

ORDINANCE 2010- #497

AN ORDINANCE OF THE TOWN OF DOLORES, COLORADO AMENDING CERTAIN SECTIONS OF THE DOLORES MUNICIPAL CODE CONCERNING LICENSING AND OTHER REGULATIONS FOR USE OF PUBLIC PLACES.

WHEREAS, the Town of Dolores owns and maintains public places, including but not limited to streets, sidewalks, parks and recreation areas for the benefit of the general public; and

WHEREAS, the public places owned and maintained by the Town of Dolores are occasionally reserved for special events and other public and private functions; and

WHEREAS, the Town of Dolores desires to promote the health, safety and welfare of the residents of the Town of Dolores; and

WHEREAS, it is necessary to clarify the rules and use requirements for use of the Town's public places.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO THAT THE DOLORES MUNICIPAL CODE, CHAPTER 12 IS HEREBY AMENDED TO INCLUDE CHAPTER 12.06 USE OF PUBLIC PLACES.

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town of Dolores Board of Trustees.

2. Amendments.

Chapter 12.06

Use of Public Places

Sections:

12.06.010 Definitions

12.06.020 Closure of streets; payment of costs; insurance

12.06.030 Use of public parks and recreation areas

12.06.040 Park regulations; applicability

12.06.050 Hours; extension; exceptions

12.06.010 Definitions.

As used in this Chapter, unless the context clearly requires a different meaning, the following words shall be identified as follows:

(1) *Public parks and recreation areas* mean all Town-owned parks and recreation areas, and shall include the Town's parks, trails and the BMX bicycle track.

(2) *Street* means any public right-of-way owned by the Town and open for public travel, except for Colorado Highway 145.

12.06.020 Closure of streets; payment of costs; insurance.

(a) Subject to the provisions of this Section, the Town Manager may authorize the partial or complete closure of designated portions of Town streets for the purpose of conducting an athletic event, parade or special event on the street.

(b) Such closure may be authorized only if:

(1) A written application therefore is submitted to the Town Manager, containing such information as the Town Manager deems necessary to evaluate the proposed street closure.

(2) The applicant pays to the Town at the time he or she submits the application such application fee as may be established by the Board of Trustees, and the applicant agrees to pay upon request the actual costs to the Town in providing any services required in connection with the closure over and above normal municipal services. Such costs shall include any regular or overtime salaries, equipment, fuel, trash removal and sanitary provisions.

(3) The applicant agrees to pay for and provide liability insurance in such amount and for such coverage as may be required by the Town Manager sufficient to protect the Town from any liability for any injuries or damages which may arise out of the closure or the Town's assistance in ensuring the safe conduct of the closure. Insurance coverage shall be in amounts not less than those recovery limits set forth in the Colorado Government Immunity Act, Section 24-10-114, C.R.S., or any successor statute thereto.

(4) The closure is implemented in a manner that will cause the least inconvenience to the driving public consistent with the requirements of the athletic event, parade or special event.

12.06.030 Use of public parks and recreation areas.

Town parks and recreation areas may be reserved and used for special events by groups, associations or similar organizations, by permit issued by the Town Manager upon compliance with the following terms and conditions:

(1) Written application for a permit shall be submitted to the Town Manager containing such information as the Town Manager deems necessary to evaluate the proposed special event.

(2) The applicant shall pay an application fee as may be established by the Board of Trustees and agrees to pay upon request the actual costs to the Town in providing any additional municipal services as may be required in connection with the special event. Additional services shall include any regular or overtime salaries of Town personnel, equipment usage, fuel, trash removal and sanitary provisions.

(3) The applicant agrees to pay for and provide proof of liability insurance in an amount and for such coverage as may be required by the Town Manager to protect the Town from any liability for any injuries or damages of any kind which may arise out of the holding of the special event. Insurance coverage shall be in amounts not less than those recovery limits set forth in the Colorado Government Immunity Act, Section 24-10-114, C.R.S., or any successor statute thereto.

(4) The special event shall be conducted in a manner that creates the least amount of disturbance to those persons residing near the park or recreation area and minimizes damage to public property. The applicant shall compensate the Town for all damage done to public property during the special event.

12.06.040 Park regulations; applicability.

This Chapter applies to and within all parks, parkways and recreational grounds within the Town, whether owned or leased by or under the control of the Town, any park or recreation district, or any governmental, quasi-governmental or public corporation or entity.

12.06.050 Hours; extension; exceptions.

The parks, parkways and recreational areas which are the subject of this Chapter within this Town shall normally be opened daily to the public from 5 a.m. until 11 p.m., and no person who is not an employee of the authority having jurisdiction over a particular park, parkway or recreational area, or of the Town, 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:

(1) The authority having jurisdiction over such park, parkway or recreational ground 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 recreational activities in such parks, parkways or areas; and

(2) Nothing contained in this Chapter 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 authority having jurisdiction of such park, parkway or recreational ground.

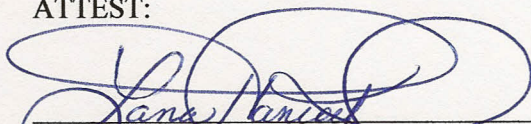
3. Severability. If any part, section, subsection, clause, phrase, or other portion of this Ordinance is invalidated for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees specifically finds and declares that it would have passed this Ordinance, and each part thereof, regardless of the fact that any one or more parts could be declared invalid.

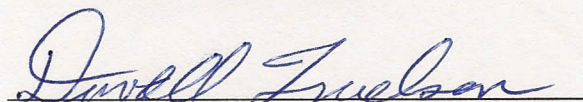
PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 8TH day of February 2010, at the hour of 7:00 p.m. in the Board of Trustees Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 11H DAY OF JANUARY, 2010.

TOWN OF DOLORES

ATTEST:

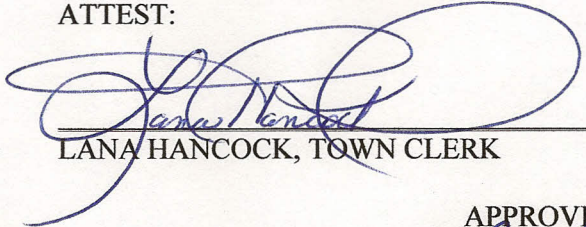

LANA HANCOCK, TOWN CLERK



DUVALL TRUELSEN, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS
8TH DAY OF FEBRUARY, 2010

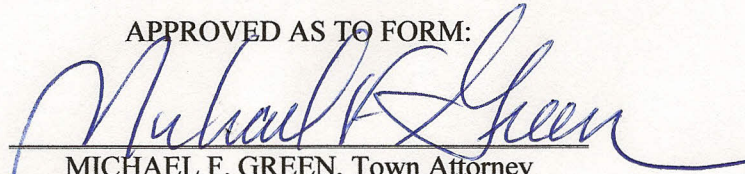
TOWN OF DOLORES

ATTEST:


LANA HANCOCK, TOWN CLERK


DUVALL TRUELSEN, MAYOR

APPROVED AS TO FORM:


MICHAEL F. GREEN, Town Attorney

