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AN ORDINANCE

ADDING SECTIONS 9.32.075, 9.32.085, 9.32.265, 9.32.266, 9.32.390, AND 9.32.400 AND AMENDING SECTIONS 9.32.010, 9.32.020, 9.32.030, 9.32.050, 9.32.070, 9.32.080, 9.32.090, 9.32.100, 9.32.170, 9.32.260, 9.32.270, 9.32.280, 9.32.320 OF CHAPTER 9.32 TO TITLE 9 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PARKS AND RECREATION

WHEREAS, it is in the interest of the health, safety, and welfare of the citizens of this City to regulate conduct within the City's parks, community centers, and recreation facilities to provide park patrons with a safe and enjoyable recreational experience; and

WHEREAS, it is necessary to make changes to Chapter 9.32 pertaining to parks and recreation to reflect changes in state law and to address current issues.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Section 9.32.010 of the Lakewood Municipal Code is amended by the addition of the following definition:

**9.32.010 DEFINITIONS.**

"Park ranger" means any employee of the Department of Community Resources empowered by the City to enforce the provisions of this chapter and any provisions of Title 6 and Title 9 which pertain to wildlife.

SECTION 2. Section 9.32.010 of the Lakewood Municipal Code is amended by the amendment of the following definition:

**9.32.010 DEFINITIONS.**

"Community center" means a building or other structure, plus associated site improvements such as parking lots and drive aisles, open to the general public that provides services to the community, including but not limited to child care centers, which is City-owned or used by the City, including the Lakewood Civic Center as defined herein.

SECTION 3. Section 9.32.020 of the Lakewood Municipal Code is amended by the addition of subsection (D) to read as follows:

**9.32.020 AUTHORITY.**

D. The Director shall have the power and authority to prohibit the possession and/or consumption of fermented malt beverages or malt liquors in any park within the City in which the Director deems it appropriate based upon the deleterious effect on the recreational enjoyment of the park caused by persons becoming publicly intoxicated in the park. In the event the Director prohibits the possession and/or consumption of fermented malt beverages or malt liquors in a park, the park shall be posted with signs which provide notice to the public of the fact that such possession and/or consumption is prohibited.

SECTION 4. Subsection 9.32.030 (I) (J) of the Lakewood Municipal Code is hereby amended to read as follows:

**9.32.030 PERMITS AND USE AGREEMENTS.**

I. J. The City Manager shall respond, in writing, to a written permit application within fifteen (15) days after receipt of all information necessary to make a determination. The City manager shall notify the applicant whether the permit has been granted or denied, and if denied, the reasons for the denial.

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SECTION 5. Section 9.32.050 of the Lakewood Municipal Code is amended to read as follows:

**9.32.050 OPEN CARRYING OF A FIREARM PROHIBITED - - PARKS, COMMUNITY CENTERS, AND RECREATIONAL FACILITIES.**

Deleted: UNLAWFUL POSSESSION OF WEAPONS

A. The open carrying or wearing of a firearm within or upon the grounds of any community center, recreational facility, the Lakewood Civic Center, City park, City trail, or City open space including any City owned, operated, or leased building or property is unlawful when said City building or City property is posted with a sign at the entrance to any City building or City property informing persons that the open carrying of a firearm is prohibited in such building or area.

B. Nothing in this section shall be construed to prohibit the following:

Deleted: No person shall knowingly carry, bring, or have in such person's possession a deadly weapon within or upon the grounds of a community center or recreational facility except when authorized by the Director or his designee for the purpose of presenting a public demonstration or exhibition or for the purpose of participating in an athletic event. It shall not be an offense under this subsection if the person is a peace officer as defined in Section 18-1-901(3)(l) C.R.S.

1. A peace officer from openly carrying or wearing a firearm as shall be necessary in the proper discharge of his or her duties;

2. An employee of any armored car service agency providing money transport services pursuant to a contractual arrangement with the City from openly carrying or wearing a firearm as may be necessary in the proper

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discharge of his duties so long as the employee has been duly authorized by his employer to carry firearms and the employee is acting within the course and scope of his or her employment at the time the firearms are being carried or worn;

3. A person from openly carrying or wearing a firearm while upon the grounds of the Rooney Valley Law Enforcement Training Facility who is acting in compliance with the rules and regulations of the shooting range facility; or

4. A person from openly carrying or wearing a firearm when authorized by the Director to do so for the purpose of presenting a public demonstration or exhibition or for the purpose of participating in an athletic event.

C. Possession of a valid concealed handgun permit shall not constitute a defense to a charge of open carrying of a firearm in violation of this section.

D. "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

SECTION 6. Section 9.32.070 of the Lakewood Municipal Code is amended to read as follows:

**9.32.070 HOURS OF USE.**

It is unlawful to enter or be in any park, community center, or recreational facility when it has been declared closed to the public by the Director. Parks shall normally be open daily during the hours posted on signs located at each entrance to the park area, except for activities and events sponsored by the Director or authorized by the Director. In the event the park is not posted with signs identifying specific open hours, the park shall be closed daily from ten p.m. to five a.m. The Director may declare any park closed at any time and for any interval of time as necessary to protect the public safety or to ensure proper management of the park, community center, or recreational facility.

SECTION 7. Section 9.32.075 of the Lakewood Municipal Code is hereby added to read as follows:

9.32.075 INTERFERENCE WITH THE DIRECTOR OR A PARK RANGER UNLAWFUL.

A person commits interference with the Director, a park ranger, or any other city employee or official in the discharge of his official duties under this chapter when by using or threatening to use violence, force, physical inference,

**Deleted:** No person shall knowingly carry, bring, or have in such person's possession a firearm in any park except when authorized by the Director or his designee for the purpose of presenting a public demonstration or exhibition or for the purpose of participating in an athletic event. It shall not be an offense under this subsection if:

1. The person, prior to the time of carrying the firearm, has been issued a written permit pursuant to Section 18-12-105.1 to carry the weapon by the chief of police of a city or city and county or the sheriff of a county;
2. The person is a peace officer, as defined in Section 18-1-901(3)(l);
3. The person is in possession of the firearm while upon the grounds of the Rooney Valley Law Enforcement Training Facility and is acting in compliance with the rules and regulations of the shooting range facility; or
4. The weapon is unloaded and remains inside a motor vehicle while upon the grounds of Bear Creek Lake Park.

C. The following definitions shall apply to this section:

1. "Deadly weapon" means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:
  - a. A firearm, whether loaded or unloaded;
  - b. A knife;
  - c. A bludgeon; or
  - d. Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

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or an obstacle, such person knowingly obstructs, impairs, hinder, or interferes with the discharge or attempted discharge by said city employee or official of an official duty while acting under color of his official authority.

SECTION 8. Section 9.32.080 of the Lakewood Municipal Code is amended to read as follows:

**9.32.080 DISOBEYING THE LAWFUL AND REASONABLE ORDER OF THE DIRECTOR OR A PARK RANGER.**

Deleted: HIS DESIGNEE

It is unlawful for any person to knowingly disobey the lawful or reasonable order of the Director or a park ranger, given pursuant to the lawful discharge of the official duties of such person.

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SECTION 9. Section 9.32.085 of the Lakewood Municipal Code is hereby added to read as follows:

**9.32.085 FALSE INFORMATION DURING INVESTIGATION.**

It is unlawful for any person to knowingly make a false statement or otherwise provide false information or to give a false name and/or address or to display any false identification to the Director or a park ranger when said city employee, while acting in his official capacity, is conducting an investigation into the commission or alleged commission of a crime or traffic violation or if there is reasonable suspicion to believe that a crime or traffic violation is being or has been committed.

SECTION 10. Subsections 9.32.090 A and C of the Lakewood Municipal Code are amended to read as follows:

**9.32.090 ALCOHOLIC BEVERAGES PROHIBITED.**

A. At Fox Hollow at Lakewood Golf Course or Homestead Golf Course provided such premises are licensed for sale and consumption of alcoholic beverages or liquors pursuant to the Colorado Liquor Code, C.R.S. Section 12-47-101 et seq., or upon premises for which a special events permit has been issued pursuant to C.R.S. Section 12-48-101 et seq. provided the Director or his designee has approved use of the premises for such purpose.

C. Within or upon those portions of a park, community center, or recreation facility for which the premises have been lawfully licensed for the sale and consumption of fermented malt beverages and alcoholic beverages.

SECTION 11. Subsections 9.32.100 C and D of the Lakewood Municipal Code are amended to read as follows:

**9.32.100 FERMENTED MALT BEVERAGE AND MALT LIQUOR REGULATIONS.**

C. It is unlawful to possess and/or consume any fermented malt beverages or malt liquors in any park within the City when the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020 (D) of this chapter. The park shall be posted with signs which provide notice to the public of the fact that such possession and/or consumption is prohibited.

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D. It is lawful to possess and/or consume fermented malt beverages and alcoholic beverages within or upon those portions of a park, community center, or recreational facility for which the premises have been lawfully licensed for the sale and consumption of fermented malt beverages and alcoholic beverages.

