

ORDINANCE NO. 30

Series 1995

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 11 OF THE BRECKENRIDGE TOWN CODE, ENTITLED "PUBLIC PARKS AND CEMETERIES"

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Chapter 2 of Title 11 of the Breckenridge Town Code, entitled "Public Parks and Cemeteries", is hereby repealed and readopted with changes so as to read in its entirety as follows:

CHAPTER 2

PUBLIC PARKS

SECTION:

- 11-2-1: Definitions
- 11-2-2: Administration and Supervision
- 11-2-3: Rules and Regulations
- 11-2-4: Motorized Vehicles Prohibited
- 11-2-5: Closing Times
- 11-2-6: Animals Prohibited
- 11-2-7: Prohibited Conduct
- 11-2-8: Penalties

11-2-1: **DEFINITIONS:** As used in this Chapter. The following words shall be defined as follows:

**MOTORIZED VEHICLE** Any self-propelled vehicle which is designed to transport persons or property, including, but not limited to, an automobile, truck, motorcycle, motorized bicycle or snowmobile.

**SPECIAL EVENT** A tournament, game, concert, picnic, party or celebration.

**TOWN PARK** All parks and recreations areas under the jurisdiction of the Town; Town property designated for use by the public as general recreational open space; and recreational pathways intended for use by pedestrians or nonmotorized vehicles, unless expressly exempted. Without limiting the generality of the foregoing, the term "Town park" shall apply to those Town parks commonly known as "Kingdom Park", "Carter Park", and the "Riverwalk Center Lawn"; and the recreational pathway commonly known as the "Bike Path".

11-2-2: **ADMINISTRATION AND SUPERVISION:** The administration and supervision of the Town parks shall be under the direction and control of the Town Manager.

11-2-3: **RULES AND REGULATIONS:** The Town Council may, from time to time, adopt rules and regulations for the use of the Town parks. Such rules and regulations shall not be inconsistent with the provisions of this Chapter.

11-2-4: **MOTORIZED VEHICLES PROHIBITED:** It shall be unlawful for any person to operate a motorized vehicle anywhere within a Town park, except within those areas designated as parking areas. This Section shall not apply to a motorized wheelchair or other similar device operated by or for a disabled person, or to an authorized maintenance or emergency vehicle.

11-2-5: **CLOSING TIMES:**

- A. Those Town parks commonly known as "Carter Park" and "Kingdom Park", and their respective facilities, shall be closed each day at ten o'clock P.M. and shall reopen at six o'clock A.M. the following day from May 1 through October 31 of each year. Such parks and their facilities shall be closed each day at sunset and shall reopen at nine o'clock A.M. the following day from November 1 through the following April 30. Such closing times shall be posted conspicuously within such parks.
- B. Upon a written request, the Town Council may modify the abovedescribed closing times to allow the holding of a special event.

- C. The Town Manager shall have the authority to close any Town park, or portion thereof, including any play field or recreational facility when, in the Town Manger's judgment, such closure is necessary due to adverse weather or field conditions.

**11-2-6: ANIMALS PROHIBITED:**

- A. The following restrictions shall apply within the following designated Town parks:
1. Kingdom Park. It shall be unlawful for any person in Kingdom Park to walk an animal, with or without a leash, or to permit any animal to be in or upon such Town park.
  2. Carter Park. It shall be unlawful for any person in Carter Park to walk an animal without such animal being on a leash not longer than six (6) feet in length, and without such animal being under the control of such person so as to not impede or interfere with the movement of other lawful users of Carter Park .
  3. Bike Path. It shall be unlawful for any person in or upon the Bike Path to walk an animal without such animal being on a leash not longer than six (6) feet in length, and without such animal being under the control of such person so as to not impede or interfere with the movement of other lawful users of the Bike Path.
  4. Riverwalk Center Lawn. It shall be unlawful for any person in or upon the Riverwalk Center Lawn to walk an animal, with or without a leash, or to permit any animal to be in or upon such Town park.
- B. Any person owning or having charge of an animal shall comply with the provisions of Section 6-2C-11 of this Code with respect to the prohibition against, and the removal of animal excrement from, Town parks.
- C. The provisions of this Section shall not apply to a trained guide dog assisting a visually impaired person or to the Town's Mounted Patrol.

**11-2-7: PROHIBITED CONDUCT:** It shall be unlawful for any person in a Town park to:

- A. Be in possession of any glass container.
- B. Build, maintain or use a fire, except in a barbecue pit or grill. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.
- C. Play golf or engage in archery.
- D. Camp or stay overnight.
- E. Erect or occupy any tent, stand or other structure.
- F. Enter an area posted as "closed to the public."
- G. Be in possession of a firearm, as such term is defined by state law.
- H. Be in or upon any Town park during the hours or times when such park is closed.

**11-2-8: PENALTIES:** Every person convicted of a violation of any provision of this Chapter shall be punished as provided in Section 1-4-1 of this Code.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

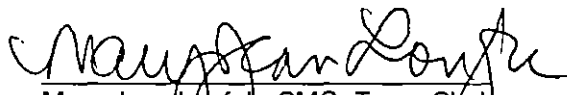
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of August, 1995. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of September, 1995, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor


This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 30, 1995.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS this 26th day of September, 1995.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

 9/26/95  
Town Attorney Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 4, 1995.