

ORDINANCE # 6-2008

AN ORDINANCE TO REPEAL ORDINANCE #1 SERIES 1990 IN IT'S ENTIRETY AND TO ENACT A SET OF REGULATIONS AND RULES GOVERNING THE USE OF THE PARKS AND RECREATION AREAS LOCATED IN AND GOVERNED BY THE TOWN OF WESTCLIFFE, COLORADO

WHEREAS: the increased use of and the installation of improvements in the parks and recreation areas has made it necessary to implement certain regulations and rules to protect the improvements and prevent conflicts of use for the benefit and best interest of the Town of Westcliffe, and

WHEREAS: The Town has the statutory authority in the Colorado Revised Statutes, including but not limited to C.R.S. 29-7-101 et seq.; C.R.S. 29-7.5-101 et seq.; C.R.S. 31-15-401; and C.R.S. 31-16-101 to enact this Ordinance.

THEREFORE: BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, TO REPEAL ORDINANCE #1 SERIES 1990 AND TO ENACT REGULATIONS AND RULES GOVERNING THE USE OF THE TOWN PARKS AND RECREATION AREAS AS FOLLOWS:

SECTION 1. PERMIT AND DEPOSIT

A permit is required for any size group if applicant wishes to reserve space for a certain date and time.

All events, parties or gatherings with expected attendance of forty (40) or more persons must acquire a permit no less than ten (10) days prior to the event and make a damage deposit of one hundred dollars (\$100.00) to be held by the Town Clerk. The deposit will be held by the Clerk until an inspection is conducted by the Parks Maintenance Supervisor, the Parks and Recreation Committee Chairperson or their designee, or the Town Manager within seventy two (72) hours of the conclusion of the event. If in the opinion of the inspector there is no damage or excessive trash left in the park the Town Clerk will refund the deposit. If, however, there is damage or excessive trash all or a portion of the deposit may be held by the town. In the event the amount of any damage and/or the cost of trash removal exceed the one hundred dollar (\$100.00) deposit the applicant will be charged for the excess.

SECTION 2. TOILET FACILITIES

Two (2) portable chemical toilets shall be obtained, at applicant's expense, for events with expected attendance of between one hundred (100) and two hundred (200). Four (4) toilets shall be provided if attendance is to be between two hundred (200) and four hundred (400) and one (1) additional toilet per one hundred (100) in attendance above four hundred (400).

SECTION 3. TENT OR TIE-DOWN STAKES DRIVING ON THE GRASS

ABSOLUTELY NO STAKES OR OTHER HARDWARE ARE TO BE DRIVEN INTO THE GROUND OR VEHICLES DRIVEN OR PARKED ON THE GRASS without the presence or by direction of the Parks Maintenance Supervisor or his designee. Damages resulting from such actions will be charged to the permit holder or the host of the event, party or gathering at which the damage took place. If need arises to move tables or trash barrels they must be moved back to their original positions.

SECTION 4. ALCOHOL

No alcohol is permitted in any town park or recreation area without first obtaining express prior approval from the Town Manager pursuant to terms, conditions, and rules established by the Town Manager.

SECTION 5. SPECIAL CONDITIONS

All permit holders and casual users are required to adhere to all other applicable ordinances, statutes and regulations. If the permit applicant is hosting an event that will result in financial gain state and local sales tax licensing and collection will apply, the applicant will also furnish proof that liability insurance is in place naming the Town of Westcliffe as a covered party and to further indemnify the Town of Westcliffe from any civil actions and any liability for damages, claims, or causes of action of any nature whatsoever.

SECTION 6. EXEMPTIONS

Town league softball, little league baseball, youth soccer league and similar activities shall be exempt from the permit and deposit requirements, but are required to submit a schedule of practice sessions and games to the Town Clerk in order to avoid conflict with other activities. They must also use due diligence to keep the parks clean and damage free.

However, if any such group is hosting an invitational tournament or similar event they shall comply with all applicable sections of this ordinance.

SECTION. 7 REVOCATION

Failure to comply with any provisions of this ordinance may result in the revocation of permission to use the parks.

SECTION 8. TOWN MANAGER AUTHORITY

The Town Manager may adopt additional rules and regulations for the management, operation and control of the Town's parks and recreation areas 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 an operated.

No person shall violate any rule or regulation issued by the Town Manager under this section.

SECTION 9. COMPLIANCE AND VIOLATIONS

No person shall fail to comply with any provision of this ordinance or any lawful order or direction of the Town Manager or Town maintenance department employee or any police officer in any Town Park or recreation area.

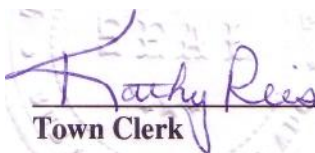
Any violation of this ordinance or of the rules and regulations adopted pursuant to this ordinance shall be a misdemeanor punishable as provided in the Town of Westcliffe Municipal Code 1-6-12.

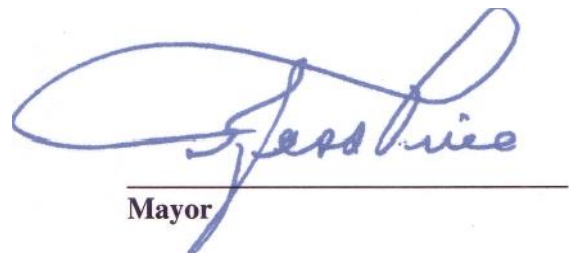
SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective and be in force thirty (30) days after publication in accordance with Colorado law.

ADOPTED IN REGULAR SESSION BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO THIS SECOND DAY OF SEPTEMBER 2008

ATTEST:


Town Clerk


Mayor