

ORDINANCE NO. 19-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO AMENDING ARTICLE 5 OF CHAPTER
11 REGARDING CITY PARKS INCLUDING THE REGULATION OF
ALCOHOLIC BEVERAGES IN CITY PARKS**

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

WHEREAS, pursuant to its home rule authority and C.R.S. 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of public health, safety, or welfare; and

WHEREAS, the Council previously adopted regulations concerning parks and recreation as codified in Article 5 of Chapter 11 of the Castle Pines Municipal Code (the “Code”); and

WHEREAS, Colorado State Senate Bill 18-243, which became effective on January 1, 2019, eliminates the alcohol content limit within the definition of “fermented malt beverages,” and allows public consumption of alcohol if it “has been specifically authorized by ordinance, resolution, or rule adopted by a municipality, [or] City;” and

WHEREAS, the Council desires to amend Article 5 of Chapter 11 of the Code to address recent state legislation and to update park regulations to reflect current City practices.

**THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO,
ORDAINS:**

Section 1. Section 11-5-10 of Article 5, Chapter 11 of the Castle Pines Municipal Code is amended to read in full as follows, with underlined, italicized text showing additions and strike-through text showing deletions.

Sec. 11-5-10. – Definitions.

As used in this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Camping means to reside or dwell temporarily in a place, with or without shelter, and conduct activities of daily living, such as eating or sleeping, in such place. The term does not include napping during the day (between 6 a.m. and 8 p.m.) or picnicking.

City Manager means the City Manager, ~~Interim City Manager or his or her~~ their designee.

City Park means any park, open space, trail, or other property owned or leased by the City for recreational use by the public.

Colorado Liquor Code means Article 3 of Title 44 of the Colorado Revised Statutes (C.R.S.), as may be amended from time to time.

Shelter means a designated area inside a City Park that provides protection from the elements, such as pavilions.

Section 2. Section 11-5-20 of Article 5, Chapter 11 of the Castle Pines Municipal Code is amended to read in full as follows, with underlined, italicized text showing additions and strike-through text showing deletions.

Sec. 11-5-20. - Hours and operations; rule-making.

(a) Except as otherwise posted or permitted or in the case of unusual and unforeseen emergencies *declared by the City*, City Parks shall be open to the public every day of the year from ~~6 a.m. to 8 p.m.~~ *sunrise to sunset*. It shall be unlawful for a person to remain in or enter a City Park during the time such Park is closed.

(b) Any section or part of a City Park may be declared closed to the public by the ~~City Council~~ or City Manager at any time and for any interval of time as deemed necessary for maintenance, repairs, special events, emergencies, or for such purposes as deemed necessary for the public health, safety and welfare of the community. No person shall enter any closed area of a City Park when such entrance is prohibited.

(c) *The City Manager is authorized to promulgate rules to implement the provisions of this Article consistent with Council policy.*

Section 3. Section 11-5-30 of Article 5, Chapter 11 of the Castle Pines Municipal Code is amended to read in full as follows, with underlined, italicized text showing additions and strike-through text showing deletions.

Sec. 11-5-30. – Group Use.

(a) *Description.* Group use of fields, Shelters, and parking lots in City Parks is allowed, subject to the limitations set forth in this Section and pursuant to the policies adopted by the City Council.

(b) *Size limits.* A facility use agreement or permit is required for any group of ~~thirty (30)~~ *fifteen (15)* or more individuals, inclusive of any sports team, league or other organized sports *or athletic* group regardless of size, to use a field, *shelter* or parking lot in any City Parks. *Applicable fees shall be set forth by resolution of City Council.* ~~The application, fees, reservation and permit requirements shall be in~~

~~accordance with City Council policies adopted by Council resolution, and at a minimum shall include:~~

- ~~1. Description and time limits of event;~~
- ~~2. Application fee; and~~
- ~~3. Security deposit, if any.~~

(c) Criteria and issuance of facility use permit. ~~Within three business (3) days of receipt of a completed application, the City Manager shall review the application. If the City Manager finds that the proposed use is *in compliance with application requirements* and will not adversely impact the surrounding neighborhood or the use of the City Park by others or the park itself (including park turf), and will comply with this Article and all other applicable City ordinances, rules and regulations, the City Manager shall issue a group use permit.~~

(d) Revocation. The City Manager may summarily revoke a group use permit if any member of the group violates any provision of this Article or any other applicable City ordinances, rules or regulations during the group's use of the Park.

Section 4. Section 11-5-40 of Article 5, Chapter 11 of the Castle Pines Municipal Code is amended to read in full as follows, with underlined, italicized text showing additions and strike-through text showing deletions.

Sec. 11-5-40. – Restrictions on uses and activities.

It is unlawful to engage in any activities within any City Park in violation of any of the following regulations, unless ~~otherwise approved by the City Council or~~ through a group use permit issued by the City Manager.

1) Refuse and Trash. No person shall dump, deposit, or leave in the City Park any bottles or containers, broken glass, ashes, paper, boxes, cans, rubbish, waste, garbage, household appliances or furniture, construction or landscaping materials, or other discarded items. No such refuse or trash shall be placed in any waters in or contiguous to any City Park or left anywhere on the grounds thereof but shall be placed in proper receptacles where these are provided; where receptacles are not provided, persons shall carry away all such refuse or trash from the City Park and dispose of it elsewhere.

2) Dogs. Dog owners shall comply with all animal control ordinances adopted by the City and shall pick up their dog's excrement ~~or waste~~. Dog owners shall not allow dogs into those areas posted as prohibited areas for dogs, if any. Prohibited areas for dogs may be designated by the City Council by resolution.

3) Motorized Vehicles. No person shall drive, ride, or operate at any time any motorized vehicle or motorized device of any type within a City Park except upon public roadways or designated parking areas running through or adjoining any City

Park. This prohibition shall not apply to City-owned vehicles, motorized wheelchairs or similar mobility devices, *or those approved through a Special Event Permit*. All persons operating a motorized vehicle or device within a City Park shall obey all traffic control signs.

4) Fires. No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the City Council within any City Park. This provision shall not serve to prohibit bonfires started or sustained by the City for City-sanctioned special events and programs.

5) Camping. No person shall camp overnight in any City Park.

6) Glass Containers. No person shall carry or use glass containers in any City Park.

7) Vending and Soliciting. No person shall engage in any vending or solicitation operations in any City Park without first having obtained a business license.

8) Alcoholic Beverages. ~~No person within a City Park shall consume or have in their possession or custody any spirituous liquor, malt liquor, or vinous liquor as defined in C.R.S. §12-47-103, except as may be approved by the City under a special events liquor license. The storage, sale, or consumption of any malt, vinous, or spirituous liquors, as defined by the Colorado Liquor Code, is prohibited in any City park except as specifically provided in this section or as may be authorized pursuant to a special event liquor permit issued by the City in accordance with the Colorado Liquor Code. Subject to all applicable City ordinances, rules and regulations, the consumption of fermented malt beverages and vinous liquor is permitted during park hours as specified in section 11-5-20(a) in any City Park so long as such fermented malt beverage or vinous liquor has been purchased in a manner authorized, and is being consumed by persons permitted by applicable state law. It shall be unlawful to sell any fermented malt beverage or vinous liquor within any City Park unless such sales are made pursuant to a special events liquor permit issued by the City and in accordance with the Colorado Liquor Code.~~

Section 5. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. Repeal of Previous Ordinances. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or

superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. Codification Amendments. The codifier of the City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 8. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 9. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City’s official website and posted at the City Clerk’s office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, the 12th DAY OF NOVEMBER, 2019.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th DAY of JANUARY, 2020.

DocuSigned by:
Tera Stave Radloff
650C8EB279DC479...
Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:
Tobi Basile
AD03A3B02032498...
Tobi Basile, CMC, City Clerk

Approved as to form:
DocuSigned by:
Linda C. Michow
5241DE99B0FF444...
Linda C. Michow, City Attorney



CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on November 12, 2019; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on December 10, 2019”; and finally passed and adopted by the City Council on January 14, 2020, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on November 13, 2019.

ATTEST:


DocuSigned by:

Tobi Basile, CMC, City Clerk

EXHIBIT A to ORDINANCE 19-19

**CHAPTER 11
ARTICLE 5
SECTION 11-5-40**

Public Parks

Section 11-5-10. Definitions.

As used in this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Camping means to reside or dwell temporarily in a place, with or without shelter, and conduct activities of daily living, such as eating or sleeping, in such place. The term does not include napping during the day (between 6 a.m. and 8 p.m.) or picnicking.

City means the City of Castle Pines, Colorado.

City Manager means the City ~~Manager, Interim City Manager or his~~ or ~~her~~ their designee.

City Park means any park, open space, trail, or other property owned or leased by the City for recreational use by the public.

Shelter means a designated area inside a City Park that provides protection from the elements, such as pavilions.

Section 11-5-20. Hours and Operations.

- (a) Except as otherwise posted or permitted or in the case of unusual and unforeseen emergencies, City Parks shall be open to the public every day of the year from ~~6 a.m. to 8 p.m.~~ sunrise to sunset. It shall be unlawful for a person to remain in or enter a City Park during the time such Park is closed.
- (b) Any section or part of a City Park may be declared closed to the public by the ~~City Council or City Manager~~ at any time and for any interval of time as deemed necessary for maintenance, repairs, special events, emergencies, or for such purposes as deemed necessary for the public health, safety and welfare of the community. No person shall enter any closed area of a City Park when such entrance is prohibited.

Section 11-5-30. Group Use.

- (a) Description. Group use of fields, Shelters, and parking lots in City Parks is allowed, subject to the limitations set forth in this Section and pursuant to the policies adopted by the City Council.
- (b) Size limits. A facility use agreement or permit is required for any group of ~~thirty (30)~~ fifteen (15) or more individuals, inclusive of any sports team, league or other organized sports group regardless of size, to use a field, shelter or parking lot in any City Parks. The ~~application, fees, reservation and permit~~ requirements shall be in accordance with ~~City Council policies~~ adopted by Council fee schedule resolution, ~~and at a minimum shall include:~~
- ~~1. Description and time limits of event;~~
 - ~~2. Application fee; and~~
 - ~~3. Security deposit, if any.~~
- (c) Criteria and issuance of facility use permit. ~~Within three business (3) days of receipt of a completed application, the City Manager shall review the application. The City Manager shall promulgate rules to administer the Council policy of this ordinance.~~ If the City Manager finds that the proposed use is in compliance with application requirements and ~~will not adversely impact the surrounding neighborhood or the use of the City Park by others or the park itself (including park turf),~~ and will comply with this Ordinance and all other applicable City ordinances, rules and regulations, the City Manager shall issue a group use permit.
- (d) Revocation. The City Manager may summarily revoke a group use permit if any member of the group violates any provision of this Ordinance or any other applicable City ordinances, rules or regulations during the group's use of the Park.

Section 11-5-40. Restrictions on uses and activities.

It is unlawful to engage in any activities within any City Park in violation of any of the following regulations, unless ~~otherwise approved by the City Council or~~ through a group use permit issued by the City Manager.

- 1) Refuse and Trash. No person shall dump, deposit, or leave in the City Park any bottles or containers, broken glass, ashes, paper, boxes, cans, rubbish, waste, garbage, household appliances or furniture, construction or landscaping materials, or other discarded items. No such refuse or trash shall be placed in any waters in or contiguous to any City Park or left anywhere on the grounds thereof but shall be placed in proper receptacles where these are provided; where receptacles are not provided, persons shall

carry away all such refuse or trash from the City Park and dispose of it elsewhere.

- 2) Dogs. Dog owners shall comply with all animal control ordinances adopted by the City and shall pick up their dog's excrement ~~or waste~~. Dog owners shall not allow dogs into those areas posted as prohibited areas for dogs, if any. Prohibited areas for dogs may be designated by the City Council by resolution.
- 3) Motorized Vehicles. No person shall drive, ride, or operate at any time any motorized vehicle or motorized device of any type within a City Park except upon public roadways or designated parking areas running through or adjoining any City Park. This prohibition shall not apply to City-owned vehicles, motorized wheelchairs or similar mobility devices, or those approved through a Special Use Permit. All persons operating a motorized vehicle or device within a City Park shall obey all traffic control signs.
- 4) Fires. No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the City Council within any City Park. This provision shall not serve to prohibit bonfires started or sustained by the City for City-sanctioned special events and programs.
- 5) Camping. No person shall camp overnight in any City Park.
- 6) Glass Containers. No person shall carry or use glass containers in any City Park.
- 7) Vending and Soliciting. No person shall engage in any vending or solicitation operations in any City Park without first having obtained a business license.
- 8) Alcoholic Beverages. ~~No person within a City Park shall consume or have in their possession or custody any spirituous liquor, malt liquor, or vinous liquor as defined in C.R.S. §12-47-103, except as may be approved by the City under a special events liquor license.~~ *The storage, sale, or consumption of any malt, vinous, or spirituous liquors, as defined by the Colorado Liquor Code, is prohibited in any park, recreation area, or recreation building within the city except as specifically provided herein or as may be authorized pursuant to a special event liquor permit issued by the City in accordance with C.R.S. article 48 title 12. Subject to paragraph (f) of this section, the consumption and storage of fermented malt beverages and vinous liquor is permitted during normal business hours in any City owned park or recreation area within the City so long as such fermented*

malt beverage or vinous liquor has been purchased in a manner authorized, and is being consumed by persons permitted, by applicable state law. It shall be unlawful to sell any fermented malt beverage or vinous liquor within any City owned park or recreation area unless such sales are made pursuant to a special events liquor permit granted by the City and unless such sales are made in accordance to Colorado Liquor Code.

- 9) Amplified Sound. No person shall use or operate a loudspeaker or sound-amplifying equipment in any City Park except for City-sanctioned special events and programs or as otherwise approved through a facility use agreement or permit.
- 10) Structures. No person or group shall install any permanent or above-ground structure in any City Park, unless otherwise authorized or approved by City Council.
- 11) Riding Horses. No person shall ride upon any horse or any other animal capable of being ridden, in any City Park, except in areas designated and posted specifically for such use. Law enforcement officials on horse patrol shall be exempt from this prohibition.
- 12) Weapons. No person shall discharge, fire or shoot any firearm, air gun, slingshot, bow and arrow, or other projectile on or within any City Park, except at places in areas designated and posted specifically for such use.

Section 11-5-50. Unlawful remainder in or return to park.

After the City Manager or any law enforcement officer directs a person to leave or ejects a person from a City Park, it shall be unlawful for the person to remain within the City Park or return to the area for up to twenty-four (24) hours after being directed to leave or ejected.

Section 11-5-60. Enforcement and penalty.

- (a) The City Manager and law enforcement officers shall, in connection with their duties imposed by law, enforce the provisions of this Ordinance.
- (b) The City Manager and law enforcement officials shall have the authority to eject from the City Park any person who violates any provision of this Ordinance or any rule or any City Code or who engages in any other disorderly or disruptive behavior in a City Park. A person ejected shall be informed that at the time of ejection, reentry is prohibited for up to twenty four (24) hours.

- (c) Law enforcement officers have the authority to issue citations and warnings for violations of City ordinances or any provision of this Ordinance within a City Park.