

**ORDINANCE NO. 11-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO ENACTING REGULATIONS FOR THE USE OF CITY PARKS AND PENALTIES FOR VIOLATIONS**

**WHEREAS**, pursuant to C.R.S. §31-15-103 and §31-15-104, the City of Castle Pines (the “City”) has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

**WHEREAS**, the City is authorized, pursuant to C.R.S. §31-15-401(e), to prevent and suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place; and

**WHEREAS**, the City Council desires to provide an exceptional system of parks to meet the recreational needs of the community to be enjoyed by residents and visitors alike; and

**WHEREAS**, the City Council finds that enacting regulations concerning the proper use of parks and providing penalties for violation of those regulations will enhance the community’s ability to enjoy the City’s recreational opportunities and therefore the City Council finds that passage of this Ordinance will promote and preserve the health, safety, and welfare of the Castle Pines community.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

**Section 2. Regulations Enacted.** The following park regulations are hereby adopted and enacted to read in full as follows:

**Article I**

**Public Parks**

**Section 1. 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 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 2. 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 9 p.m. 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 3. 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) 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 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. 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 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 4. 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.

(a) 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.

(b) 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.

(c) 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. All persons operating a motorized vehicle or device within a City Park shall obey all traffic control signs.

(d) 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.

- (e) Camping. No person shall camp overnight in any City Park.
- (f) Glass Containers. No person shall carry or use glass containers in any City Park.
- (g) Vending and Soliciting. No person shall engage in any vending or solicitation operations in any City Park without first having obtained a business license.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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 5. 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 6. 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.
- (d) Any person convicted of a violation of any provision of this Ordinance shall be punished by a fine and/or imprisonment in accordance with Ordinance No. 09-21.

**Section 3. 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 City of Castle Pines Municipal Code. The City Clerk and Deputy City Clerk are authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance, such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication following final passage in accordance with Section 31-16-105, Colorado Revised Statutes.

**Section 6. 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 7. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or

liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits or proceedings, or prosecutions imposing, inflicting or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings and appeals pending before any court or administrative tribunal.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of April, 2011.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 24th day of May, 2011.**

**CITY OF CASTLE PINES:**

  
Jeffrey T. Huff, Mayor

ATTEST:

  
Sharon DeRouen, City Clerk

Approved as to Form:

  
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 at a regular meeting of the Castle Pines City Council on April 26, 2011; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on May 24, 2011 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on June 2, 2011.

ATTEST:



Sharon deBorne

City Clerk or Deputy City Clerk