

Chapter 2¹ Park Usage

SECTIONS:

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7-2-1: Permit and Deposit

The purpose of this chapter is to regulate the use of the parks and community park buildings of the Town in order that residents and guests of Westcliffe may enjoy and make use of such parks and buildings and to protect the rights of those in the surrounding areas. (Ord. 6-2015, eff. 7-2-2015)

7-2-2: Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

1. Town means the Town of Westcliffe, Custer County, Colorado. (Ord. 6-2015, eff. 7-2-2015)
2. Buildings means and includes those buildings, or any portion thereof, under the supervision of the Town including but not limited to bathroom facilities; and all other publicly owned buildings used for recreational purposes within the Town. (Ord. 6-2015, eff. 7-2-2015)
3. Park Maintenance Supervisor means the supervisor of the parks and recreational areas within the boundaries of the Town or his/her designated agent, employee or assignee. The Town Trustees shall make and publish such regulations, not inconsistent with the terms of this chapter. (Ord. 6-2015, eff. 7-2-2015)
4. Persons means persons, associations, partnerships, firms,

¹ Title 7, Chapter 2 is repealed and replaced in its entirety. Ord. 6-2015, eff. 7/2/2015

organizations or corporations and shall specifically include any legal entity of whatever name or classification. (Ord. 6-2015, eff. 7-2-2015)

5. Recreation facility means specialized recreation facilities such as Town parks, picnic areas, tennis courts, ball fields, and similar facilities under the supervision of the Town's Park Maintenance Supervisor. (Ord. 6-2015, eff. 7-2-2015)
6. Permit means a permit for exclusive use of parks, building sand recreation facilities as provided for and defined in these ordinances. Such permits shall be issued by the Town Clerk or the Town Clerk's designee. (Ord. 6-2015, eff. 7-2-2015)
7. Written consent means the power of the Town Clerk, Town Clerk's designee or other Board of Trustee appointees to consent to certain otherwise prohibited uses by organized groups of people. (Ord. 6-2015, eff. 7-2-2015)
8. Town Clerk means the person holding the title of Town Clerk of the Town of Westcliffe, Colorado, or an authorized employee of the Town of Westcliffe, Colorado appointed by the trustees of the Town and given the authority to promulgate these regulations. (Ord. 6-2015, eff. 7-2-2015)

7-2-3: Special Usage Permit

A. Permit and Deposit

A permit and damage deposit of one hundred dollars (\$100.00) is required for any size group if applicant wishes to reserve space for a certain date and time from the Town Clerk, Town Clerks designee or Board of Trustee no less than ten (10) days prior to the event. . The deposit will be held by the Town Clerk until an inspection is conducted by the Parks Maintenance Supervisor, the Parks and Recreation Committee Chairperson or their designee, or the Mayor within seventy two (72) hours of the conclusion of the event. If in the opinion of the inspector there is no damage or excessive trash left in the park the Town Clerk shall refund the deposit. If, however, there is damage or excessive trash all or a portion of the deposit may be held by the Town to cover the costs associated with the damage or trash removal. In the event the amount of any damage and/or the cost of trash removal exceed the one hundred dollar (\$100.00) deposit the applicant will be charged for the excess. (Ord. 6-2015, eff. 7-2-2015)

B. Toilet Facilities

Two (2) portable chemical toilets shall be obtained, at applicant's expense, for events with expected attendance of between one hundred (100) and two hundred (200). Four (4) toilets shall be provided if attendance is to be between two hundred (200) and four hundred (400) and one (1) additional toilet per one hundred (100) in attendance above four hundred (400). (Ord. 6-2015, eff. 7-2-2015)

C. Tent or Tie-Down Stakes Driving on the Grass

ABSOLUTELY NO STAKES OR OTHER HARDWARE ARE TO BE DRIVEN INTO THE GROUND OR VEHICLES DRIVEN OR PARKED ON THE GRASS without the presence or by direction of the Parks Maintenance Supervisor or his designee. Damages resulting from such actions will be charged to the permit holder or the host of the event, party or gathering at which the damage took place. If need arises to move tables or trash barrels they must be moved back to their original positions. (Ord. 6-2015, eff. 7-2-2015)

7-2-4: Exemptions

Town league softball, little league baseball, youth soccer league and similar activities shall be exempt from the permit and deposit requirements, but are required to submit a schedule of practice sessions and games to the Town Clerk Town, Clerk's designee or the Board of Trustees; in order to avoid conflict with other activities. They must also use due diligence to keep the parks clean and damage free. However, if any such group is hosting an invitational tournament or similar event they shall comply with all applicable sections of this ordinance. (Ord. 6-2015, eff. 7-2-2015)

7-2-5: Unlawful Regulations

It is unlawful for any person to:

1. **Compliance Required.** Enter, be or remain in any recreational facility of the Town unless he or she complies with this chapter and regulations promulgated hereunder; (Ord. 6-2015, eff. 7-2-2015)
2. **Sales for Profit.** Conduct sales for profit in any park or community building except with the expressed written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
3. **Sell, Distribute or Solicit.** Sell, vend, peddle, or distribute any merchandise or property whatever, or sell tickets (for any event whatsoever) or solicit contributions in any park or community building except with the expressed written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)

4. **Advertising Matter.** Distribute, circulate, give away, throw or deposit in or on any park or community building any handbills, circulars, pamphlets, papers, advertisement, or post or affix the same to any tree, fence, or structure in any park or community building without the written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
5. **Amplified Sound.** Utilize any machine or device for the purpose of amplification of human voice, music or any other sound in parks and community buildings which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others without the written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees, except town employees, firemen or law enforcement officers in the performance of their duty; (Ord. 6-2015, eff. 7-2-2015)
6. **Glass Containers.** Possess bottles, jars, or containers made of glass within the parks without express consent of Town Clerk Town, Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
7. **Camping.** Camp within parks unless issued a permit by the Town Clerk, Town Clerks designee or Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
8. **Parking.** Operate or park any vehicle as defined in the Colorado Motor Vehicle Code within a park, except upon areas designated for such use. Vehicles in violation of this section shall be subject to being towed away at owner's expense without warning. (Ord. 6-2015, eff. 7-2-2015)
9. **Overnight Parking or Vehicle Abandonment.** Park, abandon, or otherwise allow automobiles and other conveyances to remain in parks or community building parking lots between the hours of ten p.m. (10:00 p.m.) and six a.m. (6:00 a.m.), except as follows: (Ord. 6-2015, eff. 7-2-2015)
 - a. During attendance at a function conducted under the auspices of the Town;
 - b. During attendance at a function which has been issued an exclusive use permit;
 - c. As a Town employee in the performance of his duty;
 - d. With the written consent of the Town Clerk, Town Clerks designee or Board of Trustees;
 - e. In areas as otherwise posted;

Vehicles in violation of this section may be towed away at owner's expense without warning.

- 10. Washing or Repairing Autos or other Conveyances.** Wash, repair or service of any automobile or other conveyance within any park or Town owned parking facility except with the written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
- 11. Bicycles, Motorcycles, ATVs and Snowmobiles.** Operate, drive, or ride upon any motorcycle, snowmobile, auto or other motorized or non-motorized vehicle in any park except when posted specifically for such use or with the written consent of the Town Park Supervisor. (Ord. 6-2015, eff. 7-2-2015)
- 12. Control of Dogs, Cats and Other Animals.** Bring or maintain in or upon any park or is kept at all times on a leash, not to exceed fifteen feet in length, and under full control of its owner or custodian, except with the written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
- 13. Riding Horses and Other Animals.** Ride upon any horse or any other animal in any park except in areas designated and posted specifically for such use, or with the expressed written consent of the Town Clerk. No cattle, sheep, goats, horses or any animal shall graze in any park except in areas designated and posted specifically for such use or with the expressed written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)
- 14. Littering Prohibited.** Leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere than in the receptacles provided therefore. It is unlawful for any person to use the receptacles provided for in this section for the purpose of depositing yard clippings or other garbage or trash generated on private property. (Ord. 6-2015, eff. 7-2-2015)
- 15. Alcoholic Beverage.** Possess, distribute, use or consume any alcoholic beverages or a 3.2 beer in parks or community buildings, except by special permit issued by and at the discretion of the Town Clerk, and then only in conformance with the statutes of the state of Colorado and ordinances of the Town regarding the sale or consumption of alcoholic beverages or 3.2 beer. (Ord. 6-2015, eff. 7-2-2015)
- 16. Interference.** Use or attempt to use or interfere with the use of any table, space or facility within said park or building which at the time is reserved for any other person or group which has received a permit from the Town Clerk, Town Clerks designee or Board of Trustees therefore. Unless the actual use

of table, space, area, building, or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall terminate. (Ord. 6-2015, eff. 7-2-2015)

17. **Disturbance.** Engage in boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace and enjoyment of the facility. (Ord. 6-2015, eff. 7-2-2015)
18. **Weapons.** Discharge, fire or shoot any firearm, or gun, slingshot or bow and arrow or other projectile or projectile launching device on any park, (Ord. 6-2015, eff. 7-2-2015)
19. **Fauna—Disturbing Wildlife.** Take, seize, molest, injure or hunt any bird, reptile, fish or animal in any park or community building, or portion thereof. (Ord. 6-2015, eff. 7-2-2015)
20. **Flora-Turf and Soil.** Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park or area of a community building, or to remove any wood, turf, grass, soil, rock, sand or gravel from any park. Duly authorized Town employees in the performance of their duties or persons participating in Town-sponsored activities are excepted from the foregoing provisions. (Ord. 6-2015, eff. 7-2-2015)
21. **Marking, Injuring or Disturbing any Structure.** Cut, break, injure, mark, write or print upon or otherwise deface or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property in a park; attach thereto any sign, card, display or other similar device, except as authorized by permit; or attach to any community building materials, devices, or equipment for the purpose of decorating that facility or for any other purpose. Duly authorized Town employees in the performance of their duties or persons authorized by the Town trustees shall be excepted from the foregoing provisions. (Ord. 6-2015, eff. 7-2-2015)
22. **Fires.** Light or maintain a fire in any park, unless such fire is lighted and maintained only in a stove, fire circle, device or place intended for such purpose. (Ord. 6-2015, eff. 7-2-2015)
23. **Fireworks.** Ignite any fireworks, as defined as Section 9.108 of the Uniform Fire Code, in any park or building without the written consent of the Town Clerk, Town Clerks designee, or Board of Trustees. (Ord. 6-2015, eff. 7-2-2015)
24. **Park Use Restricted to Age Groups.** Enter, be or remain in any park, or a designated area within a park, the use of which is restricted to members of a specific age group, if not a member of such age group, or to refuse to depart from

such restricted area upon request of a deputy sheriff or peace officer or other duly authorized employee, provided: (Ord. 6-2015, eff. 7-2-2015)

- a. The age restriction has been imposed by order of the Board of Trustees or Board appointee. (Ord. 6-2015, eff. 7-2-2015)
- b. Signs are posted in such restricted park or area giving public notice of such restriction. (Ord. 6-2015, eff. 7-2-2015)

Parents and other persons having responsibility for care and custody of one or more members of the age group authorized to use the park or area shall be exempt from the provisions of this section. (Ord. 6-2015, eff. 7-2-2015)

25. Parks Closed Ten p.m. (10:00 p.m.) —Six a.m. (6:00 a.m.) Remain in any park or building after ten p.m. (10:00 p.m.) and before six a.m. (6:00 a.m.), other than a Town employee in the performance of his or her duty or persons participating in Town-sponsored activities, or with the written consent of the Town Clerk, Town Clerk's designee or the Board of Trustees; (Ord. 6-2015, eff. 7-2-2015)

26. Relocate, Move or Tamper with Town Property. Move, transport to a different location, or otherwise change the location of any Town equipment, park bench, table, or fixture without the written consent of the Park Maintenance Supervisor. (Ord. 6-2015, eff. 7-2-2015)

7-2-6: Enforcement of Rules

The Park Maintenance Supervisor, his duly authorized agents and employees, and any peace officer shall have the authority to eject, from any park or community building, any persons acting in violation of these rules and regulations. Further, the Town Clerk, Town Clerk's designee or the Board of Trustees shall have the authority to deny use of parks or community building to individuals or groups who refuse to comply with these provisions and regulations promulgated hereunder. (Ord. 6-2015, eff. 7-2-2015)

7-2-7: Enforcement of Applicable Laws and Ordinances

All persons entering parks or community buildings shall abide by the rules and regulations of the Town, as provided herein, and the instructions and directions of duly authorized agents, employees or law enforcement officers of the Town or county in their line of duty. Any violation of this ordinance or of the rules and regulations adopted pursuant to this ordinance shall be a misdemeanor punishable as provided in the Town of Westcliffe Municipal Code. (Ord. 6-2015, eff. 7-2-2015)