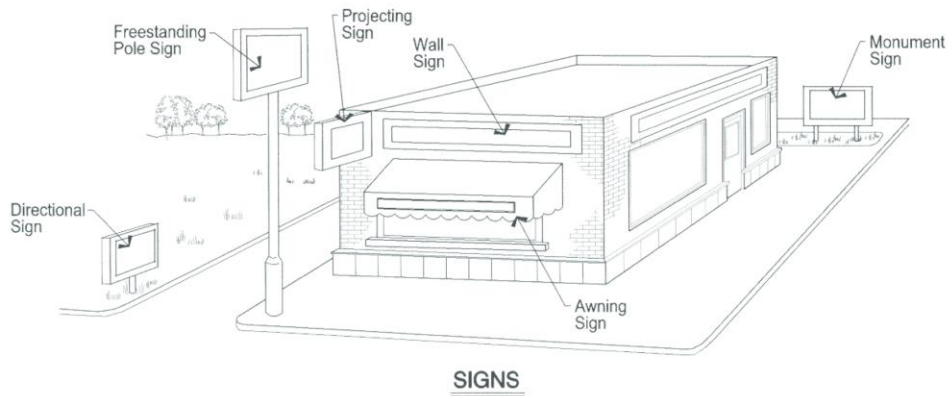
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5. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.
  6. Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.
  7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.
  8. The use of individually cut, back-lit letter signs is encouraged.
  9. The use of solar electric lighting devices to illuminate signs is encouraged.

#### **17.18.100 Sign installation and maintenance.**

- A. Projecting signs shall be mounted so they generally align with others in the block.
- B. Owners of signs extending over public right-of-way shall be required to maintain public liability insurance in an amount to be determined appropriate by the Town, in which the Town is named as an "other or named insured."
- C. All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes so they do not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
- D. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.
- E. The owner of any sign regulated by this chapter shall be required to keep signs and supporting hardware structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- F. The Town may inspect any sign governed by this chapter and shall have the authority to order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

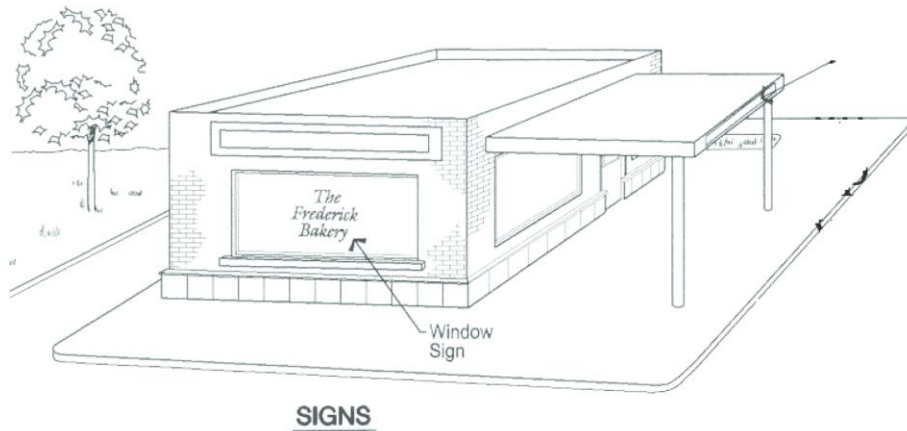
#### **17.18.110 Standards for specific types of signs.**

- A. **Awning Signs.** An awning sign is a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning. An awning is a movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.



**Figure 7-8**

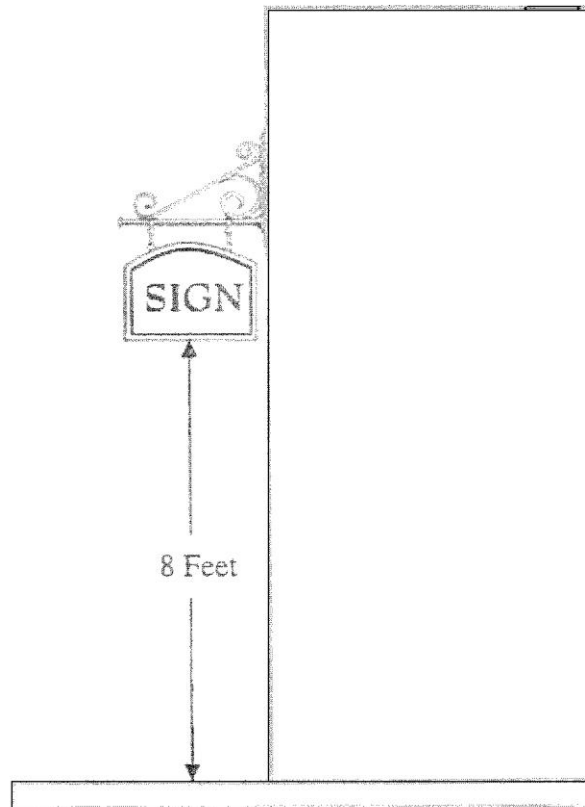
1. Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.
  2. Maximum Area and Height. Sign area shall comply with the requirements established by section 17.18.130, Sign Matrices. No structural element of an awning shall be located less than eight feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building but in no case shall extend over a roadway or parking area. No awning, with or without signage, shall extend above the roof line of any building.
  3. Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.
  4. Required Maintenance. Awnings shall be regularly cleaned and kept free of dust and visible defects.
- B. Canopy Signs. A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.



**Figure 7-9**

1. **Maximum Area and Height.** Sign area shall comply with the requirements established by section 17.18.130, Sign Matrices. No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches (measured from the bottom of the sign). Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet above grade and shall be deemed to be flush wall signs.
  2. **Required Maintenance.** Canopies shall be regularly cleaned and kept free of dust and visible defects.
- C. **Freestanding Signs.** A freestanding sign is a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
1. **Location.** The sign may be located only on a site frontage adjoining a public street. No freestanding sign in any zoning/sign district can be erected closer than eight feet from any curblineline, nor closer than four feet to any building. No freestanding signs in business and industrial districts may be located less than twenty-five (25) feet from any property line adjacent to a residential zoning district line.
  2. **Maximum Area and Height.** The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.
  3. **Sign Mounting.** The sign shall be mounted on one (1) or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve (12) inches. Pole bases shall be protected by concrete or a similar sturdy structure to prevent damage. Pole base structures may be used as landscaping planters.
  4. **Pole Signs.** Pole signs should not be so large as to obscure the patterns of front facades and yards.
- D. **Monument Signs.** A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

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1. Location. The sign may be located only along a site frontage adjoining a public street.
  2. Maximum Area and Height. The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.
  3. Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. Project monument signs shall contain only the name and address of the project which it identifies.
  4. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The planning commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
- E. Projecting Signs. A projecting sign is any sign supported by a building wall and projecting therefrom at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached, but shall not extend more than four feet from the building face.
1. Location. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access. Projecting signs shall generally align with other projecting signs in the block to create a "canopy line" that gives scale to the sidewalk.
  2. Maximum Area and Height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs must have eight feet clearance and may not extend more than four feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to three feet wide and six square feet.
  3. Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
  4. Quantity. The number of projecting signs is limited to one per business.



**Figure 7-10**

- F. Standard Brand-Name Signs. A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity or service which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved.
1. Maximum Area. Not more than twenty (20) percent of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.
- G. Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
1. Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level nor shall it extend above the building eave.
  2. Maximum Area and Height. Wall signs shall not be higher than the eave line of the principal building. The sign shall comply with the height and area requirements established in section 17.18.130, Sign Matrices.

- 
3. Projection from Wall. No sign part, including cut-out letters may project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve (12) inches.
  4. Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.
- H. Window Signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way and may be placed at or below the second story above grade.
1. Maximum Area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed twenty-five (25) percent of the window or door area at the ground floor level; and twenty-five (25) percent of the total allowable sign area for the premises.
  2. Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises.
  3. Temporary Window Signs. Temporary signs or posters displayed for periods not exceeding fourteen (14) days shall be exempt from limitations for window signs.

### **17.18.120 Creative signs.**

- A. Purpose. This section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:
1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Town of New Castle, while mitigating the impacts of large or unusually designed signs.
- B. Applicability. An applicant may request approval of a sign permit under the creative sign program to authorize on-site signs that employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.
- C. Approval Authority. A sign permit application for a creative sign shall be subject to approval by the planning commission.
- D. Application Requirements. A sign permit application for a creative sign shall include all information and materials required by the Town of New Castle, and the filing fee based on the same fee schedule as a building permit.
- E. Design Criteria. In approving an application for a creative sign, the planning commission shall ensure that a proposed sign meets the following design criteria:
1. Design Quality. The sign shall:
    - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
    - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;
    - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  2. Style Criteria. The sign shall contain at least one of the following elements:

- a. Classic historic design style;
  - b. Creative image reflecting current or historic character of the Town of New Castle;
  - c. Creative symbols or imagery compatible with the classic historic design style; or
  - d. Inventive representation of the use, name or logo of the structure or business.
3. Architectural Criteria. The sign shall:
- a. Utilize and/or enhance the architectural elements of the building;
  - b. Be placed in a logical location in relation to the overall composition of the building's facade;
  - c. Not cover any key architectural features/details of the facade.

**17.18.130 Sign matrices.**

The following section of these regulations corresponds to the following sign districts identified on the sign district map.

- 1. Residential district;
- 2. Gateway district;
- 3. Downtown and mixed-use district; and
- 4. Industrial district.

This section includes a series of sign matrices that address permitted, exempt or prohibited signs, sign area, sign illumination and sign height. These tables are intended to assist the user in understanding the type, size, illumination and height of various signs in each sign district. This information is intended to be used in conjunction with the sign district map and other sections of these regulations.

**17.18.131 Sign standards matrix—Permitted, exempt or prohibited.**

Sign Type	Residential District	Gateway District	Downtown & Mixed-Use District	Industrial District
Awning Sign	Prohibited	Permitted	Permitted	Permitted
Banner	Prohibited	Permitted	Permitted	Permitted
Bulletin Board	Exempt	Exempt	Exempt	Exempt
Canopy Sign	Prohibited	Permitted	Permitted	Prohibited
Changeable Copy Sign	Prohibited	Permitted	Prohibited	Permitted
Creative Sign	Prohibited	Permitted	Permitted	Permitted
Marquee Sign	Prohibited	Permitted	Permitted	Permitted
Monument Sign	Permitted	Permitted	Prohibited	Permitted
Off-Premises Sign	Prohibited	Prohibited	Prohibited	Prohibited
Painted Wall Sign	Prohibited	Permitted	Permitted	Permitted
Pole Sign	Prohibited	Permitted	Prohibited	Permitted

Portable Sign	Prohibited <sup>a</sup>	Permitted	Permitted	Prohibited
Projecting Sign	Permitted	Permitted	Permitted	Permitted
Roof Sign	Prohibited	Prohibited	Prohibited	Prohibited
Suspended Sign	Permitted	Permitted	Permitted	Permitted
Temporary Sign	Permitted	Permitted	Permitted	Permitted
Wall Sign	Permitted	Permitted	Permitted	Permitted
Window Sign	Prohibited	Permitted	Permitted	Permitted

(a) Portable signs shall be permitted within the residential zone provided all the following conditions are met:

- The portable sign shall be an on-premises sign.
- The portable sign shall be stored inside the establishment after hours of operation.
- The portable sign shall not cause visual interference with motor vehicle traffic, pedestrian traffic, or traffic control devices.

**17.18.132 Sign area matrix.**

Sign Type	Residential District Sq. Ft.	Gateway District Sq. Ft.	Downtown & Mixed-Use District Sq. Ft.	Industrial District Sq. Ft.
Awning Sign	0	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>	10 if main business sign; 4 if it is an auxiliary business sign	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>
Banner	0	24	24	60
Bulletin Board	15	15	15	15
Canopy Sign	0	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area, but shall not exceed 150 ft. <sup>(a)</sup>	10 if main business sign; 4 if it is an auxiliary business sign	0
Changeable Copy Sign	0	15	15	15
Creative Sign	0	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area,	10 if main business sign; 4 if it is an auxiliary business sign	Sum of all signs on a given wall shall not exceed 5% of the side of the wall area,

		but shall not exceed 150 ft. <sup>(a)</sup>		but shall not exceed 150 ft. <sup>(a)</sup>
Directional Sign	4	4	4	4
Marquee Sign	0	See "Wall Sign"	See "Wall Sign"	See "Wall Sign"
Monument Sign	64 <sup>(b)</sup>	120 <sup>(c)</sup>	0	120 <sup>(c)</sup>
Painted Wall Sign	0	See "Wall Sign"	See "Wall Sign"	See "Wall Sign"
Pole Sign	0	128 <sup>(e)</sup>	0	128 <sup>(e)</sup>
Portable Sign	0	4	4	0
Projecting Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>
Suspended Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>
Temporary Site Sign	12	12	12	12
Wall Sign	6 <sup>(g)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>	6 <sup>(f)</sup>
Window Sign	0	25% window area <sup>(i), (j)</sup>	25% window area <sup>(i), (j)</sup>	25% window area <sup>(i), (j)</sup>

<sup>(a)</sup> Allowed in place of a wall sign and one per individual building tenant.

<sup>(b)</sup> Downward and direct illumination only; when placed on subdivision entry features, only the sign face shall be used to calculate the sign area.

<sup>(c)</sup> Minimum horizontal distance between signs on the same property is seventy-five (75) feet.

<sup>(d)</sup> In place of project monument sign; not allowed on local or collector streets. Minimum horizontal distance between signs on the same property is seventy-five (75) feet.

<sup>(f)</sup> One per individual tenant building frontage. The sum of all wall signs on a given wall shall not exceed five percent of the wall area, but shall not exceed one hundred fifty (150) square feet; cannot be more than twenty-five (25) feet above grade level or higher than the eave line of the principal building; first floor level only for retail uses.

<sup>(g)</sup> One per street frontage, all signs may be no higher than the eave line of the principal building; may be lighted (shielded light source) and include name and address of facility only. Childcare center and bed and breakfast only.

<sup>(h)</sup> Cannot exceed twenty-five (25) percent of the total allowable sign area for the premises.

<sup>(i)</sup> Illuminated window signs shall be included in the total allowable sign area for the premises.

<sup>(j)</sup> Temporary signs or posters displayed for periods not exceeding fourteen (14) days announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs.

### 17.18.133 Sign illumination matrix.

Sign Type	Residential District-Illumination Allowed Y/N	Gateway District-Illumination Allowed Y/N	Downtown & Mixed-Use District-Illumination Allowed Y/N	Industrial District-Illumination Allowed Y/N
Awning Sign	N	N	N	N
Banner	N	N	N	N
Bulletin Board	N	Y	Y	Y

Canopy Sign	N	N	N	N
Changeable Copy Sign	N	Y	N	Y
Creative Sign	N	N	N	N
Marquee Sign	N	Y	Y	Y
Monument Sign	Y <sup>(a)</sup>	Y	Y	Y
Painted Wall Sign	N	Y	Y	Y
Pole Sign	N	Y	N	Y
Political Sign	N	N	N	N
Portable Sign	N	N	N	N
Projecting Sign	N	Y	Y	Y
Roof Sign	N	N	N	N
Suspended Sign	Y <sup>(a)</sup>	Y	Y	Y
Temporary Sign	N	N	N	N
Wall Sign	Y <sup>(a)</sup>	Y	Y	Y
Window Sign	N	(b)	(b)	(b)

<sup>(a)</sup> Downward aimed direct light source only; may not be illuminated between 10:00 p.m. and 7:00 a.m. if within five hundred (500) feet of existing residential uses.

<sup>(b)</sup> Illuminated window signs shall be included in the total allowable sign area for the premises.

### 17.18.134 Sign height matrix.

Sign Type	Residential District-Max Height-Feet	Gateway District-Max Height-Feet	Downtown & Mixed-Use District-Max Height-Feet	Industrial District-Max Height-Feet
Awning Sign	0	(a)	(a)	(a)
Banner	0	(a)	(a)	(a)
Bulletin Board	6	6	6	6
Canopy Sign	0	(a)	(a)	0
Changeable Copy Sign	0	(a)	0	(a)
Creative Sign	0	4	4	4
Marquee Sign	0	(a)	(a)	(a)
Monument Sign	5	6	0	6
Nameplate	Exempt	6 <sup>(a)</sup>	6 <sup>(a)</sup>	6 <sup>(a)</sup>
Painted Wall Sign	0	(a)	(a)	(a)

Pole Sign	0	25	0	25
Political Sign	Exempt	Exempt	Exempt	Exempt
Portable Sign	0	4	4	0
Projecting Sign	6	(b)	(b)	(b)
Roof Sign	0	0	0	0
Suspended Sign	6	(b)	(b)	(b)
Temporary Yard Sign	3.5	3.5	3.5	3.5
Wall Sign	6 <sup>(a)</sup>	(c)	(c)	(c)
Window Sign	0	(d)	(d)	(d)

<sup>(a)</sup> May be no higher than the eave line of the principal building.

<sup>(b)</sup> Minimum height above sidewalk or grade eight feet. Shall not be higher than the eave from which the sign projects if attached to a single story building or fifteen (15) feet above grade, whichever is less, or the height of the bottom of any second story window if attached to a multi-story building.

<sup>(c)</sup> Cannot be twenty-five (25) feet above grade level or higher than the eave line of the principal building; first floor level only for retail uses.

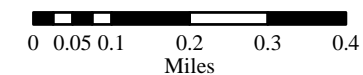
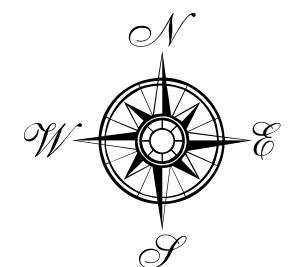
<sup>(d)</sup> Window signs visible beyond the boundaries of the lot upon which the sign is displayed shall not exceed twenty-five (25) percent of the window or door area at the ground floor level; and twenty-five (25) percent of the total allowable sign area for the premises.

# New Castle Sign District Map

## Legend

- Residential Sign District
- Gateway Sign District
- Downtown Mixed-use Sign Dist
- Industrial Sign District
- Open Space
- City
- Streams/Ditches
- flood
- Railroads
- Highways

This map is to be used in conjunction with the New Castle Sign Code. The outlines of each district shown on the map follow property lines, zone district boundaries and rights-of way. The level of map accuracy is intended to be sufficient for sign code administration purposes only. Interpretation of sign district boundaries shall be made by the New Castle Planner based upon the purpose and intent of the sign regulations as well as application of a sign district to the underlying uses defined by zoning. Appeals of interpretations made by the Planner shall be in conformance with the relevant section(s) of the New Castle Municipal Code. Areas that do not have a sign district designation do not allow signs.



**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2023-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION  
RECOMMENDING THE AMENDMENT OF CHAPTER 17.18 OF THE NEW CASTLE  
MUNICIPAL CODE, ALSO KNOWN AS THE NEW CASTLE SIGN CODE.**

WHEREAS, pursuant to Chapter 17.08 of the New Castle Municipal Code (“Code”), the Town of New Castle (“Town”) has established a Planning & Zoning Commission (“Commission”); and

WHEREAS, pursuant to Section 17.92.030(B) of the Code, the Commission must consider and provide a recommendation regarding amendments to Title 17 of the Code; and

WHEREAS, Chapter 17.18 of the Code provides regulations for signs within the Town; and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in the case of *Reed, et al. v. Town of Gilbert*, which imposed new standards under the First Amendment to the United States Constitution regarding municipal regulation of signs across the nation; and

WHEREAS, in light of the *Town of Gilbert* decision, Town Council directed the Town Attorney and Planning Staff to recommend any revisions to Chapter 17.18 of the Code in order to ensure compliance with the First Amendment as well as taking the opportunity to update and improve sign regulation and enforcement generally for the Town; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Commission held a public hearing on June 28, 2023, to consider revisions to Chapter 17.18; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that the Town Council approve the Code amendments set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.

2. Recommendation. The Commission recommends the amendment of Chapter 17.18 of the Code as set forth in Exhibit A, attached hereto.

TOWN OF NEW CASTLE, COLORADO,  
PLANNING & ZONING COMMISSION

By: \_\_\_\_\_

Chuck Apostolik, Chair

ATTEST:

  
\_\_\_\_\_  
Remi Bordelon, Deputy Town Clerk



Summary of Conditions to Resolution PZ2023-2:

- Remove the size limitation for bumper stickers.
- Add language to the code identifying expletive or vulgar language be prohibited.
- Add to the Sign District Map "the official sign district map shall be kept on file in the Clerk's Office."
- Change the size requirement for temporary site signs to 12 square feet.
- Allow HOAs to supersede in managing holiday/seasonal decoration durations.
- Add the word 'chalk' to the list of exclusions for the sign code.
- Change the size for the Sign Height Matrix for temporary yard signs to three and a half feet from six feet in order to meet the definition.
- Allow illumination of monument signs in the downtown and mixed-use district.
- Remove "child care center and bed and breakfast only," clause of 17.18.132 Sign Area Matrix.

Chair Apostolik closed the public hearing at 8:14 p.m.

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2023-\*\*\***

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADDING  
CHAPTER 15.25 TO THE NEW CASTLE MUNICIPAL CODE FOR THE  
ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL WILDLAND  
URBAN INTERFACE CODE WITH AMENDMENTS.

WHEREAS, pursuant to Article IV of the Charter of the Town of New Castle (“Town”) and C.R.S. § 31-16-202, the Town is authorized to adopt codes by reference; and

WHEREAS, the Town has previously adopted by reference the 2015 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, and the International Fire Code (collectively, the “ICodes”);

WHEREAS, the ICodes serve as the building codes for the Town as set forth in Title 15 of the New Castle Municipal Code (“Town Code”),

WHEREAS, Colorado River Fire Rescue (“CRFR”) has recommended that the Town adopt regulations to protect from potential wildfire impacts within Town limits by requiring improved fire resistance of newly built structures including provisions for vegetative fuel management; and

WHEREAS, other neighboring municipalities with high exposure to wildland fire risk have adopted similar ordinances meant to improve resilience and safety during a local wildfire event; and

WHEREAS, to be consistent with these communities and promote the health, safety, and welfare of Town residents, the Town Building Official has recommended that the Town adopt the 2021 version of the International Wildland Urban Interface Code (“WUI Code”); and

WHEREAS, Town staff has reviewed the WUI Code in light of the Town’s unique physical setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement; and

WHEREAS, on March 21<sup>st</sup>, 2023 Town Council (“Council”) conducted a public workshop to discuss the merits and practicality of such adoption; and

WHEREAS, on **November 7<sup>th</sup>, 2023** (FIRST READING), Council conducted a duly notice public hearing regarding the adoption of the updated editions of the International Codes pursuant to C.R.S. § 31-16-203; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Adoption. Council hereby adopts by reference the 2021 edition of the International Wildland Urban Interface Code, subject to the amendments set forth in Section 3 of this Ordinance. The new provisions will occupy Chapter 15.25 of the New Castle Municipal Code.

Section 3. Code Amendments to Town Code Chapter 15.25. New section Chapter 15.25 of the Municipal Code shall include the following amendments to the WUI Code. Appendices A through H of the 2021 WUI Code shall not be mandatory, but may serve to inform risk assessments and vegetation management planning. Those sections of the WUI Code not expressly amended in this Ordinance shall remain unchanged and in full force and effect. All title pages and tables of contents shall be updated accordingly.

### **Chapter 15.25 – International Wildland Urban Interface Code**

#### **15.25.010 Adoption by reference.**

Pursuant to the power and authority conferred by the Town Charter and C.R.S. § 31-16-201 et seq., there is adopted by reference thereto the International Wildland Urban Interface Code, 2021 Edition, promulgated by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478. The purpose and subject matter of this code is to regulate and govern the safeguarding of life and property from conditions hazardous to life or property in the occupancy of buildings and premises in the Town. Where conflicts exist between this code and other adopted codes, the more conservative code shall be enforced.

#### **15.25.020 Amendments.**

The International Wildland Urban Interface Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Insert: “Town of New Castle”

Section 103.1 Insert: “The Town of New Castle Building Department”

Sections 104.3 through 104.3.1 are hereby deleted. Section 15.04.030 of the Municipal Code shall control.

Subsection 106.3 #2 is hereby deleted. Chapter 15.48 of the Municipal Code shall control.

Section 106.3 substitute the following in place of # 2 above:

2. Planting or maintenance of vegetation on lots with primary structures constructed prior to the adoption of this Section;

Chapter 3 is hereby repealed and replaced by the following text:

### **Chapter 3: Wildland-Urban Interface Area**

**Section 301.1** Studies provided by the Garfield County Community Wildfire Protection Plan (2022, see Exhibit \*\*) demonstrate that all lands within Town boundaries and all lands within the proposed the Urban Growth Boundary (“UGB”) as represented in the New Castle Comprehensive Plan (Exhibit \*\*) are subject to wildland fire potential that poses hazards to human life, safety, and property. CRFR therefore deems the entirety of these lands within the UGB as *Wildland-Urban Interface Area* as defined by WUI Code Chapter 2 and subject to the mitigation provisions below. In consultation with the staff, CRFR, and any other outside referral agencies, Council may reevaluate and recommend modification to the wildland-urban interface area as necessary.

Chapter 4 is hereby repealed and replaced by the following text:

### **Chapter 4: Wildland-Urban Interface Area Requirements**

**Section 401.1** As part of the wildland-urban interface area, all new land use applications submitted to the municipality, including but not limited to annexations, master plans, planned urban developments (“PUDs”), subdivisions, rezoning, PUD or master plan amendments, or any other land use proposals considered by the Town Planner to be at risk for wildland fire impact, shall be subject to review and comment by CRFR.

**Section 402.1** Applications subject to CRFR review will be evaluated for wildfire hazard posed to persons and/or property and any proposed mitigation measures considered. CRFR will be asked to evaluate the site plan for planned or existing roads, water supply facilities, configuration and location of lots, topography of the site, types and density of vegetation or other fuels present, the fire protection measures proposed by the applicant, and any other relevant factors in making its recommendation.

**Section 403.1** If CRFR finds that wildland fire hazards exist to persons and property as a result of the proposed land use, CRFR is requested to recommend mitigation strategies to be incorporated by the Town into the land use application approval, including but not limited to additional access for emergency vehicles, turnouts, establishment of adequate grades and sight distances, the establishment of fuel breaks, location of proposed landscape vegetation, and any mitigation measures for current vegetation.

**Section 404.1** The Town will consider the recommendations of CRFR and incorporate them into any final land use approval that is determined to be appropriate.

Section 502 is hereby deleted.

Section 503.1 is hereby deleted and replaced by the following text:

**503.1 General.** All primary and accessory structures hereafter constructed or relocated into or within wildland-urban interface areas shall meet the requirements for Class 1 ignition-resistant construction in Section 504. Materials required to be ignition-resistant shall comply with the requirements of Section 503.2.

Subsection 503.2 #1.1 is hereby deleted and replaced by the following text:

1.1 Flame Spread. Materials shall exhibit a flame spread index not exceeding 75 (Class B).

Section 504.10 is hereby deleted and replaced by the following text:

**504.10 Vents.** Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed a minimum of 1/16-inch and a maximum of 1/8-inch.

**Exception:** Openings size is not limited where approved rated vents are installed.

Subsection 504.10.1 is hereby amended to include the following exception:

**Exception:** Attic ventilation may be permitted in soffits if vents are listed with an approved testing agency in compliance with ASTM E2886.

Section 505 is hereby deleted.

Section 506 is hereby deleted.

Section 601.1 is hereby deleted and replaced with the following text:

**601.1 Scope.** The provisions of this chapter establish general requirements for properties with new principal structures built within the wildland-urban interface area.

Section 602 is hereby deleted.

Section 603.2 and Table 603.2 are hereby deleted. Section 603.2 is replaced by the following text:

**603.2 Fuel Modification.** The fuel modification distance in any direction shall be not less than 30 feet or the distance to the lot line, whichever is less. The distance shall be measured on a horizontal plane from the furthest projection point of each wall line as shown in Figure 603.2. The fuel modification distance may be modified at the discretion of the Building Official if it is found that conditions on the site exist such that the required distance is impracticable.

1. *Nonfire-resistive* shrubs or plants (not including trees), combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation may be located anywhere within the fuel modification distance.

**Exception 1:** In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within five (5) feet of any structure.

**Exception 2:** In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within ten (10) feet of any tree or tree cluster as specified in Section 603.2.2.

2. *Fire-resistive* shrubs or plants (not including trees), as listed on the FireWise Plant List provided by Colorado State University or other equivalent list, may be planted within the fuel modification distance without limitation.
3. Ignition-resistant building materials subject to the provisions of Section 503.2 may be used for landscaping or other yard ornamentation within the fuel modification distance without limitation.

Section 603.2.2 is hereby amended to include the following exception:

**Exception:** The Building Official or designated representative may allow tree clustering (i.e. densification) of certain species on the property only if such species are listed on the FireWise Plant List provided by Colorado State University or other equivalent list. For purposes of this code, a cluster is any grouping of trees wherein the area of the cluster occupies no more than fifty (50) square feet (e.g. 8 foot diameter circle) as bounded by the tree trunks. Each cluster must maintain the required ten (10) feet of separation between other trees, tree clusters, and other nonfire-resistive vegetation.

Section 604.4 is hereby deleted and replaced by the following text:

**604.4 Trees.** Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within the fuel modification distance shall be pruned to remove limbs up to a minimum of 4 feet above the adjacent ground surface.

**Exception:** For newly planted trees, pruning of limbs above the ground surface shall not be required to exceed a pruning height-to-tree height ratio of 1:6. (For example, a newly planted six foot spruce shall have limbs removed one foot above surrounding grade). However, at no time shall any tree limbs be any lower than one (1) foot above the adjacent ground surface.

Section 4. Severability. Each section of this Ordinance is an independent section and a 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.

Section 5. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on **November 7<sup>th</sup>, 2023** at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on **November 21<sup>st</sup>, 2023** read by title and number, passed with amendments, approved, ordered, and published as required by the Town Charter.

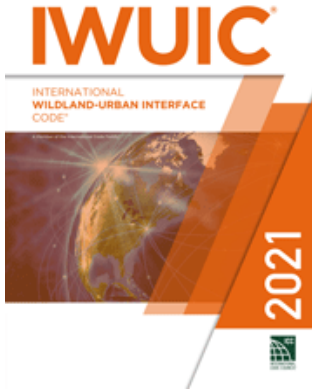
TOWN OF NEW CASTLE, COLORADO  
TOWN COUNCIL

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Mindy Andis, Town Clerk

\*\*\*IGNORE FOR NOW\*\*\*



# 2021 Wildland-Urban Interface Code Adoption

All of New Castle is part of Wildland-Urban Interface Area with a “high” risk of wildfire impact;

All land use applications to be reviewed for compliance with the International Fire Code by CRFR;

## I. Structural Resiliency

- Class A roof materials;
- Exterior siding fire resistance;
- Deck material fire resistance;
- Soffit fire resistance;
- Gutter and downspouts metal only;
- Venting to be rated or located away from soffits;

## II. Defensible Space

- Fuel modification distance no less than 30 feet;
- Separation of trees, tree clusters, shrubs, and vegetation to structure no less than 10 feet;
- Ground clearance of tree limbs no less than 4 feet for mature trees;
- Maintenance requirements;



## **Town of New Castle**

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PO Box 90  
New Castle, CO 81647

## **Administration Department**

**Phone:** (970) 984-2311

**Fax:** (970) 984-2716

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### **Memorandum**

**To:** Mayor & Council

**From:** David Reynolds, Paul Smith, Lauren Prentice

**Re:** Agenda Item: Updates to Proposed Adoption of the Wildland-Urban Interface Code

**Date:** 09/19/23

**Purpose:**

On March 21, 2023, Town Staff met with Council to review and discuss the possible adoption of the 2021 Wildland-Urban Interface Code (WUI Code). In consideration of Council's feedback, Staff revised the requirements for fire-resistant materials and the regulation of defensible space:

- Fire-resistant materials – class B is now permitted (75 or less flame spread index);
- Defensible space – only enforced on new homes;

Staff consulted with various local vendors and building officials as to the availability of both Class A and Class B fire-resistant materials. The current scarcity of Class A materials prompted moderating to a Class B requirement. Staff also reconvened with Colorado River Fire Rescue (CRFR) to further clarify best practices for mitigating vegetative fuels. At this time, the fire marshal is content with enforcing the defensible space provisions on newly build homes only. The attached draft ordinance is the product of those considerations.

Staff requests that Council consider adoption of the WUI Code with amendments by January 1<sup>st</sup>, 2024.

Thank you,  
Paul