

O-2023-23

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CHAPTER 9.32 OF TITLE 9 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PARKS, RECREATION, AND ARTS

WHEREAS, the City of Lakewood, Colorado ("City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Colorado Revised Statutes, Section 31-25-201, the City has the authority to acquire, establish, and maintain public parks, pleasure grounds, boulevards, parkways, avenues, roads, and land or interests in land which may be necessary, suitable, or proper for the preservation or conservation of sites, scenes, open space, and vistas of recreation, scientific, historic, aesthetic, or other public interest;

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 facilities, and recreation facilities to provide community members with a safe and enjoyable recreational experience;

WHEREAS, pursuant to Colorado Revised Statutes, Section 31-25-206(2), and Lakewood Municipal Code Chapter 2.48, the Director of Community Resources, along with the Mayor, City Council and City Manager, has the responsibility for the care, custody, management, and control of the City's community facilities, civic center, parks, and recreation facilities;

WHEREAS, review of the current Chapter 9.32 pertaining to parks and recreation revealed the necessity to make amendments to reflect changes in state law, to address current issues, to clarify the authority of the Director of Community Resources, and to update language to reflect gender neutrality;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

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

SECTION 1. Chapter 9.32 of the Lakewood Municipal Code is repealed and reenacted as follows:

## Chapter 9.32 PARKS, RECREATION, AND ARTS

### 9.32.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the text clearly indicates to the contrary:

*Camping* means residing or dwelling temporarily in a place with shelter.

*Class 1 E-bike* means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

*Class 2 E-bike* means an electric bicycle that is equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

*Class 3 E-bike* means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

*Community facility* 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 cultural facilities or childcare centers, which are City of Lakewood-owned or used by the City of Lakewood, including the Lakewood Civic Center as defined herein.

*Department* means the Department of Community Resources of the City.

*Director* means the Director of the Community Resources Department of the City, designee.

*Group activities* means organized group use or activity, including, but not limited to, company picnics, athletic events, theatrical events, group meetings, and similar events, in which such group uses park areas, pavilions, athletic fields and buildings pursuant to reservations scheduled with the Director designee.

*Lakewood Civic Center* means that area generally described as the Lakewood Municipal Buildings and open public areas located at the Lakewood City Commons, including the buildings known as the Lakewood Cultural Center and Civic Center North located at 470 South Allison Parkway, Civic Center South located at 480 South Allison Parkway, the Regional Transportation District Transfer Station located at 490 South Allison Parkway,

the Lakewood Public Safety Center located at 445 South Allison Parkway, the two parking structures, the plaza, the Firefighters Memorial, the Civic Center's sidewalks, streets, parking areas and open public areas, and the Jefferson County Library's sidewalks, open public areas and external walls, as all are shown on exhibit A which is on file in the City Clerk's Office.

*Motorboat* means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

*Nonrecreational activities* means any use or activity not normally associated with the use of park or recreation facilities for amusement or educational purposes. Nonrecreational activities include, but are not limited to, trapping, commercial activities, surveying, construction, excavation, installation of utilities, and any activity associated with a disturbance, whether temporary or permanent, of the surface of the land in any park, or any activity with an adverse effect which could endanger or impact the environment and wildlife in any park or recreation facility.

*Operate* means to navigate or otherwise use a vessel.

*Owner* means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest which entitles them to such possession.

*Park* means a park, reservation, playground, beach, recreation area, bikeway, trail, greenbelt, or other area in the City of Lakewood, owned or used by the City of Lakewood and devoted to active or passive recreation, including developed and undeveloped land and, for purposes of this Chapter 9.32 only and the regulations contained therein, the plaza and open public areas of Lakewood Civic Center.

*Park ranger* means any employee of the community resources department empowered by the City of Lakewood to enforce the provisions of this chapter, any provisions of Title 6 and Title 9 which pertain to wildlife, provisions of Chapter 9.38 relating to smoking in public places, and any provisions of Title 10 which pertain to the operation of bicycles, personal mobility devices, or the parking of vehicles.

*Person* means any individual or group of individuals, partnership, association, corporation, governmental entity or quasi-governmental entity, or the agent, manager, lessee, servant, officer or employee of any of them, except employees of the City of Lakewood and those acting under contract with the City of Lakewood, acting in their official capacity.

*Recreation facility* means a building, swimming pool, golf course, or other structure, plus associated site improvements such as parking lots and drive aisles, devoted to recreation which is City owned or used by the City or a City contractor.

*Sailboat* means any vessel propelled by the effect of wind on a sail. For the purposes of this chapter, any vessel propelled by both sail and machinery of any sort shall be deemed a motorboat, when being propelled by said machinery.

*Slacklining* means the activity of walking along a rope or a narrow piece of strong fabric, which shall be referred to as the Slackline, that is stretched above the ground between two points, less tightly than a tightrope.

*Vessel* means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

#### 9.32.020 Authority.

A. The Director shall have the authority to promulgate rules and regulations for the proper management, operation, and control of City parks, community facilities, and recreation facilities within the City. The role of the Community Resources Department is to provide parks, programs, services, and facilities for the recreational enjoyment, social benefit, and cultural enrichment of the community. The purpose of the rules and regulations is to allow all patrons of City parks, community facilities, and recreation facilities within the City to use the facilities in a safe and reasonable manner. Copies of the rules and regulations shall be on file in the City Clerk's Office and available for public inspection during regular business hours.

B. The Director shall have authority to enforce the rules and regulations promulgated by the Director for the proper management, operation and control of City of Lakewood parks, open public areas, community facilities, and recreation facilities within the City of Lakewood and all ordinances which affect or are applicable within City of Lakewood parks, community facilities, and recreation facilities. The Director shall have authority to institute proceedings in the municipal court for the City of Lakewood against any person who violates any provision of Chapters 9.32, 9.33, 9.34, or 9.36 of this Code.

C. The Director shall have authority to institute Exclusion Procedures against any person who violates any Community Resources' rule or regulation, any provision of the Lakewood Municipal Code, or any state statute, while within any City of Lakewood park, community facility, or recreational facility. If the Director desires to exclude the person for more than the day of the violation, the subject of the exclusion order has the right to appeal the imposition of the exclusion order prior to the commencement of the period of exclusion. To do so, the subject must deliver to the Lakewood City Attorney's Prosecution Office, within five business days after service of the notice of exclusion, a written demand for a hearing. The hearing shall be conducted by the Lakewood Presiding Judge or designee within seventy-two (72) working hours of receipt of the demand by the Lakewood City Attorney's Prosecution Office unless the subject waives the right to a

speedy hearing. In the event that the right to a speedy hearing is waived, the hearing will be held within ten (10) business days of receipt of the waiver. Days the Municipal Court is closed, including holidays, are to be excluded from the calculation of the seventy-two (72) hour period. The sole issue before the Presiding Judge shall be whether probable cause exists to support the exclusion order. If the Presiding Judge finds probable cause for the exclusion order exists, the Presiding Judge shall order that the exclusion order go into effect immediately. Failure of the subject to attend a scheduled appeal hearing shall be deemed a waiver of the right to such a hearing and the Presiding Judge shall order that the exclusion order go into effect immediately.

D. The Director shall have authority to prohibit the possession and/or consumption of fermented malt beverages or malt liquors, in any park within the City in which community events are scheduled to take place for the period of said events, except for any designated area in which fermented malt beverages or malt liquors may be sold due to the issuance of a special events permit or license by the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. In the event the Director prohibits the possession and/or consumption of fermented malt beverages or malt liquors in a park in which a community event is conducted, the park shall be posted with signs which give notice to the public of the fact that such possession and/or consumption is prohibited and the dates and times during which such restriction is in effect.

E. The Director shall have the authority to prohibit the possession and/or consumption of fermented malt beverages and/or malt liquors in any park within the City of Lakewood 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 and/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. The Director may allow any person who has obtained a permit for a group activity pursuant to Section 9.32.030 to possess and/or consume any fermented malt beverages and/or malt liquors in compliance with the terms of said permit.

#### 9.32.030 Permits and use agreements.

I. It is the intent of this Section 9.32.030 to provide for a procedure for the public to utilize certain meeting rooms within City of Lakewood buildings by entering into a use agreement with the City of Lakewood, to reserve portions of City of Lakewood parks for recreational activities by applying for a permit from the City of Lakewood, and to engage in outdoor meetings and rallies by applying for a permit from the City of Lakewood. This section shall not apply to official functions of the City of Lakewood.

A. Use agreements will be required from the Director for the exclusive use or rental or other occupation of any interior room or space or associated outside space of any park,

community facility or recreation facility of the City of Lakewood. The purpose of the use agreement is for the rental or use or other occupation of rooms or outside spaces associated therewith for meetings, receptions, classes, community events, large gatherings and similar activities.

B. Permits will be required from the Director for the following:

1. Except for the uses set forth in subsection (A) above, any person engaging in any group activity who requests a reservation for a specific area of any park or open public area of the City of Lakewood or any person engaging in any group activity of twenty five (25) people or more.

2. Except for the uses set forth in subsection (A) above, any person engaging in any nonrecreational or commercial activity in a park, except that permits for parades, rallies and outdoor meetings for purposes of expressive activity on park property shall be governed by Part II of this section.

3. Any person engaging in organized community events in a park, open public area, community facility, or recreation facility such as festivals, celebrations, or organized walking, or running events.

4. Any person operating a commercial horse-drawn carriage in any park or recreation area within the City of Lakewood.

C. Permit applications shall be filed on application forms provided by the Director. Permit applications must be complete in all respects to be accepted for filing. An application may be denied if the Director finds that there is insufficient time to make the findings described in subsection (F) of this section from the date of the filing of the application until the date of the activity which would be authorized pursuant to the permit. In the absence of extraordinary circumstances, as determined by the Director, fifteen (15) days will be sufficient to make such findings.

D. The Director may promulgate and publish criteria for obtaining a permit to engage in group or nonrecreational activities. The primary purpose of parks is to provide areas for the residents of the City of Lakewood and the general public to engage in recreational activities and temporarily exchange the urban environment for a more natural one. Therefore, the Director's primary consideration in issuing or denying a permit to use a park or public open space shall be to consider the safety and rights of citizens who use such areas, and to protect and preserve such areas for recreational use by the citizens of the City of Lakewood and the general public.

E. The Director shall review written permit applications and determine whether to issue such permits relating to any group or nonrecreational use or accommodation of any

park, community facility, or recreation facility. The Director shall establish the conditions for the issuance of any permit, including such reasonable conditions as are necessary and proper to preserve the park, community facility, or recreation facility including but not limited to requiring proper insurance coverage be obtained by an applicant. The Director may impose a reasonable fee to process the application and impose reasonable fees for group or nonrecreational use of the park, community facility, or recreation facility.

F. The Director shall issue a permit when it is found:

1. That the proposed activity or use of the park, open public area, community facility, or recreation facility will not unreasonably interfere with or detract from the general public enjoyment of such areas and is not inconsistent with the primary purpose of those properties;
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare, and safety;
3. That the proposed activity or use is not reasonably anticipated to incite violence, crime, violation of municipal ordinances, or disorderly conduct;
4. That the proposed activity will not entail unusual, extraordinary or burdensome expense to the City of Lakewood;
5. That the proposed activity will not violate any conditions of the City of Lakewood's ownership, occupancy or lease of the site;
6. That the proposed activity will not unreasonably endanger or impact the improvements, environment or wildlife on the site;
7. That the desired property has not been previously reserved for use at the day and hour requested in the application.

G. The Director may establish such reasonable conditions as deemed necessary to ensure compliance with standards for issuance established in subsection (F) of this section, including a requirement for the posting of a bond, guarantee, or deposit in a form acceptable to the Director and in an amount sufficient to ensure restoration of the site to its existing condition or to remedy any other unacceptable impact upon the environment, wildlife, or structures.

H. Any permit issued shall describe both the location and the date(s) and time(s) when it is valid, the nature of the activity permitted, and any conditions imposed upon the issuance of the permit.

