

CHAPTER 11

Parks and Recreation

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ARTICLE I

In General

Sec. 11-1. Definition.

In this Chapter, *City park* means any park, playground, recreation facility or any other open space area owned, leased or under the control of the City government, whether located within or without the corporate boundary limits of the City.

(Ord. 8 §1, 2006)

Sec. 11-2. Motorized vehicles and horses on City park property.

(A) Any and all unauthorized motorized vehicles including, but not limited to, automobiles, trucks, motorcycles and snowmobiles are hereby prohibited from being operated or driven within City parks contrary to posted restrictions.

(B) It is unlawful for any person to operate or have any horse or any motorized vehicle on City park property, outside of designated roadways, unless they are duly authorized maintenance vehicles.

(Ord. 8 §1, 2006)

Sec. 11-3—11-10. Reserved.

ARTICLE II

River Outfitters

Sec. 11-11. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning such words or phrases have in common usage and to give this Article its most reasonable application.

Client. A person, other than an employee of a river outfitter, who is transported on Clear Creek for the primary purpose of river-running in a vessel owned or operated by a river outfitter for such primary purpose.

Park. Any park or other parcel of property owned by the City which abuts Clear Creek.

River outfitter. Any person or business entity soliciting to provide or providing, for compensation, facilities, instruction, guide services or transportation to clients for the primary purpose of river-running, canoeing or kayaking; except that *river outfitter* does not include any person or business entity whose only service is providing motor vehicles, vessels and other equipment for rent.

Vessel. Every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

(Ord. 8 §1, 2006)

Sec. 11-12. Use permit required.

No river outfitter shall embark or disembark any client into or out of Clear Creek at any place within any park without first obtaining and having, at the time of such embarkation or disembarkation, a valid, current use permit issued pursuant to the provisions of this Article. A single use permit shall authorize the holder to use any or all parks, subject to the provisions of this Article.

(Ord. 8 §1, 2006)

Sec. 11-13. Use permit; prerequisites.

No river outfitter shall be issued a use permit to embark or disembark clients at any park unless that river outfitter meets the following requirements:

- (1) The river outfitter completes an application for a use permit and submits such application to the City Clerk;

- (2) The river outfitter provides certificates executed by a Colorado-licensed insurance company demonstrating that the river outfitter has current general liability insurance in amounts at least equal to the then-current limits of liability established for the City by the provisions of the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, C.R.S., as amended, and that the City is an additional insured thereunder. Each insurance certificate must state that the issuer thereof will give the City not less than ten (10) days' prior written notice before any material change in, nonrenewal of or cancellation of the insurance occurs;
 - (3) The river outfitter provides proof that such river outfitter has obtained any license or permit required under any article of Title 33, C.R.S., as amended, or required under any and all rules and regulations promulgated by any board, department, division or agency of the State pursuant to any article of Title 33, which pertains to river outfitters and vessels in general, and to recreational and commercial use of that portion of Clear Creek lying within the jurisdictional limits of the City;
 - (4) The river outfitter uses and requires all of its clients to sign an approved release of liability form which names the City as an additional released party, or the City's release of liability form;
 - (5) The river outfitter pays a nonrefundable deposit, pursuant to Section 11-15 of this Article, to the City Clerk at the time such river outfitter's use permit is approved by the City Clerk; and
 - (6) If the river outfitter held a use permit in the previous season, year-end rafting client reports have been properly submitted and any additional fees paid as described in Section 11-16 below.
- (Ord. 8 §1, 2006)

Sec. 11-14. Use permit; term.

(A) All use permits issued pursuant to this Article expire on December 31 of the calendar year in which such permits are issued.

(B) All use permits issued pursuant to this Article are revocable by the City Clerk pursuant to the provisions of Section 11-19 of this Article.
(Ord. 8 §1, 2006)

Sec. 11-15. Use permit; deposit required.

Prior to the issuance of an approved use permit, the river outfitter shall pay to the City Clerk a nonrefundable deposit as set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 11-16. Use permit; fees.

(A) All river outfitters issued a use permit pursuant to this Article shall pay a permit fee to the City Clerk as set forth in the City's fee schedule.

(B) Each river outfitter shall complete and submit to the City Clerk at the end of each rafting season, and no later than September 30, a final usage report showing the number of clients embarked and disembarked by it at all parks during that rafting season. For the purposes of this Subsection, a client who disembarks and, within one (1) hour thereof returns to the same vessel, shall be counted only once.

(C) The permit fee shall be offset by the amount of the deposit the river outfitter paid pursuant to Section 11-15 of this Article. The amount of the permit fee which remains owing after the permit fee is offset by such deposit shall be called the *unpaid balance*. There shall be no refunds of any excess deposit funds.

(D) All river outfitters owing an unpaid balance pursuant to Subsection (C) of this Section shall pay such unpaid balance no later than September 30 of the calendar year of the rafting season for which the permit fee is due.

(E) Any river outfitter who fails to pay the City an unpaid balance owed pursuant to Subsection (C) of this Section on or before September 30 shall, in addition to paying such unpaid balance, pay a late charge equal to ten (10) percent of the unpaid balance or fifty dollars (\$50.00), whichever is greater.
(Ord. 8 §1, 2006)

Sec. 11-17. Duties of Public Works Department.

The Public Works Department shall perform the following:

- (1) Determine the conditions under which use permittees will be allowed to embark and disembark clients at each park and have use of such park, which conditions shall encompass and include, but are not limited to:
 - (a) Designation of portions of a park as appropriate and safe for use by use permittees and reasonable hours when such use will be permitted;
 - (b) Designation of certain portions of a park as off-limits to buses and other vehicles used by river outfitters to transport clients, employees, vessels and other equipment to and from those areas of a park designated for their use; and
 - (c) Establishment and erection of appropriate signage respecting matters covered in this Section.
 - (2) Monitor and assess the impact of river outfitter activities within a park through various means, including but not limited to taking client counts and observing parking and traffic activities and violations.
 - (3) Manage and maintain paid and other designated parking areas.
- (Ord. 8 §1, 2006)

Sec. 11-18. Duties of Police Department.

The Police Department shall perform the following:

- (1) Regulation of traffic and traffic patterns and imposition of parking restrictions within and near to a park so as to maximize availability of designated areas thereof for use by river outfitters, to minimize vehicular congestion within and near to a park and to minimize interference with the use of a park for activities unrelated to river-running;
 - (2) Limitation and restriction of parking of buses and other vehicles to designated areas, of times and lengths of stay (through the designation of "short-term" parking areas) and of the numbers of buses and vehicles allowed in designated areas of a park at any one (1) time; and
 - (3) Establishment of "long-term" paid parking areas for use by a limited number of owners or users of private vessels who wish to gain access to Clear Creek through a park. Parking fees charged in such areas shall be reasonably calculated to cover the costs of providing and maintaining such parking areas and shall be established by the City Council.
- (Ord. 8 §1, 2006)

Sec. 11-19. Duties of City Clerk.

The City Clerk shall perform the following:

- (1) Review use permit application forms and issue use permits pursuant to this Article;
 - (2) Collect deposits pursuant to Section 11-15 of this Article;
 - (3) Review final use reports and collect permit fees and any applicable late charges pursuant to Section 11-16 of this Article; and
 - (4) Deny or revoke use permits on any of the grounds set forth in Section 11-20 of this Article.
- (Ord. 8 §1, 2006)

Sec. 11-20. Denial or revocation of permit.

(A) An application for a use permit may be denied by the City Clerk on any of the following grounds:

- (1) The river access area of a park is incapable of handling additional river outfitter traffic. Permits shall be issued on a "first come, first served" basis; provided, however that for the purposes of this Subsection, applica-

tions by river outfitters whose prior permits were not revoked for any reason in the prior rafting season shall be considered first in the subsequent rafting season;

- (2) The river outfitter has failed to complete the use permit application forms completely and truthfully;
- (3) The river outfitter has failed to pay the nonrefundable deposit as required by Section 11-15 of this Article;
- (4) The river outfitter has failed to provide proof of adequate liability insurance as required by Paragraph 11-13(2) of this Article;
- (5) The river outfitter has failed to provide proof of any license or permit as required by Paragraph 11-13(3) of this Article;
- (6) The river outfitter has failed to obtain release of liability forms signed by its clients as required by Paragraph 11-13(4) of this Article; or
- (7) The river outfitter has failed to pay, in full, any permit fee and late charge owing from the prior rafting season as required by Section 11-16 of this Article.

(B) A use permit may be revoked by the City Clerk on any of the following grounds:

- (1) Any of the grounds set forth in Subsection (A) of this Section;
- (2) The river outfitter has repeatedly or materially violated any of the provisions of this Article or any of the rules or regulations imposed by the City with respect to the use of a park; or
- (3) The river outfitter has failed to report accurately to the City the number of such river outfitter's clients who were embarked and disembarked at any park during the preceding rafting season.

(C) A use permit shall automatically be revoked if any of the following occurs:

- (1) If any license or permit held by the river outfitter and issued by any board, department, division or agency of the State pursuant to Title 33, C.R.S., as amended, is revoked, suspended or denied for any reason; or
- (2) If the river outfitter fails to maintain the liability insurance coverage required by Paragraph 11-13(2) of this Article.

(Ord. 8 §1, 2006)

Sec. 11-21. Appeals.

Any river outfitter who is denied a permit or whose permit is revoked pursuant to Section 11-20 of this Article shall have the right to appeal such action to the City Council, provided that such appeal is requested, in writing, not later than twenty (20) days following the date of the notice of denial or revocation.

(Ord. 8 §1, 2006)

Sec. 11-22—11-30. Reserved.