

ORDINANCE NO. 12

Series 2021

November 2, 2021: Introduced as Council Bill 12, Series 2021 by Councilor Mike Gallagher, seconded by Councilor Afshin Safavi and considered in full text on first reading. Passed by a vote of 3 yes and 2 no.

November 16, 2021: Considered in full text on second reading. Passed by a vote of 4 yes and 1 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, AMENDING CHAPTER 11, ARTICLE III CONCERNING CITY PROPERTY, PARKS, AND RIGHTS OF WAY

WHEREAS, the City of Cherry Hills Village, Colorado ("City") is a home rule municipality authorized generally pursuant to Article XX of the Colorado Constitution, its general police powers, and C.R.S § 31-15-702 to regulate the use of City property, public parks, and trails; and

WHEREAS, pursuant to the authority outlined herein, the City Council has established regulations regarding the use of City property, public parks, and trails, as codified in Chapter 11, Article III of the Cherry Hills Village Municipal Code ("Municipal Code"); and

WHEREAS, in consideration of the health, safety, and welfare of the public, the City Council desires to amend Article III of Chapter 11 of the Municipal Code to update regulations to address new City parks and facilities and to clarify existing regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 11-3-10 of the Municipal Code, entitled *Definitions*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-10. - Definitions.

For the purpose of this Article, the following words shall have the following meanings:

City property means any City-owned or City-leased property, building or right-of-way not otherwise defined herein as a park or trail.

Park means Blackmer Common, Dahlia Hollow Park, John Meade Park, Three Pond Park and Woodie Hollow Park.

Trail means any bridle trail, bicycle trail, pedestrian trail, or recreational easement or area of land that the City owns, leases, or maintains, or in which the City holds rights by grant or operation of law ~~City-owned, City-leased or City-maintained bridle trail, bicycle trail, pedestrian trail or recreational easement or area~~, including but not limited to the High Line Canal trail.

Section 2. Section 11-3-15 of the Municipal Code, entitled *Parks held public trust*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-15. – Parks held in public trust.

All parks currently held ~~or~~ acquired by the City shall be held, protected and regulated as parks and recreational property and shall be maintained in perpetuity in public trust for the use and benefit of the public.

Section 3. Section 11-3-20 of the Municipal Code, entitled *Violations of park or trail rules and regulations*, is hereby amended to read as follows, with additions shown in underline, and deletions shown in ~~strikethrough~~:

Sec. 11-3-20. – Violations of park or trail rules and regulations.

It is unlawful for any person to fail to observe or refuse to obey any lawful rule or regulation, including but not limited to ~~or~~ any sign posted in any City park or on any City trail.

Section 4. Section 11-3-40 of the Municipal Code, entitled *Unlawful deposits*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-40. – Unlawful deposits.

It is unlawful to deposit, throw or cause or permit to be thrown or deposited any offal composed of animal or vegetable substance or both, any dead animal, garbage, refuse, trash, landfill, waste material, ~~or other offensive matter~~ or any other substance upon any park or trail or City property or into ~~the any body of water of in any park, trail, or City property stream, canal, pond or other body of water or so near any such place as~~ to be liable to pollute said water or decrease the natural beauty or adversely affect the recreational use thereof.

Section 5. Sub-section 11-3-50(a) of the Municipal Code, entitled *Permitting and administrative policy for use of city property, public parks and trails*, is hereby amended to read as follows, with deletions shown in ~~strikethrough~~:

Sec. 11-3-50. - Permitting and administrative policy for use of city property, public parks and trails.

(a) The City owns and maintains public parks and trails for the benefit of and use by the public. The City Manager is hereby authorized to promulgate an administrative policy and rules for public parks and trails and other City property involving:

- (1) Use of space limitations, including temporary closures of areas; and
- (2) Rentals of facilities within the City's parks and City property; and
- (3) Permitting of ~~special events~~ and group gatherings, including criteria of approval and an administrative process, including appeals of decisions, and uniform fees and deposits.

Section 6. Section 11-3-60 of the Municipal Code, entitled *Watercraft restricted; permits*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-60. – Watercraft restricted; permits.

It is unlawful to operate or to use in or upon any lake, pond, creek, stream ~~or gulch~~, or canal, or any other body of water in any park within the City any boat, raft or other floating device without having first obtained a permit for the use of same from the City Manager.

Section 7. Section 11-3-70 of the Municipal Code, entitled *Swimming or wading prohibited*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-70. – Swimming or wading prohibited.

It is unlawful to swim or wade in, or otherwise bodily to enter the water of, any lake, pond, creek, stream, ~~or gulch, or canal~~, or any other body of water within any park within the City, except for areas authorized for such activity and posted as authorizing such activity within John Meade Park and Woodie Hollow Park.

Section 8. Section 11-3-90 of the Municipal Code, entitled *Parking or camping*, is hereby repealed and replaced in its entirety to read as follows:

Sec. 11-3-90. – Parking or camping.

Except when a valid permit is issued by the City Manager specifically allowing such activity within a park, trail, or City property, it is unlawful to:

- (a) Park motor vehicles, except in areas designated for public parking.
- (b) Camp, or to place or erect any tent, table, bench, trailer, or any structure.
- (c) Make, or allow to burn, a fire or to cook by any means.

Section 9. Section 11-3-100 of the Municipal Code, entitled *Removal or damage of structures, property*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 11-3-100. Removal or damage of structures, property.

It is unlawful to remove, deface or otherwise damage any sign, building, equipment, tree, bush, plantings or other property located in any City park or trail or on City property within the City.

Section 10. Section 11-3-120 of the Municipal Code, entitled *Alcoholic beverages*, is hereby amended to read as follows, with additions shown in underline:

Sec. 11-3-120. Alcoholic beverages.

It is unlawful to consume any alcoholic beverage within any park or trail within the City, with the exception of events held by the City in John Meade Park and Alan Hutto Memorial Commons in compliance with state and local liquor licensing laws.

Section 11. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

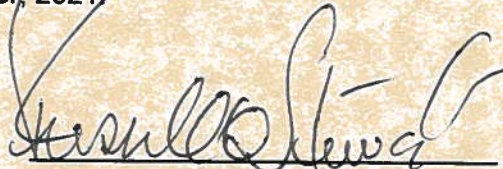
Section 12. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 13. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 14. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 12 Series 2021, by the City Council of the City of Cherry Hills Village, Colorado this 16th day of November, 2021.

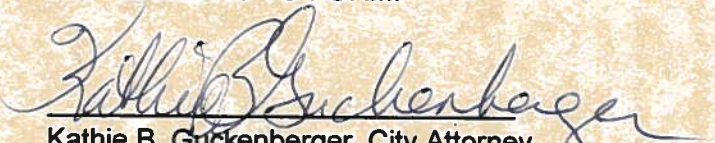
(SEAL)


Russell O. Stewart, Mayor

ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 12, SERIES 2021

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THE CITY OF CHERRY HILLS
VILLAGE, AMENDING CHAPTER
11, ARTICLE III CONCERNING
CITY PROPERTY, PARKS, AND
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Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

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