

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

Agenda

New Castle Town Council Regular Virtual Meeting Tuesday, July 20, 2021, 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.

This meeting will also be available virtually.

[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

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

A. Consider a Special Events Liquor License Application from the New Castle Special Events Department for the Rides & Reggae Event (7:05 p.m.)

B. Consider a Special Events Liquor License Application from the New Castle Special Events Department for Burning Mountain Festival (7:20 p.m.)

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

- C. Consider Ordinance Tc 2021-3 - An Ordinance of the New Castle Town Council Amending Chapter 5.08 of the Municipal Code Concerning Alcoholic Beverages (1st reading) (7:35 p.m.)**
- D. Consider Temporarily Appointing a Second Town Council Member to the Planning & Zoning Commission (7:50 p.m.)**

Recess the Town Council Meeting, Convene as the Water & Sewer Enterprise

- E. Consider Ordinance E-2021-1 - An Ordinance of the New Castle Water and Sewer Enterprise Amending Section 13.12.080 of the Town Municipal Code (2nd reading) (8:05 p.m.)**

Adjourn the Water & Sewer Enterprise, Reconvene the Town Council Meeting

- F. Consider Ordinance TC 2021-2 - An Ordinance of the New Castle Town Council Amending Sections of Chapter 12 of Article 12 of the Town Municipal Code Regarding Parking of Certain Vehicles in Town Rights-of-Way (2nd reading) (8:20 p.m.)**

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

Council Comments

Adjourn

Memo

To: Local Liquor Authority

From: Melody Harrison, Town Clerk

Date: 7/20/2021

Re: Town of New Castle Special Event Liquor Permit for the August 10, 2021 New Castle Trails Rides & Reggae Event

Request: The Roaring Fork Mountain Bike Association through its representative Adam Cornely requests that the Town of New Castle obtain a special events liquor license for the New Castle Trails Rides & Reggae Event, located in VIX Ranch Park, on Saturday, August 7, 2021.

Recommendation: If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle/New Castle Trails, the Clerk's Office staff recommends that Council consider the following conditions:

That although the application requests a permit time until 10:00 p.m. on August 7, 2021, staff recommends alcohol be served only until 9:30 p.m., and alcohol be allowed on premises until 10:00 p.m. Staff also suggests that a 100% ID check be conducted, and that wristbands or handstamps be provided to guests over the legal drinking age of 21.

Currently, all of the representatives or members of RFMBA/New Castle Trails are SafeServ (TIPS) Certified.

Policy Implications: The policy implication of Council's approval of this special event license is that the Town of New Castle/New Castle Trails shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at the August 7, 2021 New Castle Trails Summer Conference Event, from 10:00 a.m. to 10:00 p.m.

Budget Implications: Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on alcohol sales.

Melody L Harrison, CMC

Department Head (signature)

Background: Special Events Department/Recreation Director Hannah Bihl filed the application on behalf of the Town of New Castle and New Castle Trails through its representative Adam Cornely on July 1, 2021, which is acceptable by the State Liquor Code. The public hearing has been properly noticed. The application is properly completed.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)**

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> Government |

| | |
|---|-----------------------------------|
| LIAB | DO NOT WRITE IN THIS SPACE |
| Type of Special Event Applicant is Applying for: | Liquor Permit Number |
| 2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day | |
| 2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day | |

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|---|---|
| 1. Name of Applicant Organization or Political Candidate Town of New Castle, Colorado | State Sales Tax Number (Required) 00402950-0000 |
|---|---|

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|--|--|
| 2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) 450 W. Main Street PO Box 90 New Castle CO 81647 | 3. Address of Place to Have Special Event (include street, city/town and ZIP) VIX Ranch Park 627 N. Wildhorse Drive New Castle, CO 81647 |
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|--|---------------|-----------------------------------|
| 4. Authorized Representative of Qualifying Organization or Political Candidate Hannah Bihl | Date of Birth | Phone Number 9709843352 |
|--|---------------|-----------------------------------|

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

| | | |
|---|---------------------------------|-------------------------------------|
| 5. Event Manager Adam Cornely | Date of Birth 9.26.80 | Phone Number 402 250 1727 |
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| Event Manager Home Address (Street, City, State, ZIP) 150 Little Bear Peak New Castle CO 81647 | Email Address of Event Manager |
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| 6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? 3 | 7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____ |
|--|---|

