

ORDINANCE NO. 2338
INTRODUCED BY: Humbert

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE BY REPEALING AND REENACTING SECTIONS 9-8-90 AND 12-20-40 REGARDING RULES AND REGULATIONS FOR PARKS, PARK FACILITIES, AND OPEN SPACE AREAS

WHEREAS, the City of Brighton offers its residents and visitors access and use of a comprehensive system of parks, parks facilities and open space that offer the public a wide variety of recreational, leisure and sports activities and events; and

WHEREAS, to ensure the public continues to receive the benefits of such opportunities, the City Council finds and determines that the regulation of the City's public parks and open space is necessary to protect the general health, safety, welfare, and convenience of its citizens, and to provide a safe and enjoyable experience to all of its visitors; and

WHEREAS, the City Council of the City of Brighton recognizes the necessity to react when the potential exists for conditions adverse to the public health, safety, general welfare; and

WHEREAS, City Council has determined that it is in the City's interest to adopt an ordinance amending the rules and regulations for the use of parks, park facilities, and open space so as to promote the health, safety, and welfare of the citizens of Brighton.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 9-8-90 of the Brighton Municipal Code is repealed in its entirety and reenacted to read as follows:

Sec. 9-8-90. - Parks and Park Facilities Rules and Regulations.

The following rules and regulations shall apply to all parks and park facilities within the City, and it shall be unlawful for any person to violate any of these rules or regulations. As used in this Section, the terms *parks, park facilities* or *recreation facilities* include City-operated parks and recreation facilities and trails; and parks and recreation facilities and trails located within the corporate limits of the City and owned or operated by Brighton School District 27-J and/or the City, pursuant to any joint use agreement between the School District and the City. The purpose of this Section is to reasonably regulate the public use of such facilities in order to protect and preserve such facilities from damage, overuse or other unlawful or prohibited conduct.

(1) Park Usage/Hours/Group Reservations.

- a. All parks shall be open from 5:00 a.m. to 10:00 p.m. daily. No person shall be in a park or park facility except during those hours unless as part of a program, activity, or event organized and scheduled through the Parks and Recreation Department. Any group, association,**

organization, league or team, consisting of ten (10) or more individual participants or players, that desires to utilize a sports field or park facility for its activities shall first obtain a permit from the Parks and Recreation Department, shall properly reserve such park facility and shall schedule its activities through the Parks and Recreation Department according to City policy.

- b. No park or park facility shall be used for such activities as dunk tanks, hot air balloons, carnivals, catering services, festivals, or other activities which require the use of tents, awnings, or rented shelters unless:
 - (i) A written request for such use is submitted to the Director of Parks and Recreation, who has given written approval for such use;**
 - (ii) The park, park facility, or portion thereof has been properly reserved according to City policy;**
 - (iii) The applicable reservation fee has been paid; and**
 - (iv) A license (if required) has been properly applied for and issued.****

- c. All persons using a park or park facility shall abide by any and all posted rules or guidelines pertaining to the park or facility, including but not limited to temporary signs or barricades related to maintenance, repair, or temporary closure of the park or park facilities, or a portion thereof, for maintenance, repair, or other improvements.**

(2) Vehicular Use.

- a. No motorized vehicles are allowed, with the exception of authorized City-owned vehicles, including public service or utility vehicles which shall be allowed to operate on parks or park facilities as necessary for maintenance or other public purposes, and police and emergency vehicles for emergency purposes.**

- b. Motor vehicles shall be parked or operated only in designated parking areas.**

- c. Motor vehicles shall not exceed a speed of fifteen (15) mph in any park or recreation facility unless otherwise posted.**

- d. Individuals with mobility disabilities may use other power-driven mobility devices (OPDMDs) on Brighton parks and park facilities for purposes of locomotion. Authorized OPDMDs shall meet the following criteria:
 - i. Width of OPDMD must not exceed 40% of the total width of the trail.**
 - ii. Length of OPDMD must allow operator to maneuver around all corners without leaving the trail surface.****

- iii. **Weight must not cause displacement of trail material.**
- iv. **Motor noise level must not exceed 55 decibels.**
- v. **Must not cause damage to the trail, turf, property or natural ecosystem.**

(3) Golfing.

- a. **No golfing shall be allowed in any parks.**

(4) Glass Bottles or Containers.

- a. **No glass containers of any kind shall be permitted in any park, at any time.**

(5) Disorderly Conduct.

- a. **No person shall commit any act in a park or park facility, which would endanger the health, safety or welfare of himself, herself, or other park users.**

(6) Commercial Gain.

- a. **No park or park facility shall be used for profit or personal gain by any individual, group or organization without the express written authorization of the Director of Parks and Recreation.**

(7) Pets.

- a. **Except in City-designated "dog off-leash" parks, and subject to the rules and regulations of said dog off-leash parks, no pets shall be allowed in a park or park facility unless restrained and controlled by a leash no longer than six (6) feet. All pet waste in all City parks must be cleaned up and disposed of properly.**

(8) Dog Park and Dog Off-Leash Park Rules.

- a. **Dogs must be leashed when entering and leaving the enclosure.**
- b. **The owner, as defined in Section 6-4-10, (referred herein as the "adult custodian") must be present within fenced enclosure at all times.**
- c. **All children under the age of 10 shall be accompanied by an adult, over the age of 18, at all times when within the enclosure.**
- d. **The owner assumes the legal responsibility for any damage, disease, injury to persons, other dogs, or property caused by their dog.**
- e. **All adult custodians are responsible for immediately cleaning up and properly disposing of dog waste.**

- f. Park site will be open from sunrise to sunset seven days a week.**
- g. The following shall not be allowed in the Dog Off Leash Park:**
 - (i) Aggressive/Vicious dogs**
 - (ii) Dogs without current vaccinations**
 - (iii) Dogs in season/heat**
 - (iv) Dogs that are ill or exhibiting signs of illness**
 - (v) Dogs not under voice command**
 - (vi) More than three (3) dogs per person**

(9) Amplification.

- a. No individual, group or organization shall use amplified sound in a park or park facility without the express written authorization of the City Manager, and any such use must conform to Article 8-32 of this Code.**

(10) Handguns, firearms and weapons.

- a. The open carry and concealed carry of handguns, firearms and weapons in parks, park facilities and recreations facilities, as the same are defined herein, shall be governed by the provisions of Article 9-32 of this Code.**

(11) Littering.

- a. No person shall release, discharge, drop, deposit or spread in any waters in or contiguous to any park or park facility, any litter, trash, rubbish, waste, garbage, refuse, bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, or other trash, but shall place such items in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park or park facility by the person responsible for its presence, and properly disposed of elsewhere.**

(12) Camping.

- a. Overnight camping is prohibited in any park or park facility, except where specifically designated or as authorized by the Director of Parks and Recreation. Prior to issuing a Summons to Municipal Court for violations of this Rule, the Brighton Police Department will first issue to the person, or post on the person's property, a Notice of Violation. Such notice shall clearly indicate the specific violation as well as state a reasonable deadline for the person to comply with the rule.**
 - (i) "Camping" means to reside or dwell temporarily in a place with shelter.**

- (ii) **“Shelter” includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements, other than clothing.**
- (iii) **“Reside” or “dwell” includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.**

(13) Fishing.

- a. **A current State of Colorado fishing license is required.**

(14) Horses.

- a. **No horses shall be permitted in parks or on park or park facilities, except as otherwise posted.**

(16) Fires.

- a. **Fires are restricted to designated areas of the park where permanent grills are provided.**

(17) Bicycles.

- a. **Bicycles may be operated only on designated trails.**
- b. **Bicycles shall not exceed speed limits as otherwise posted.**
- c. **Allowable Electrical Assisted Bicycles are “Class 1” and “Class 2” as defined by Colorado Revised Statutes, 42-1-102(28.5). Generally two, or three-wheeled vehicles with fully operable pedals, and an electric motor not exceeding 750 watts of power, and whose motor ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour. Allowable electrical assisted bicycles must comply with the following:**
 - (i) **Speed limit of 15 mph unless otherwise posted;**
 - (ii) **Weigh less than 100 pounds;**
 - (iii) **May not be wider than forty percent (40%) of the width of the trail; and**
 - (iv) **May be operated on paved multi-purpose trails only.**

(18) Penalties.

- a. **It is unlawful for any person to enter upon or otherwise use or occupy a park or park facility within the corporate limits of the City contrary to or in violation of any of the provisions of this Section, or contrary to any lawful order issued by the Director of Parks and Recreation hereunder. Any person violating any of such provisions, upon conviction of the same, shall be punished by a fine of not more than**

three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 2. Section 12-20-40 of the Brighton Municipal Code is repealed in its entirety and reenacted to read as follows:

Sec. 12-20-40. – Trails and Open Space Rules and Regulations.

Within the open spaces of the City, the uses allowed shall be picnicking and other passive activities; within the trail right-of-way the uses allowed shall be bicycling, walking, hiking and jogging. The Director of Parks and Recreation is further authorized to place appropriate signage through the public open space areas and trails, which may assist in advising the public of the permitted activities and prohibitions contained herein.

The following rules and regulations shall apply to all trails and open space areas within the City, and it shall be unlawful for any person to violate any of these rules or regulations. As used in this Section, the terms *trails, trail facilities, or open space* areas include City-owned and City-operated trails and open space areas located within the corporate limits of the City. The purpose of this Section is to reasonably regulate the public use of such facilities in order to protect and preserve such facilities from damage, overuse, or other unlawful or prohibited conduct. Within the open space areas of the City, the uses allowed shall be picnicking and other passive activities. Within the trail right-of-way, the uses allowed shall be bicycling, walking, hiking, and jogging.

(1) Open Space Hours.

- a. All open space areas shall be open from sunrise to sunset daily, unless otherwise posted.**

(2) Vehicular Use.

- a. No motorized vehicles are allowed, with the exception of authorized City-owned vehicles, including public service or utility vehicles which shall be allowed to operate in open space areas as necessary for maintenance or other public purposes, and police and emergency vehicles for emergency purposes.**
- b. Motor vehicles shall be parked or operated only in designated parking areas.**
- c. Motor vehicles shall not exceed a speed of fifteen (15) mph in any open space area, unless otherwise posted.**
- d. Individuals with mobility disabilities may use other power-driven mobility devices (OPDMDs) in Brighton open space areas for purposes of locomotion. Authorized OPDMDs shall meet the following criteria:**

- i. Width of OPDMD must not exceed 40% of the total width of the trail.**
 - ii. Length of OPDMD must allow operator to maneuver around all corners without leaving the trail surface.**
 - iii. Weight must not cause displacement of trail material.**
 - iv. Motor noise level must not exceed 55 decibels.**
 - v. Must not cause damage to the trail, turf, property or natural ecosystem.**
- (3) Golfing.**
 - a. No golfing shall be allowed.**
- (4) Glass Bottles or Containers.**
 - a. No glass containers shall be permitted at any time.**
- (5) Pollution of any Body of Water.**
 - a. No substance, matter or thing, liquid or solid, which will or may result in the pollution of waters are to be thrown, discharged, or otherwise placed or caused to be placed in the water of any pond, lake, stream, river or other body of water in or adjacent to any trail or open space area owned or controlled by the City, or any tributary, stream, storm sewer or drain flowing into such waters.**
- (6) Pets.**
 - a. No pets shall be allowed unless restrained and controlled by a leash no longer than six (6) feet.**
 - b. All pet waste must be cleaned up and disposed of properly.**
- (7) Handguns, firearms and weapons.**
 - a. The open carry and concealed carry of handguns, firearms and weapons in trails and open space areas, shall be governed by the provisions of Article 9-32 of this Code.**
- (8) Littering.**
 - a. No person shall release, discharge, drop, deposit or spread in any waters in or contiguous to any trail or open space area owned or controlled by the City, any litter, trash, rubbish, waste, garbage, refuse, bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, or other trash, but shall place such items in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the trail or open space area by the person responsible for its presence, and properly disposed of elsewhere.**

(9) Vandalism.

- (a) Vandalism to any fence, building, furniture, seat, signs, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, culvert or any other property whatsoever belonging to the City in, at or upon any trail or open space owned or controlled by the City. Vandalism includes, but is not limited to: damaging, defacing, tearing down, removal, destruction, inflicting injury or damage or permitting injury or damage, cutting, hacking, bending, breaking, burning, daubing with paint or other substances or by means of fire.**

(10) Property, Rocks, Boulders, or Vegetation.

- a. It shall be unlawful for any person to:**
- i. move or remove any property from any of the trails or open space owned or controlled by the City;**
 - ii. roll, throw or otherwise move any rocks or boulders in any of the trails or open space owned or controlled by the City; or**
 - iii. pick or take away any vegetation from any of the trails or open space owned or controlled by the City.**

(11) Alcohol Beverages.

- a. It shall be unlawful for any person to:**
- (i) carry, possess or consume any alcohol beverage at, in or upon any trail or open space owned or controlled by the City except as allowed by City Code; and**
 - (ii) have in his or her possession any open container containing any alcohol beverage while at, in or upon any trail or open space owned or controlled by the City.**

(12) Interference or Obstruction of Use.

- a. It shall be unlawful for any person to be at, in or upon any trail or open space owned or controlled by the City in such a manner as to willfully interfere with the free and unobstructed use of such trail or open space by any other person.**

(13) Use of Remote or Radio-Controlled Devices.

- a. **Remote or radio controlled devices of all types are prohibited except in designated areas or unless authorized by the Director of Parks and Recreation.**

(14) Wildlife.

- a. **All rules set forth by the Colorado Parks and Wildlife must be followed.**
- b. **It shall also be unlawful for any person to:**
 - (i) **willfully damage, destroy, or remove any wildlife, habitat, or vegetation;**
 - (ii) **introduce any wildlife or domesticated animals into any open space area;**
 - (iii) **take or have in his/her possession any wildlife from any open space area, except as permitted in these Rules and Regulations; Possession of wildlife shall be prima facie evidence that the person having such possession is engaged or has been engaged in hunting or trapping.**
 - (iv) **feed, cause to be fed, or provide food to any wildlife or domesticated animal;**
 - (v) **allow their animal to catch, attempt to catch, molest, harass, worry, harm, chase, injure, or kill any wildlife; and**
 - (vi) **use toxicants, poison, drugs, dynamite, explosives, or any stupefying substances for the purpose of taking or harassing any wildlife, except by written authorization of the Director of Parks and Recreation.**

(15) Hunting or Trapping.

- a. **No hunting or trapping is permitted without permission of the Director of Parks and Recreation. If such permission is granted, the hunter or trapper must comply with state statutes and regulations pursuant to Article 6 of Title 33 of the Colorado Revised Statutes. Possession of wildlife shall be prima facie evidence that the person having such possession is engaged or has been engaged in hunting or trapping.**

(16) Camping.

- a. **Overnight camping is prohibited in any open space area, except where specifically designated or as authorized by the Director of Parks and Recreation. Prior to issuing a Summons to Municipal Court for violations of this Rule, the Brighton Police Department will first issue**

to the person, or post on the person's property, a Notice of Violation. Such notice shall clearly indicate the specific violation as well as state a reasonable deadline for the person to comply with the rule.

- (i) "Camping" means to reside or dwell temporarily in a place with shelter.**
- (ii) "Shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements, other than clothing.**
- (iii) "Reside" or "dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.**

(17) Fishing.

- a. A current State of Colorado fishing license is required.**

(18) Horses.

- a. No horses shall be permitted, except as otherwise posted.**

(19) Fires.

- a. Fires are restricted to designated areas where permanent grills are provided.**

(20) Boating.

- a. No boating shall be permitted, except as otherwise posted.**

(21) Swimming.

- a. No swimming shall be permitted.**

(22) Bicycles.

- a. Bicycles shall be operated only on designated trails.**
- b. Bicycles shall not exceed speed limits as otherwise posted.**
- c. Allowable Electrical Assisted Bicycles are "Class 1" and "Class 2" as defined by Colorado Revised Statutes, 42-1-102(28.5). Generally two, or three-wheeled vehicles with fully operable pedals, and an electric motor not exceeding 750 watts of power, and whose motor ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour. Allowable electrical assisted bicycles must comply with the following conditions:**
 - (i) A speed limit of 15 mph unless otherwise posted;**
 - (ii) A weight of less than 100 pounds;**

- (iii) A width of no more than forty percent (40%) of the width of the trail; and
- (iv) Operation shall be only on paved multi-purpose trails.

(23) Penalties.

- a. It is unlawful for any person to enter upon or otherwise use or occupy a trail or open space area within the corporate limits of the City contrary to or in violation of any of the provisions of this Section, or contrary to any lawful order issued by the Director of Parks and Recreation hereunder. Any person violating any of such provisions, upon conviction of the same, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 3. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 21st DAY OF April, 2020.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 5th DAY OF May, 2020.

CITY OF BRIGHTON, COLORADO



GREGORY MILLS, Mayor

ATTEST:



NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: April 29, 2020

Final Publication: May 13, 2020

APPROVED AS TO FORM:



JACK D. BAJOREK, City Attorney