I. The Director shall have the power and authority to revoke any permit for any violation of the conditions of the permit as well as for any violation of the ordinances or rules and regulations governing use of the site. In the event a permit is revoked, no portion of the permit fees shall be refunded to the permit holder.

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

K. The Director may grant the permit, with or without conditions, deny the permit, or uphold the revocation of the permit. If the permit is denied or the revocation of the permit is upheld, the Director shall notify the applicant of the specific grounds for the denial or revocation. If the permit is issued subject to certain conditions, the permit shall state the conditions imposed. The decision of the Director shall be final.

L. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any park property, community facility, or recreation facility and for any personal injury or property damage sustained by any person as a result of the negligence of such person or persons or an agent or employee thereof, and shall indemnify the City of Lakewood for any liability it may incur as a result of such negligence.

## II. Outdoor Meeting on Public Property.

A. *Permit required.* It shall be unlawful to hold any outdoor rally, meeting, demonstration, or gathering of over twenty five (25) people for the purpose of expressive activity in a City of Lakewood park or open public area, or conduct a processional parade, unless a permit for such event has been issued by the Director, as stated in this subsection. The permit shall be granted if it is found that the proposed use will not violate any laws, ordinances, rules, or regulations, and will not endanger public health.

1. Application for use of a City of Lakewood park or open public area for a rally, meeting, or other expressive activity shall be made to the Director at least seven (7) days prior to the event, with a copy sent to the Police Department, and shall contain the following information:

- a. A description of the event;
- b. The day, hour, and length of the event;
- c. Location of the event;

d. A reasonable and good-faith approximation of the number of persons expected to attend the event;

e. The name, address, and telephone number of the person conducting the event;

f. If the rally, meeting, or other expressive activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

2. The Director, upon finding good cause, may waive the requirement to submit permit applications at least seven (7) days prior to the event.

B. *Proposed alternatives.* In lieu of denial of a permit, the Director may propose alternative locations, times, routes, or other conditions. The applicant can either accept the Director's changes or submit a new application that does comply with the issues raised by the Director.

C. *Permit issuance.* Upon compliance with this section II, a permit shall be issued by the Director.

#### 9.32.040 Applicability.

This chapter shall apply throughout the parks, community facilities, and recreational facilities of the municipality of Lakewood, Colorado.

#### 9.32.050 Open carrying of a firearm prohibited in parks, community facilities, and recreational facilities.

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

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

2. An employee of any armored car service agency providing money transport services pursuant to a contractual arrangement with the City of Lakewood from openly

carrying or wearing a firearm as may be necessary in the proper discharge of their duties so long as the employee has been duly authorized by their employer to carry firearms and the employee is acting within the course and scope of their 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.

#### 9.32.070 Hours of use.

It is unlawful to enter or be in any park, community facility, 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 10:00 p.m. to 5:00 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 facility, or recreational facility.

#### 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 their official duties under this chapter when by using or threatening to use violence, force, physical inference, or obstacle, such person knowingly obstructs, impairs, hinders, or interferes with the discharge or attempted discharge by said City employee or official of an official duty while acting under color of their official authority.

#### 9.32.080 Disobeying the lawful and reasonable order of the Director or a Park Ranger.

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.

#### 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 their 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.

#### 9.32.090 Alcoholic beverages prohibited.

It is unlawful to possess and/or consume any alcohol beverage, as defined in the Colorado Liquor Code, Section 44-3-103, C.R.S., except as provided for in Section 9.32.100 of this chapter, in any park, community facility, or recreation facility within the City of Lakewood; except such possession and/or consumption shall be lawful:

A. At Fox Hollow at Lakewood Golf Course or Homestead Golf Course, or at the Lakewood Cultural Center during authorized performances and events, provided such premises are licensed for sale and consumption of alcoholic beverages or liquors pursuant to the Colorado Liquor Code, C.R.S. Section 44-3-101 et seq., or upon premises for which a special events permit has been issued pursuant to C.R.S. Section 44-5-101 et seq. provided the Director or designee has approved use of the premises for such purpose.

B. It is unlawful to possess and/or consume any fermented malt beverages or malt liquors in any park within the City during scheduled community events if the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020(D) of this chapter.

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

#### 9.32.100 Fermented malt beverage and malt liquors regulations.

A. The possession and/or consumption of fermented malt beverages or malt liquors is permitted in any park within the City so long as said fermented malt beverages or malt liquors have been purchased in a manner authorized and are being consumed by persons permitted by applicable state law. It is unlawful to sell any fermented malt beverages or

malt liquors within any park within the City unless said sales are made pursuant to a license or permit granted by the Lakewood Liquor and Fermented Malt Beverages Licensing Authority and unless said sales are made in accordance with the applicable provisions of the Colorado Beer Code, C.R.S. 44-4-101 et seq., the Colorado Liquor Code, C.R.S. 44-3-101 et seq. and a permit has been obtained from the Director in accordance with Section 9.32.030 of this chapter. This subsection shall not apply to any situation which constitutes a violation of subsection (B) of this section.

B. It is unlawful to possess and/or consume any fermented malt beverages or malt liquors in any park within the City during scheduled community events if the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020(D) of this chapter.

C. It is unlawful to possess and/or consume any fermented malt beverages and/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(E) 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. Any person engaging in any group activity for which a permit has been issued pursuant to Section 9.32.030 may possess and/or consume any fermented malt beverages and/or malt liquors in compliance with the terms of said permit.

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

#### 9.32.110 Open fires prohibited.

A. Open fires shall be unlawful except in permanent park grills or fire rings.

B. It is unlawful to collect firewood within any park.

C. It is unlawful to allow a fire to burn in a careless manner, to leave any fire unattended, or to fail to completely extinguish any fire on park lands.

D. When the Director or designee declares fire restrictions or a fire ban, notice shall be published on the City of Lakewood website, and signs shall be posted at applicable park entrances and any other such public venue as deemed necessary and effective.

#### 9.32.120 Commercial activity prohibited.

It is unlawful to conduct any commercial activity or sell or offer for sale any service, product or activity for which a fee is charged, or to advertise in or on any park, community facility, or recreation facility, except where such activity is authorized in writing by the Director.

#### 9.32.130 Defecation by dogs.

It is unlawful for the owner or custodian of any dog which has defecated in any park, parkway, community facility, or recreational facility to fail to clean up and remove such excrement or feces.

#### 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 Parks and 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 Parks and Wildlife shall be a violation of this provision, punishable as specified in section 1.16.020.

#### 9.32.180 Wildlife protected.

It is unlawful to place, set, or attend traps on park lands except as authorized by permit, or to possess, pursue, wound, take, feed, or acquire any wildlife except as authorized in Section 9.32.170 of this chapter.

#### 9.32.210 Nudity prohibited.

It is unlawful for any person to appear, or disrobe, so as to expose or uncover their lower torso in such a manner as to expose the cleft of the buttocks or genital organs except as authorized by the Director for art programs.

#### 9.32.220 Horse riding prohibited.

It is unlawful to ride a horse or other animal except upon any designated trail or other areas which are specifically designated by the Director.

#### 9.32.230 Group and nonrecreational activities.

##### A. It is unlawful:

1. For any person to make false statements or give false information used in connection with an application for a permit hereunder;

2. For any person to engage, or prepare to engage, in any group or nonrecreational activities in any park, community facility, or recreation facility within the City except as authorized by a written permit issued by the Director. Any person engaging in group or nonrecreational activities within the park, community facility, or recreation facility pursuant to permit must carry the permit in their possession while engaging in such activities and must produce it upon the demand of the Director, their designee or a police agent.

B. Any person engaging in group or nonrecreational activities within the park pursuant to permit or expressive activity pursuant to a permit must carry the permit in their possession while engaging in such activities and must produce it upon the demand of a park supervisor or park ranger or an agent of the Police Department. At the Lakewood Civic Center, any person engaging in group or nonrecreational activities within the Civic Center pursuant to permit or expressive activity pursuant to a permit must carry the permit in their possession while engaging in such activities and must produce it upon the demand of the Director or designee, a park supervisor or park ranger, or an agent of the Police Department or a court marshal.

#### 9.32.240 Hang gliding, paragliding, ultralight aircraft and hot air balloons prohibited.

A. Except as provided in subsections (B) and (C) of this section, it is unlawful to operate or attempt to operate any hang glider, paraglider, ultralight aircraft or hot air balloon within any park or recreation facility of the City unless such operation is pursuant to a bona fide emergency landing.

B. Paragliding is permitted within the City of Lakewood William F. Hayden Park on Green Mountain provided the paraglider operator is certified by the United States Hang Gliding Association or another hang gliding association approved by the Director and provided the paraglider operator has a permit issued by the Director or designee.

C. Hot air balloons are permitted to operate within any park or recreation facility of the City if authorized by a permit issued by the Director or designee, and provided such operation is not in violation of any rule, regulation, or ordinance of the City.

#### 9.32.250 Camping.

A. It is unlawful to camp within any park, community facility, or recreation facility of the City without a valid camping permit, and a valid parks pass when such pass is required to enter a park, community facility, or recreation facility. Such camping is then only allowed within designated areas approved by the Director.

B. Restrictions on Camping at Bear Creek Lake Park where allowed by permit or Director approval.

1. The maximum occupancy per site is six (6) people with one (1) motorized camping unit or two (2) tents.
2. At least one member of any camping party must be eighteen (18) years of age or older.
3. Parking for camping is allowed only on improved gravel surfaces.
4. It is unlawful for campers to make unreasonable noise during park quiet hours from 10:00 p.m. until 6:00 a.m. unless otherwise posted by official sign.
5. All campers must checkout and leave the campsite by noon on the expiration date on the camping pass.
6. It is unlawful to wash dishes or persons at park water hydrants.
7. It is unlawful to bring horses or any other livestock into the campground.

#### 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 facility, or recreation facility of the City where the aggregate damage to the public property is less than \$2,000.00.

#### 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.

#### 9.32.266 Unlawful improvements on parks.

It is unlawful for any person to construct, place, or maintain any road, trail, structure, fence, enclosure, memorial, 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 or other natural occurrence.

#### 9.32.270 Littering prohibited.

It is unlawful to leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere within any park, community facility, or recreation facility of the City other than in the receptacles provided thereof. It is unlawful for any person to deposit yard clippings, other

yard waste, 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 facility, or recreation facility of the City.

#### 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 facility, 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; provided, however, that this section shall not apply to any activity which is a felony under state law.

#### 9.32.290 Unlawful to sell or use fireworks.

Except as provided in Sections 5.20.030 and 5.20.040, it is unlawful in any park, community facility, or recreation facility of the City for any person to:

- A. Possess, use or explode any fireworks; or
- B. Offer for sale, expose for sale or sell any fireworks.

#### 9.32.300 Animals running at large unlawful.

A. It is unlawful for the owner of any dog or other animal, excluding cats, to permit the same to run at large within any park, community facility, or recreation facility of the City, except in designated areas.

B. For the purposes of this section, the following definitions shall apply:

1. *Animal* means any animal brought into domestic use so as to live and breed in a tame condition, including, but not limited to, dogs, other household pets excluding cats, horses, livestock, and animals generally regarded as farm or ranch animals;
2. *Owner* means any person owning, keeping, or harboring any dog or other animal.
3. *Running at large* means off the premises of the owner and not under effective control of that owner, their agent, servant, or competent member of their family by means of a leash, cord or chain, no more than six (6) feet in length.

#### 9.32.310 Motor vehicles.

A. It is unlawful:

1. For any person to operate or park a motor vehicle within any park of the City except in designated areas or as authorized by signs, the Director or designee, or a police agent;
2. For any person to operate or park a motor vehicle within Bear Creek Lake Park without a valid vehicle pass;
3. For any person to leave a motor vehicle within any park of the City when it has been declared closed to the public by the Director, unless the motor vehicle is parked in a designated camping area. 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.
4. For any person to park or leave unattended any inoperable vehicle within any park, or at any community facility, or recreational facility of the City of Lakewood. Inoperable vehicle means a vehicle that is not capable of being promptly started and driven under its own power, does not have a current license plate, or which lacks one or more of the following items which are otherwise standard factory equipment on any particular vehicle model: windshield, side or rear window, door, fender, headlamp, muffler, wheel, or properly inflated tire.
5. For any person to park a motor vehicle within any park of the City for the primary purpose of displaying such vehicle for sale or displaying any other advertising.
6. For any person to park a motor vehicle within any park of the City for the primary purpose of painting, repairing, stripping or salvaging any part of such vehicle.
7. This section shall not apply to historic vehicles authorized to be displayed by the Director at any park of the City.

B. In any prosecution charging a violation of subsection (A), proof that the particular vehicle described in the complaint was parked in violation of subsection (A), together with proof that the Defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which, such violation occurred.

C. Any vehicle parked in violation of any provision of subsection (A) for a period of twenty four (24) hours or more is subject to towing by the Police Department as provided for in Section 10.33.080.

9.32.320 Boating.

A. Boating is prohibited in any body of water managed by the Department, or in any park or recreation facility, unless designated for boating by the Director or designee.

B. It is unlawful for any person to violate any provisions contained in the regulations of the Colorado Parks and Wildlife governing the use of vessels on bodies of water, which are adopted by reference, pursuant to Title 33, Article 13 of the Colorado Revised Statutes. Any violation of such vessel regulations shall be a violation of this provision, punishable as specified in Section 1.16.020.

C. The following vessel operations shall be prohibited:

1. No person shall operate a vessel in an area which has been declared closed to the public by the Director.

2. No person shall operate a vessel on Bear Creek Lake above a wakeless speed and/or with a motor in excess of ten horsepower, except as authorized by the Director.

3. No person shall operate any motorized vessel on Soda Lakes, except as authorized by the Director.

4. No person shall operate a vessel while towing any person on a surfboard, inner tube, or similar device, except as authorized by the Director.

5. No person shall operate a vessel that has entered the water unless each child under the age of thirteen who is aboard such vessel is wearing a personal flotation device, unless such child is below deck or in an enclosed cabin. Such flotation device shall be a type approved by the United States Coast Guard and shall be in good and serviceable condition.

6. No person shall operate or use a vessel that has entered the water unless the vessel has been numbered and the State of Colorado has issued a certificate of the number as a registration of the vessel. This provision shall not apply to those vessels exempted from registration by C.R.S. 33-13-103(1)(a)-(f).

D. The Director, or designee, or a police agent shall be authorized to stop and board any vessel to perform a vessel inspection.

#### 9.32.325 Prohibition of aquatic nuisance species.

A. No person shall:

1. Possess, import, export, ship, or transport an aquatic nuisance species;

2. Release, place, plant, or cause to be released, placed, or planted into the waters of the City an aquatic nuisance species; or

3. Refuse to comply with a proper order issued under this provision.

B. The Director or a park ranger is authorized to temporarily stop, detain, and inspect a conveyance for aquatic nuisance species as set forth in Title 33 Article 10.5, Aquatic Nuisance Species, Colorado Revised Statutes and to enforce said article.

C. It is unlawful to refuse to submit a vessel for an aquatic nuisance species test when such test is legally required.

D. It is unlawful to fail to submit a vessel for an aquatic nuisance species decontamination when such decontamination is legally required.

E. For the purposes of this section, the term "aquatic nuisance species" shall mean exotic or nonnative aquatic wildlife or any plant species that have been determined by the Colorado Parks and Wildlife Division of the Colorado Department of Natural Resources to pose a significant threat to the aquatic resources or water infrastructure of the state.

#### 9.32.330 Horse drawn carriages prohibited.

It is unlawful to operate a horse drawn carriage, or conveyance drawn by any other animal, except in areas specifically designated for such conveyances by the Director or designee. For purposes of this section, horse drawn carriage means any conveyance pulled by one or more horses.

#### 9.32.340 Commercial operation of horse drawn carriages.

Commercial operation of any horse drawn carriage shall be prohibited in any park, community facility, or recreation facility except in areas designated and approved by the Director. Use of any other park or recreation facility for commercial horse drawn carriage activities shall be deemed a nonrecreational activity, shall require a permit issued to the person using or hiring the commercial horse drawn carriage service, and shall be governed by Section 9.32.030 of this Chapter.

#### 9.32.360 Disobeying the order of a posted sign.

No person shall disobey the order of any official sign posted in any park, recreation facility, or community facility within the City of Lakewood. All official signs posted in or on any park, recreation facility, or community facility within the City of Lakewood shall be presumed posted pursuant to the official act or direction of the Director.

#### 9.32.370 Glass containers prohibited.

It is unlawful to possess or use any glass bottle or other glass container within or upon the grounds of any park, unless authorized by the Director.

#### 9.32.380 Lakewood Civic Center enforcement.

At the Lakewood Civic Center, City of Lakewood ordinances and regulations shall be enforced by agents of the Police Department, zoning inspectors, staff supervisors or park rangers. Court marshals shall have that enforcement authority set forth in Chapter 2.20 of the Lakewood Municipal Code.

#### 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.

#### 9.32.400 Use of trails.

A. Any person riding a bicycle or electric assisted 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.

#### 9.32.410 Operation of Electrical Assisted Bicycles ("E-Bikes") and Powered Scooters.

A. The operation of Class 1 and Class 2 E-bikes shall be prohibited on park paths and trails except for those paths and trails that have been designated for E-bike usage by the Director and which have been posted with signage permitting such E-bike use.

- B. It is unlawful to operate a Class 1 or Class 2 E-bike above fifteen (15) miles per hour on park paths and trails.
- C. It is unlawful to operate a Class 3 E-bike on any park property or on any City paths or trails.
- D. It is unlawful to operate fuel-powered bicycles, powered scooters, or other similar vehicles on any park property, paths, or trails.

**9.32.420 Slacklining in City Parks.**

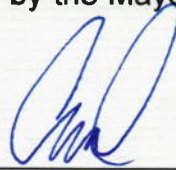
- A. Slacklining is prohibited in the Bear Creek Lake Park swim beach, marina area, and campground; Slacklining is further prohibited between man-made objects, in or above landscaped garden areas, and in any other areas posted as being closed to slacklining.
- B. In areas where allowed, slacklines shall only be placed around trees that are a minimum of fourteen (14) inches in diameter and that have their lowest horizontal branches a minimum of six (6) feet from the ground.
- C. It is unlawful for a slackline to cause a tree to noticeably flex.
- D. It is unlawful to attach a slackline to any tree in any way that causes damage to said tree. To prevent damage or injury to a tree, all slackline attachments to trees must include padding.
- E. It is unlawful to have a slackline be more than three (3) feet above the ground at the center of the slackline's span.
- F. It is unlawful for slacklines to interfere with other lawful park activities.
- G. Slacklines shall not be left unattended and shall be removed by the time the park closes for the day. Any slacklines left unattended or after park hours will be removed and disposed of by the City.

**SECTION 2.** This ordinance shall take effect thirty (30) days after final publication.

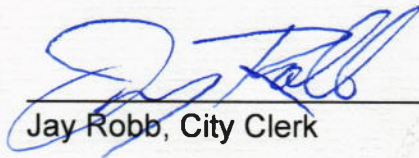
**SECTION 3.** If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of May, 2023; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 11th day of May, 2023; set for public hearing to be held on the 22nd day of May, 2023, read, finally passed and adopted by the City Council on the 22nd day of May, 2023 and, signed by the Mayor on the 23<sup>rd</sup> day of May, 2023.

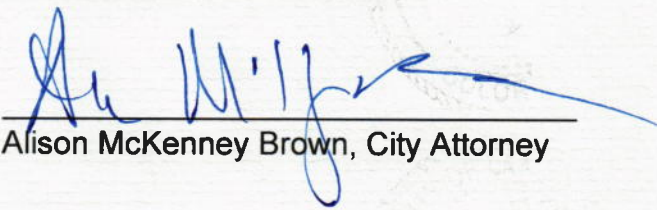


  
Adam Paul, Mayor

ATTEST:

  
Jay Robb, City Clerk

APPROVED AS TO FORM:

  
Alison McKenney Brown, City Attorney