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

| Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To |
|---------------|-------|---------|----|------|-------|------|----|------|-------|------|----|------|-------|------|----|
| 8.7.21 | | | | | | | | | | | | | | | |
| | From | 10 a.m. | To | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | To | 10 p.m. | | | | | | | | | | | | | |
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Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

| | | |
|------------------------------------|-------------------------------------|----------------------------|
| Signature Hannah M. Bihl | Title Recreation Director | Date Jul. 7 2021 |
|------------------------------------|-------------------------------------|----------------------------|

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

| | | |
|--|--|---------------------------------------|
| Local Licensing Authority (City or County) | <input type="checkbox"/> City <input type="checkbox"/> County | Telephone Number of City/County Clerk |
|--|--|---------------------------------------|

| | | |
|-----------|-------|------|
| Signature | Title | Date |
|-----------|-------|------|

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

| Liability Information | | | |
|------------------------|----------------|------------|-------|
| License Account Number | Liability Date | State | Total |
| | | -750 (999) | \$ |



New Castle Trails – Rides and Reggae Beverage Serving Plan

Rides and Reggae will open the event at 7:00 AM on August 10th and will not begin alcohol service until 10:00 AM. Alcohol service will last from 10:00 AM to 10:00 PM with last call anticipated to be at 9:30 PM.

Age verification and perimeter control will be performed by a minimum of two security guards posted at the event entrance. These security guards will be provided by Citadel Security USA and have been contracted to remain on duty by New Castle Trails for the duration of the event. One additional security guard is to provide general security for the event. Guards will provide verified of age individuals with wristbands.

For alcohol service, New Castle Trails has split the duration of the event into six, two-hour shifts (10:00A-12:00P, 12:00P-2:00P, 2:00P-4:00P, 4:00P-6:00P, 6:00P-8:00P, 8:00P-10:00P). Alcohol service will be overseen by Emily Sampley (TIPS certified) and TIPS certified NCT volunteers. Three to four volunteers, one of which will be TIPS certified, will man each shift. New Castle Trails will ensure that a minimum of two volunteers will be present to assist the safe serve certified volunteer.

Exact shift assignments aren't known at this point, but New Castle Trails intends to have the assignments and volunteer commitments established prior to the event to ensure that safe serve principals are in place for the duration of the event.

If more information is needed or if there are any additional questions, please let me know.

NEW CASTLE TRAILS & ALPINE BANK

PRESENTS



NEW CASTLE RIDES & REGGAE FESTIVAL

SATURDAY AUGUST 7th

VIX Ranch Park

627 North Wildhorse New Castle Colorado

THE EXPENDABLES

TOMORROW'S BAD SEEDS

JON WAYNE AND THE PAIN

ARTIKAL SYSTEM

SOUL MAJESTIC

SENSI TRAILS

JUST A FEELING

KIDS 12

& UNDER FREE

LIVE MUSIC

11AM - 10PM

\$25

ADVANCE TICKETS

\$30

DAY OF EVENT

BEER * WINE * COCKTAILS * FOOD TRUCKS

TICKETS CAN BE PURCHASED AT EVENTBRITE.COM

All event proceeds to benefit New Castle Trails. For more information visit newcastletrails.com

Memo

To: Local Liquor Authority

From: Melody Harrison, Town Clerk

Date: 8/20/2019

Re: Town of New Castle Special Event Liquor Permit for the September 6 & 7, 2019 Burning Mountain Festival

Request: The Special Event Staff of the Town of New Castle requests a special events liquor license for Burning Mountain Festival, on September 10 & 11, 2021 located in Burning Mountain Park at 157 W. Main Street.

Recommendation: If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Council consider the following condition(s):

That although the application requests a permit time until 10:00 p.m. on September 10 & 11, 2021 (Burning Mountain Festival), staff recommends alcohol be served until 9:30 p.m., and alcohol be allowed on premises until 10:00 p.m.

Policy Implications: The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at Burning Mountain Festival on Friday September 10, 2021 from 5:00 p.m. to 9:30 p.m., and Saturday, September 11, 2021, from 1:00 p.m. to 9:30 p.m.

Budget Implications: Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on beer garden sales.

