

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0000
COMMITTEE OF REFERENCE:

A BILL

For an ordinance amending Article 1, "Enforcement of Rules and Regulations," of Chapter 39, "Parks and Recreation," of the Revised Municipal Code.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Article 1 of Chapter 39 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined below to read as follows:

ARTICLE I. ENFORCEMENT OF RULES AND REGULATIONS IN GENERAL

Sec. 39-1. Rules and regulations; enforcement; administrative citations; restitution.

(a) Under section 2.4.4 of the City Charter, the manager of the department of parks and recreation ("manager") has the power and authority to adopt rules and regulations for the management, operation and control of parks, parkways, mountain parks and other recreational facilities, and for the use and occupancy, management, control, operation, care, repairing and maintenance of all structures and facilities thereon, and all land on which the same are located and operated. By way of example, but not by way of limitation, such rules and regulations may provide for the following:

- (1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures and any object of scientific or historic value or interest;
- (2) Restricting or limiting the use of any area as to time, manner or permitted activities;
- (3) Prohibition of conduct which may be reasonably expected to substantially interfere with the use and enjoyment of park and recreation areas by the general public or to be of general nuisance;
- (4) Necessary sanitary, health and safety measures;

1 (5) Camping and picnicking, including place, time and manner where such shall
2 be permitted;

3 (6) The use of motor vehicles and boats as to place, time and manner of
4 operation;

5 (7) Control and limitation of fires and designation of places where fires shall be
6 permitted;

7 (8) Requirements essential for the preservation and management of the park and
8 recreation system.

9 Article I of Chapter 39 of the Revised Municipal Code sets forth, in accordance with the City
10 Charter, the authority to enforce the rules and regulations adopted by the manager.

11 (b) It shall be unlawful for any person to violate any such rules and regulations adopted
12 and published in accordance with section 39-2 ("adopted rules") or to violate requirements or
13 restrictions on any official sign or other public notice as specified in adopted rules ("public notice").
14 Any person violating any adopted rule or public notice shall be subject to the penalties provided by
15 section 1-13 (general penalty) of the Revised Municipal Code. Enforcement of any other rule or
16 regulation adopted by the manager shall be by the exercise of police powers held by the manager
17 under the City Charter or as otherwise provided by law.

18 (c) In addition to, but not to the exclusion of, the prosecution through the courts of
19 violations of adopted rules or public notices, the manager is authorized to provide, by the means
20 set forth in adopted rules:

21 (1) For the use of administrative citations in accordance with article XII of chapter
22 2 of the Revised Municipal Code for enforcement of violations of adopted rules; and

23 (2) For the recovery of costs incurred or to be incurred by the department of parks
24 and recreation or other city department and restitution for damages, either of which costs or
25 damages are caused by or resulting from a violation of any adopted rule.

26 (d) Enforcement against violations of adopted rules or public notices under sections 39-3
27 through 39-24, DRMC, shall be in accordance with and subject to:

28 (1) Any exceptions, specifications, conditions or additional restrictions specified in
29 ~~the~~ adopted rules;

30 (2) Any definitions of terms or phrases as provided in ~~the~~ adopted rules;

1 (3) Any applicable federal or state law;

2 (4) Any permits issued by the department of parks and recreation;

3 (5) Any terms, conditions, rights and obligations set forth in any concession
4 license, lease, cooperative agreement, user agreement, or other lawful contract entered between
5 the city and county of Denver and a third party regarding ~~for~~ the use of parks, parkway medians,
6 mountain parks and other recreational facilities; and

7 (6) Any exceptions authorized by the manager.

8 **Sec. 39-2. Adoption of rules.**

9 (a) Any proposed rules and any amendments to the rules shall be referred to the board
10 of parks and recreation by the manager. The board of parks and recreation shall consider the
11 proposed rules or amendments to the rules and make recommendations to the manager within
12 forty-five (45) days of the board's receipt of the proposed rules or amendments to the rules.

13 (b) The manager shall cause to be published a notice of proposed rule-making at least
14 twenty (20) days before conducting public hearings on the proposed rules or amendments to the
15 rules. The notice shall include the following information:

16 (1) The date, time, place, and subject of the public rule-making hearing;

17 (2) The requirements, if any, for interested parties to notify the manager of their
18 intent to participate in the hearing, including the manner of such notice and the deadline for such
19 notice; and

20 (3) A statement that the complete text of the proposed rules or amendments is on
21 file with and may be examined at the office of the manager and on line at a specified website.

