

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE 2011-3**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING  
CHAPTER 16.10 AND SECTION 16.08.040 OF THE NEW CASTLE  
MUNICIPAL CODE REGARDING NOTICE OF SURFACE DEVELOPMENT  
TO MINERAL ESTATE OWNERS.

WHEREAS, Chapter 16.10 of the New Castle Municipal Code governs special notice requirements to mineral estate owners; and

WHEREAS, Section 16.08.040 of the Municipal Code governs notice requirements for public hearings regarding land use applications; and

WHEREAS, the Colorado state legislature amended the statutory notice requirements of surface development to mineral estate owners, Section 24-65.5-101, *et seq.*, C.R.S.; and

WHEREAS, the Town Council desires to amend Chapter 16.10 and Section 16.08.040 of the Municipal Code consistent with the statutory notice requirements.

NOW, THEREFORE, BE IT RESOLVED 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 New Castle Town Council.
2. Repeal and Reenactment. The New Castle Town Council hereby repeals and reenacts in its entirety Chapter 16.10 of the New Castle Municipal Code, as follows:

**16.10.010 Application.**

This chapter applies to all “applications for development,” as defined herein, submitted to the town.

**16.10.020. Definitions.**

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

“Applicant” means a person or entity who submits an application for development to the town.

“Application of development” has the meaning defined in Section 24-65.5-102, C.R.S.

“Mineral estate owner” has the meaning defined in Section 24-65.5-102, C.R.S.

**16.10.030 Notice.**

As a condition of approval of an application for development made to the town, the applicant shall comply with the notice requirements of Section 24-65.5-103, C.R.S. Prior to commencement by the town of the initial public hearing on the application for development, the applicant shall certify that notice has been provided to mineral estate owners pursuant to Section 24-65.5-103, C.R.S.

3. Amendment. The New Castle Town Council hereby amends Section 16.08.040 of the New Castle Municipal Code, as follows:

**16.08.040 Notice requirements for public hearings.**

. . . .  
C. Mailing. The notice shall be sent by certified mail to the owners of all property within two hundred fifty (250) feet of the subject property (except this shall be one hundred (100) feet for variances other than those involving maximum building height or front yard setback changes).

. . . .  
E. Notice to Mineral Estate Owners. The applicant shall comply with Chapter 16.10 of the New Castle Municipal Code.

[The remaining parts shall be re-lettered accordingly, *to wit*: “F. Proof of Compliance” and “G. Continuances”.]

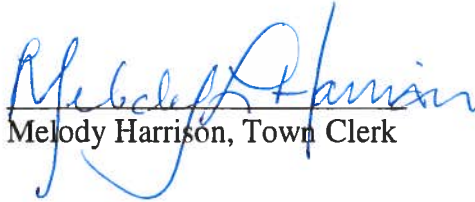
INTRODUCED on March 15, 2011, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on April 5, 2011, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By:   
Frank Breslin, Mayor

ATTEST:

  
Melody Harrison, Town Clerk