Melody L Harrison, CMC

Department Head (signature)

Background: The Town of New Castle Special Event Coordinator filed the application on June 30, 2021. The public hearing has been properly noticed. The application is properly completed.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following** (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> Government |

| | |
|---|-----------------------------------|
| LIAB Type of Special Event Applicant is Applying for: | DO NOT WRITE IN THIS SPACE |
| 2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day | Liquor Permit Number |
| 2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day | |

| | |
|---|---|
| 1. Name of Applicant Organization or Political Candidate <i>Town of New Castle</i> | State Sales Tax Number (Required) <i>00402950-0000</i> |
|---|---|

| | |
|---|--|
| 2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>450 W. Main Street PO Box 90 New Castle, CO 81647</i> | 3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Burning Mountain Park 157 W. Main Street New Castle CO 81647</i> |
|---|--|

| | | |
|---|---------------|-------------------------------------|
| 4. Authorized Representative of Qualifying Organization or Political Candidate <i>Kelley Cox</i> | Date of Birth | Phone Number <i>970 984 3352</i> |
|---|---------------|-------------------------------------|

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

| | | |
|---------------------------------------|---------------|-------------------------------------|
| 5. Event Manager <i>Kelley Cox</i> | Date of Birth | Phone Number <i>970 984 3352</i> |
|---------------------------------------|---------------|-------------------------------------|

| | |
|---|---|
| Event Manager Home Address (Street, City, State, ZIP) <i>450 W. Main St. New Castle CO 81647</i> | Email Address of Event Manager <i>kcox@newcastlecolorado.org</i> |
|---|---|

| | |
|--|---|
| 6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? <i>4</i> | 7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____ |
|--|---|

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

| Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To | Date | Hours | From | To |
|----------------|-------|------------------|-------------------|----------------|-------|------------------|-------------------|------|-------|------|----|------|-------|------|----|
| <i>9.10.21</i> | | <i>4:00 p.m.</i> | <i>10:00 p.m.</i> | <i>9.11.21</i> | | <i>1:00 p.m.</i> | <i>10:00 p.m.</i> | | | | | | | | |
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Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

| | | |
|--------------------------------|--------------------------------------|---------------------------|
| Signature <i>Kelley Cox</i> | Title <i>Arts + Enrich coord.</i> | Date <i>Ju 30 2021</i> |
|--------------------------------|--------------------------------------|---------------------------|

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

| | | |
|--|--|---------------------------------------|
| Local Licensing Authority (City or County) | <input type="checkbox"/> City <input type="checkbox"/> County | Telephone Number of City/County Clerk |
|--|--|---------------------------------------|

| | | |
|-----------|-------|------|
| Signature | Title | Date |
|-----------|-------|------|

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

| Liability Information | | | |
|------------------------|----------------|-------------------|-------------|
| License Account Number | Liability Date | State | Total |
| | | <i>-750 (999)</i> | \$ <i>.</i> |

Food Truck

Food truck

Main Street

Food truck

ATM

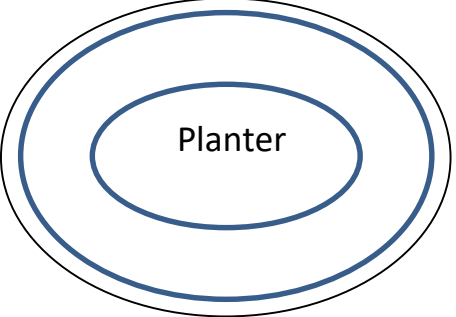
Sidewalk



= FENCE LINE



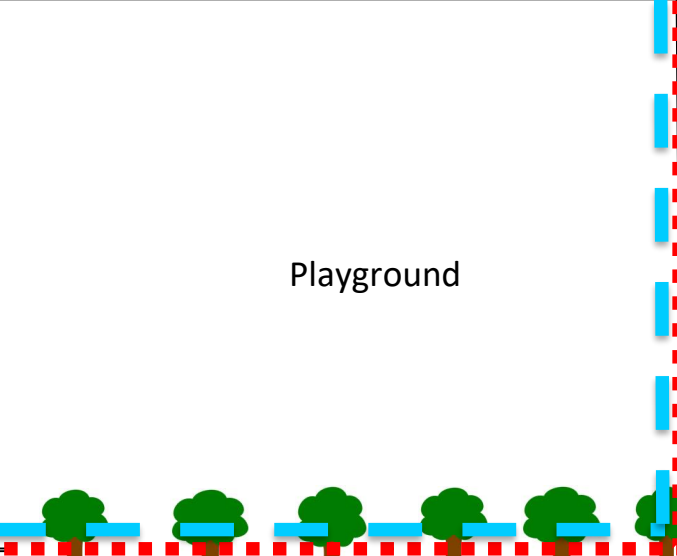
= LIQUOR LICENSED AREA



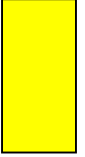
Planter



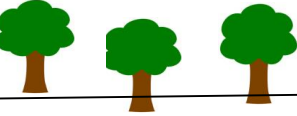
Gazebo:
**Beer
Tent**



Playground

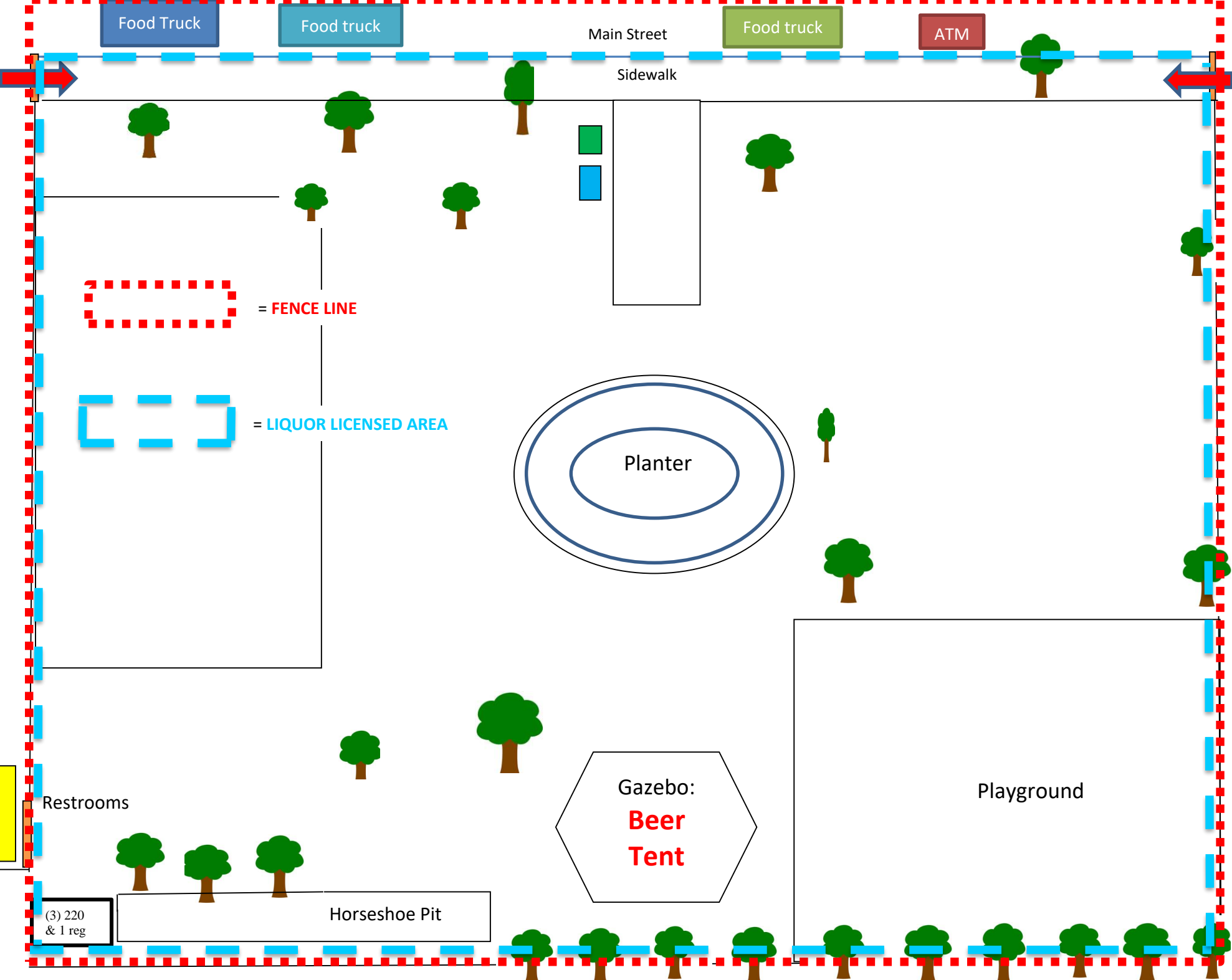


Restrooms



Horseshoe Pit

(3) 220
& 1 reg





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

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Ordinance TC 2021-3
Date: 7/20/2021

Purpose:

The purpose of this agenda item is to consider Ordinance TC 2021-3.

It has come to staff's attention that the State of Colorado has made adjustments to the laws that speak to the separation distance between schools and retail establishments that sell alcohol and tobacco products.

Colorado Revised Statute (CRS) 44-3-113 (1)(d)(I) states that *all classes of liquor licensed premises* within the Town must be at least "five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary." The statute goes on to explain that the five-hundred-foot measurement starts at the property line of the school (not the actual school building) and is measured to the facility that holds the liquor license. It is important to note that this statute includes "all classes of liquor licenses," this can include things like restaurants, grocery stores, gas & convenience stores, lodging, liquor stores, etc.

When looking at the New Castle zoning map there are several areas around town where requiring a five-hundred-foot separation between a liquor license holder and a school may become a concern. On the west end of Main Street, we have a Commercial Zone, and a Commercial Transitional Zone within close proximity to our Elementary School, a five-hundred-foot separation from this school would mean restrictions on licenses for the entire Commercial Transitional Zone and a portion of the Commercial Zone. On the east end of Downtown's Commercial Zone, we have a private school which could trigger restrictions to the west of the school to the area of Ritter Plaza.

In the Castle Valley area, we have Mixed Use Zoning and the possibility of a future commercial development in the area just to the east of Kathryn Senior Elementary School. In the Lakota area we have school owned property within five hundred feet of Mixed-Use Zoning and future commercial development.

Because individual Municipalities may have situations where it is not practical (or perhaps not desired) to provide five hundred feet of separation, CRS 44-3-313 (1)(d)(III) provides Municipalities the ability to either adjust the separation distance, or eliminate the distance entirely.

Staff recognizes the State's reasoning behind the separation laws, but because of the location of school properties throughout New Castle, wants to bring this issue to Council's attention for consideration. Staff also recognizes that many other Municipalities have adjusted or eliminate the separation requirement due to the logistical limitations found within their communities.

It is important to add that approval of any reduction or elimination of the State separation requirements would not leave our Town Liquor Authority without the ability to review each new liquor license application on its own merits and to hold that application to all standards provided for by law. The approval guidelines for a liquor license require that our Town Liquor Authority find that the location and operations of a liquor license holder be compatible with the surrounding neighborhood.

**Town of New Castle, Colorado
Ordinance No. TC 2021-3**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING CHAPTER 5.08 OF THE MUNICIPAL CODE
CONCERNING ALCOHOLIC BEVERAGES**

WHEREAS, the Town of New Castle (“Town”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Town Council (“Council”) has exercised these powers by the adoption of Chapter 5.08 of the New Castle Municipal Code concerning alcoholic beverages; and

WHEREAS, pursuant to that article and the provisions in the CRS 44-3-301 *et seq.*, C.R.S., the Town may issue certain alcoholic beverage licenses; and

WHEREAS, pursuant to CRS 44-3-313(1)(d)(I), all classes of liquor licensed premises within the Town must be at least “five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary;” and

WHEREAS, pursuant to CRS 44-3-313(1)(d)(III), Council is authorized to reduce or eliminate that distance limitation for any and all classes of licenses; and

WHEREAS, Council wishes to eliminate the five-hundred-foot distance requirement in CRS 44-3-313(1)(d)(I), for all beer and wine licenses, hotel and restaurant licenses, fermented malt beverage licenses, arts licenses, and vintner’s restaurant licenses that are licensed premises within the Town.

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

Section 1. The addition of Section 5.08.040 of the New Castle Municipal Code to read as follows:

5.08.040 Distance Restrictions. The distance restrictions imposed by CRS 44-3-313(1)(d)(I), prohibiting the sale of alcoholic beverages within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary, are eliminated for all hotel and restaurant licenses, beer and wine licenses, fermented malt beverage licenses, arts licenses and vintner’s restaurant licenses issued within the Town of New Castle.

Section 2. Severability, Conflicting Ordinances Repealed. 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. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fourteen (14) days after final publication in accordance with Section 4.3(H) of the New Castle Home Rule Charter.

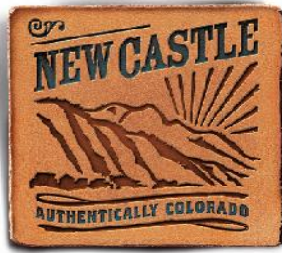
INTRODUCED on July 20, 2021, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on August 3, 2021, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

Mayor Art Riddile

ATTEST:

Town Clerk Melody Harrison, CMC



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

Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item – Consider the appointment of a second Council Member to the Planning and Zoning Commission
Date: 7/20/2021

Purpose:

The purpose of this agenda item is to consider the temporary appointment of a second Town Council Member to the Planning and Zoning Commission. It has come to staff's attention that one of our Planning and Zoning Commissioners has resigned from the board, and that a second Planning and Zoning Commissioner will need to recuse himself for an upcoming land use application. Staff is currently posting notice to fill the vacant position, but has no certainty as to how long the process of replacing the resigned Commissioner may take.

Staff recognizes that for the upcoming land use application, to be heard on July 28th, we may be down to five voting Planning and Zoning Commissioners. In an effort to better protect against falling short of a quorum, and to give the applicant the benefit of presenting their project to a fuller Planning and Zoning, staff is asking if Council would be agreeable to appointing a second Council Member to sit on the Planning and Zoning Board.

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. E-2021-1

AN ORDINANCE OF THE TOWN OF NEW CASTLE WATER AND SEWER
ENTERPRISE AMENDING SECTION 13.12.080 OF THE TOWN
MUNICIPAL CODE

WHEREAS, pursuant to Chapter 13.04 of the Municipal Code of the Town of New Castle, Colorado (“Town”), the Town has established the Town of New Castle, Colorado, Water and Sewer Enterprise (“Enterprise”) as an enterprise of the Town within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, pursuant to Section 13.04.050, the New Castle Town Council serves as the governing body of the Enterprise (the “Enterprise Board”); and

WHEREAS, in accordance with New Castle Municipal Code Section 13.04.060, the Enterprise Board may exercise the Town’s legal authority relating to water activities or otherwise available to any enterprise;

WHEREAS, pursuant to Section 13.12.080(C), the Enterprise is required to send notices of termination of utility service via certified mail;

WHEREAS, Town staff has determined through experience and investigation that sending such notices via certified mail is costly, inefficient, and not in keeping with practices of other local municipalities and water providers; and

WHEREAS, the Enterprise now desires to remove the certified mailing requirement for notices of termination.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL WATER AND SEWER ENTERPRISE AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Enterprise Board.

2. 13.12.080(C) of the New Castle Municipal Code is hereby amended as follows, with added language in **bold** and underlined and removed language ~~stricken~~. Those portions of Section 13.12.080(C) not expressly amended by this Ordinance remain unchanged and in full force and effect.

C. If the customer does not pay all delinquent charges by the twenty-fifth day of the month as provided in the delinquency notice, the town shall send a notice of termination. The notice of termination shall be ~~sent~~ **delivered by one of the following methods chosen by the Town in its discretion: (i) sent by regular mail to the owner’s billing address; and (ii) sent by certified mail, return receipt requested, to the owner’s billing address; (iii) posting in a conspicuous place at or near the main entrance of the premises served**

by such utility service and addressed to the customer listed in the Town's records, the occupant of the premises served, and/or the owner of the premises served. The notice shall state the amount of the delinquent charges and the date that termination of services is scheduled. The town shall assess an administrative charge for processing and preparation of the notice of termination. This administrative charge shall be established by town resolution. The notice of termination shall include the following information:

[Subsections 1-4 unchanged]

INTRODUCED this 6th day of July, 2021, at which time copies were available to the Enterprise Board 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 meeting of the Water & Sanitation Enterprise of the Town of New Castle on July 20, 2021, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
WATER AND SEWER ENTERPRISE

By: _____
Art Riddile, Chair

ATTEST:

Melody Harrison, Town Clerk

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2021-2

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING SECTIONS OF
CHAPTER 12 OF ARTICLE 12 OF THE TOWN MUNICIPAL CODE REGARDING
PARKING OF CERTAIN VEHICLES IN TOWN RIGHTS-OF-WAY

WHEREAS, Chapter 12 of Title 12 of the New Castle Municipal Code (“Code”) regulates the storage and parking of trailers and trucks in public rights-of way; and

WHEREAS, the Town has experienced an increase in the number of campers, trailers, and similar equipment being parked on public rights-of-way; and

WHEREAS, Town staff has identified the need to clarify and better regulate the use of public rights-of-way for extended periods by campers, trailers, and other recreational vehicles; and

WHEREAS, the Council desires to amend the Code to better regulate the use of public rights-of-way for parking within the Town.

