

**TOWN OF EATON, COLORADO
ORDINANCE NO. 644**

**AN ORDINANCE AMENDING SECTION IV OF CHAPTER XIV OF THE
EATON MUNICIPAL CODE CONCERNING TOWN PARKS**

WHEREAS, the Town of Eaton, Colorado (“Town”) is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees (“Town Board”) is vested with authority to administer the affairs of the Town; and

WHEREAS, Chapter XIV of the Eaton Municipal Code (“Code”) regulates public property and Section IV, contained therein, regulates public parks; and

WHEREAS, Town staff recommends that the Town Board amend Section IV of Chapter XIV of the Code to, among other revisions: (i) clarify that the term “Town parks” includes trails within the Town, such as the portion of the Great Western Trail that is within the boundaries of the Town; (ii) add a provision prohibiting the operation of motorized or electric vehicles on or in Town parks except on roadways and in parking areas; and (iii) clarify procedure to ensure consistency with current practice; and

WHEREAS, based on Town staff’s recommendation, the Town Board desires to amend Section IV of Chapter XIV of the Code; and

WHEREAS, the Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:

Section 1. Section IV of Chapter XIV of the Code is hereby repealed in full and readopted to read as follows:

SECTION IV TOWN PARKS

Sec. 14-4-1. Definitions

For the purpose of this Section, the following definitions shall apply:

Town Park shall mean and include all public parks, recreational areas and trails, and the roadways and parking areas associated therewith, within the Town.

Vehicle shall mean and include motorized or electric automobiles, motorized or electric motorcycles, low-power scooters, all-terrain vehicles (ATVs), utility task vehicles (UTVs), and

side-by-side (SXS) vehicles. The term does not include electrical assisted bicycles, wheelchairs or vehicles moved solely by human power.

Sec. 14-4-2. Hours of operation.

- (a) All Town parks shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m.
- (b) The Town Administrator, or designee, shall post notices at the entrances of all Town parks and/or in conspicuous places therein, sufficient to inform the public of the closing hours of such parks.
- (c) No person(s) shall be permitted to be within the Town parks between the hours of 11:00 p.m. and 5:00 a.m., unless on occasions or events of a public nature for which a permit shall have been previously granted by the Town Clerk. This prohibition shall not extend to persons employed within such parks, law enforcement officers performing their official duties or persons who have obtained written authorization from the Town Administrator.

Sec. 14-4-3. Restrictions and prohibited conduct.

- (a) It shall be unlawful for any person to injure, damage, remove, deface or destroy any Town park facility, tree, shrub, vine, flower or other property within any Town park, or to deface or destroy any property, personal or real, belonging to the Town, or to commit any act of vandalism to any Town property.
- (b) All persons making use of any Town park shall at all times conduct themselves in an orderly manner, and shall not conduct themselves in a loud, boisterous or unseemly manner or in such fashion as to disturb, be offensive to or annoy other users of the Town park or residents adjacent thereto.
- (c) It shall be unlawful to build or to place any tent, building, booth, stand or other structure in or on any of the Town parks or other Town property without first having obtained a permit to do so from the Town Clerk.
- (d) Except as provided herein, it shall be unlawful to light a fire within the Town parks; provided, however, that this prohibition shall not apply to authorized park employees. Fires may only be built in Town designated fireplaces or on grills constructed for that purpose.
- (e) Unless authorized by the Town Administrator in writing, it shall be unlawful for any person to drive or operate a vehicle on or in Town parks except for: (i) the proper operation of vehicles on the roadways and parking areas or (ii) authorized maintenance vehicles.
- (f) It shall be unlawful for any person to ride a bicycle in excess of twenty (20) miles per hour in any Town park. All persons riding bicycles in a Town park shall yield to pedestrians.

Sec. 14-4-4. Rules and regulations.

The Town Administrator is hereby empowered and authorized to adopt rules and regulations for the management, operation and control of the Town parks.

Section 2. Severability. If any 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 constitutionality or validity of the remaining portions of this Ordinance. The Town Board 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. Effective Date and Publication. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

INTRODUCED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Eaton, Colorado, this 13th day of June, 2024.

TOWN OF EATON, COLORADO

ATTEST:

By: _____
Margaret Jane Winter, Town Clerk

By: _____
Elizabeth R. Heid, Mayor Pro Tem