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Chapter 12-04

General Provisions

12-04-010 Sidewalks; required; specifications.

Every owner of real property within the city shall install and maintain in good repair a sidewalk, curb, and gutter in front of or upon his or her property in accordance with the city's standards and specifications. (Ord. 569 §2, 1984)

12-04-020 Sidewalks; clearing of snow and ice.

(A) The owner, manager, and occupant of each premises shall keep the sidewalk, curbs, and streets on or abutting said premises clean and free of snow and ice. The owner, manager, and occupant are jointly and severally liable for such responsibility.

(B) Snow shall be removed as promptly as reasonably possible, and no later than 12:00 noon of the day following the snowfall.

(C) The owner, manager, and occupant shall be civilly liable for injuries or damages incurred on public sidewalks as a result of a failure by any such person to comply with this section. (Ord. 569 §2, 1984; Ord. 878 §1, 1990)

Chapter 12-08

Encroachments

12-08-010 Defined.

Encroachment includes any fence, hedge, shrub, or other vegetation installed upon street rights-of-way abutting private front, side, or rear yards. (Ord. 895 §1, 1991)

12-08-020 Limitations.

(A) Encroachments installed upon street rights-of-way abutting private front yards shall not exceed thirty inches in height.

(B) Encroachments installed upon street rights-of-way abutting private side yards or private rear yards shall not exceed seventy-two inches in height.

(C) Fences, hedges, and shrubs shall be setback a minimum of six and one-half feet from the gutter flowline of streets without sidewalks or streets with attached sidewalks, and a minimum of two feet from the sidewalk where the sidewalk is detached from the street.

(D) Fences in front yards shall be limited to those of an open nature, including split rail and post and chain, but shall not include wire-type, such as chain link and wire mesh fences. Permits for all fences must be obtained pursuant to chapter 15-04 of this code.

(E) Encroachments shall not impede or obstruct motor vehicle or pedestrian traffic and shall not, in any way, create any public safety hazard.

(F) Encroachments shall not overlay, enclose, or in any way limit access to any city or other public facilities. (Ord. 895 §1, 1991)

12-08-030 Removal; notice; costs incurred by city.

(A) Whenever any encroachment is made, located, or maintained contrary to this chapter, or in the event the city, in its sole judgment, determines the encroachment must be removed, the city engineer or chief of police shall give notice to the person who owns or controls the premises abutting the right-of-way on which the encroachment is located directing such person to remove the encroachment within forty-eight hours of receipt of such notice. In the event the encroachment is not removed, the city engineer or chief of police may order its removal and the cost and expenses of such removal shall be assessed against the premises.

(B) The costs incurred by the city, together with the cost of collecting them, including court costs and attorneys' fees, shall constitute a lien against the premises on which the encroachment was located, which lien is prior and superior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes. The costs shall remain a lien against the real property until paid and shall be collected as though they were part of the real estate taxes. (Ord. 895 §1, 1991)

Chapter 12-20

Street Numbers and Names

12-20-010 Numbers required; cost.

It is the duty of the owner or occupant of every building in the city to number such building in accordance with the provisions of this chapter and with the numbers assigned by the city engineer. The city engineer shall assign to every building its proper number. The expense of such numbering shall be paid by the owner or occupant of the building. (Ord. 14 Art. 4 §1, 1962)

12-20-020 Numbering system.

In numbering the buildings upon the streets of the city, all even numbers shall be on the south and east side of each street or avenue, and all odd numbers shall be on the north and west side of each street or avenue; provided, however, that where a street or avenue curves or changes direction, the street or avenue shall nevertheless be numbered in accordance with the principal direction thereof. (Ord. 14, Art. 4 §2, 1962)

12-20-030 Placement of numbers; owner or occupant responsibility.

It shall be the duty of the owner or occupant of any building to place assigned numerals in a conspicuous position at the front of each building and, upon notice from the city engineer or police department, such numerals shall be so placed within thirty days after service of the notice. (Ord. 14 Art. 4 §3, 1962)

12-20-040 Material.

All numerals shall be of some metallic, glass, porcelain, or other durable material, or gilt lettering on the inside of a glass transom or door, and shall be distinctly legible and at least three inches in height. (Ord. 14 Art. 4 §4, 1962)

12-20-050 Unauthorized numbers; prohibited acts.

It is unlawful for any owner or occupant of any building to use or permit to be used upon any building any number other than the number assigned by the city engineer. (Ord. 14 Art. 4 §5, 1962)

12-20-060 Street map; contents.

The city engineer shall prepare, or cause to be prepared from time to time when directed by the city council, a map of the streets of the city showing the numbers of all buildings and lots and the names of all streets. (Ord. 14 Art. 4 §6, 1962)

12-20-070 Certificate for designated numbers; fee.

Upon proper application and payment of a fee of \$1.00, the city engineer shall issue to the owner or occupant of any building or lot a certificate designating the proper number for such building or lot. Any certificate so issued shall pertain to the number of only one building or lot. (Ord. 14 Art. 4 §7, 1962)

12-20-080 Street names; city council authority.

The city council shall have the power to name or rename any of the streets or public highways of the city, and the city council shall have the power to divide or subdivide any of the streets, public highways, or public lands into streets, roadways, gutters, sidewalks, and parks. (Ord. 14 Art. 4 §8, 1962)

12-20-090 Addresses painted on curb.

Addresses may be painted on curbs adjacent to the property only under the following conditions:

(A) The numbers shall be black, four inches tall, on a white background. Such background shall be at least one inch larger than all lettering.

(B) The property owner must consent in writing before any numbers, background, or other markings are painted on the curb.

(C) Any person painting addresses on curbs, other than in front of his or her own property, must first register with the city engineer on forms provided by the city. The city engineer may revoke permission to paint addresses on curbs for violation of any of the terms of this section.

(D) Any person painting addresses on curbs, other than in front of his or her own property, must first obtain all applicable permits, licenses, and approvals required by this code, including but not limited to the licenses required by chapter 5-20, B.M.C.

(E) Along with the registration required by this chapter, the person painting addresses, other than in front of his or her own property, shall post a two-hundred-dollar performance bond, in a form and content acceptable to the city attorney.

(F) It shall be unlawful to paint addresses, backgrounds, or other marks on curbs except as provided in this section. (Ord. 854 §1, 1989)

Chapter 12-24

Moving Buildings

12-24-010 Permit; required.

It is unlawful for any person to move any building or house or part thereof along any of the streets of the city without a permit therefor first obtained from the city engineer or the building official. (Ord. 14 Art. 5 §1, 1962)

12-24-020 Permit; application; fee; requirements generally.

The city engineer or the building official shall issue a permit for the moving of any building upon application therefor and upon payment of a fee of \$25.00. The permit shall designate the route over which the building may be moved, the time at which it may be moved, and shall require the applicant to comply with all local and state safety regulations. (Ord. 14 Art. 5 §2, 1962)

12-24-030 Supervision; repair of damages.

It shall be the duty of the city engineer or the building official to direct and supervise the moving of any building along or across the streets of the city, and it shall be the duty of any person so moving any building to forthwith repair any injury done to any sidewalk, alley, street, trees, utility poles, wires, or other property. (Ord. 14 Art. 5 §3, 1962)

12-24-040 Bond required.

Every person applying for a house or building moving permit, and prior to the issuance thereof, shall file a surety bond, good for one year, in favor of the city in the penal sum of \$5,000.00 and conditioned upon the faithful performance of such moving in strict compliance with the specifications, rules, regulations, and ordinances of the city and within the specified time limits; that such person will forthwith repair any and all damage caused by reason of such moving; and that such person will indemnify and save harmless the city against and from any and all damages or claims for damages, loss, costs, charges, or expenses that may be brought against it by any person by reason of such work. (Ord. 14 Art. 5 §4, 1962)

Chapter 12-26

News Racks

12-26-010 Definitions.

As used in this chapter, unless the context otherwise requires:

(A) *Distributor* is the person responsible for placing and maintaining a news rack in public rights-of-way.

(B) *News rack* is any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers, other news periodicals, or commercial publications.

(C) *Parkway* is that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and property line adjacent thereto. *Parkway* shall also include any area within a roadway which is not open to vehicular travel.

(D) *Roadway* is that portion of a street improved, designed, or ordinarily used for vehicular travel.

(E) *Sidewalk* is any surface provided for the exclusive use of pedestrians.

(F) *Street* is all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks. (Ord. 1199 §1, 1996)

12-26-020 Standards for maintenance and installation.

Any news rack, which in whole or in part rests upon, in, or over any public sidewalk or parkway, shall comply with the following standards:

(A) No news rack shall exceed five feet in height, thirty-two inches in width, or two feet in depth.

(B) A news rack shall not bear any advertising or commercial message other than the name of the newspaper or commercial publication sold or distributed therein.

(C) News racks equipped with a coin-return mechanism shall be designed to permit a person using the news rack to secure an immediate refund in the event he or she is unable to receive the publication within the news rack. The coin-return mechanism shall be maintained in good working order.

(D) Each news rack shall have affixed to it, in a readily visible place so as to be seen by anyone using the news rack, a notice setting forth the name, address, and telephone number of the distributor so that malfunctions may be reported, refunds secured in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this chapter.

(E) News racks shall be maintained in a neat and clean condition and in good repair at all times. Damaged or disfigured news racks shall be repaired or replaced immediately upon notification by the city to the distributor or upon discovery by the distributor of such damage. (Ord. 1199 §1, 1996)

12-26-030 Location and placement of news rack.

Any news rack that is placed entirely or partially upon the public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located as hereinafter provided:

(A) No news rack shall be placed or maintained which projects onto, into, or over any part of the roadway of any public street.

(B) No news rack shall be chained, bolted, or otherwise attached to any city-owned fixture, including but not limited to street signs, street lights, and traffic control devices, but not including concrete or asphalt sidewalks, located in the public right-of-way. News racks may be chained, bolted, or otherwise attached to other news racks or privately owned fixtures so long as such placement otherwise complies with this chapter and provided that permission for such connection has been secured from the owner of the other news racks or from the owner of the fixture.

(C) News racks may be placed next to each other, provided that no group of news racks shall extend for a distance of more than eight feet along a curb and a space of not less than three feet shall separate each group of news racks.

(D) No news rack shall be placed, installed, used, or maintained:

(1) Within three feet of any marked crosswalk;

(2) Within twelve feet of any curb return;

(3) Within five feet of any fire hydrant, fire call box, police call box, or other emergency facility;

(4) Within five feet of any driveway;

(5) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet, unless such passageway is already restricted by the placement of a permanent utility pole or other similar

permanent fixture and the attachment of the news rack to that fixture or placement of the news rack adjacent to that fixture will not substantially reduce the remaining clear space available for pedestrian passage; or

(6) Within three feet of or on any public area improved with flowers, shrubs, trees, or other landscaping.

(E) The provisions contained in subsection (D) above shall not apply if compliance with said provisions would prohibit the placement of news racks for a distance of 150 feet on the same side of the street in the same block; provided that in no event shall a news rack be allowed which would substantially interfere with or impede the flow of pedestrian or vehicular traffic flow, the ingress or egress to any residence or place of business, or the use of fire hydrants. (Ord. 1199 §1, 1996)

12-26-040 Violations of chapter.

(A) Upon determination by the city manager or the city manager's designee that a news rack has been installed, used, or maintained in violation of the provisions of this chapter, an order to correct such violation will be issued to the distributor of the news rack. Such order shall be telephoned to the distributor and confirmed by mailing a copy of the order to said distributor. The order shall specifically describe the violation and suggest actions necessary to correct the violation. Failure by the distributor to correct the violation within seven days, excluding Saturdays, Sundays, and legal holidays, after the mailing date of the order shall result in the removal of the news rack, and it shall be processed as abandoned property under provisions of chapter 8-24, B.M.C.

(B) The distributor may, by written notice within seven days of notice of said violation, request an informal meeting with the city manager or the city manager's designee with regard to resolution of the order referred to herein in which case the meeting shall be held within five working days from the date of said request and the appeal time referred to in section 12-26-050 herein shall commence and begin to run as of the date of said informal meeting.

(C) If the news rack is not properly identified as to owner under provisions of section 12-26-020(D) hereof, it shall be removed immediately and processed as unclaimed property under the provisions of chapter 8-24, B.M.C. (Ord. 1199 §1, 1996)

12-26-050 Appeals.

(A) Any person or entity aggrieved by a finding, determination notice, or action under the provisions of this chapter may appeal and shall be apprised of his or her right to appeal to the planning and zoning commission. An appeal must be perfected within thirty days after receipt of notice of any protested decision or action by filing with the city manager a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held by the planning and zoning commission on a date no more than thirty days after receipt of the letter of appeal. Appellant shall be given at least ten days' notice of the time and place of the hearing. The planning and zoning commission shall give the appellant and any other interested party an opportunity to be heard in order to show cause why the determination of the city manager or the city manager's designee should not be upheld. At such hearing the appellant shall have the right to examine the evidence upon which the city manager or the city manager's designee acted, to examine any witnesses who may have appeared before it, and to offer any evidence which may tend to show that the subject news rack does not violate any provision of this chapter. In all such cases, the burden of proof shall be upon the city to show that there was evidence to support the action taken by the city manager or the city manager's designee. At the conclusion of the hearing, the planning and zoning commission shall make a final and conclusive determination.

(B) The perfection of any appeal to the planning and zoning commission shall stay the removal of any news rack until the planning and zoning commission makes its final determination, unless said news rack presents a clear and present danger of imminent personal injury or property damage. Nothing contained in this chapter shall be interpreted to limit or impair the exercise by the city of its police power, in the event of an emergency, to remove any such news rack. (Ord. 1199 §1, 1996; Ord. 1935 §9, 2011)

12-26-060 Abandonment.

In the event a news rack remains empty for a period of thirty continuous days, the same shall be deemed abandoned and may be treated in the manner as provided in section 12-26-040 hereof for news racks in violation of the provisions of this chapter. (Ord. 1199 §1, 1996)

12-26-070 Compliance.

All news racks resting in whole or in part upon or on any portion of a public right-of-way or which project onto, into, or over any part of a public right-of-way, as of the effective date of this chapter, shall be brought into compliance with the provisions of this chapter no later than December 31, 1996. Any news rack not found to be in

compliance with the requirements of this chapter as of such date, shall be subject to section 12-26-040 hereof. (Ord. 1199 §1, 1996)

Chapter 12-28

Public Parks

12-28-010 Short title.

This chapter is known and may be cited as the "Broomfield Park Ordinance." Reference to the Broomfield Park Ordinance and the applicable section shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. 302 §19, 1977; Ord. 1013 §1, 1993)

12-28-020 Applicability.

This chapter applies to and within all parks, parkways, open space areas, and recreational grounds within the city, whether owned by or leased or under control of the city, any park or recreation district, or any governmental, quasi-governmental, or public corporation or entity. (Ord. 302 §1, 1977)

12-28-030 Park defined.

As used in this chapter, *park* means and refers to any park, reservation, playground, recreation facility, or any other open space area owned, leased, or under the control of the city, whether located within or without the corporate boundary limits of the city, which is devoted to recreation and leisure-time use by the public. (Ord. 302 §2, 1977)

12-28-040 Hours; extensions; exceptions.

The parks, parkways, and recreational areas which are the subject of this chapter within the city, shall be open daily to the public from 5:00 a.m. until 11:00 p.m. No person who is not an employee of the department of parks and recreation having jurisdiction over a particular park, parkway, or recreational area, or of the city, 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:

(A) The director of parks and recreation 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 areas, or parks, parkways, or recreational grounds, and with respect to particular recreational activities in such parks, parkways, or areas; and

(B) 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 director of parks and recreation.

(C) In the case of emergency or inclement weather, or where, in the judgment of the director of parks and recreation, the city manager, or the chief of police, the public interest demands it, the roadways or other portions of any park may be closed to the public. (Ord. 302 §3, 1977)

12-28-050 Event; permit required.

It is unlawful to hold any scheduled event within the parks and recreational facilities of the city unless and until a permit therefor has been issued, as provided in this chapter. Such events shall be conducted in an orderly and law-abiding manner. (Ord. 302 §16(1), 1977)

12-28-060 Permit; application; contents.

Applications for permits to hold scheduled events shall be filed with the director of parks and recreation at least ten days prior to the requested date. The permit form will be furnished by the director of parks and recreation, and shall contain the following information:

- (A) The name, address, and telephone number of the applicant;
- (B) The name and address of any person sponsoring the event;

- (C) The day and hours for which the permit is sought;
- (D) The park or portion thereof for which the permit is desired;
- (E) The names and addresses of any speakers;
- (F) The nature and purpose of the event;
- (G) An estimate of the anticipated attendance;
- (H) Whether or not sound amplification will be used;
- (I) Whether or not any alcoholic beverage, as defined in section 9-80-010, B.M.C., will be consumed; and
- (J) A statement that the applicant assumes all liability arising out of the scheduled use of the parks or facilities. (Ord. 302 §16(2), 1977; Ord. 489 §1, 1982)

12-28-070 Permit; issuance; conditions.

The director of parks and recreation shall issue the permit within five days of the receipt of an application as set out in this chapter; provided, however, that:

(A) The recreational or park area facility desired has not been reserved for other use at the day and hour requested in the application;

(B) If the extent or character of the proposed event is such that the director of parks and recreation can reasonably anticipate that the event will entail unusual and extraordinary expenses to the city in respect to arrangements desired, cleanup of the premises, or damage thereto, he or she may require the applicant to provide adequate insurance coverage, or the security deposit of a sum of money sufficient only to defray such unusual and extraordinary expense;

(C) The stated purpose is not to incite to violence or crime, or the overthrow of the government by force;

(D) Each permit shall pertain to a single, specific event, and shall give to the sponsors thereof precedence over unscheduled events in the facilities or park areas;

(E) The proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the general public use and enjoyment of the park or recreation facility;

(F) The proposed activity or use will not interfere with or detract from the promotion of public health, morals, welfare, safety, and recreation;

(G) The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;

(H) The proposed activity or use will not entail unusual, extraordinary, or burdensome expense for police operation or maintenance by the city;

(I) The size and purpose for which the park or recreation facility is normally used shall be considered;

(J) The location of the park and area surrounding it shall be considered;

(K) The facilities available to accommodate the intended use shall be considered;

(L) The noise emanating from the event will not disturb the peace of others;

(M) No permit issued under this section shall allow the event to be held between the hours of 11:00 p.m. and 5:00 a.m. of the following morning; and

(N) If the director of parks and recreation determines that it is necessary or desirable, evidence of adequate public liability insurance shall be required as a condition of the permit. (Ord. 302 §16(3), 1977; Ord. 489 §2, 1982)

12-28-080 Permit; issuance; priority.

In scheduling the use of the parks or other facilities, priority shall be given to programs sponsored by the department of parks and recreation. Second priority shall be given to nonprofit resident groups. Third priority shall be given to nonprofit nonresident groups. Groups operating for profit have the lowest priority. (Ord. 489 §3, 1982)

12-28-090 Permit; denial; procedure.

Should the director of parks and recreation deny the application, he or she shall so advise the applicant, in writing, within five days after receipt of the application and shall give reasons therefor. (Ord. 302 §16(5), 1977)

12-28-100 Permit; nontransferable; to be in possession.

The use of the park areas and recreation facilities covered by a permit is in no way transferable and the permit must be in the possession of the applicant at the time the park or recreational facility is being used. (Ord. 302 §16(6), 1977)

12-28-110 Permit holder; responsibility for damages.

The holder of a permit shall be responsible for any and all damages and losses whatsoever to the park areas and recreation facilities or its contents. (Ord. 302 §16(7), 1977)

12-28-120 Permit; inspection; deposit returned when.

The applicant will, after the scheduled event and during working hours, contact the director of parks and recreation to inspect the area used. If no damage has been done and it has been properly cleaned up, the security deposit will be returned. In the event the applicant has failed to discharge his or her obligations, the director of parks and recreation will retain a sum sufficient to cover the damage or restore the premises to a neat condition. In the event the security deposit does not completely indemnify the city for what has occurred, the applicant shall be responsible to the city for the shortage. (Ord. 302 §16(8), 1977)

12-28-130 Permit; conformance with regulations required; cancellation when.

All groups or persons must conform to the policies established in this chapter and the rules and regulations set forth in the permit, as well as all local, state, and federal regulations or the requirements of other duly authorized regulatory bodies. Any infringement on these shall be deemed just cause for cancellation of a permit or the refusal to issue further permits. (Ord. 302 §16(9), 1977)

12-28-140 Event defined.

For purposes of sections 12-28-050 through 12-28-130, *event* means use of any park, park facility, or portion thereof for a public gathering, entertainment, tournament, exhibition, or any other activity which can reasonably be expected to have twenty-five or more persons involved or in attendance, or both, and said public gathering, entertainment, tournament, exhibition, or other activity is conducted in a manner to restrict reasonable access or use by others to the park, park facility, or portion thereof, or reasonably can be expected to have a detrimental effect on park property or persons using or adjacent to the park or park property. (Ord. 302 §16(10), 1977)

12-28-150 Fee schedule; rules and regulations.

The director of parks and recreation is authorized, with the consent of the city manager, to recommend to the city council fees to be charged for the use of the parks, recreational facilities, and recreational programs of the city for residents and nonresidents. Any fee structure shall be adopted by resolution of the city council. In addition, the director of parks and recreation is authorized, with the consent of the city manager, to establish such rules and regulations as may be necessary or desirable to assure that the parks and recreational facilities are safe, pleasant, and efficiently operated, and to effectuate the provisions of this chapter. (Ord. 489 §4, 1982)

12-28-155 Resident and nonresident defined.

For the purpose of this chapter and any fee schedule adopted pursuant to section 12-28-150, a *resident* is a person who permanently lives or works within the City of Broomfield, a *resident group* is any group consisting of at least eighty percent Broomfield residents, or a sports team whose members are employed by a business located in Broomfield. All other individuals or groups are *nonresidents*. (Ord. 489 §5, 1982)

12-28-160 Alcoholic beverages.

It is unlawful for any person to carry, possess, or consume any fermented malt beverage (beer), vinous, or spirituous liquors within any area of any park or recreation facility unless authorized by the director of parks and recreation on the face of a permit issued under this chapter. (Ord. 357 §3, 1979)

12-28-170 Property; destruction prohibited.

It is unlawful for any person:

(A) To deface, tear down, remove, destroy, or injure in any manner whatsoever, or to cause to be defaced, torn down, destroyed, or injured in any manner whatsoever, any fence, building, furniture, seat, signs, structure,

excavation, post, bracket, lamp, awning, fireplug, hydrant, waterpipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, coin meter, culvert, or any other property whatsoever belonging to the city in, at, or upon any of the parks owned or controlled by the city;

(B) To injure or damage, or cause or permit to be injured or damaged, in any manner whatsoever, any property of the city at, in, or upon any of its parks by cutting, hacking, bending, breaking, burning, daubing with paint or other substances, or by means of fire, or by effecting such injury or damage in any other manner;

(C) To move or remove any park property or equipment for any reason whatsoever, other than in case of emergency;

(D) To roll, throw, or otherwise move any rocks or boulders in any of the parks belonging to the city; or

(E) To pick or take away from any park premises any vegetation, or to go upon the grass, lawn, or turf of the parks wherever the sign "Keep Off the Grass" is posted. (Ord. 302 §4, 1977)

12-28-180 Explosive or inflammable substance prohibited.

It is unlawful for any person to take or carry or cause to be taken or carried into any park any explosive, dangerous, or inflammable powder, or any explosive, dangerous, inflammable, or combustible substance. It is likewise unlawful for any person to fire or explode any other substance or thing containing explosive, dangerous, or flammable powder, or other explosive, dangerous, or inflammable substance in any such park. (Ord. 302 §5, 1977)

12-28-190 Fires; requirements generally.

(A) The director of parks and recreation or his or her duly authorized agent is authorized to post signs within any park during periods of extreme fire danger directing that no fires shall be built, started, or maintained in said park, or portion thereof, and that it is unlawful to build, start, or maintain a fire in any area so posted.

(B) It is unlawful for any person to start or maintain or cause to be started or maintained, any fire in or on any park, unless confined within a fire pit permanently erected for such purpose.

(C) It is unlawful for any person to start or maintain, or cause to be started or maintained, any fire in or on any park, between the hours of 11:00 p.m. and 5:00 a.m. of the following day. (Ord. 302 §6, 1977)

12-28-200 Refuse; placement in certain places prohibited.

It is unlawful for any person:

(A) To throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters; or

(B) To dump, deposit, or leave any bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Ord. 302 §7, 1977)

12-28-210 Motor vehicle regulations.

(A) It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways; provided that the foregoing shall not apply to any area specifically designated and marked for parking purposes by order of the director of parks and recreation.

(B) It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor-vehicular traffic.

(C) It is unlawful to leave or park a vehicle in any park between the hours of 11:00 p.m. and 5:00 a.m. of the following day, except when done by city employees in the course of their employment.

(D) All other requirements of the Model Traffic Code, except as otherwise specified in this chapter, shall apply to all roadways in all parks. (Ord. 302 §8, 1977)

12-28-220 Swimming or wading; where permitted; exceptions.

It is unlawful for any person to enter, swim, or wade in any lake, stream, pond, irrigation ditch, reservoir, or other body of water in a park of this city unless the lake, stream, pond, or other body of water has been designated and posted by the director of parks and recreation as an area specifically set aside for swimming or wading. The director of parks and recreation may designate and post areas where persons may enter the bodies of water whenever he or she finds that recreational interests may be served without constituting a hazard to public safety, welfare, health, and sanitation. This section shall not apply to persons wading for the purpose of any rescue or officially sanctioned demonstration operations. (Ord. 302 §9, 1977)

12-28-230 Swimming pool; entry prohibited when.

It is unlawful for any person, except for authorized city employees, to enter in or upon any enclosed area or enclosure in which a swimming pool is located at any time or hour when the same is not open to the public. (Ord. 302 §10, 1977)

12-28-240 Watercraft; use restricted; exceptions.

It is unlawful to bring into or operate any passenger-carrying motor-powered watercraft or nonmotor-powered watercraft upon any water in any park, parkway, or other recreational facility within the city, unless an area has been designated and posted by the director of parks and recreation allowing such watercraft; provided, however, that this section will not apply to any rescue or officially sanctioned demonstration operations. (Ord. 302 §11, 1977)

12-28-250 Abandoning or disturbing animals prohibited.

It is unlawful to abandon in any park, parkway, or other recreational facility, any fish, waterfowl, birds, fowls, reptiles, or any animals whatsoever. It is unlawful for any person with the exception of city employees, officers, officials, or authorized agents to disturb in any manner any of the fish, waterfowl, birds, fowls, reptiles, or any animals whatsoever present in, belonging to, or preserved in the parks or other recreational facilities owned or controlled by the city. (Ord. 852 §3, 1989)

12-28-260 Livestock running at large prohibited.

(A) It is unlawful to allow any horses, cattle, sheep, goats, hogs, or any other livestock whatsoever to pasture, graze, or run at large within the limits of any of the parks of the city; provided, however, that this section shall not apply to animals placed within enclosures by the city.

(B) Any person employing or using the services of any person who violates the provisions of this section shall be liable as principal for the breach of this section, and the person having control of such animals or livestock shall be liable for any breach of this section. (Ord. 302 §13, 1977)

12-28-270 Excavation; permit.

It shall be unlawful for any person to excavate any ditches, tunnels, holes, or trenches, or lay sewer lines, pipeline, drain lines, conduit, or cable, within any park area without first obtaining a permit in accordance with chapter 14-10, B.M.C. (Ord. 302 §14, 1977; Ord. 1515 §2, 2000)

12-28-280 Certain conduct prohibited.

Within any park, it is unlawful for any person to do any of the following acts:

(A) To camp or lodge in any park without first having obtained a permit therefor from the director of parks and recreation;

(B) To drive or hit golf balls, excepting at such place as is set apart for that purpose;

(C) To wash dishes, empty waste liquids, or in any other manner pollute the water of any fountain, pond, lake, or stream;

(D) To sell, offer for sale, or distribute at no charge any merchandise, article, goods, services, or thing, without the express written permission of the city manager;

(E) To build or place any tent, building, booth, stand, or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so from the director of parks and recreation;

(F) To ice skate upon any of the waters or waterways in or adjacent to any park, except in such waters and at such places as are designated and posted as safe for ice skating by the director of parks and recreation;

(G) To fly model airplanes in any park, except at locations specifically designated by the director of parks and recreation;

(H) To fish in any lakes, streams, and bodies of water in any park at locations designated and posted by the director of parks and recreation as prohibiting fishing;

(I) To quarrel, fight, or use obscene language; or

(J) To smoke or carry lighted tobacco products in the community center. (Ord. 302 §15, 1977; Ord. 489 §§6, 7, 1982)

Chapter 12-29

Lake View Cemetery

12-29-010 Cemetery established.

Pursuant to the provisions of section 31-25-702, C.R.S., the Lake View Cemetery located on the south side of the 100 block of West Tenth Avenue and as more particularly described on the cemetery plat recorded in book A1 at page 180 of the records of the clerk and recorder of Boulder County, Colorado, is hereby established as an at-need municipal burial facility for the interment of cremated human remains. (Ord. 937 §1, 1992)

12-29-020 Cemetery rules and regulations.

Pursuant to the provisions of section 31-25-702, C.R.S., the city may by resolution adopt rules and regulations for the operation and administration of Lake View Cemetery. (Ord. 937 §1, 1992)

12-29-030 Sale of burial sites.

The city manager, or a designee thereof, is authorized to sign purchase agreements for the sale of interment sites for cremated human remains at Lake View Cemetery. The purchase agreement will provide for the conveyance of a vested interest in a specific interment site described on the cemetery plat. (Ord. 937 §1, 1992)

12-29-040 Cemetery committee.

(A) *Committee established.* There is hereby established a cemetery committee, which will advise the city council and oversee cemetery operations within the city. The cemetery committee is charged with the responsibility of studying and recommending to the city council a long-range plan for a full-service cemetery for the city. The cemetery committee may recommend to the city council amendments to cemetery rules and regulations, adjustments in the cost of interment sites, and provide advice on cemetery-related matters. The cemetery committee is authorized to coordinate its work with any organized citizens' cemetery committee.

(B) *Committee membership.* The membership of the cemetery committee is comprised of seven members appointed by a majority vote of a quorum of the city council members present at any regular or special meeting. Members of the cemetery committee must be residents of the city. The term of office for members of the cemetery committee will be four-year overlapping terms. Three persons will initially be appointed to the cemetery committee for a two-year term of office; thereafter, the term for these three offices will be four years. Effective November 1, 2007, terms of the members then in office shall be extended three months so that all terms expire on the 31st of March of the following year and all subsequent terms of all members shall begin on April 1st and end on March 31st. Members of the cemetery committee will continue to serve after the expiration date of their term of office until a successor is duly qualified and appointed by the city council. Members of the cemetery committee serve at the pleasure of the city council. Any member of the cemetery committee may be removed from office at any time without cause and without notice or hearing by a majority vote of a quorum of city council present at any regular or special meeting.

(C) *Committee meetings.* At an organizational meeting held not later than thirty days from the effective date of the ordinance adopting this section, the members of the cemetery committee will meet at the call of the city manager and select from among its membership a chairman and such other officers as are deemed necessary by the cemetery committee. The cemetery committee will adopt bylaws and conduct its meetings according to *Robert's Rules of Order Newly Revised*. The cemetery committee will meet at the call of the chairman or as often as required in the bylaws. The cemetery committee will hold a regular meeting at least twice annually. The city manager is directed

to provide the cemetery committee with clerical assistance and with a location at a city building to hold its meetings. All meetings of the cemetery committee are subject to the provisions of part 4 of the Colorado Sunshine Act of 1972, as amended.

(D) *Long-range plan.* The cemetery committee is directed to submit a report and recommendation to the city council for a long-range plan for a full-service cemetery not later than one year from the organizational meeting of the cemetery committee. (Ord. 945 §1, 4-13-93; Ord. 1882 §11, 2007)

Chapter 12-30

Easements

12-30-010 Authorization to release easements.

The city manager or a designee thereof is authorized to release easements, provided that all of the following conditions exist:

- (A) The easement is dedicated to, owned by, or controlled by the public or the city;
- (B) The easement is not in use for its intended purpose;
- (C) There is no reasonable anticipation that the easement will be utilized in the future for its intended purpose; and
- (D) Written consent has been obtained from each affected utility, company, or public agency, indicating that the easement is not in use and that future use of the easement is not anticipated. (Ord. 693 §3, 1986; Ord. 1453 §1, 2000)

12-30-020 Procedure for release of easements.

(A) The city may release easements, subject to section 12-30-010, upon its own initiative or upon receipt of an application from the property owner containing the following information:

- (1) Name and address of the property owner;
- (2) Legal description of the property;
- (3) Location of easement;
- (4) Description of the purpose and nature of the release request;
- (5) Recording information for the document or documents which created the easement; and
- (6) Any other information, document, or form which the city manager or the designee thereof deems necessary to carry out the duties set forth in section 12-30-010.

(B) If the easement is released at the request of the property owner, the property owner must pay all costs of effecting the release. (Ord. 693 §3, 1986; Ord. 1453 §1, 2000)

12-30-030 Acceptance of easements.

The city manager or a designee thereof is authorized to accept easements granted or conveyed to the city by separate instrument in form approved by the city attorney and attested by the city clerk. (Ord. 1453 §1, 2000)

12-30-040 City manager's designee.

If the city manager appoints a designee to release or to accept easements pursuant to this chapter, such appointment shall be in writing and filed with the city clerk with a copy to the city attorney. (Ord. 1453 §1, 2000)

Chapter 12-32

Penalty

12-32-010 Penalty for violation.

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and, upon conviction of any such violation, such person shall be punishable as provided in chapter 1-12, B.M.C. (Ord. 14 Art. 6 §1, 1962)