22 (c) The manager may make changes in the text of the proposed rule or proposed
23 amendment prior to, during, or as a result of the hearing.

24 (d) Any person who wishes to comment on proposed rules may do so in writing delivered
25 to the manager prior to the date of the hearing or in person at the hearing, subject to any
26 requirements for participation set out in the notice of hearing. If minutes are not prepared, the
27 manager shall preserve the proceedings at the hearing on audio magnetic tape or similar audio-
28 recording media so that the proceedings may be transcribed at a later date at the expense of the
29 one requesting a transcript of the hearing.

1 (e) The rules shall become effective upon dating and signing of the rules by the manager
2 and the approval of the rules for legality by the city attorney. Within seven (7) business days after
3 adoption of the rules, the manager shall file a copy of the rules as finally adopted with the clerk and
4 recorder and the city attorney and shall cause to be published a notice of their adoption in an
5 official publication of the city. The notice shall also include a statement that the rules are on file
6 with the manager, on line at a specified Denver website, and available for public inspection and
7 copying.

8 (f) Any judicial or quasi-judicial action to contest the validity of the procedure in adopting
9 the park rules may not commence more than one hundred twenty (120) days after the adoption of
10 the rule.

11 (g) The manager may adopt a temporary directive ~~emergency~~ rules without following the
12 notice and hearing requirements of this section if such action is necessary to comply with state,
13 local or federal law or if it is deemed necessary by the manager ~~adopting authority~~ to protect
14 immediately the public health, safety or welfare or to protect or preserve a park, parkway median,
15 mountain park or other recreational facility. After adoption of a temporary directive ~~emergency~~
16 ~~rules~~, the complete text of the temporary directive rules so adopted shall be filed with the city clerk
17 and a notice of adoption shall be published. The temporary directive Rules adopted in such a
18 cases shall take effect on the date of adoption or a later date specified in the temporary directive.
19 However, such temporary directive rules shall not continue in effect for more than one hundred
20 eighty (180) days after the date of ~~their~~ its adoption or after the later date specified in the
21 temporary directive.

22 **Sec. 39-3. Curfews and closures.**

23 (a) It shall be unlawful for any person, other than authorized personnel, to go upon or
24 remain in any park, or other recreational facility within the boundaries of the city between the hours
25 of 11:00 p.m. and 5:00 a.m., or any mountain park or other recreational facility outside the
26 boundaries of the city between one (1) hour after sunset and one (1) hour before sunrise.

27 (b) It shall be unlawful for any person, other than authorized personnel, to go upon or
28 remain in a parkway median as defined in adopted rules ("parkway median") between the hours of
29 11:00 p.m. and 5:00 a.m.

1 (c) It shall be unlawful for any person, other than authorized personnel, to go upon or
2 remain in any park, parkway median, mountain park or other recreational facility, or any area or
3 part of the same, at any time when the same is declared to be closed to the public by the manager.

4 **Sec. 39-4. Restriction or prohibition of uses and activities.**

5 (a) It shall be unlawful for any person, other than authorized personnel, to engage in any
6 use of or activities in any area or part of any park, parkway, mountain park or other recreational
7 facility in violation of any temporary directive issued by the manager restricting or prohibiting such
8 use or activities.

9 (b) It shall be unlawful for any person, other than authorized personnel, to engage in any
10 team sport activities, as defined in adopted rules, in violation of any rules or public notice restricting
11 or prohibiting such team sport activities in any passive recreation use area, as defined in adopted
12 rules.

13 **Sec. 39-5. Compliance with permits; admission fees; failure to have a required permit.**

14 (a) It shall be unlawful for any person, other than authorized personnel, to fail to observe
15 or comply with written permits issued by the department of parks and recreation.

16 (b) It shall be unlawful for any person, other than authorized personnel, to enter or use
17 any park, mountain park or other recreational facility without paying any required admission fee or
18 failing or refusing to produce, upon request, any required evidence of payment of a required
19 admission fee.

20 (c) It shall be unlawful for any person, other than authorized personnel, to engage,
21 without a permit, in an event, use or activity in a park, parkway median, mountain park or other
22 recreational facility for which a permit is required by the department of parks and recreation.

23 **Sec. 39-6. Destruction of or unauthorized changes to park property.**

24 (a) It shall be unlawful for any person, other than authorized personnel, to remove,
25 damage, destroy or deface any natural feature, building, improvement, or other amenity within or
26 upon any park, parkway, mountain park or other recreational facility.

1 (b) It shall be unlawful for any person, other than authorized personnel, to pick, remove
2 or destroy any vegetation or collect firewood in any park, parkway, mountain park or other
3 recreational facility.

4 (c) It shall be unlawful for any person, other than authorized personnel, to construct,
5 erect, or install any sign, structure or enclosure, permanent or temporary, or to remove or make
6 any change or attachment to or on any natural feature, building, improvement, or other amenity
7 within or upon of any park, parkway, mountain park or other recreational facility.

8 **Sec. 39-7. Overnight residing; Ccamping and campgrounds; climbing; and Red Rocks and**
9 **Summit Lake Parks.**

10 (a) It shall be unlawful for any person, other than authorized personnel, to camp or
11 otherwise reside overnight in or upon any park, parkway, mountain park or other recreational
12 facility other than as authorized in a designated campground camping facilities.

13 (b) It shall be unlawful for any person engaged in camping or the use of a designated
14 campground, other than authorized personnel, to fail or refuse to comply with camping and
15 campground rules and regulations adopted by the manager or to fail or refuse to comply with any
16 public notice regulating or restricting the uses or activities associated with camping or a
17 campground.

18 (b c) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
19 to comply with any ~~sign or~~ public notice restricting or prohibiting climbing on any rock formations or
20 cliffs in a park or mountain park, or to climb any rock formations or cliffs where the person climbing
21 puts himself or herself or other persons into clear danger or where the person climbing is unable to
22 get off the rock formations or cliffs without assistance of emergency services.

23 (e d) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
24 to comply with any ~~sign or~~ public notice restricting or prohibiting public access into natural areas or
25 onto rock formations within Red Rocks Park or Summit Lake Park.

26 **Sec. 39-8. Fire restrictions and bans; fireworks.**

27 (a) It shall be unlawful for any person, other than authorized personnel, to start or
28 maintain any fire within any park, parkway, mountain park or other recreational facility except in

1 publicly provided fireplaces, fire pits or grills or charcoal or gas grills brought in by said person or to
2 allow any lawful fire to get out of control.

3 (b) It shall be unlawful for any person to leave unattended any fire started or maintained
4 by said person in any park, parkway, mountain park or other recreational facility or to leave any
5 park, parkway, mountain park or other recreational facility without first having completely
6 extinguished any fires started or maintained by said person and removing and properly disposing
7 of the ashes.

8 (c) It shall be unlawful for any person, other than authorized personnel, to possess, sell,
9 ignite, or discharge any fireworks within any park, parkway, mountain park, or other recreational
10 facility.

11 (d) It shall be unlawful for any person to start or maintain any fire within any park,
12 parkway, mountain park or other recreational facility in violation of a fire ban declared by the
13 manager or other authorized public official.

14 (e) The minimum court fine for violation of this section while a fire ban is in effect shall be
15 five hundred dollars (\$500.00).

16 **Sec. 39-9. Firearms, weapons, and hunting.**

17 (a) It shall be unlawful for any person, other than authorized personnel, to possess,
18 display, flourish, or discharge any firearm within any park, parkway, mountain park or other
19 recreational facility.

20 (b) It shall be unlawful for any person, other than authorized personnel, to possess,
21 display, flourish, or use any weapon within any park, parkway, mountain park or other recreational
22 facility.

23 (c) It shall be unlawful for any person, other than authorized personnel, to hunt or kill
24 wildlife or other animals within any park, parkway, mountain park or other recreational facility.

25 (d) It shall not be an offense under subsection (a) of this section to possess a firearm
26 within any park, parkway, mountain park, or other recreational facility if:

27 (1) The firearm involved was a handgun and the person holds a valid permit or a
28 temporary emergency permit to carry a concealed handgun issued pursuant to state law and is

1 otherwise carrying the handgun in conformance with any applicable state or local law and is not
2 engaged in any unlawful use of the firearm; or

3 (2) The person is carrying the firearm within a private automobile or other private
4 means of conveyance for hunting or for lawful protection of such person's or another person's
5 person or property, and the person is otherwise lawfully in possession of the weapon and is not
6 engaging in any unlawful use of the firearm, including hunting in a park, parkway, mountain park or
7 other recreational facility. If the weapon is a firearm being transported for hunting, it shall be
8 unloaded while being carried within the private automobile or other private means of conveyance.

9 **Sec. 39-10. Alcohol beverages; ~~and marijuana;~~ and smoking.**

10 (a) It shall be unlawful, without legal authorization, to sell, serve, possess or consume
11 alcohol beverages, as defined in adopted rules, at or within any park, parkway, mountain park or
12 other recreational facility.

13 (b) It shall be unlawful, without legal authorization, for any person to possess or
14 consume alcohol beverages or 3.2 beer, as both are defined in adopted rules, within fifty (50) feet
15 of any roadway, playground, recreation center, or swimming pool at or within any park, parkway,
16 mountain park or other recreational facility.

17 (c) It shall be unlawful for any person to consume, use, display, transfer, distribute, sell,
18 or grow marijuana at or within any park, parkway, mountain park or other recreational facility.

19 (d) Any violation of subsection (c) of this section is hereby declared to be a non-criminal
20 violation and, upon an admission or finding or judgment of guilt or liability by default or otherwise,
21 the violator shall be subject to the following maximum penalties:

22 (1) First violation: One hundred and fifty dollars (\$150.00).

23 (2) Second violation: Five hundred dollars (\$500.00).

24 (3) Third and each subsequent violation: Nine hundred and ninety-nine dollars
25 (\$999.00).

26 (e) It shall be unlawful for any person to smoke tobacco within any facility in a park,
27 parkway, mountain park or other recreational facility at which smoking would be in violation of
28 article IX of chapter 24 of the Denver revised municipal code.

1 **Sec. 39-11. Sales; and gambling.**

2 (a) It shall be unlawful, without legal authorization, to offer, sample or sell any goods,
3 services or thing for sale within any park, parkway, mountain park or other recreational facility, or
4 on the streets and sidewalks within three hundred (300) feet of the boundary of the same.

5 (b) It shall be unlawful for any person to participate in gambling, including social
6 gambling, within any park, parkway, mountain park or other recreational facility.

7 **Sec. 39-12. Disturbance of the peace.**

8 (a) It shall be unlawful for any person within any park, parkway, mountain park or other
9 recreational facility to disturb the peace of others by violent, tumultuous, offensive or obstreperous
10 conduct, or by loud or unusual noises, or by unseemly, profane, vulgar, obscene, or offensive
11 language calculated to provoke a breach of the peace, or to assault, strike or fight another, or to in
12 any other way breach the peace.

13 (b) It shall be unlawful for any person within any park, mountain park or other
14 recreational facility to use any sound amplification system in such a manner as to breach the
15 peace and quiet of said park, mountain park or other recreational facility.

16 **Sec. 39-13. Fishing.**

17 It shall be unlawful for any person fishing in any waterways or water bodies owned or controlled by
18 the city, whether the same be situated within the city, the mountain parks, or elsewhere to fail or
19 refuse to comply with any ~~sign or~~ public notice restricting or ~~prohibiting~~ disallowing fishing or to fish
20 without a state fishing license.

21 **Sec. 39-14. Waters; and water facilities.**

22 (a) It shall be unlawful for any person, other than authorized personnel, to throw or
23 deposit anything into waters of any park, parkway, mountain park or other recreational facility.

24 (b) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
25 to comply with any ~~sign or~~ public notice restricting or ~~prohibiting~~ disallowing swimming, ~~wading~~ or
26 entering in the waters of any park, parkway, mountain park or other recreational facility.

1 (c) It shall be unlawful for any person, other than authorized personnel, to enter into or
2 use a water facility in any park, mountain park or other recreational facility when said water facility
3 is closed to the public.

4 **Sec. 39-15. Animals.**

5 (a) It shall be unlawful for any person, other than authorized personnel, to abandon or
6 release in any park, parkway, mountain park or other recreational facility any domesticated animal
7 or wildlife.

8 (b) It shall be unlawful for any person, other than authorized personnel, to harass or
9 deliberately disturb any wildlife in any park, parkway, mountain park or other recreational facility.

10 (c) It shall be unlawful for any person, other than authorized personnel, to feed wildlife in
11 any park, parkway, mountain park or other recreational facility.

12 (d) It shall be unlawful for any person to fail or refuse to remove and properly dispose of
13 ~~solid animal waste~~ excrement of pets or other animals brought by said person into any park,
14 parkway, mountain park or other recreational facility.

15 (e) It shall be unlawful for any person to allow any animal owned or under the control of
16 said person to be loose, unleashed, left unattended, or inadequately or inappropriately controlled in
17 any park, parkway, mountain park or other recreational facility. Dogs may be loose and off leash
18 within designated dog parks subject to dog park rules and regulations and public notice.

19 (f) It shall be unlawful for any person to allow any animal owned or under the control of
20 said person to enter into waters or water facilities of any park, mountain park or other recreational
21 facility.

22 (g) It shall be unlawful for any person, other than authorized personnel, to allow any
23 livestock to pasture, graze or run at large within any park, mountain park or other recreational
24 facility.

25 (h) It shall be unlawful for any person, other than authorized personnel, to engage in
26 horseback riding or other uses of horses or pack animals in any parks, parkways, mountain parks
27 or other recreational facility.

1 (i) It shall be unlawful for any person in a dog park, other than authorized personnel, to
2 fail or refuse to comply with dog park rules and regulations adopted by the manager or to fail or
3 refuse to comply with any public notice regulating or restricting the uses or activities in a dog park.

4 **Sec. 39-16. Sports activities; Large inflatables; flying objects; sledding devices; and ice**
5 **skating.**

6 (a) It shall be unlawful for any person, other than authorized personnel, to bring, install,
7 inflate or operate any large inflatable object, as defined in adopted rules, within a park, parkway,
8 mountain park or recreational facility. It shall be unlawful for any person to engage in team sport
9 activities, other than casual or spontaneous (pick-up) games, within any part of a park, mountain
10 park, and other recreational facility which lies outside of sports or recreational facilities designated
11 for such team sport activities.

12 (b) [Reserved.] It shall be unlawful for any person to refuse to leave any sports or
13 recreational facility within a park, mountain park, or other recreational facility when said facility has
14 been reserved or permitted by the department of parks and recreation.

15 (c) It shall be unlawful for any person to throw, strike, propel, launch or otherwise
16 operate flying or propelled objects of a potentially dangerous nature ~~in a manner that is dangerous~~
17 ~~or hazardous to that person or the public~~ or within any part of a park, parkway, mountain park or
18 recreational facility which lies outside of areas designated for throwing, striking, propelling,
19 launching or otherwise operating specified flying or propelled objects.

20 (d) It shall be unlawful for any person to operate or use a model boat within any part of
21 the waters of any park, parkway, mountain park or recreational facility which lies outside of areas
22 designated for such model boating.

23 (e) It shall be unlawful for any person to fail or refuse to comply with any ~~sign or~~ public
24 notice restricting or prohibiting disallowing the operation of or riding upon a sled, tube or other
25 sledding device in any park, parkway, mountain park or other recreational facility or to operate or
26 ride such a sled, tube or other sledding device in a manner that is dangerous or hazardous to that
27 person or the public.

28 (f) It shall be unlawful for any person to ice skate or walk on a frozen lake or pond in a
29 park, parkway, mountain park or other recreational facility which are not designated for ice skating
30 or other activities requiring walking on a frozen lake or pond.

1 **Sec. 39-17. Bottles; ~~littering;~~ and dumping.**

2 (a) It shall be unlawful for any person to bring or possess any glass bottle or glass
3 container in any park, parkway, mountain park or other recreational facility.

4 (b) It shall be unlawful for any person, other than authorized personnel, to dump, deposit
5 or leave unattended anything in or upon any park, parkway, mountain park or other recreational
6 facility.

7 (c) It shall be unlawful for any person to litter in any park, parkway, mountain park or
8 other recreational facility.

9 **Sec. 39-18. Bicycles and other human-powered devices; pedestrians; dogs; trails.**

10 (a) It shall be unlawful for any person, other than authorized personnel, operating or
11 riding a bicycle or other human-powered device in a park, parkway median, mountain park or other
12 recreational facility to operate or ride the same anywhere other than roadways, sidewalks, parking
13 areas, and established trails and paths.

14 (b) It shall be unlawful for any person, other than authorized personnel, walking, running,
15 operating or riding a bicycle or other human-powered device to fail or refuse to obey posted rules,
16 traffic signs or traffic-control devices regulating pedestrians, joggers, bicycles or other human-
17 powered devices located in any park, parkway median, mountain park or other recreational facility
18 or on or by a trail, path or sidewalk located in a park, parkway median, or mountain park or on or
19 by any other trail, path or sidewalk designated as a regional trail and operated by the department
20 of parks and recreation.

21 (c) It shall be unlawful for any person, other than authorized personnel, to operate a
22 bicycle or other human-powered device in excess of fifteen (15) miles per hour, or at such posted
23 speed limit if a different speed limit is posted, in any park, parkway median, mountain park or other
24 recreational facility or on or by a trail, path or sidewalk located in a park, parkway median, or
25 mountain park or on or by any other trail, path or sidewalk designated as a regional trail and
26 operated by the department of parks and recreation.

27 (d) It shall be unlawful for any person to operate a bicycle or other human-powered
28 device without proper regard for traffic, weather, darkness, surface conditions, or other attendant
29 circumstances or in an imprudent or unsafe manner without consideration of the safety of other

1 persons or property in any park, parkway median, mountain park or other recreational facility or on
2 or by a trail, path or sidewalk located in a park, parkway median, or mountain park or on or by any
3 other trail, path or sidewalk designated as a regional trail and operated by the department of parks
4 and recreation.

5 (e) It shall be unlawful for any person to violate any provision of section 39-15 regarding
6 animals allow a dog to be loose, unleashed, left unattended, or inadequately or inappropriately
7 controlled on or by a trail, path or sidewalk located in a park, parkway median, or mountain park or
8 on or by any other trail, path or sidewalk designated as a regional trail and operated by the
9 department of parks and recreation.

10 (f) It shall be unlawful for any person to have a dog on a leash longer than six (6) feet in
11 length or to have a dog on a leash while operating or riding a bicycle or other human-powered
12 device on or by a trail, path or sidewalk located in a park, parkway median, or mountain park or on
13 or by any other trail, path or sidewalk designated as a regional trail and operated by the
14 department of parks and recreation.

15 (f g) It shall be unlawful for any person, without legal authorization, to operate or ride upon
16 any bicycle or other human-powered device in or on any pavilion, monument, event facility, open-
17 air theater, fountain, interactive water feature, playground area, athletic or playing field, ballpark,
18 tennis court or basketball court located in a park, parkway median, mountain park or other
19 recreational facility or to propel or jump any bicycle or other human-powered device up or down
20 steps, walls, rails or similar elevated features in any park, parkway median, mountain park not
21 designated for that purpose.

22 **Sec. 39-19. Motorized vehicles; snowmobiles; vehicle repair; overnight parking.**

23 (a) It shall be unlawful for any person, other than authorized personnel, operating a
24 motorized vehicle in any park, mountain park or other recreational facility to fail or refuse to obey
25 posted rules, traffic signs or traffic-control devices regulating motorized vehicles.

26 (b) It shall be unlawful for any person, other than authorized personnel, to park or drive a
27 motorized vehicle any place other than upon roadways, driveways and parking areas established
28 for such purposes within any park, parkway, mountain park or other recreational facility.

1 (c) It shall be unlawful for any person, other than authorized personnel, to operate a
2 snowmobile, go-cart or all-terrain vehicle in any park, parkway, mountain park or other recreational
3 facility.

4 (d) It shall be unlawful for any person, other than authorized personnel, to engage in any
5 repairs or maintenance of motorized vehicles in any park, parkway, mountain park, or other
6 recreational facility.

7 (e) It shall be unlawful for any person, other than authorized personnel, to park or store
8 any motorized vehicle in a park or a mountain park during curfews set forth in subsection 39-3(a).

9 **Sec. 39-20. Reserved. Sport activities; sports facilities.**

10 (a) It shall be unlawful for any person to engage in a team sport activity, as defined in
11 adopted rules, within any part of a park, mountain park, or other recreational facility which lies
12 outside of a sports facility, as defined in adopted rules, designated for such team sport activity.

13 (b) It shall be unlawful for any person to refuse to leave any sports facility, as defined in
14 adopted rules, within a park, mountain park, or other recreational facility when said facility has
15 been reserved or permitted for another party by the department of parks and recreation.

16 (c) It shall be unlawful for any person, other than authorized personnel, to enter upon,
17 remain within, or utilize any sports facility, as defined by adopted rules, within a park, mountain
18 park, or other recreational facility without a permit when said facility may only be utilized by a
19 permit issued by the department of parks and recreation and the sports facility has been posted as
20 requiring a permit.

21 (d) It shall be unlawful for any person, other than authorized personnel, to violate any
22 provision of section 39-5 with respect to the use of a sports facility, as defined by adopted rules,
23 within a park, mountain park, or other recreational facility.

24 (e) It shall be unlawful for any person, other than authorized personnel, to bring upon
25 any synthetic turf in a sports facility anything which could damage the synthetic turf including
26 burning, melting, discoloring, defacement, or cutting of the synthetic turf.

27 (f) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
28 to comply with rules and regulations adopted by the manager for sports facilities or to fail or refuse
29 to comply with any public notice regulating public uses or activities in sports facilities.

1 **Sec. 39-21. Boating.**

2 (a) It shall be unlawful for any person, other than authorized personnel, to bring or
3 operate any ~~boat, raft or other~~ watercraft, as defined in adopted rules ~~whether motor powered or~~
4 ~~not~~, upon any water owned or controlled by the city except at places and during such hours as may
5 be designated ~~for boating~~ by the manager for boating, as defined by adopted rules.

6 (b) It shall be unlawful for any person, other than authorized personnel, to engage in
7 boating, as defined in adopted rules, upon water owned or controlled by the city without first
8 obtaining the required permit and having paid the required fee. It shall be unlawful for any person,
9 other than authorized personnel, to violate any provision of section 39-5 with respect to use of any
10 water owned or controlled by the City for boating.

11 (b c) It shall be unlawful for any person, other than authorized personnel, to access or use
12 boat facilities, as defined by adopted rules, ~~or the decks or anchorage for dockage~~ located upon or
13 near any water owned or controlled by the city except as authorized by the department of parks
14 and recreation.

15 (e d) It shall be unlawful for any person to navigate, direct or handle any ~~boat~~ watercraft,
16 as defined in adopted rules, in such a manner as to unjustifiably or unnecessarily annoy or frighten
17 or endanger the occupants of ~~any other boat~~ watercraft or other users of the water or boat
18 facilities, as defined by adopted rules, or to operate such ~~boat~~ watercraft in a reckless or careless
19 manner.

20 (e) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
21 to comply with rules and regulations adopted by the manager for boating on water owned or
22 controlled by the city or to fail or refuse to comply with any public notice regulating public uses or
23 activities with respect to boating on water owned or controlled by the city.

24 (f) It shall be unlawful for any person to violate state boating laws with respect to
25 boating, as defined by adopted rules, on water owned or controlled by the city.

26 (g) It shall be unlawful for any person to engage in boating, as defined in adopted rules,
27 without a U.S. Coast Guard-approved personal floatation device of the right size and in serviceable
28 condition being in the watercraft, as defined by adopted rules.

29 (h) It shall be unlawful for any person to bring or utilize jet skis or similar motorized
30 personal watercraft upon any water owned or controlled by the city or to engage in parasailing or

1 paragliding or make use of similar airborne devices pulled aloft or towed by watercraft, as defined
2 by adopted rules.

3 (i) It shall be unlawful for any person to fail or refuse to comply with any directive of staff
4 at a boating facility, as defined by adopted rules, intended to protect the health, safety and welfare
5 of persons boating on water owned or controlled by the city and to protect and preserve the
6 condition and use of the boating facility and watercraft, as defined by adopted rules.

7 **Sec. 39-22. Reserved.**

8 **Sec. 39-23. Golfing.**

9 (a) It shall be unlawful for any person, other than authorized personnel, to enter or
10 engage in any activities at any ~~municipally owned or operated~~ golf facility, as defined by adopted
11 rules, in a park, mountain park, or other recreational facility except as authorized by the
12 department of parks and recreation.

13 (b) It shall be unlawful for any person, other than authorized personnel, ~~to enter upon~~
14 ~~any golf course owned or operated by the city and to play golf, as defined in adopted rules, on a~~
15 golf facility, as defined in adopted rules, thereon without first obtaining the required permit and
16 having paid the required fee. It shall be unlawful for any person, other than authorized personnel,
17 to violate any provision of section 39-5 with respect to the play of golf in a golf facility.

18 (c) It shall be unlawful for any person, other than authorized personnel, to fail or refuse
19 to comply with rules and regulations adopted by the manager for golf, as defined in adopted rules,
20 at a golf facility, as defined by adopted rules, or to fail or refuse to comply with any public notice
21 regulating public uses or activities with respect to golf at a golf facility.

22 (d) It shall be unlawful for any person to operate or handle any golf cart in such a
23 manner as to unjustifiably or unnecessarily annoy or frighten or endanger other golfers or other
24 users of golf carts or to operate such golf cart in a reckless or careless manner.

25 (e) It shall be unlawful for any person to bring onto or possess at a golf facility, as
26 defined in adopted rules, alcohol beverages or 3.2 beer, as both are defined in adopted rules,
27 purchased or served anywhere other than at said golf facility or to consume alcohol beverages or
28 3.2 beer anywhere other than the premises of said golf facility.

1 (f) It shall be unlawful for any person, other than authorized personnel, to operate
2 human-powered devices and motorized vehicles, as defined by adopted rules, other than golf
3 carts, anywhere at or in a golf facility, as defined by adopted rules, except parking lots and
4 driveways.

5 (g) It shall be unlawful for any person, other than authorized personnel, to make or
6 cause modifications, temporary or permanent, to the grounds, playing surface or facilities
7 associated with a golf facility, as defined by adopted rules.

8 (h) It shall be unlawful for any person to smoke tobacco in or at clubhouses, patio areas,
9 restrooms, miniature golf courses, driving ranges, practice putting greens, and practice chipping
10 areas at a golf facility, as defined by adopted rules.

11 (i) It shall be unlawful for any person to fail or refuse to comply with any directive of staff
12 at a golf facility, as defined by adopted rules, intended to protect the health, safety and welfare of
13 the users of the golf facility and to protect and preserve the condition and use of the golf facility.

14 **Sec. 39-24. Compliance with lawful order; identification; interference or evasion.**

15 (a) It shall be unlawful for any person to fail or refuse to comply with any lawful order
16 issued by an enforcement official for a violation under this article I of chapter 39 or of any adopted
17 rule, including any order to cease or correct any violation or to leave the park, parkway, mountain
18 park or other recreational facility when the person has failed or refused to comply with an order to
19 cease or correct any violation.

20 (b) It shall be unlawful for any person to refuse to provide identification, when the person
21 is carrying such identification, or to provide a false name or address when identification is
22 requested by an enforcement official, with respect to a potential violation by said person under this
23 article I of chapter 39 or any adopted rule.

24 (c) It shall be unlawful for any person to intentionally interfere with an enforcement
25 official in the performance of that official's duties or to intentionally evade lawful actions by an
26 enforcement official against said person in the enforcement of any provision under this article I of
27 chapter 39 or any adopted rule.

28 (d) An "enforcement official" is a person employed by the city and county of Denver and
29 charged by the manager with enforcing the ordinances contained in this article I of chapter 39 and
30 the rules and regulations adopted by the manager, as well as any police officer.

1 (e) It shall be unlawful for any person to fail or refuse to comply with an administrative
2 enforcement order entered under the administrative citation rules and regulations adopted by the
3 manager, which order excludes an individual from entering or using a park, parkway median,
4 mountain park or other recreational facility.

5 **Secs. 39-25—39-60. Reserved.**

6 COMMITTEE APPROVAL DATE:

7 MAYOR-COUNCIL DATE:

8 PASSED BY THE COUNCIL: _____, 2015

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2015

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

15 PREPARED BY: Patrick A. Wheeler, Assistant City Attorney DATE:

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
17 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to
19 §3.2.6 of the Charter.

20

21 D. Scott Martinez, Denver City Attorney

22

23 BY: _____, Assistant City Attorney DATE: _____, 2015