

ORDINANCE NO. 4.18

AN ORDINANCE TO REGULATE USAGE OF ALL
TOWN PARKS AND RECREATIONAL AREAS OF WHICH
THE TOWN OF LARKSPUR, COLORADO IS THE OWNER,
OPERATOR, OR BOTH

BE IT ORDAINED by the Town Council of the Town of Larkspur, Colorado as follows:

SECTION 1--APPLICABILITY: This Ordinance shall apply to and within all parks, parkways, open space areas and recreational grounds owned by, leased by, controlled by or operated by the Town of Larkspur, Colorado.

SECTION 2--PARK DEFINED: As used in this Ordinance "Park" or "Parks" means and refers to any park, playground, recreational facility, or any other open space owned, leased, controlled or operated by the Town, whether located within or without the corporate boundary limits of the Town, which is devoted to recreation and leisure time use by the public.

SECTION 3--HOURS, EXTENSIONS AND EXCEPTIONS: Parks shall be open daily to the public from sunrise until sunset. No person who is not an employee of the Town shall be or remain in any Park at any other time; provided, however, that:

A. The Town Council may, by permit or authorization, which shall be posted in the Park, extend to a later hour the nighttime closing hour with respect to Parks or particular areas of Parks.

B. Nothing contained in this Ordinance shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities by or with the permission of the Town Council.

C. In the case of emergency or inclement weather, or where, in the judgment of the Mayor or the law enforcement agency providing law enforcement protection to the Town of Larkspur, the public interest demands it, the roadways or other portions of any Park may be closed to the public.

SECTION 4--EVENT--PERMIT REQUIRED: A permit or reservation shall be required from the Town Clerk before using a Park for any of the following activities:

A. Use of any Park facilities for a public gathering, entertainment, procession, parade, tournament or exhibition which can reasonably be expected to have an attendance of 25 persons or more.

B. Use of any shelterhouse, pavilion or equivalent facility.

SECTION 5 -- APPLICATION: An applicant seeking issuance of a permit or reservation shall file an application therefor with the Town Clerk. The application shall state:

A. The name, address and telephone number of the applicant;

B. The name, address and telephone number of the person, organization, or corporation sponsoring the activity;

C. The day and hours for which the permit is sought;

- D. The Park or portion thereof for which the permit is desired;
- E. An estimate of the anticipated attendance;
- F. Whether or not sound amplification will be used;
- G. A statement that the applicant assumes all liability arising out of the scheduled use of the Park or facility;
- H. Any other information which the Town Clerk shall find reasonably necessary to a fair determination as to whether a permit should issue under this Ordinance.

SECTION 6--STANDARDS FOR ISSUANCE: The Town Clerk shall issue a permit or reservation hereunder if he or she finds:

- A. That the proposed activity or use of the Park will not unreasonably interfere with or detract from the general public enjoyment of the Park;
- B. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, safety, welfare and recreation;
- C. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- D. That the proposed activity or use will not entail unusual, extraordinary or burdensome expense or police operation by the Town; and
- E. That the facilities desired have not been reserved for other use at the day and hour requested in the application.

SECTION 7--DEPOSIT: Prior to the issuance of a permit, the Town Clerk shall require the applicant to pay a deposit to the Town in an amount not to exceed \$100.00. The permittee shall be responsible for any and all damages and losses whatsoever to the Park and its contents. After the conclusion of the scheduled event, the Town Clerk shall return the deposit if no damage has been done and the area has been properly cleaned. In the event that damage has been done or that the Park has not been cleaned, the Town Clerk will retain a sum sufficient to cover the damage and/or restore the Park to a clean condition. In the event that the deposit does not cover the entire cost to the Town for the damage that has occurred, the permittee shall be liable to the Town for any shortage.

SECTION 8--APPEAL: Within five (5) days after receipt of an application for a permit, the Town Clerk shall either issue a permit or shall advise the applicant, in writing, of his or her reasons for refusing a permit. Any aggrieved applicant shall have the right to appeal in writing within seven (7) days of the denial to the Town Council, which shall consider the application under the Standards for Issuance and sustain or overrule the Town Clerk's decision. The decision of the Town Council shall be final.

SECTION 9--LIABILITY OF PERMITTEE: The permittee shall be liable for any loss, damage or injury sustained by any person by reason of the use of the Park for the event for which the permit was issued.

SECTION 10--FEE SCHEDULE--RULES AND REGULATIONS: The Town Clerk is authorized to recommend to the Town Council, or the Town Council may consider on its own initiative, fees for the use of any Park for residents and non-residents. Any fee structure shall be adopted by resolution of the Town Council. In addition, the Town Council may establish such rules and regulations as may be necessary or desirable to assure that all Parks are safe, pleasant and efficiently operated, and to effectuate the provisions of this Ordinance.

SECTION 11--RESIDENT AND NON-RESIDENT DEFINED: For the purposes of this Ordinance and fee schedule adopted pursuant to this Ordinance, a "Resident" is a person who permanently lives or works within the Town of Larkspur, a "Resident Group" is any group consisting of at least 80% Larkspur Residents or a sports team whose members are sponsored by a business located in Larkspur. All other individuals or groups are "Non-Residents."

SECTION 12--UNLAWFUL ACTS.

A. In any Park, it shall be unlawful for any person to commit any one or more of the following acts:

- (1) To permit any dog or other animal to run at large. "At large" shall mean not under control of the owner or person in charge of the animal, whether by leash, bridle, halter, yoke or other physical means of restraint. All waste from animals will be cleaned up by the owner or person in charge of the animal.
- (2) To hitch any horse or other animal to any tree, shrub, or any fence, or other structure except such as are provided for such purpose.
- (3) To injure, defoul, deface, damage or destroy any Park property.
- (4) To move or remove any Park property or equipment for any reason whatsoever other than in case of emergency.
- (5) To remove from any Park premises any vegetation or to go upon the grass, lawn or turf of any Park wherever the sign "Keep Off The Grass" is posted.
- (6) To play at any game of chance, performing any obscene or indecent acts.
- (7) To take into or upon any Park any malt beverage or malt, vinous, or spirituous liquor for sale or consumption except where and when specifically authorized by the Town Council or as authorized by permit.
- (8) To fail or refuse to comply with any lawful order of the Town Council, the Town Clerk, a Town employee, or a law enforcement officer.
- (9) To fail or refuse to comply with any rules and regulations promulgated by the Town Council.
- (10) To fail or refuse to exhibit any permit issued pursuant to this Ordinance upon demand of any uniformed law enforcement officer.
- (11) To enter any building, enclosure or place upon which the words "No Admittance" or similar sign is posted.
- (12) To do or perform any act for which a permit is required without first obtaining a permit therefor.
- (13) To erect any booth, tent, stall or other structure in any Park for any purpose without first obtaining a permit therefor.
- (14) To throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any Park, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

- (15) To dump, deposit or leave any bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters which are in or contiguous to any Park or left anywhere on the grounds of any Park. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for its presence and shall be properly disposed of elsewhere.
- (16) To camp or lodge in any Park without first having obtained a permit therefor from the Town Clerk.
- (17) To drive or hit golf balls, except at such places set aside for that purpose.
- (18) To wash dishes in, empty waste liquids in, or in any manner pollute the water of, any fountain, pond, lake or stream.
- (19) To have any glass bottles in any park.

B. It shall be unlawful for any person, except a park concessionaire specifically authorized by the Town Council, to engage in any commercial activity of any kind upon Park property.

C. It shall be unlawful for any person to engage in any activity in any Park of a boisterous or hazardous nature which endangers themselves or others or disturbs other users of such Park or other persons lawfully in the vicinity. Such unlawful activities shall include, but not be limited to, the following:

- (1) Taking, carrying, or causing to be taken or carried into any park, any explosive, dangerous or inflammable powder, fireworks, or any other explosive or dangerous substance. It is likewise unlawful for any person to fire or explode any other substance or thing containing explosive, dangerous or flammable powder or other explosive, dangerous or flammable substance in any such Park.
- (2) Indulging in a sport or exercise that is liable to frighten or annoy bystanders, injure travelers, or impede the passage of traffic, either pedestrian or vehicular, except at such places as may be designated for such purpose.
- (3) Joining in any picnic or games without the consent of the persons of whom they are composed, or in any manner disturbing or interfering with the same.
- (4) Building fires except in fireplaces provided therefor. A charcoal blaze may be kindled in a portable charcoal brazier, but care shall be taken that live coals are guarded and completely extinguished before leaving the same.
- (5) Going onto the ice on any lake, pond or stream except such as are designated as skating fields and only when the safety signal is displayed.

SECTION 13--MOTOR VEHICLE REGULATIONS: As used in this Ordinance, the term "Motorized Vehicle" shall mean any self-propelled device capable of transporting persons or property, except that such term shall not include motorized wheelchairs used by persons with mobility handicaps.

A. It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a Park, except in designated roadways and parking areas.

B. It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor vehicular traffic.

C. It is unlawful to leave or park a vehicle in any Park between sunset and sunrise of the following day, except when done by Town employees in the course of their employment or as authorized by the Town Council.

D. All other requirements of the Model Traffic Code shall apply to all roadways in all Parks.

SECTION 14--SWIMMING OR WADING--WHERE PERMITTED--EXCEPTIONS:

It is unlawful for any person to enter, swim or wade in any lake, stream, pond, irrigation ditch, reservoir or other body of water in a Park unless such body of water has been designated and posted by the Town as an area specifically set aside for swimming or wading.

SECTION 15--ABANDONING OR DISTURBING ANIMALS PROHIBITED:

A. It is unlawful to abandon in any Park, any fish, waterfowl, birds, fowls, reptiles or any animals whatsoever. It is unlawful for any person, with the exception of Town employees or authorized agents, to disturb in any manner any of the fish, waterfowl, birds, fowls, reptiles or any animals whatsoever present in, belonging to, or preserved in any Park.

B. It is unlawful to allow any horses, cattle, sheep, goats, hogs or other livestock whatsoever to pasture, graze, or run at large within the limits of any Park.

SECTION 16--PENALTY FOR VIOLATION:

A. Any person, corporation, organization, partnership or business entity of any type, who shall violate any of the provisions of this Ordinance shall, severally, for each and every such violation and non-compliance, respectively, and for each and every day of a continuing violation, be subject to punishment by a fine of not more than \$300.00, or by imprisonment of not more than ninety (90) days, or both.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day a violation exists shall constitute a separate offense.

C. The application of the above penalty shall not be held to prevent the Town Council from taking action it may deem appropriate in a court of competent jurisdiction to obtain an injunction against or an abatement of a continuing violation.

SECTION 17--EFFECTIVE DATE: This Ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 13th day of April, 1994, and passed by a vote of 6 for, 0 against, and 0 abstentions.



Town Clerk

Helen Burch
Mayor

I hereby certify that the within Ordinance No. 4.18 was posted on the bulletin board at the Town Hall of the Town of Larkspur from April 19, 1994 to April 24, 1994.


Town Clerk