

**TOWN OF LYONS, COLORADO
ORDINANCE 1058**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CHAPTER 11 ARTICLE 4
OF TOWN OF LYONS MUNICIPAL CODE RELATED TO TOWN PARKS**

WHEREAS, pursuant to C.R.S. Section 13-15-103 the Town has the authority to make and publish ordinances; and

WHEREAS, pursuant to that power the Board previously enacted Chapter 11, Article 4 of the Lyons Municipal Code ("LMC") entitled "Town Parks"; and

WHEREAS, the Municipal Prosecutor and County Sheriff's Office have determined that certain provisions of the LMC relating to Chapter 11, Article 4 require updating to increase enforcement ability and compliance; and

WHEREAS, in the interest of the health, safety and welfare of the citizens of the Town of Lyons, and visitors to the town, the Board of Trustees determines there is the need to clarify park rules and consolidate the violations to allow for law enforcement to issue penalty assessments for park rules violations and increased and added certain penalties for fines used in Section 11-4 of the Lyons Municipal Code.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are hereby incorporated by reference.

Section 2. Chapter 11, Article 4 of the Lyons Municipal Code entitled "TOWN PARKS" sections 10-100 is hereby revoked and amended in its entirety to read as follows:

Article 4 – Town Parks

11-4-10 – Scope of Article

Article 4 and all of its subsections shall apply to any area in the Town of Lyons that is designated as Park property. This includes Lavern M Johnson Park, Bohn Park, Sandstone Park, Black Bear Hole Recreation Area, Steamboat Pocket park, and any Town property adjacent to the North St. Vrain Creek, South St. Vrain Creek, or St. Vrain River.

11-4-20 – Park Hours

The parks within the Town shall be opened daily to the public from 5:00 a.m. until 10:00 p.m.

(a) No person shall remain within any Town Park when the Parks are not open, except;

1. When camping with a permit in LaVern M. Johnson Park
2. When authorized by the Town Board of Trustees by permit
3. When engaged in maintenance activity as directed by the Town

(b) Nothing in this section should be construed to mean it is lawful to be on property owned by the Town but not open for public access, even during Park hours.

11-4-30 – Parking

(a) Parking in LaVern M Johnson Park and Bohn Park is by permit only. Permits are obtained by;

1. Paying for parking at one of the kiosks in the park
2. Obtaining a town-resident permit from the Town
3. Camping by permit in LaVern M Johnson Park

(b) Parking in LaVern M Johnson Park and Bohn park is restricted to designated parking spaces only.

1. Parking in any place not designated for parking can result in a fine, impoundment of the vehicle, or both.

11-4-40 – Concessions

It shall be unlawful for any person to sell any food or drink in parks and upon property owned by the Town without first obtaining a concessionaire's permit from the Board of Trustees. Such concessionaire's permit shall be issued pursuant to regulations adopted from time to time by the Board of Trustees.

11-4-50 – Park Rules and User Fees

(a) The Town Administrator may establish written programs, procedures and rules governing the public use of any public park, park facility or open space. By way of example and not limitation, the Town Administrator may establish and administer a procedure for the reservation and scheduling of park, facility and open space use, and issue permits for camping, tents and concessions in public parks, park facilities and open space.

(b) The Town Administrator is authorized to establish reasonable damage deposits and user fees for the use of any public park, facility or open space; provided that no such deposit or fee shall be effective unless and until such deposit or fee is first presented to and approved by the Board of Trustees by motion or resolution. Damage deposits and user fees shall be reasonably approximate in amount to cover the estimated cost generally or typically associated with the administration, operation, management, care, repair and maintenance of the public parks, park facilities and open space resulting from the use of such property proposed by the user.

(c) Any administrative programs, procedures, rules, deposits and fees established by the Town Administrator shall be made in writing, presented to and approved by the Board of Trustees, and posted or otherwise made readily available for public inspection at the Town Hall. In no event may any administratively established rule, damage deposit or user fee conflict with a fee or regulation established by this Code.

(d) It shall be unlawful for any person to violate any procedure or rule issued by the Town Administrator under this Section.

1. The Town Administrator may post rules issued under this Section at the place where they are to be enforced. If the rule is not so posted, it may still be enforced if the person had actual knowledge of the rule, was given a copy of the rule upon applying for or receiving a permit or license, was advised of the rule by a Town employee or peace officer, or was ordered by a peace

officer to cease conduct violating the rule.

(e) Park Rules include, but are not limited to;

1. No camping except by permit.
2. No fires of any kind, except in designated camping sites, or in charcoal grills placed by the Town for public use.
3. No fires of any kind – including those allowed by 11-4-50 (f)(2) – during a fire ban as enacted by the Town or Sheriff.
4. No outside grills.
5. No Alcohol.
6. Dogs must be kept on a leash.
7. Pet owners must clean up after their pet.
8. No trespassing into closed areas of the park.
9. No glass containers.
10. Park in designated spaces only.
11. No smoking including electronic smoking devices.
12. No defacing or removing park property including vegetation.
13. No littering.
14. Dispose of charcoal in designated bins only.
15. Only artificial flies and lures may be used for fishing, and trout must be returned to water immediately.
16. No amplified sound without a permit from the Town.
17. Any other rule posted in the Parks.
18. Any rule enacted by the Town Administrator not listed above.

(f) It shall be unlawful for any person to violate any procedure or rule issued by the Town Administrator under this Section.

(g) Any person who violates a Park Rule may be assessed a penalty by the investigating Deputy, with a fine of \$75.00 for a first offense, or \$150.00 for a second offense. Third and subsequent offenses are required to appear in court. In any case, the Deputy may determine that the offender must appear in court, and not issue a Penalty Assessment.

(h) In the event that a single incident is both a violation of a Park Rule, and a violation of a State law or a different section of the Town code, the investigating Deputy shall have the discretion to

charge the offender under this section or the appropriate State law or Town ordinance.

Section 3. Chapter 11, Article 4 is hereby amended from the previous Chapter 11, Article 4 to renumber each of the sections as appropriate.

Section 4. Code Revisions. Because this Ordinance revises an entire Sections of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 7. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 1st DAY OF APRIL 2019

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 15TH DAY OF APRIL 2019.

TOWN OF LYONS, COLORADO



Connie Sullivan, Mayor

ATTEST:

