

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0728
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A B I L L

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

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

- 19 (1) For the use of administrative citations in accordance with article XII of chapter
20 2 of the Revised Municipal Code for enforcement of violations of adopted rules; and
- 21 (2) For the recovery of costs incurred or to be incurred by the department of parks
22 and recreation or other city department and restitution for damages, either of which costs or
23 damages are caused by or resulting from a violation of any adopted rule.

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

- 26 (1) Any exceptions, specifications, conditions or additional restrictions specified in
27 ~~the~~ adopted rules;
- 28 (2) Any definitions of terms or phrases as provided in ~~the~~ adopted rules;
- 29 (3) Any applicable federal or state law;
- 30 (4) Any permits issued by the department of parks and recreation;

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

5 (6) Any exceptions authorized by the manager.

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

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

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

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

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

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

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

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

28 (e) The rules shall become effective upon dating and signing of the rules by the manager
29 and the approval of the rules for legality by the city attorney. Within seven (7) business days after
30 adoption of the rules, the manager shall file a copy of the rules as finally adopted with the clerk and

1 recorder and the city attorney and shall cause to be published a notice of their adoption in an
2 official publication of the city. The notice shall also include a statement that the rules are on file
3 with the manager, on line at a specified Denver website, and available for public inspection and
4 copying.

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

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

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

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

24 (b) It shall be unlawful for any person, other than authorized personnel, to go upon or
25 remain in a parkway median as defined in adopted rules ("parkway median") between the hours of
26 11:00 p.m. and 5:00 a.m.

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

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

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

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

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

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

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

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

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

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

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

27 (c) It shall be unlawful for any person, other than authorized personnel, to construct,
28 erect, or install any sign, structure or enclosure, permanent or temporary, or to remove or make

1 any change or attachment to or on any natural feature, building, improvement, or other amenity
2 within or upon of any park, parkway, mountain park or other recreational facility.

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

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

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

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

18 (e d) 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 public access into natural areas or
20 onto rock formations within Red Rocks Park or Summit Lake Park.

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

22 (a) It shall be unlawful for any person, other than authorized personnel, to start or
23 maintain any fire within any park, parkway, mountain park or other recreational facility except in
24 publicly provided fireplaces, fire pits or grills or charcoal or gas grills brought in by said person or to
25 allow any lawful fire to get out of control.

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

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

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

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

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

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

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

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

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

20 (1) The firearm involved was a handgun and the person holds a valid permit or a
21 temporary emergency permit to carry a concealed handgun issued pursuant to state law and is
22 otherwise carrying the handgun in conformance with any applicable state or local law and is not
23 engaged in any unlawful use of the firearm; or

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

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

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

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

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

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

- 14 (1) First violation: One hundred and fifty dollars (\$150.00).
- 15 (2) Second violation: Five hundred dollars (\$500.00).
- 16 (3) Third and each subsequent violation: Nine hundred and ninety-nine dollars
17 (\$999.00).

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

21 **Sec. 39-11. Sales; ~~and gambling.~~**

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

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

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

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

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

10 **Sec. 39-13. Fishing.**

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

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

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

18 (b) 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~~ disallowing swimming, ~~wading~~ or
20 entering in the waters of any park, parkway, mountain park or other recreational facility.

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

24 **Sec. 39-15. Animals.**

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

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

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

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

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

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

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

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

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

24 **Sec. 39-16. ~~Sports activities;~~ Large inflatables; flying objects; sledding devices; and ice
25 skating.**

26 (a) It shall be unlawful for any person, other than authorized personnel, to bring, install,
27 inflate or operate any large inflatable object, as defined in adopted rules, within a park, parkway,
28 mountain park or recreational facility. ~~It shall be unlawful for any person to engage in team sport~~
29 ~~activities, other than casual or spontaneous (pick-up) games, within any part of a park, mountain~~

1 park, and other recreational facility which lies outside of sports or recreational facilities designated
2 for such team sport activities.

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

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

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

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

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

22 **Sec. 39-17. Bottles; littering; and dumping.**

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

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

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

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

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

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

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

19 (d) It shall be unlawful for any person to operate a bicycle or other human-powered
20 device without proper regard for traffic, weather, darkness, surface conditions, or other attendant
21 circumstances or in an imprudent or unsafe manner without consideration of the safety of other
22 persons or property in any park, parkway median, mountain park or other recreational facility or on
23 or by a trail, path or sidewalk located in a park, parkway median, or mountain park or on or by any
24 other trail, path or sidewalk designated as a regional trail and operated by the department of parks
25 and recreation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **Sec. 39-21. Boating.**

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

27 (b) It shall be unlawful for any person, other than authorized personnel, to engage in
28 boating, as defined in adopted rules, upon water owned or controlled by the city without first
29 obtaining the required permit and having paid the required fee. It shall be unlawful for any person,

1 other than authorized personnel, to violate any provision of section 39-5 with respect to use of any
2 water owned or controlled by the City for boating.

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

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

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

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

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

21 (h) It shall be unlawful for any person to bring or utilize jet skis or similar motorized
22 personal watercraft upon any water owned or controlled by the city or to engage in parasailing or
23 paragliding or make use of similar airborne devices pulled aloft or towed by watercraft, as defined
24 by adopted rules.

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

1 **Sec. 39-22. Reserved.**

2 **Sec. 39-23. Golfing.**

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

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

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

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

19 (e) It shall be unlawful for any person to bring onto or possess at a golf facility, as
20 defined in adopted rules, alcohol beverages or 3.2 beer, as both are defined in adopted rules,
21 purchased or served anywhere other than at said golf facility or to consume alcohol beverages or
22 3.2 beer anywhere other than the premises of said golf facility.

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

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

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

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

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

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

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

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

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

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

28 **Secs. 39-25—39-60. Reserved.**

29

1 COMMITTEE APPROVAL DATE: October 21, 2015

2 MAYOR-COUNCIL DATE: October 27, 2015

3 PASSED BY THE COUNCIL: _____, 2015

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2015

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

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

10 PREPARED BY: Patrick A. Wheeler, Assistant City Attorney DATE: October 29, 2015

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.

15

16 D. Scott Martinez, Denver City Attorney

17

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