

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-194

**AN ORDINANCE REPEALING AND READOPTING ARTICLE V
OF CHAPTER 11 OF THE JOHNSTOWN MUNICIPAL CODE
CONCERNING PUBLIC PARKS**

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article V of Chapter 11 of the Johnstown Municipal Code (“Code”) concerns public parks; and

WHEREAS, the Town staff recommends that Article V of Chapter 11 of the Code be revised to reflect new policies and procedures and replace the right to receive a “3.2% beer permit” in Hays Park with the right to consume “fermented malt beverages” in Hays Park; and

WHEREAS, based on the recommendations of Town staff, Town Council desires to repeal and readopt Article V of Chapter 11 of the Code; and

WHEREAS, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Repeal and Readoption of Article V of Chapter 11. Article V of Chapter 11 of the Johnstown Municipal Code is hereby be repealed in its entirety and readopted to read as follows in its entirety:

ARTICLE V – Public Parks

Sec. 11-81. – Public parks.

For purposes of this Article, the term *public park* or *park* shall mean a park, playground, or any other area in the Town owned or used by the Town for active or passive public recreation.

Sec. 11-82. – Administration.

The Town Manager is hereby delegated the authority to operate and maintain the public parks, which authority may be delegated to duly qualified employees and agents of the Town, and to

implement rules and regulations governing the public parks that are not inconsistent with the provisions of this Article. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation shall be deemed a violation of this Article.

Sec. 11-83. - Daily park hours.

Public parks shall be open daily to the public from 5:00 a.m. until 10:00 p.m. and no person not an employee of the Town on official Town business shall remain in the parks at any other time; provided, however, that the Town may, by permit, extend or limit the time herein specified.

Sec. 11-84. - Destruction of park property.

It shall be unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf or any of the park facilities, buildings, equipment, fences, bridges or other structures or property within or upon the public parks, or in any other way injure or impair the natural beauty or usefulness of any public park.

Sec. 11-85. - Erection of structures in park.

It shall be unlawful to build or place any tent, booth, stand or other structure in or upon any public park except pursuant to written authorization by the Town.

Sec. 11-86. - Alcohol.

- (1) Alcoholic beverages prohibited. Except as provided below or pursuant to a special event liquor permit, it shall be unlawful to serve, consume or have an open container of alcoholic beverages in the public parks.
- (2) Hays Park. Upon approval of the Town and execution of a park reservation agreement, the Town may issue a permit for the consumption of fermented malt beverages in Hays Park. The Town shall collect a fee for the permit in the amount set forth by resolution of the Town Council in the Town Fee Schedule. The permit shall not be transferrable and shall be in the permittee's possession while at the park.

Sec. 11-87. – Lake Park.

- (1) Persons may fish in Lake Park pursuant to a permit issued by the Town. The Town shall collect a fee for the permit in the amount set forth by resolution of the Town Council in the Town Fee Schedule. The permit issued shall not be transferable and shall be in the permittee's possession while fishing. The Town may, in its discretion, revoke the permit if the permittee fails to comply with the park rules and regulations.
- (2) It shall be unlawful to:
 - (a) Fish in Lake Park except pursuant to a permit;
 - (b) Swim, wade or enter the water at Lake Park;
 - (c) Use a boat or floatation device in Lake Park; and
 - (d) Except for law enforcement, possess firearms at Lake Park.

Sec. 11-88. – Violation.

Any person violating any provision of this Article shall be deemed guilty of such violation and, upon conviction thereof, shall be penalized as provided in Article IV of Chapter 1 of the Code.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor