

ORDINANCE NO. 2046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, ENACTING CHAPTER 8.30 OF TITLE 8 OF THE GOLDEN MUNICIPAL CODE REGARDING PARK AND RECREATION FACILITY RULES AND REGULATIONS

WHEREAS, the City of Golden (“City”) offers its residents and visitors access and use of a comprehensive system of parks and recreation facilities, which includes 253 acres of park space, 24 miles of trails, 402 acres of open space and facilities, which include a recreation center that offers a wide variety of indoor sports, fitness activities and instructions, youth activities and facilities for community events and also a separate outdoor aquatic park, golf course, soccer fields and a recreational vehicle park; and

WHEREAS, the vast scope of the City’s parks and recreation facilities offer the public a wide variety of recreational, leisure and sports activities and events; and

WHEREAS, to ensure the public continues to receive the benefits of such opportunities the City desires to enact a limited number of rules and regulations that it deems necessary for the protection of such resources.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Chapter 8.30, Park and Recreation Rules and Regulations, of Title 8 of the Golden Municipal Code is enacted to provide:

Section 8.30.010 Definitions. The following words, terms and phrases, when used in this chapter shall have the meaning ascribed to them herein except where the context clearly indicates a different meaning.

City manager means the manager of the City of Golden or the manager’s authorized designee.

Park means all parks, trails, open spaces, or waterways owned, operated or maintained by the city.

Clear Creek’s banks means the area between the water’s edge and the designated path on either side

Dog owner means any person who owns, keeps, harbors, possesses or otherwise has custody or control of the animal.

Enforcement officer means any officers or employees of the city, including but not limited to city code enforcement officers and park rangers, authorized either as a matter of law or by the chief of police, or the chief’s authorized designee, to enforce the provisions of this chapter.

Recreation facility, means those facilities owned or operated by the city, which offer indoor or outdoor sports or activities or events, including but not limited to the Recreation Center, Clear Creek Recreational Vehicle Park, Fossil Trace Golf Course and Splash Aquatic Center.

Slacklining means the activity or sport of balancing on a rope or strip of webbing that is fixed above ground between two anchors.

Section 8.30.020 City authority.

a) Closures. The city manager may close for any time period any park or recreation facility due to conservation, wildlife, vegetation, management review, contractual or public safety concerns.

b) Administrative rules and regulations. The city manager is authorized to adopt and enforce administrative rules and regulations that implement and supplement the regulations set forth in this section

for purposes which include, but are not limited to, maintenance, repairs, or the protection or conservation of any lands, structures, property, wildlife or vegetation or to protect the public.

c) Applicability of prohibitions. The prohibitions contained within this chapter, unless specified otherwise, shall be applicable to all outdoor parks, trails, open space and recreation facilities owned and operated by the city. While acting within the course and scope of their employment city employees and any law enforcement or emergency service personnel shall be exempt from the restrictions and prohibitions set forth in this chapter.

Section 8.30.030 Park usage restrictions.

a) Alcohol beverages. It is prohibited for any person to possess, consume, or distribute any alcohol beverage within any park, absent the prior written approval of the city manager.

b) Camping. Overnight camping is prohibited except subject to the acquisition of a permit in the designated areas of the Clear Creek Recreational Vehicle Park.

c) Fires. It is prohibited for any person to make, or allow to burn, a fire, including a charcoal fire, within any park except in park provided, operative grills. Use of a portable propane camp stove is permitted if the stove's propane tank has a capacity of 2 pounds or less. A maker or keeper of a fire must completely extinguish the fire prior to leaving the park. Bonfires are prohibited in all parks. Notwithstanding the foregoing, more stringent fire restrictions, including bans, issued by the city's fire chief or fire marshal shall apply to, and supersede, any fires in the park that are otherwise allowed by this subsection.

d) Motorized vehicle operation. It is prohibited for any person to operate any motorized vehicle including, but not limited to, any self-propelled vehicle, motorbike, motorcycle (whether designed for travel on public highways or designed for off-road travel), moped, go-cart, golf cart, motor scooter, or snowmobile, Segway, hover board, or similar mode of transportation upon or within any park, except as permitted upon vehicle parking areas and roadways within a park. A person may operate an electrical assisted bicycle, as defined in C.R.S. 42-1-102(28.5), as may be amended with the electrical motor engaged on park paths where bicycles are authorized to travel. Golden staff members may operate vehicles on parks and pathways for maintenance purposes.

e) Park hours. Unless otherwise posted, outdoor parks are open to the public between the hours of 5:00 a.m., to 11:00 p.m. All trails, however, remain open 24 hours each day to pedestrian and bicycle traffic.

f) Slacklining. (or any other objects tied, fastened or anchored to trees) is permitted in parks subject to the following:

1. Trees must be protected with padding, prior to the installation of the anchor lines.
2. Anchor lines may not be attached to signs, fencing, light poles, playground equipment, or any other park structures.
3. Tree trunks must be at least 1 foot in diameter.
4. Anchor points cannot be damaged or altered in order to secure an anchor.
5. Slacklines and ground must be level and parallel to each other.
6. Slacklines may not exceed 100 feet in length.
7. The slackline may not be elevated to a height of more than 4 feet at the center of the span.
8. Equipment must not be left unattended and, if not in use, must be immediately taken down.
9. Slacklines must not interfere with other park activities nor cross any sidewalks, waterways, bridges, or any other right of ways, and are prohibited upon any trail.
10. Slacklines cannot cross each other.

11. City personnel, as deemed necessary, may order the removal of a slackline at any time.

g) Sound amplification. It is prohibited for any person to utilize any machine or device for the purpose of amplification of human voice, music, or any other sound in any park without the prior written authorization of the city manager.

h) Vending and peddling. It is prohibited for any person to display or offer for sale any goods or services or to station or place any stand, cart, or vehicle for the transportation, sale, or display of any such goods or services within or upon any park. This prohibition shall not apply to any concession approved by the city manager.

i) Open carry of firearms. Where posted as required by law, it is prohibited for any person to openly carry any firearm within any park.

j) Dangerous missiles and firearms. It is prohibited for any person to use, discharge, fire, or shoot any firearm, air gun, sling shot, pellet gun, blow gun, paintball gun, air soft gun, spring gun, or bow and arrow within any park. Archery is permitted within the city's operated and approved archery range and golf is permitted within the city's operated and approved golf course.

k) Going onto ice. It is prohibited for any person, including any person's animal to go onto ice located upon any waterway within a park.

l) Glass containers. It is prohibited for any person to possess any glass container(s) within or upon any park.

m) Removal of pet waste. It is prohibited for any animal owner to fail to prevent such animal from defecating or voiding excrement on or within any city park or trail; provided, however, that no violation will occur if the person having charge of the animal immediately removes such defecation or excrement and disposes of it in a pet waste station or in an otherwise lawful and sanitary manner.

n) Running at Large. It is prohibited for any animal owner to permit an animal to run at large within any city park or trail except upon the premises of any City designated off-leash facility in accordance with the posted rules and regulations at such facility.

o) Smoking. In order to reduce the levels of exposure to environmental tobacco smoke, smoking, vaping, and use of electronic smoking devices shall not be permitted in in any parks and recreation facilities except within specified areas as designated by the city. The use of marijuana is also prohibited in public spaces as described in section 8.04.800.

p) Unmanned aerial vehicles. It is prohibited for any person to operate any unmanned aerial vehicle within any park without the prior written approval of the city manager.

Section 8.30.040 Protection of park property and resources.

a) Disfiguring and/or removal of city property. It is prohibited for any person to mark, deface, disfigure, injure, tamper with, or displace or remove any park property to include structures, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines, public utilities, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, boundary markers, equipment, and all appurtenances thereto located within or upon any park. It shall further be prohibited for any person to dig or remove any soil rock, stones, trees, shrubs or plants, fell, cut, carve or damage any tree, plant, or other wood, or disperse any pesticide, fungicide, insecticide, or similar chemicals upon or within any park without the prior permission of the city manager.

b) Encroachment. It is prohibited for any person to construct or maintain any improvements, or grow or otherwise cultivate any vegetation, plant or crop, including but not limited to vegetable or flower gardens, landscaping, fences, tree houses, swings, swing-sets, bike ramps, paths or compost piles, or store any personal property within or upon any park.

c) Polluting of waters. It is prohibited for any person to throw, discharge, or otherwise place of 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 pollute such waters.

d) Maintenance and preservation of Clear Creek and Clear Creek's banks. It is prohibited for any person to locate, use or bring any of the following goods or articles, which include, but are not limited to benches, lawn chairs, fire pits, grills, portable outdoor fireplaces, cots, furniture, slides, bicycles, coolers, radio controlled boats, and any other similar object, not commonly associated with wading, swimming, tubing or kayaking, within Clear Creek and upon Clear Creek's banks. Use of the Clear Creek trail for special event purposes is prohibited without prior written approval of the city manager.

Section 8.30.050 Dog park regulations. It shall be unlawful for any dog owner to violate any of the following regulations regarding the use of any city designated dog park:

a) All dogs that enter a dog park must be over four (4) months of age, spayed or neutered, have a valid license and current vaccination with an accompanying tag. The tag must be securely affixed to the dog's collar at all times.

b) All dogs must be leashed when entering or leaving a park's fenced enclosures.

c) Owners must be at least sixteen (16) years of age and remain within the park's fenced enclosure and in control of all dogs under their care at all times when within the dog park. Owners are limited to three (3) dogs per visit.

d) Owners shall immediately pick up their dogs' excrement and deposit it in a park trash receptacle.

e) Aggressive, vicious or contagious dogs are prohibited from use of any dog park.

f) Owners shall immediately close and secure the gate upon entering or exiting the confines of the park's fenced enclosure.

g) Owners shall immediately pick up any litter or trash, resulting from their use of the park and deposit same in a park trash receptacle.

h) Glass containers are prohibited within any dog park.

i) Entrance within the park in violation of its posted hours of 5:00 a.m. to 11:00 p.m., or when closed by the city, is prohibited.

j) Owners voluntarily assume all risks, loss or injury for themselves or their dog(s) associated with or resulting from use of any city dog park.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable as Administrative Citations as set forth in Chapter 8.25 of the Golden Municipal Code or as set forth in Section 1.01.110 of the Golden Municipal Code.

Introduced, read, passed and ordered published this 12th day of January, 2017.

Passed and adopted upon second reading and ordered published this 26th day of January, 2017.

Marjorie N. Sloan
Mayor

ATTEST:

Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:

David S. Williamson
City Attorney

I, Andrea L. De Luca, Deputy City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 12th day of January, 2017, and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on the 26th day of January, 2017, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published in the aforesaid newspaper, as the law directs on the 26th day of January, 2017.

Witness my hand and official seal of the City of Golden, Colorado, 27th day of January, 2017.

(SEAL)

ATTEST:

Andrea L. De Luca, CMC, Deputy City
Clerk of the City of Golden, Colorado