

PARKS

Chapter 130

PARKS AND OPEN SPACE

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**[HISTORY: Adopted by the Board of Trustees (now Mayor and Town Council) of the Town of Frisco: Art. II, 9-16-86, Ord. 86-08; 9-19-00, Ord. 00-14; Amendments noted where applicable]**

### GENERAL REFERENCES

**Park and Recreation Advisory Committee—See Ch. 36.**

#### ARTICLE I<sup>1</sup> (Reserved)

**§ 130-1. through 130-5. (Reserved)**

#### ARTICLE II Use Regulations [Adopted 9-16-86, Ord. No. 86-8<sup>2</sup>]

**§ 130-6. Applicability. [Amended 2-4-03, Ord. 03-01]**

This Article applies to all parks, open space properties and recreation areas of which the town is the owner, operator, or both.

**§ 130-7. Hours of Public Use. [Amended 9-19-00, Ord. 00-14; 2-4-03, Ord. 03-01]**

Unless otherwise provided by ordinance or by license, permit or posting, town parks, open space properties and recreation areas shall be open for public use from 6:00 a.m. to 10:00 p.m. Unless otherwise permitted by ordinance, or by license, permit or posting, it is unlawful for any person, other than town personnel performing security or park/open space maintenance services, to enter upon or remain within a town park, open space property or recreation area at any time the park, open space property or recreation area is not open for public use.

**§ 130-8. Loitering. [Amended 2-4-03, Ord. 03-01]**

The word "loiter" means to be dilatory, to stand idly around, to linger, delay or wander about or to remain, abide or tarry in any town park, open space property or recreation area. It is unlawful for any person to loiter in any town park, open space property or recreation area for the purpose of begging, for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia, for the purpose of unlawfully using or possessing a narcotic or dangerous drug or for any other unlawful purpose.

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<sup>1</sup>Editor's Note: Former Article I, Historic. Park, adopted 6-21-83 as Res. 83-18, was repealed 11-6-90, Ord. 90-06.

<sup>2</sup>Editor's Note: This ordinance was originally adopted as Ch. 34, but was redrafted as Art. II of Ch. 130 to maintain the style of the Code.

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### **§ 130-9. Use of Bike Paths After Hours. [Amended 2-4-03, Ord. 03-01]**

Nothing in this Article shall bar, prohibit or diminish the right of any person lawfully to run, jog, walk, bike, cross-country ski or otherwise move through any town park, open space property or recreation area on any bike path at any time such park, open space property or recreation area is closed to public use.

### **§ 130-9.5. Skate Park Regulations. [Added 8-21-01, Ord. 01-17]**

- A. It shall be unlawful for any person to skate in the town's skate park without wearing a helmet.
- B. It shall be unlawful for any person to temporarily or permanently modify existing skate park facilities in any way, including but not limited to the temporary use of makeshift items in the skate park.
- C. It shall be unlawful for more than one person to utilize any single skate park apparatus at any given time.
- D. It shall be unlawful for any person to place food or beverages on the skating surface within the skate park.
- E. It shall be unlawful for spectators to stand inside the skate park fence. Spectators must observe skaters from outside the fence.
- F. It shall be unlawful for any person to climb on or over the skate park fence.
- G. It shall be unlawful for any person to bring upon, have or possess any tobacco, alcohol or illegal drugs in the skate park.

### **§ 130-10. Flying Objects.**

It is unlawful for any person to throw, strike, discharge, propel or otherwise operate flying or propelled objects of a potentially dangerous nature, including, by way of description and not by way of limitation, such things as model airplanes, rockets, horseshoes, arrows, golf balls or rocks, except in an area designated for such use.

### **§ 130-11. Camping. [Amended 2-4-03, Ord. 03-01]**

It is unlawful for any person to camp or stay overnight in any town park, open space property or recreation area, except in an area designated for such use.

### **§ 130-12. Use of Motorized Vehicles. [Amended 2-4-03, Ord. 03-01; 05-28-19, Ord. 19-05]**

It is unlawful for any person to operate any motorized vehicle in any town park, open space property or recreation area, except in a designated parking area. Overnight

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parking is not permitted in designated parking areas located within town parks, open space properties or recreation areas.

This section shall not apply to: (i) the operation of a motorized wheelchair or other similar device operated by or for a disabled person; (ii) the operation of an authorized maintenance or emergency vehicle; or (iii) the operation of a class 1 electrical assisted bicycle on any town-owned recreational pathway within the town. For purposes of this section, a "class 1" electrical assisted bicycle shall mean and be limited to a bicycle with an electric motor that provides propulsion only as an assistance to pedaling, and that has a governor that prevents propulsion from being provided at speeds greater than twenty (20) miles per hour.

### **§ 130-13. Animals. [Amended 9-19-00, Ord. 00-14; 2-4-03, Ord. 03-01]**

It is unlawful for any person to lead, bring or otherwise permit any animal in or upon a town park, open space property or recreation area, except under control by means of an adequate leash, cord or chain that is controlled by the animal's owner, by some member of the animal owner's family or by some employee or agent of the owner. Notwithstanding any of the foregoing, it is unlawful for any person to lead, bring, or otherwise permit any animal to be in or upon a town park, open space property or recreation area, or portion thereof, that has been posted to prohibit animals.

### **§ 130-14. Defecation by Animals. [Amended 2-4-03, Ord. 03-01]**

It is unlawful for the owner or custodian of any animal which has defecated in any town park, open space property or recreation area to fail to clean up and remove such excrement or feces.

### **§ 130-15. Riding of Horses. [Amended 9-19-00, Ord. 00-14; 2-4-03, Ord. 03-01]**

It is unlawful for any person to ride, lead or otherwise bring a horse, pony, mule or other equine animal in or upon any town park, open space property or recreation area, except upon an authorized bridle path or other area that is specifically designated for such activity.

### **§ 130-16. Fires. [Amended 2-4-03, Ord. 03-01]**

It is unlawful for any person to start, build or otherwise allow a fire in any town park or recreation area, except in an enclosed fireplace, barbecue pit or grill. It is unlawful for any person to leave unattended, allow to burn carelessly or fail to completely extinguish any fire started, built by or otherwise allowed by that person in a town park or recreation area. No person shall be permitted to start, build or otherwise allow a fire in any town open space property.

### **§ 130-17. Glass Bottles. [Amended 2-4-03, Ord. 03-01]**

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It is unlawful for any person to bring upon, have or possess any glass beverage bottle or container in any town park, open space property or recreation area.

### **§ 130-18. Littering. [Amended 2-4-03, Ord. 03-01]**

It is unlawful for any person to dump, deposit, discard, throw or leave any bottle, can, broken glass, paper, box, rubbish, waste, garbage, refuse or trash upon or within any town park, open space property or recreation area, except in designated disposal receptacles.

### **§ 130-19. Firearms. [Amended 9-19-00, Ord. 00-14; 2-4-03, Ord. 03-01]**

It is unlawful for any person, except a properly authorized law enforcement officer, to bring upon, or to discharge or use within any town park, open space property or recreation area any weapon, however described, including, by way of description and not by way of limitation, such things as guns of any caliber or description, including firearms, BB guns, pellet guns and air guns, bows and arrows, sling shots, etc., or any explosive device or substance. Except, discharge of firearms during biathlon events held in any town park or recreation area may be permitted if the requirements set forth in Section 127-24.A.1 and Section 130-28 are satisfied.

### **§ 130-20. Violations and Penalties.**

Any violation of this Article shall be punishable by a fine not exceeding three hundred dollars (\$300), by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

### **§ 130-21. Sales of Alcoholic Beverages. [Added 9-19-00, Ord. 00-14; Amended 2-4-03, Ord. 03-01; 01-11-11, Ord. 10-15]**

It shall be unlawful for any person to sell or offer to sell any alcoholic beverage in any Town park or recreation area unless the person has obtained a special event permit, in accordance with Article III of this Chapter, after the person has provided the Town with written evidence of the fact that the person holds a special events liquor license for the sale, and is a representative of a nonprofit corporation pursuant to the laws of the state of incorporation. The sale and consumption of alcoholic beverages in any Town open space property is prohibited.

### **§ 130-22. Commercial Activities. [Added 9-19-00, Ord. 00-14; Amended 2-4-03, Ord. 03-01]**

It shall be unlawful for any person to conduct any commercial activity, or to provide any service, product or activity for which a fee is charged, in or upon a town park, open space property or recreation area, except when such activity is authorized in advance in writing by the Town.

### **§ 130-23. Hunting and Trapping. [Added 2-4-03, Ord. 03-01]**

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It shall be unlawful for any person, other than town personnel or a town designated representative addressing security or safety issues, to hunt or trap any animal in any town park, open space property or recreation area.

### **§ 130-24. Swimming. [Added 2-4-03, Ord. 03-01]**

It shall be unlawful for any person to swim in any town park, open space property or recreation area.

### **§ 130-25. Park and Open Space Property Closures. [Added 9-19-00, Ord. 00-14; Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

The Town Manager or his designated representative is authorized to close any public park, open space property or recreation area, or portion thereof, to perform maintenance or improvement operations, or due to extreme weather conditions or any other condition that the Town Manager determines to be a threat to public safety. It is unlawful for any person to enter, use, occupy or remain in or upon any Town park, open space property or recreation area, or portion thereof that has been posted as closed.

### **§ 130-26. Vandalism. [Added 9-19-00, Ord. 00-14; Amended 2-4-03, Ord. 03-01]**

It is unlawful for any person to remove, destroy, deface or damage any structure, sign, marker, vegetation, rock or any other object in a town park, open space property or recreation area.

### **§ 130- 26.1 Golf on Peninsula. [Added by Ord. 92-18 and approved by the electors at a vote of the people held 11-2-93; Amended 1-11-11, Ord. 10-15]**

- A. The Town Council of the Town of Frisco, Colorado does hereby cease spending funds to design and construct a golf course on the property known as the Peninsula Recreation Area unless the expenditure is approved by an affirmative vote of the electorate.
- B. A golf course shall not be planned, designed, developed, built, constructed or allowed on the area known as the Peninsula, Frisco Bay Peninsula, or the Frisco Peninsula Recreation Area.
- C. In connection with a golf course, no structures, infrastructure, hard surface pathways, or any alteration of the terrain or vegetation shall be planned, designed, developed, built, constructed or allowed on the area known as the Peninsula, Frisco Bay Peninsula, or the Frisco Peninsula Recreation Area.

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- D. As used in this section, "golf course" shall mean the game of golf as traditionally played with golf clubs and shall not be construed to include the game commonly referred to as "Frisbee golf" or "disc golf."

### ARTICLE III Fee Administration and Procedures [Added 9-19-00, Ord. 00-14]

#### **§ 130-27. Permit Required. [Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

It is unlawful for any person to organize, hold or conduct a scheduled event within any town park, open space property or recreation area unless and until a permit therefor has been issued as provided in this Article. Scheduled events within any town open space property shall be limited in scope to educational purposes. Within this Chapter, a "scheduled event" may be referred to as a "special event."

#### **§ 130-28. Application for Permit. [Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

Applications for permits to hold special events in any Town park, open space property or recreation area shall be made to the Town Manager, his designee, or such other individual that may be designated from time to time by the Town Council and shall contain such information as may be required by the Town Manager or his designee.

#### **§ 130-29. Insurance. [Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

The Town Manager may require proof of liability insurance coverage for special events in Town parks, open space properties or recreation areas in such amounts as the Town Manager may reasonably specify. In addition, Town Manager shall require proof of liability insurance coverage in the minimum amounts of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per event for all scheduled athletic activities or events held in Town parks, open space properties or recreation areas. Certificates of any such insurance shall name the Town of Frisco as an additional insured party.

#### **§ 130-30. Fees. [Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

The Town Manager shall, from time to time, determine the cost of performing various administrative services and activities related to special events and/or the use of Town parks, open space properties and recreation areas and shall promulgate a schedule of fees for the performance of those services and activities. Such fees shall include, but not be limited to, application review fees, use fees, rental fees and maintenance fees, and shall be based on all factors included in the current costs to the Town of performing the various services and activities. Any fee schedule promulgated by the Town Manager shall be effective immediately upon its filing with the Town Clerk and shall be available for public inspection in the office of the Town Manager.

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### **§ 130-31. Issuance of Permit. [Amended 2-4-03, Ord. 03-01; 1-11-11, Ord. 10-15]**

The Town Manager shall issue a permit for a scheduled event in any Town park, open space property or recreation area provided that:

- A. the application is complete and contains all information required by the Town Manager;
- B. the applicant has provided the proof of insurance required by or pursuant to this Article;
- C. the applicant has paid all fees and deposits required by or pursuant to this Article;
- D. the facility desired has not been reserved for other use, including public use, at the day and hour requested in the application; and
- E. where the event will have more than twenty-five (25) participants, be catered, involve the use of vehicles or, in the opinion of the Town Manager, will likely require the Town expend funds over and above the normal costs of operating and maintaining the permit area, the applicant for the permit has deposited with the Town a sum of money sufficient to defray any cost to the Town of the permitted event.

### **§ 130-32. Appeal or Denial of Permit. [Amended 1-11-11, Ord. 10-15]**

Appeals of decisions of the Town Manager made pursuant to this Article shall be to the Town Council and shall be filed in writing with the Town Manager not later than ten (10) days after the date of the decision.

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