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SECTION 12. Section 9.32.170 of the Lakewood Municipal Code is hereby amended to read as follows:

**9.32.170 FISHING REGULATIONS.**

It is unlawful for any person to violate any of the provisions contained in Chapter 1 of the Rules and Regulations of the Colorado Division of Wildlife, which is adopted by reference, pursuant to Title 31, Article 16, of the Colorado Revised Statutes. Any violation of Chapter 1 of the Rules and Regulation of the Colorado Division of Wildlife shall be a violation of this provision.

Deleted: , punishable as specified in Section 9.32.050 of this chapter.

SECTION 13. Section 9.32.260 of the Lakewood Municipal Code is hereby amended to read as follows:

**9.32.260 DESTRUCTION OF PUBLIC PROPERTY.**

It is unlawful for any person to knowingly remove, destroy, mutilate, modify deface, or in any other way vandalize any building, structure, water control device, fence, gate, notice, survey or section marker, tree, shrub, rock, or other plant or vegetation or any other item or public property within any park, community center, or recreation facility of the city where the aggregate damage to the public property is less than one thousand dollars.

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SECTION 14. Section 9.32.265 of the Lakewood Municipal Code is hereby added and shall read as follows:

**9.32.265 COLLECTION OF NATURAL RESOURCES.**

It is unlawful for any person to take, collect, gather, or possess any vegetation, rock, wood, or other natural object within any park.

SECTION 15. Section 9.32.266 of the Lakewood Municipal Code is hereby added and shall read as follows:

9.32.266 UNLAWFUL IMPROVEMENTS ON PARKS.

It is unlawful for any person to construct, place, or maintain any road, trail, structure, fence, enclosure, or other improvement on any park without the written authorization of the Director except where permitted by Department Rules and Regulations to mitigate against the danger of wildfire.

SECTION 16. Section 9.32.270 of the Lakewood Municipal Code is amended to read as follows:

**9.32.270 LITTERING PROHIBITED.**

It is unlawful to leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere within any park, community center, or recreation facility of the city other than in the receptacles provided thereof. It is unlawful for any person to deposit yard clippings or other garbage or trash generated on private property in any receptacles provided for in this section or to otherwise leave said refuse within any park, community center, or recreation facility of the city.

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SECTION 17. Section 9.32.280 of the Lakewood Municipal Code is amended to read as follows:

**9.32.280 DANGEROUS MISSILES.**

It is unlawful to discharge, fire, or shoot any air gun, slingshot, pellet gun, blowgun, bow and arrow, paintball guns, air-soft guns, single-stage projectile, multi-stage projectile or projectile-launching device in any park, community center, or recreation facility of the city, except in designated areas, without written consent of the Director, which consent shall not relieve any person engaged in any such activity from liability for any damage or injury caused thereby, nor impose or create any such liability to the city or any of its employees or agents; provide, however, that this section shall not apply to any activity which is a felony under state law.

SECTION 18. Subsection 9.32.320 B of the Lakewood Municipal Code is amended to read as follows:

**9.32.320 BOATING.**

B. It is unlawful for any person to violate any provisions contained in the Regulations of the Colorado Board of Parks and Outdoor Recreation governing the use of vessels on bodies of water or Title 33, Article 10.5, Aquatic Nuisance Species, which are both adopted by reference, pursuant to Title 31,

Article 16 of the Colorado Revised Statutes. Any violation of such vessel regulations or aquatic nuisance species regulations shall be a violation of this provision.

Deleted: , punishable as specified in Section 9.32.050 of this chapter.

SECTION 19. Section 9.32.390 of the Lakewood Municipal Code is added to read as follows:

9.32.390 SWIMMING, WADING.

A. It is unlawful for any person to swim in any outside body of water within any city park or recreational facility, except in designated areas, or as part of recreational program that is authorized in writing by the Director.

B. It is unlawful for any person to wade in any body of water in any park or recreation facility, except in designated areas, or when wading is an integral part of a lawful water activity. As used herein, "wade" shall mean to enter into water up to waist height.

C. It is unlawful for any person to swim from any boat except when engaged in an attempt to rescue another person.

SECTION 20. Section 9.32.400 of the Lakewood Municipal Code is added to read as follows:

9.32.400 USE OF TRAILS.

A. Any person riding a bicycle or operating a toy vehicle upon a park trail shall yield the right-of-way to any pedestrian or equestrian.

B. Pedestrians on a park trail shall yield the right-of-way to any equestrian.

C. No trail user shall operate or act in a careless or imprudent manner on any park trail without due regard for the safety of persons or property.

D. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 21. This Ordinance shall take effect thirty (30) days after final publication.