

ORDINANCE NO. 10

Series 2007

June 5, 2007: Introduced as Council Bill 07, Series 2007 by Councilmember Russell Stewart, seconded by Councilmember Scott Roswell, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

June 19, 2007: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 11 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING STREETS, SIDEWALKS & PUBLIC PROPERTY, BY AMENDING SECTIONS
11-3-10, 11-3-20, 11-3-40, 11-3-50, 11-3-80, 11-3-90, 11-3-100, 11-3-110, 11-3-120,
AND 11-3-130, AND BY ADDING A NEW SECTION 11-3-15, ALL CONCERNING CITY
PARKS AND RIGHTS-OF-WAY**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate public property within the boundaries of the City to further the health, safety and welfare of the citizens of the City of Cherry Hills Village; and

WHEREAS, Chapter 11, Article III, of the City of Cherry Hills Village Municipal Code concerns City parks and rights-of-way; and

WHEREAS, the South Suburban Park and Recreation District no longer owns parks within the boundaries of the City, and

WHEREAS, the parks within the City of Cherry Hills Village boundaries should be held in public trust.

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

Section 1. That Sections 11-3-10, 11-3-20, 11-3-40, 11-3-50, 11-3-80, 11-3-90, 11-3-100, 11-3-120, and 11-3-130 of the City of Cherry Hills Village Municipal Code, each of which concern City parks and/or trails, are hereby amended to read as follows:

Sec. 11-3-10. Interpretation Definitions.

For the purpose of this Article, ~~all properties within the boundaries of the City which are dedicated, deeded, leased or contracted to the City for recreational easements, bridle path easements or nonvehicular or pedestrian purposes; all properties owned by or operated by the City or the South Suburban Recreation and Park District and designated as parks; and all bridle trails or paths and the Highline Canal right-of-way within the City owned by, leased to or operated by the South Suburban Recreation and Park District shall be construed to be parks.~~ "park" means Blackmer Common, Dahlia Hollow Park, John Meade Park, Three Pond Park, and Woodie Hollow Park. "Trail" means any City-owned, City-leased, or City-maintained bridle trail, bicycle trail, pedestrian trail, or recreational easement or area, including but not limited to the Highline Canal trail.

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 of any sign posted in any City park or on any City trail.

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 ~~public way used for park purposes~~ trail or into the water of any 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.

Sec. 11-3-50. Permit required for public meetings.

It is unlawful to hold any public meetings within any park or trail within the City unless and until a permit therefore has been issued by the City Manager.

Sec. 11-3-80. Operation of motor vehicles.

It is unlawful to drive any motor vehicle in any park or on any trail within the City. For the purposes of this Section, *motor vehicle* shall includes any wheeled vehicle propelled wholly or in part by internal combustion or electric engine or motor, except for individual handicapped propulsion devices and any police, fire, ambulance and any other park, fire protection, water or sanitation district, City, Denver Water Department, U.S. Postal Service, or other public vehicle; or a vehicle operated for the purpose of installing, maintaining or servicing parks facilities or trails or a utility such as a water, sewer or gas line or telephone or electric power line or installation.

Sec. 11-3-90. Parking or camping.

It is unlawful to park or camp, or to place or erect any tent, table, bench, trailer or any structure, or to burn or cook within a park or trail within the City, without first having obtained a permit for the same from the City Manager.

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

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

Sec. 11-3-110. Hours of observance.

It is unlawful for any person other than those authorized by the City Manager to enter or be within any park or trail within the City between the hours of 11:00 p.m. and 6:00 a.m.

Sec. 11-3-120. Alcoholic beverages.

It is unlawful to consume any alcoholic beverage within any park, as defined in Section 11-3-10 of this Code, or trail within the City.

Sec. 11-3-130. Control of pets dogs.

~~It is the lawful duty of~~ It is unlawful for any dog owner, possessor, or keeper handler to ~~fail to obey any rule or regulation pertaining to the control of pets posted with restrain and control a dog by means of a leash while in any City park or trail in the City. For the purpose of this Section, a~~ A dog, even while on a leash, is presumed to be out of control when any of the following occurs if it:

(1) ~~The dog is not on a leash as posted harasses or inflicts damage or injury by biting or jumping on any person, animal, property, or wildlife; or.~~

(2) ~~A dog, even when on a leash, inflicts damage or injury by biting, by jumping upon or by any means whatsoever to any person or the property of another, harasses, kills, or injures wildlife.~~

(3) ~~A dog, whether or not on a leash, harasses, kills or injures wildlife.~~

Section 2. That a new Section 11-3-15 of the City of Cherry Hills Village Municipal Code is hereby added to read as follows:

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

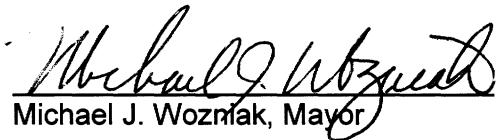
All parks currently held or acquired by the City shall be held, protected, and regulated as park and recreational property and shall be maintained in perpetuity in public trust for the use and benefit of the public.

Section 3. 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 would be declared invalid.

Section 4. Effective Date. This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

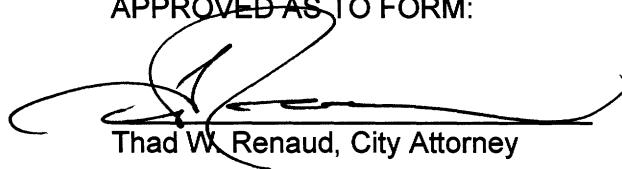
Adopted as Ordinance No. 10 Series 2007, by the City Council of the City of Cherry Hills Village, Colorado this 19th day of June, 2007.


Michael J. Wozniak, Mayor

ATTEST:


Karen C. Losier, City Clerk

APPROVED AS TO FORM:


Thad W. Renaud, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
PUBLIC NOTICE**

The following Ordinance was passed on second reading by the City Council of Cherry Hills Village, Colorado on Tuesday, June 19, 2007:

ORDINANCE NO. 10, Series 2007

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 11 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING STREETS, SIDEWALKS & PUBLIC PROPERTY, BY AMENDING SECTIONS 11-3-10, 11-3-20, 11-3-40, 11-3-50, 11-3-80, 11-3-90, 11-3-100, 11-3-110, 11-3-120, AND 11-3-130, AND BY ADDING A NEW SECTION 11-3-15, ALL CONCERNING CITY PARKS AND RIGHTS-OF-WAY.

The full text of the ordinance is available for inspection and acquisition at the office of the City Clerk during regular business hours.

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