

**TOWN OF BROOKSIDE
ORDINANCE NO. 2-11
SERIES OF 2011**

AN ORDINANCE ADOPTING RULES AND REGULATIONS PERTAINING TO PARKS AND DESIGNATED OPEN SPACES WITHIN THE BOUNDARIES OF THE TOWN OF BROOKSIDE, COLORADO

WHEREAS, the Colorado Revised Statutes, § 31-15-103 provides that “Municipalities shall have power to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state.”; and

WHEREAS, the Board of Trustees of the Town of Brookside, Fremont County, State of Colorado (the “Board”), has the authority pursuant to §§ 18-9-117 and 29-7-101, C.R.S., to adopt rules and regulations for the regulation and control of Town lands and facilities; and

WHEREAS, on the 12th day of April, the Board adopted Ordinance No.02-11, A Ordinance Adopting Rules and Regulations for The Town of Brookside Parks, Trails and Open Space Lands Pursuant to Section 18-9-117 and Section 29-7-101, C.R.S.; and

WHEREAS, pursuant to § 29-7-101, C.R.S., the Board has the authority to adopt the penalty assessment procedure provided in § 16-2-201, C.R.S., and a graduated fine schedule for violations of these rules and regulations; and

WHEREAS, the Board desires to adopt this Ordinance establishing consolidated Rules and Regulations for Parks, Open Space, and certain other lands; and

WHEREAS, pursuant to § 29-7-101(3), C.R.S., the Town of Brookside Board of Trustees has the authority to designate specific town personnel to enforce the rules and regulations adopted by the town to control and regulate the use of town lands and facilities by issuance of summons and complaint or penalty assessment; now, therefore,

BE IT RESOLVED by the Town of Brookside Board of Trustees that Parks and Open Space rules and regulations are promulgated and adopted as follows:

SECTION 1: GENERAL

Purpose. To regulate and control Parks, certain other lands and facilities and Open Space Lands, owned and/or operated by the Town of Brookside (the “Town”) by adopting the rules and regulations listed herein.

Enforcement. This Ordinance shall be enforced by the Fremont Sheriff or a town official.

Violation. It shall be unlawful for any person to violate any provision of these rules and Regulations in any Parks or Open Space lands.

Penalties. Any person who violates any of these rules and regulations in any Park or Open Space commits a Class 2 Petty Offense and, upon conviction thereof, shall be punished by a Fine of Fifty Dollars (\$50.00) for each separate violation. The penalty assessment procedure provided in § 16-2-201, C.R.S., may be followed by the issuing officer for any such violation of these rules and regulations.

In the event an individual is charged with subsequent Offenses, the fine shall increase to One Hundred Dollars (\$100.00), for a second violation, and shall increase by One Hundred Dollars (\$100.00) for each violation thereafter, up to a Maximum of Three Hundred Dollars (\$300.00). The foregoing penalties are in addition to any penalties which may apply to enforcement of these rules as misdemeanors pursuant to § 18-9-117, C.R.S., when said rules and regulations have been prominently posted as provided in § 18-9-117, C.R.S.

Scope. These rules and regulations shall apply to all Town-owned or operated Parks and Open Spaces within The Town of Brookside. These rules and regulations shall in no way limit Application and enforcement of any Resolution, Ordinance, or lawful order of the Town, County or the statutes of the State of Colorado, but shall be in addition thereto.

Disposition of Fines. All fines and forfeitures for the violation of these rules and regulations and all monies collected by the Town for violation thereof shall be paid to the Town Clerk's Office.

Severability. If any part or parts of these rules and regulations are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of these rules and regulations. The Board hereby declares that it would have passed this ordinance, these rules and regulations, and each part or parts thereof, irrespective of the fact that any one part or parts are declared invalid.

SECTION II: DEFINITIONS

"Park" shall mean, wherever used in these rules and regulations, all public recreation lands and all trails, waters, buildings, structures, roads, parking lots, and facilities located on such lands owned or operated by The Town of Brookside that are managed or administered by the Town.

"Open Space" shall mean, wherever used in these rules and regulations: (a) any land that The Town of Brookside owns in fee; and (b) all trails, waters, buildings, structures, roads, parking lots or facilities located on such lands.

"Law Enforcement Officers" shall mean the Sheriff, Undersheriff, and his deputies.

"Town Official" shall mean a designee by the Board of Trustees.

SECTION III. PROHIBITIONS

It shall be unlawful, unless otherwise approved in writing by the Town of Brookside for any person:

A. To enter, use or occupy any Park or Open Space lands, or any portion thereof, during the time such lands, or any portion thereof, are closed to entry, use or occupancy, including seasonal closures.

B. (i) To remove, destroy, mutilate, deface or damage any building, structure, facility, fence, sign, marker, rock, vegetation, or other object located on Parks or Open Space lands.

(ii) To construct, place, or maintain any kind of road, trail, structure, signs, markers, fence, enclosure, communication equipment or other improvements on Park or Open Space lands without written permission from The Town of Brookside.

(iii) To excavate, dig, or disturb the ground of any Park or Open Space lands, including but not limited to any rock, soil, sediment or vegetable matter without the written permission of the Town.

C. (i) To deposit or leave any refuse, trash, litter, household, construction debris, or commercial garbage or trash, including but not limited to brush, lawn trimmings, and Christmas trees, in or upon any Park or Open Space lands *except by depositing such refuse, trash, debris or litter in designated refuse receptacles.*

(ii) To leave any refuse or rubbish generated on Parks or Open Space lands except when deposited in designated receptacles.

(iii) To use trash receptacles at the park for depositing large quantities of personal, residential, or commercial trash.

D. (i) To build, start, or light any fire of any nature on any Park or Open Space lands except in outdoor fireplace grills or camp stoves within designated areas.

(ii) To build, start, or light any fire of any nature in an outdoor fireplace grill or camp stove, or any other place whatsoever, even within designated areas, on Park or Open Space lands at any time that the Canon City Fire District has passed a resolution banning such fires due to fire danger in the Town, County or neighboring areas.

(iii) To burn any material in a careless manner, or to leave any fire unattended, or to fail to completely extinguish any fire, on any Park or Open Space lands.

(iv) To collect firewood on any Park or Open Space lands, except with the written permission of the Town Board.

E. (i) To feed, hunt, trap, catch, molest, take, harass, harm, or kill any wild animal, bird, fish, reptile or amphibian or to disturb their habitat, on any Park or Open Space lands except:

(a) In designated areas where hunting is allowed by written permission from the Town of Brookside in accordance with rules and regulations administered by the Colorado Division of Wildlife; or

(b) With written permission from the Town and approval from Colorado Department of Wildlife for purposes of scientific studies, research, wildlife census, education, or interpretation.

(ii) To allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile or amphibian on any Park or Open Space lands.

(iii) To relocate or release animals, fish, birds, or insects onto any Park or Open Space lands without the written permission of the Town Board and approval from Colorado Department of Wildlife.

F. (i) To possess, use, cock, aim, or discharge any firearm, including but not limited to B-B guns, pellet guns, paint ball guns, and air guns on any Park or Open Space lands.

(ii) To possess, use, draw, or discharge any archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts on any Park or Open Space lands.

(iii) To possess, use or discharge any device capable of discharging any projectile by any means whatsoever, including but not limited to slingshots and wrist rockets or any Park or Open Space lands.

(iv) To ignite or launch any model rocket or any Park or Open Space lands.

(v) To use, ignite, or fire any fireworks or explosives, on any Park or Open Space lands, except in designated areas when authorized in writing by the Town Board.

(vi) To golf or hit golf balls except where specifically permitted.

- G. (i) To operate any motorized vehicle on any Park or Open Space lands, except on designated roadways and parking lots, which are open to public use. Emergency, maintenance, and patrol vehicles are specifically excluded.
- (ii) To operate without written authorization by the Town Board, a motorized vehicle upon any roadway located on Park or Open Space lands that is designated as a “service road.”
- H. To park vehicles or trailers on any Parks or Open Space lands where prohibited or in such a manner as to create a hazard to vehicular, pedestrian, equestrian, or bicycle traffic, except at an approved special event.
- I. To camp overnight, or to park a trailer or camper for overnight camping purposes, on any Park or Open Space lands, except in areas which are designated for camping; or to camp, or to park a trailer or camper, in such a designated area for a period of time in excess of the posted or permitted limits, except for an approved special event.
- J. To enter, use or occupy Park and Open Space lands between the hours of 10:00 p.m. and 5:00 a.m., except when such entry, use or occupancy is within a designated active regional or local park where recreational activities may be allowed until 10:00 p.m., or when such entry, use or occupancy is authorized in writing by the Town Board.
- K. (i) To molest, harm, chase or otherwise harass any livestock on any Park or Open Space lands.
- (ii) To allow domestic pets to molest, harm, chase or otherwise harass any livestock upon any Park or Open Space lands.
- (iii) To turn livestock onto or to negligently or intentionally allow livestock to graze upon any Park or Open Space lands without written permission of the Town.
- L. To conduct any commercial activity, or provide any service, product or activity for which a fee is charged, on any Park or Open Space lands, except when such activity is authorized in writing by Town of Brookside.
- M. (i) To fail to restrain any dog, cat, horse, or other domestic animal that one owns or that is in one’s custody, care, or control, by use of a leash, cord, or rope not to exceed 10 feet in length, on any Park or Open Space lands except in designated areas.
- (iii) To leave unattended on any Park or Open Space lands any dog, cat, horse, or other domestic animal that one owns or that is in one’s custody, care, or control.
- N. For any person to consume any alcoholic beverage, except when authorized by the Town Board.
- O. To carry, possess or discard any glass container or bottle on any Park or Open Space lands.
- P. To walk, run, jog, hike, bicycle, or ride a horse off-trail, on any Park or Open Space lands that contain any trail, except under the immediate direction and control of a Town official or volunteer, unless otherwise designated.
- Q. To climb on, deface, or destroy any fences in the park or to tie any animal to park fences or structures.

- R. To interfere or attempt to interfere with any Town Official or volunteer while in the performance of their official duties, or to give false or misleading information with the intent to mislead said person in the performance of their duties.

SECTION IV: AUTHORITY OF TOWN OFFICIALS OR VOLUNTEERS

A. Pursuant to § 29-7-103, C.R.S., the Mayor, Town Trustees, Fremont County Sheriff or Deputies and park volunteers are hereby designated to enforce these rules and regulations by issuance of a penalty assessment.

B. The foregoing designation shall not preclude the Town Officials and Fremont County Sheriff's Office from enforcement of these rules as misdemeanors pursuant to § 18-9-117, C.R.S., when said rules and regulations have been prominently posted as provided in § 18-9-117, C.R.S.

SECTION V: ADDITIONAL PROVISIONS

A. Violation of any of these rules and regulations shall be grounds for eviction from the property.

B. These regulations shall not be applicable to nor prohibit any act by an officer, employee, or contractor of the Town who is engaged in the performance of any act within the scope of his or her employment.

C. Organized events for recreational, athletic, social, training, or educational purposes are allowed only by Special Use Permits issued by the Town Board.

D. Any person entering any Park or Open Space lands accepts full responsibility of any and all risks that may be present or may develop during their presence on such lands.

PASSED AND ADOPTED this on the 12th day of April, 2011, in Brookside,

TOWN OF BROOKSIDE, COLORADO

David K. Boden
Mayor

ATTEST:

Renee Bolkema
Town Clerk