



CITY COUNCIL ACTION FORM

DEPARTMENT Parks and Recreation	PRESENTED BY Diesel Post - Parks and Recreation Director	DATE 4/2/24
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ITEM

First reading of Ordinance 2024-05, an update to the City of Salida code, Chapter 11 Parks and Recreation.

BACKGROUND

The existing Municipal code Chapter 11 – Streets, Sidewalk and Public Areas, Article VI – Parks and Recreation Areas is out of date and irrelevant. It appear to has been written over time prior to the existence of o Department of Parks and Recreation.

Department staff, along with the staff of Wilson and Williams, evaluated our existing code, reviewed other municipalities P&R code, assessed our existing needs, and then developed new code language that is more easily interpreted, applied and used to develop standard operating procedures.

FISCAL NOTE

There may be financial implications to the parks and recreation budget for increased dog poop bags if dogs are allowed in parks. Potential increases in service calls to violations.

STAFF RECOMMENDATION

Staff recommends Council approve Ordinance 2024-05 upon first reading and to set a second reading and public hearing for April 16, 2024.

SUGGESTED MOTION

A Council person should make a motion to "approve Ordinance 2024-05 on first reading and set the second reading and public hearing for April 16, 2024", followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 5
(Series of 2024)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO, AMENDING THE CITY CODE TO REPEAL AND REENACT
CHAPTER 11, ARTICLE VI ENTITLED PARKS, RECREATION, OPEN SPACE
AND TRAILS OF THE SALIDA MUNICIPAL CODE AND AMEND SECTION 7-5-
220 ENTITLED ANIMAL NUISANCES**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, from time to time, it becomes necessary for the City to review the City Code (“Code”) to update ordinances to bring them in line with City values; and

WHEREAS, the Parks and Recreation Ordinances are not currently in line with the City’s enforcement, nor do they provide clear guidance to residents and visitors on current rules and regulations within City parks; and

WHEREAS, the Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 11, Article VI of the Code and amend Section 7-5-220 to harmonize the Code with current enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, THAT:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Code Chapter 11, Article VI entitled Parks, Recreation, Open Space and Trails is hereby repealed and reenacted to read as follows:

Article VI. – PARKS, RECREATION, OPEN SPACE AND TRAILS.

Sec. 11-6-10. – Park defined.

As used in this Article, park means and refers to any park, reservation, playground, recreation facility or ground, trail, or any other open space area owned, leased, or under the control of the City, whether located within or without the corporate boundary limits of the City, which is devoted to recreation and leisure-time use by the public. For the purposes of this Section, the boundary of a park shall be deemed to extend to the edge of any adjoining road or street and shall be deemed to extend to the bank (at low-water mark) of the Arkansas River where the park adjoins the Arkansas River. This Section shall apply to the Monarch Spur Trail, which

runs along the abandoned railroad right-of-way (Denver & Rio Grande Western Railroad, Monarch Branch) and the Arkansas River Whitewater Park.

Sec. 11-6-20. – Hours; extensions; exceptions.

The parks and recreational areas which are the subject of this Article within the City, shall be open daily to the public from 6:00 a.m. until 10:00 p.m. No person who is not an employee of the department of parks and recreation having jurisdiction over a particular park, parkway, or recreational area, or of the City, acting in the scope of his or her employment, shall be or remain in any such park, parkway, or area at any other time; provided, however, that:

- (a) The director of parks and recreation may, by permit or authorization first had or obtained or by regulation duly posted in the park, parkway, or area affected, extend to a later hour the nighttime closing hour with respect to particular areas, or parks, parkways, or recreational grounds, and with respect to particular recreational activities in such parks, parkways, or areas; and
- (b) Nothing contained in this Article shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities by or with the permission of the director of parks and recreation.
- (c) In the case of emergency or inclement weather, or where, in the judgment of the Director of Parks and Recreation, the City Administrator, or the Chief of Police and /or Fire, the public interest demands it, the roadways or other portions of any park may be closed to the public.
- (d) The Director of Parks and Recreation shall post signs in all parks in conspicuous places advising that the parks are closed to all persons between the hours designated above.

Sec. 11-6-30. – Private use of City parks.

Types of use:

- (a) Rentals: the request to for private or reserved use of a public space or amenity that does not include any factors that qualify as a Special Event and does not result in private financial gain.
- (b) Special Events: Special events require additional permits, licenses, or approval from City staff, the City Council, the State, the County, or another authorizing authority. Organizers wishing to hold a special event must follow the processes outlined on the City's website.

Examples of factors that require special event permits are, but are not limited to the following:

- (1) Has an expected attendance of 50 or more people; and/or
- (2) Has more than one vendor; and/or

- (3) Provides, sells, or distributes alcohol to the public; and/or
 - (4) Provides, sells, or distributes food to the public; and/or
 - (5) Requests the closing of any street/sidewalk or using any public right of way (i.e. City streets, multi-use paths and sidewalks, boat ramps, ect.) and/or impacting vehicle, bike or bus traffic; and/or
 - (6) Lasts multiple days; and/or
 - (7) Intends to violate one or more City ordinances
- (c) Special Uses: Special uses require additional permits, authorization, and contracting from City staff. Organizers wishing to utilize City property for a special use must follow the processes outlined on the City's website.

Examples of factors that require a Special Use Permit are, but are not limited to, the following:

- (1) Conducting activities that require participant payment; and/or
 - (2) Conducting activities in a guided manner; and/or
 - (3) Conducting activities which require exclusive use of City property; and/or
 - (4) Filming productions or marketing activities.
- (d) Parades and Races: It is unlawful to interfere with the operations of a public right of way without prior authorization of City staff and the issuance of a parade or race permit. Applicants must complete the application process, get staff approval, and post notice (provided by the City) to affected businesses and residences. Parades must operate under the City's parade standards and guidelines as outlined on the City's website.
- (e) Any City Staff approval decision on issuance of a permit can be deferred to City Council on the authority of the City Administrator.

Regulations:

- (a) Approval and Priorities: No private person or organization shall promote, conduct, or organize any meeting, commercial film production or performance within a City park, trail, open space or right of way without the prior approval of the City. Priority for park and facility use will be given in the following order: programs sponsored by the department of parks and recreation, nonprofit resident groups, nonprofit nonresident groups, private gatherings, and for-profit groups.

(b) Application and Issuance of Permits: Applications for permits to hold private, community, and special events must be submitted to the Director of Parks and Recreation in compliance with the timelines established on the City website. The director shall issue the permit in a timely manner upon receipt of a completed application. Please refer to the Special Event and Park Rental/permit application for specific processing timeframes and other details, as these may be subject to change from time to time.

(c) Permit Conditions and Responsibilities: The use of park areas and recreation facilities covered by a permit is non-transferable, and the permit must be in the possession of the applicant at the time of use. The holder of a permit shall be responsible for any and all damages and losses to the park areas and recreation facilities. The applicant is required to enter into a Use Agreement before a permit is issued and the park is used, outlining responsibilities and obligations including inspection, insurance, security deposit, and potential damages.

(d) Conformance with Regulations: All groups or persons must conform to the policies established in this Article, rules and regulations set forth in the permit, and all local, state, and federal regulations or requirements of other duly authorized regulatory bodies. Any infringement on these shall be deemed just cause for cancellation of a permit or the refusal to issue further permits.

(e) Fees and Regulations: The Director of Parks and Recreation, with the consent of the City Administrator, is authorized to recommend to the City council fees to be charged for the use of the parks, recreational facilities, and recreational programs of the City for residents and non-residents. Any fee structure shall be adopted with the City's Schedules of Fee by resolution of the City council and amended from time to time. The director of parks and recreation is also authorized, with the consent of the City Administrator, to establish necessary rules and regulations to ensure the safe, pleasant, and efficient operation of parks and recreational facilities and to effectuate the provisions of this Article.

(f) Alcoholic Beverages: It is unlawful for any person to possess, distribute, use or consume any alcoholic beverages or a 3.2 beer in parks or community buildings, except by special permit issued by and at the discretion of the city council, and then only in conformance with the statutes of the state of Colorado and ordinances of the city regarding the sale or consumption of alcoholic beverages or 3.2 beer

Sec. 11-6-60. – Motor vehicle regulations.

(a) It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways; provided that the foregoing shall not apply to any area specifically designated and marked for parking purposes by order of the director of parks and recreation.

(b) It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor-vehicular traffic.

(c) It is unlawful to leave or park a vehicle in any park between the hours of 10:00 p.m.

and 6:00 a.m. of the following day, except when done by City employees in the course of their employment or when an exemption has been made pursuant to Section 11-6-20(a) above.

(d) All other requirements of the Model Traffic Code, except as otherwise specified in this Article, shall apply to all roadways in all parks.

Sec. 11-6-70. – Certain conduct prohibited.

Within any City park, it is unlawful for any person to do any of the following acts:

- (a) To camp or lodge in any park without first having obtained a permit from the director of parks and recreation;
- (b) To drive or hit golf balls, excepting at such place as is set apart for that purpose;
- (c) To wash dishes, empty waste liquids, or in any other manner pollute the ground or water of any fountain, pond, lake, drainage ditch, street gutter, or stream;
- (d) To sell, offer for sale, or distribute at no charge any merchandise, article, goods, services, or thing, without the express written permission of the City Administrator;
- (e) To build or place any tent, building, booth, stand, or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so through the Special Event/Park Rental application process;
- (f) To build, start, or maintain, or cause to be started or maintained, any fire in or on any park unless said fire is contained in a grill provided by the City;
- (g) To take or carry or cause to be taken or carried into any park any explosive, dangerous, or inflammable powder, or any explosive, dangerous, inflammable, or combustible substance;
- (h) To smoke/vape or carry lighted tobacco products;
- (i) To dispose of any trash or recycling in any City trash or recycling receptacles that was not generated on or in any City park;
- (j) To climb, affix any item to, or remove any item from any tree within any park;
- (k) To affix any sign, poster, or placard to any City structure or other object within any City park;
- (l) To implant in the ground of any park any sign or other objects;
- (m) To discharge, fire, or shoot any firearm or archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts;

- (n) To not leave an area that has been rented for exclusive use by other user;
- (o) To litter or leave any trash within any City park; and
- (p) To not follow any of the rules posted in any City park or facility.

Sec. 11-6-80. – Enforcement and penalties for violations of this section.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists any provisions of this Article shall be subject to the provisions of Chapter 1, Article IV of this Code.

Sec. 11-6-90. – Administrative rules and regulations.

The City's Administrator, Parks and Recreation Director, or the director's designee may adopt rules for the management, operation and control of City parks, parkways, recreation areas, open spaces and trails, and for the use and occupancy, management, control, operation, care, repair, and maintenance of all structures and facilities thereon and all land on which they are located and operated. The manager may adopt rules, including without limitation, for:

- (a) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any other object of scientific or historic value or interest;
- (b) Restriction on or limitation of the use of any area or trail according to type, type, and manner of activities;
- (c) Prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, open spaces and trails by the general public or that constitutes a nuisance;
- (d) Maintenance of reasonable and necessary sanitation, health, and safety;
- (e) Other requirements that are reasonable and necessary for the preservation and management of parks, parkways, recreation areas, open spaces and trails.

All persons shall comply with such rules and regulations, which shall take effect upon their adoption and shall be noticed by posting in the City parks or facilities.

Section 3. Code Section 7-5-220(b) entitled Animal nuisances is hereby amended as follows:

Sec. 7-5-220. – Animal nuisances.

- (b) Any animal that unreasonably annoys humans, endangers the life or health or persons or other animals or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property is hereby declared a public nuisance. For purposes of this Article, public nuisance animal shall include the following:

- (1) Any animal that is repeatedly found running at large.
- (2) Any animal that is not on a leash, cord, or chain, held by a human, while on public property except in designated off-leash dog parks. No leash, cord, or chain shall be longer than ten (10) feet in length.
- (3) Any animal that damages, soils, defiles or defecates on any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (5) Any unneutered animal that is not confined so as to prevent unwanted mating and/or pregnancy.
- (6) Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks or otherwise interferes with the freedom of movement of person in a public right-of-way.
- (7) Any animal that chases motor vehicles in a public right-of-way.
- (8) Any animal that attacks domestic animals.
- (9) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- (10) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- (11) Any animal, including an animal restrained by a leash, that disturbs the public's enjoyment of or participation in a public festival.
- (12) Any animal found inside an area barricaded or otherwise cordoned off for a public festival. For purposes of this provision, a public festival is any event sponsored or supported by the City and conducted at least in part on City property.

Section 4. **Severability.** The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**INTRODUCED ON FIRST READING on this ____ day of _____, 2024,
ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation**

by the City Council on this __ day of _____, 2024, and set for second reading and public hearing on the __ day of _____, 2024.

INTRODUCED, ON SECOND READING FINALLY ADOPTED AND ORDERED PUBLISHED IN FULL by the City Council this __ day of _____, 2024.

CITY OF SALIDA

By: _____
Mayor Dan Shore

ATTEST: (SEAL)

By: _____
City Clerk Kristi Jefferson