

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2016-1**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING PUBLICATION
REQUIREMENTS THROUGHOUT THE NEW CASTLE MUNICIPAL CODE.

WHEREAS, several of the Town of New Castle (“Town”) Municipal Code’s (“Code”) notice provisions require publication in a newspaper of general circulation; and

WHEREAS, state statutes require that notice be provided by newspaper publication to achieve proper notice in certain situations; and

WHEREAS, the Town Charter provides that “published or publication,” as used in the Charter, means “[t]he act of posting a document on the town website in a designated space that is available for inspection by the general public;” and

WHEREAS, “publication” for the purposes of various Code provisions appears to be inconsistent with “publication” for the purposes of the Charter; and

WHEREAS, to reduce conflict between the Code and the Charter and to streamline the various notice provisions required by the Code, Town staff requests and recommends that the Code be amended to provide for publication by website posting unless required otherwise by state statute; and

WHEREAS, at duly-noticed public meetings held on April 19, 2016, and May 3, 2016, Town Council considered this Ordinance, the amendments to the Code proposed herein, and the bases therefor; and

WHEREAS, the Town Council desires to amend various provisions of the Town 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 the Town Council.

2. Amendment. The Town Council hereby approves the following amendments to the Town Code, with added language in ALL CAPITALS, removed language in **bold** and ~~stricken~~, and subsections renumbered as necessary. Any ordinance of the Town of New Castle or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

1.04.010: Definitions.

“PUBLISHED OR PUBLICATION” MEANS THE ACT OF POSTING A DOCUMENT ON THE TOWN WEBSITE IN A DESIGNATED SPACE THAT IS AVAILABLE FOR INSPECTION BY

THE GENERAL PUBLIC UNLESS EXPRESSLY PROVIDED OTHERWISE IN A PARTICULAR CODE PROVISION.

3.24.030 – Procedure.

- B. Prior to disposition of any unclaimed property having an estimated value less than fifty dollars (\$50.00) or having no last known address of the owner, the town clerk shall cause a notice to be published ~~in a newspaper of general circulation in the municipality~~ AND POSTED IN TWO PUBLIC PLACES WITHIN THE TOWN. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property, and when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

15.44.190 – Notice of Hearing.

- B. A legal notice indicating the nature of the hearings, the property involved and the time, date and place of the hearing, shall be published ~~in a local newspaper of general circulation~~ one time at least fifteen (15) days prior to the hearing.

16.08.040 – Notice Requirements for Public Hearings.

Hearings on annexation petitions shall be governed by the Municipal Annexation Act of 1965, C.R.S. Section 31-12-101, et seq., as amended, PROVIDED, HOWEVER, THAT THE NOTICE REQUIREMENTS SET FORTH IN THE MUNICIPAL ANNEXATION ACT SHALL APPLY IN ADDITION TO THOSE REQUIRED BY THIS CODE. All other public hearings required by this code for land use applications shall be subject to the following notice requirements, except that public hearings on general zone text amendments and amendments to the town zoning map applying to all properties within a given zone district shall not be subject to the requirements of subsections C or D of this section:

- B. Publication. Except for notices of public hearings on variance applications, the notice shall be published at least once ~~in a newspaper of general circulation within the town~~ at least fifteen (15) days prior to the hearing.

16.36.060 – Notice of Hearing.

No site-specific development plan shall be approved until after a public hearing is held before the town council, at a regular or special meeting. This hearing may be combined with other hearings before the council relating to the project. Notice shall be given by the applicant of the public hearing either separately, or combined with other notices that are required by the provisions of Title 16 or 17 of the New Castle Municipal Code. The public notices shall be published ~~in a newspaper of general circulation within the town~~ at least fifteen (15) days prior to such hearing. Additionally, owners of property within two hundred fifty (250) feet of the subject property shall be notified of the public hearing by certified mail, and the property shall be posted at least fifteen (15) days prior to the hearing along the part of such

property fronting on a street, subject to the planner's approval. Any interested persons shall have an opportunity to be heard at the public hearing.

3. Effective Date. This Ordinance shall be effective 14 days after final publication.

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 April 19, 2016, 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 duly-noticed regular meeting of the Council of the Town of New Castle, Colorado, on May 3, 2016, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Bob Gordon, Mayor

ATTEST:

Melody Harrison, Town Clerk