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. Amendment. The following sections of Chapter 12, Title 12, of the Town Code are hereby amended as follows, with added language in **bold** and underlined and removed language ~~stricken~~:

12.12.010 Definitions.

“Trailer” means any wheeled device used or designed to be towed behind a motor vehicle **(excluding “travel campers” as defined below)** for the purpose of hauling **recreational equipment (including, but not limited to, boats, off-road vehicles, and other motorized or non-motorized recreational equipment)**, ~~boats, vehicles,~~ **construction** equipment, **vehicles, retail goods,** or other items.

“Travel camper” means living or sleeping quarters on a wheeled device designed solely for the purpose of being used as a mobile dwelling unit, such as, but not limited to, campers, motorhomes, camp trailers, or travel trailers. Vans, camper-vans, pickups with toppers, or any other vehicles less than twenty-five (25) feet which serve primarily as a commuter vehicle or means of producing income are excluded from this definition.

12.12.020 Parking prohibition.

It is unlawful to park or store any truck, trailer, **travel camper**, or item advertised for sale for more than two consecutive hours on any public street or right-of-way within the town limits, subject to the exceptions set forth below. This prohibition shall also apply to public municipal parking lots unless such parking lot is expressly made exempt from the prohibition.

12.12.030 Exceptions.

The following exceptions shall apply:

A. ~~Deliveries~~ **Delivery Vehicles** and Passenger Buses. Trailers and trucks, including **delivery vehicles** and passenger buses, may be parked on town streets and rights-of-way for loading and unloading purposes only but shall under no circumstances be left unattended for a period of more than two hours at a given time.

B. Attached Trailers. Trailers attached to or being towed by otherwise lawfully parked motor vehicles may be parked **on town streets and rights-of-way** for up to ~~twenty-four (24)~~ **forty-eight (48)** consecutive hours during any **30-day consecutive period** ~~one month period~~. As soon as the trailer is detached within the town, this exception shall not again apply to the particular trailer for at least one month, even if the trailer is later reattached **during the month in which it was detached**.

C. Travel Campers. Travel campers ~~as defined in Section 17.04.050~~ may be parked **on town streets and rights-of-way** for up to ~~twenty-four (24)~~ **forty-eight (48)** consecutive hours during any **15-day consecutive** ~~one month period~~ **and solely for the purposes of loading, unloading, charging, or cleaning the travel camper**.

D. Town Maintenance and Construction Vehicles. This chapter shall not apply to town-owned maintenance or construction vehicles.

12.12.040 Temporary permits.

The town administrator **or designated town staff** shall have the authority and discretion to issue a temporary permit exempting any truck **or** trailer ~~or vehicle advertised for sale~~ from the restrictions of this chapter. **Travel campers and vehicles advertised for sale are not eligible for the temporary permit provided for in this section.** The permit shall be valid for a period of up to ~~fourteen (14)~~ **seven (7) consecutive** days ~~and may be renewed at the discretion of the town administrator.~~ **In exceptional circumstances, a temporary permit renewal may be considered and issued at the sole discretion of the town administrator.** The permit shall specify the location where the truck, trailer, or vehicle may be parked and shall not authorize parking except in such designated area. The permit shall at all times be visibly displayed on or in the truck, trailer, or vehicle. The initial permit shall be issued free of charge. The town administrator shall have the authority to delegate his or her authority under this section as he or she deems appropriate.

12.12.050 Penalties and enforcement.

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Additionally, upon a third violation or more, or whenever a truck, trailer, or item advertised for sale has been left on a public street or right-of-way of the town for a period of more than seventy-two (72) consecutive hours, such truck, trailer, **travel camper,** or item may be towed and impounded by or at the direction of the police department or the town administrator.

3. Remainder of Code Unaffected. Those provisions of Chapter 12, Title 12, and all other sections, chapters, and titles of the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

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.

INTRODUCED on July 6, 2021, 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 July 20, 2021, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF
NEW CASTLE, COLORADO

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk