

ORDINANCE NO. 18-_____

AN ORDINANCE AMENDING SECTION 104 (DISCHARGE OF WEAPON) OF PART 1 (DANGEROUS AND DEADLY WEAPONS) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) AND MULTIPLE SECTIONS WITHIN PART 1 (OFFENSES RELATING TO PARK PROPERTY), PART 2 (OFFENSES RELATING TO SANITATION), PART 3 (OFFENSES RELATING TO ANIMALS), AND PART 4 (OFFENSES RELATING TO PERSONS) OF ARTICLE 9 (PARK OFFENSES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PARK OFFENSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 104 (Discharge of Weapon) of Part 1 (Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.7.104: DISCHARGE OF WEAPON:

D. The discharge of air guns in City Parks in the course of permitted athletic events, when and if approved by the City Parks, ~~and Recreation~~ **and Cultural Services** Director by temporary park permit, shall not be deemed a violation of this section. For purposes of determining whether a permit will be issued for the discharge of air guns in City Parks for athletic events, the City Parks, ~~and Recreation~~ **and Cultural Services** Director shall consider the factors listed in section 4.3.102 of this Code, environmental concerns, noise concerns, location, time of activity, and the health, safety and welfare of the public; nothing in this section shall be construed as providing for the issuance of a written revocable permit as a matter of right. Any permit issued under this section shall be revocable at the discretion of the City Parks, ~~and Recreation~~ **and Cultural Services** Director or the City Council, or by the Chief of Fire or Police if in the performance of that person's duties.

Section 2. Part 1 (Offenses Relating to Park Property) of Article 9 (Park Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

~~9.9.101: DAMAGE TO PARK PROPERTY:~~

~~It is unlawful for any unauthorized person to injure, deface, destroy, sever or remove any park property.~~

9.9.102~~1~~: CONSTRUCTION OF BUILDINGS OR STRUCTURES:

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9.9.103~~2~~: DAMAGE TO TREES, GRASS:

- A. It is unlawful for any unauthorized person to attach any rope, wire or other contrivance to any tree or plant in any park.
- B. It is unlawful to dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area in any park.
- C. It is unlawful for any unauthorized person to cut any tree or tree branch on park property.**

9.9.104~~3~~: CLIMBING ON PROPERTY:

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9.9.105~~4~~: INJURE, DESTROY WILDLIFE:

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9.9.105: CULTURAL, ARCHAEOLOGICAL, GEOLOGICAL, PALEONTOLOGICAL RESOURCES:

- A. It is unlawful for any unauthorized person to injure, deface, destroy, damage or remove any cultural, archaeological, geological or paleontological resource from any park property.**
- B. For purposes of this section, the following definitions apply:**

CULTURAL RESOURCES: Physical evidence of past human activity including sites, structures, landscapes, objects, and culturally-modified natural features which are significant to a group of people traditionally associated with an area.

ARCHAEOLOGICAL RESOURCES: Material remains of human activities which are at least 50 years of age and are capable of providing scientific understandings of past human behavior and cultural adaptation.

GEOLOGICAL RESOURCES: Material produced from the physical processes of the earth that have value to humans and are commonly extracted from the earth, including rocks, minerals, and metals.

PALEONTOLOGICAL RESOURCES: Fossilized remains or imprints of once-living organisms that are likely to yield information about the history of life on earth.

9.9.106: METAL DETECTING:

A. It is unlawful for any person participating in metal detecting to injure, deface, destroy, or disturb any grass or landscaped areas or retain any articles found in the conduct of this activity.

B. For the purposes of this section, the following definition applies:

METAL DETECTING: The act of using an electronic instrument consisting of a sensor probe which can be swept over the ground or other objects to detect the presence of metal objects that may be hidden within objects, or metal objects buried underground.

9.9.107: MECHANICAL GOLD PANNING:

A. It is unlawful for any person to use a mechanical device to assist in the act of gold panning in any stream or waterway located within any park area owned, maintained and operated by the City.

B. For the purposes of this section, the following definitions apply:

MECHANICAL DEVICE: Any equipment other than a traditional, hand-held gold pan that aids in the moving of sand, gravel, and/or water in an effort to detect and isolate gold flakes. This includes but is not limited to sluice boxes, rocker boxes, hand dredges, and mechanical pumps and screens.

GOLD PANNING: A form of placer mining that seeks to extract gold from sand and gravel deposits.

Section 3. Section 202 (Refuse, Trash) of Part 2 (Offenses Relating to Sanitation) of Article 9 (Park Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.9.202: ~~REFUSE, TRASH~~ **LITTERING ON PARK PROPERTY:**

It is unlawful for any person to bring in or to dump, deposit or leave any **litter, as defined in article 6 of this chapter, including but not limited to**, bottles, broken glass, discarded vegetation including **landscape waste, such as grass clippings, tree or shrub limbs**, ~~but not limited to~~, Christmas trees, ashes, paper, boxes, cans, dirt, **cigarette butts** ~~rubbish, waste, garbage, refuse~~ or **any** other trash in any park **property**. No person shall place these materials, ~~refuse or litter~~ or trash in any waters in or contiguous to any park **property**, or leave any ~~refuse or litter~~ or trash anywhere on the grounds of the park **property**.

Section 4. Part 3 (Offenses Relating to Animals) of Article 9 (Park Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.9.301: ANIMAL DEFECATION:

It is unlawful for any person to allow any animal over which the person has control to defecate upon any park land without the excrement being removed by the person in control of the animal from the park and **dispose of** properly ~~disposed of elsewhere~~. The Park Manager may designate areas of the parks where the rule does not apply.

9.9.302: DOGS, DOMESTIC ANIMALS AT LARGE:

A. It is unlawful for any person to lead or allow to be loose any animal upon park premises; dogs, however, may be led or carried but not allowed loose. Dogs may be loose but under the control of the owner or keeper in those areas ~~which are clearly marked by signs bearing the words, "Dogs Permitted Without Leash If Under Control"~~ **designated as dog parks or off-leash areas**. Nothing in this section shall be construed as permitting the running of dogs at large. All dogs in those areas where the animals are permitted without leashes shall be under control at all times.

B. In any ~~dog recreation area~~ **dog park or off-leash area** designated by the Park Manager in which dogs are permitted without leashes, it is unlawful for any person:

1. To intentionally, knowingly or recklessly lead, bring or release any other type or species of animal into or upon the confined or fenced dog ~~recreation area~~ **park or off-leash area**; or
2. To fail to obey any posted rules, regulations or guidelines for use of the **fenced dog park or off-leash area** ~~recreation area~~.
3. **To bring a dangerous animal, as defined in Section 6.7.102, into a fenced dog park or off-leash area.**

9.9.303: HOOFED ANIMALS:

It is unlawful for any person to ride or walk any "hoofed animal" as defined in chapter 6 of this Code in any area in any park except on trails designated as ~~hoofed animal trails~~ **a multi-purpose urban or multi-purpose park trail** by the Park Manager, and except on ceremonial occasions as designated by the Park Manager. It is unlawful for any person to ride or permit to be ridden a hoofed animal in any park without a permit when a permit is required by the Director.

Section 5. Part 4 (Offenses Relating to Persons) of Article 9 (Park Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.9.401: ~~SWIMMING; SKATING~~ **PARK WATER ACTIVITIES:**

A. It is unlawful for any person to swim, bathe or wade in any waters or waterways in or adjacent to any park, except in waters, at places and at times as are authorized by the Park Manager. Any person desiring to use the waters for other activities, except boating, shall first secure a temporary park permit from the Park Manager. No person shall frequent any waters or places customarily designated for the purpose of swimming, bathing, skin or scuba diving, or congregate at these places when the activity is prohibited by the Park Manager upon finding that the use of the water would be dangerous to the health, welfare and safety of the public.

B. It is unlawful for any person to go out onto the ice of any waters in or adjacent to any park unless the movement is permitted by the Park Manager.

9.9.402: PICNIC AREAS:

B. It is unlawful for any person to use ~~that portion of~~ the picnic areas in any park or of any buildings or structures in any park for the purpose of holding picnics to the exclusion of other persons **without a permit**, nor shall any person use picnic areas and facilities for an unreasonable time if the facilities are crowded **without a permit**.

9.9.403: FIRES AND FIREPLACES **FIREWORKS**:

A. It is unlawful for any person to build a fire ~~in any fireplace~~ in any park except as provided in subsection B of this section.

B. It is unlawful for any person to build or attempt to build a fire in any park except in areas and in facilities and under regulations as may be promulgated by the Park Manager, provided that this prohibition shall not apply to the use of ~~charcoal in charcoal~~ **propane** grills for purposes of preparing a meal.

C. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other ~~inflammable~~ flammable material, within any park area or on any highway or road contiguous to any park area.

D. It is unlawful to use charcoal grills in any park area.

E. It is unlawful to shoot or ignite any firework in any park without a permit.

9.9.405: FISHING; LIMITATIONS:

A. It is unlawful for any person to fish in any of the waters of the parks except in those areas designated by the Manager.

B. It is unlawful to fish without possessing a current fishing license issued by the State Division of Parks and Wildlife.

C. In those areas designated by the Manager, it is unlawful for any person to catch or take more than the number of fish allowed under current State Division of **Parks and Wildlife** limits. The possession of more than the authorized limit by a person at or in the immediate vicinity of the designated areas shall be prima facie evidence that the fish were illegally taken by the person.

9.9.406: GAMES, ATHLETIC ACTIVITIES:

A. It is unlawful for any unauthorized person to take part in or abet the playing of ~~any~~ games involving the **propulsion of** ~~throwing, controlling or~~

~~otherwise propelling of objects such as stones, arrows, or javelins or model airplanes~~ in any park except in areas set apart for these forms of recreation.

B. The playing of organized games such as football, baseball or horseshoes is prohibited except on the fields and courts or areas provided.

9.9.409: FIREARMS; DISCHARGE:

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B. It is unlawful for any person to fire or discharge any firearm within any park. The discharge of firearms using only blank ammunition by **members of any historical re-enactment group holding a park permit**, members of any military company when on parade, or when engaged in an official ceremony, and under the command of the commanding officer, or as authorized by the Director through a temporary park permit, or the lawful discharge of any firearms by a peace officer, shall not be deemed a violation of this section.

Section 6. Any person convicted of violating Article 9 (Park Offenses) of Chapter 9 (Public Offenses) shall be punished as provided in Section 110 (Penalties) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) and Section 104 (Right to Trial By Jury; Jail; Exceptions) of Part 1 (Trial By Jury) of Article 4 (Jury Provisions) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended.

Section 7. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 8. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____
day of _____, 2018.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk