

ORDINANCE NO. 24-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, AMENDING CERTAIN SECTIONS OF ARTICLE 5 OF CHAPTER 11
OF THE CASTLE PINES MUNICIPAL CODE, TITLED PUBLIC PARKS, TO EXPAND
THE DEFINITION OF CITY PARK AND TO UPDATE RESTRICTIONS OF USES AND
ACTIVITIES IN CITY PARKS**

WHEREAS, the City of Castle Pines (“City”) is a home rule municipality with all powers granted by Article XX of the Colorado Constitution and the City’s Home Rule Charter (“City Charter”); and

WHEREAS, the City previously entered into various intergovernmental agreements with certain Title 32 metropolitan districts within City limits to memorialize the City’s intent to own, maintain, and operate most of the parks, trails, and open space properties previously maintained by such metropolitan districts (“Recreation Properties”); and

WHEREAS, the City desires to amend Sec. 11-5-10 of the City of Castle Pines Municipal Code (the “Code”), titled “Definitions”, to ensure the City’s rules and regulations regarding City Parks will also apply to the Recreation Properties that will be maintained by the City; and

WHEREAS, the City further desires to amend Sec. 11-5-40 of the Code, titled “Restriction of uses and activities”, to implement new rules and regulations that relate to uses and activities in all City Parks; and

WHEREAS, the City Council finds that enacting new regulations concerning the proper use of City Parks 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.

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

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

Section 2. Section Sec. 11-5-10, titled “Definitions,” is hereby amended as follows, with additions shown in underline:

Sec. 11-5-10. - Definitions.

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

City Manager means the City Manager or their designee.

City Park means any park, open space, trail or other property owned, maintained 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 3. Section 11-5-40, titled “Restrictions on uses and activities,” is hereby repealed and replaced in its entirety to read as follows:

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

(a) 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 Manager or through a group use permit issued by the City Manager.

1. *Alcoholic Beverages.* 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.
2. *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.
3. *Archery.* No archery practice is permitted in any City Park, unless it is within the setting of a structured class offered by the City or other City-approved instructor.
4. *Business Operation and Commercial Activity.* It shall be unlawful to conduct any commercial activity, or provide any service, instruction, guidance, product or activity for which a fee is charged or goods or services are exchanged in any City Park, except when such activity is authorized in writing by City Staff.
5. *Closed Areas.* It shall be unlawful to enter, use or occupy any area of a City Park during the time such area is closed to entry, use or occupancy.
6. *Dogs.* Dogs are not permitted to run at large in any City Park. All dogs must be on a leash, cord or chain and held by a person physically able to control the dog. Dog owners shall comply with all animal control ordinances adopted by the City and shall pick up their dog's excrement. 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 Manager.

7. *Dumping*. It shall be unlawful to dump commercial or household refuse or any hazardous substances within any City Park or in any trash containers placed on such land.
8. *Encroachment on Public Property*. It shall be unlawful to construct or place any unauthorized permanent or temporary structure or obstruction on any area of a City Park or to block access of a City Park to the general public.
9. *Fires*. It shall be unlawful to build, start or light any fire of any nature in any City Park except in outdoor grills used for cooking purposes. All such fires shall be fueled by charcoal, operated only within designated areas in City-installed grills, and fully extinguished after use. This provision shall not serve to prohibit bonfires started or sustained by the City for City-sanctioned special events and programs.
10. *Firearms and Deadly Weapons*. It shall be unlawful to openly carry a firearm upon any area of a City Park or to use, discharge, fire, or shoot any firearms, explosives, BB guns, pellet guns, air guns, crossbows, long bows, slingshots, or other projectile on or within any City Park, except in areas designated and posted specifically for such use. This prohibition shall not apply to law enforcement officers in the performance of their official duties.
11. *Fireworks*. It shall be unlawful to discharge fireworks in any City Park except when authorized in writing by the City.
12. *Glass Containers*. No person shall carry or use glass containers in any City Park.
13. *Hazardous Activities*. It shall be unlawful for any person to engage in any activity in any area of a City Park which constitutes a hazard to the safety of other persons, except in areas where such activity is specifically authorized.
14. *Hunting and Fishing*. No hunting or fishing is permitted in any City Park.
15. *Litter*. It shall be unlawful to deposit or leave any refuse, trash or litter in or upon any area of a City Park except by depositing such refuse, trash or litter in designated refuse receptacles. Where receptacles are not provided, persons shall carry away all such refuse or trash from the City Park and dispose of it elsewhere.
16. *Marijuana*. Under Colorado state law (Colo. Const. Art. XVIII, Sec. 16(3)(d)), a person cannot consume/use marijuana "openly and publicly;" therefore a person cannot consume/use marijuana in any City Park, and it is a criminal violation. Unlawful possession, consumption, distribution, or manufacturing of controlled substances, consistent with Colorado Revised Statute title 18, is illegal and prohibited in any City Park.
17. *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.
18. *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.
19. *Signs*. Posting of signs of any kind in a City Park is prohibited, with the exceptions of signs erected and maintained pursuant to and in the discharge of any governmental function, or as required by any law, ordinance or governmental regulation, except as authorized in writing by the City Manager.
20. *Snow Removal*. Snow removal is prohibited on any synthetic or natural turf fields, basketball courts, tennis courts and pickleball courts.

21. *Tobacco*. No tobacco use is allowed within 50 feet of playgrounds.
22. *Vandalism*. It shall be unlawful for any person or persons to remove, damage, deface or destroy any real or personal property, wildlife habitat or vegetation.
23. *Wildlife*. It shall be unlawful to hunt, trap, catch, molest, harm, kill or chase any wild animal or bird, or to molest their habitat, in any City Park.

Section 4. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. 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 6. Safety Clause. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 7. 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 posting 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 27th DAY OF FEBRUARY, 2024.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 26th DAY OF MARCH, 2024.


Tracy Engerman (Mar 31, 2024 13:01 MDT)

Tracy Engerman, Mayor



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Approved as to form:

Linda C Michow

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 February 27, 2024; 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 March 26, 2024”; and finally passed and adopted by the City Council on March 26, 2024, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on March 11, 2024.

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk