

## ORDINANCE NO. 1216

### AN ORDINANCE AMENDING CHAPTER 11 OF THE FORT MORGAN MUNICIPAL CODE CONCERNING PARK HOURS

**WHEREAS**, the Colorado Revised Statutes § 31-15-401 provides the City authority to "pass and enforce all necessary police ordinances"; and

**WHEREAS**, the City has an interest in promoting the general welfare, protecting the general public, and protecting public facilities through the reduction of crime within the City; and,

**WHEREAS**, the City has continued to respond to an increased number of incidences of damage to public property, littering, and other criminal activity in City parks and facilities; and,

**WHEREAS**, pursuant to Colorado Revised Statutes § 18-9-117 the City has authority to provide rules and regulations for the administration, protection, and maintenance of public property including limitations on time, place, and manner of activities, public assemblages, vehicle use, and necessary sanitation, health, and safety measures consistent with C.R.S. §25-13-113; and,

**WHEREAS**, the City Councils finds and determines that this Ordinance is necessary for the preservation of the public peace, safety, and welfare.

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

**Section 1:** The Fort Morgan Municipal Code Chapter 11 Article 8 is hereby added as follows:

#### ARTICLE 8 - Public Parks and Recreation Facilities

##### **Sec. 11-8-10 Definitions.**

*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.

##### **Sec. 11-8-20 Park 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 city or other emergency personnel, acting in the scope of his or her employment, shall be or remain in any such park, at any

other time except that:

- (a) In the case of emergency or inclement weather, or where, in the judgment of the City Manager or his/her designee, the public interest demands it, the roadways or other portions of any park may be opened or closed to the public.

**Section 2. Validity.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

**Section 3. Repeal.** All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 4. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

**Section 5. Certification.** The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 6. Severability.** In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

**Section 7. Effective date.** The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This change shall be effective five (5) days after final publication of this ordinance.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED** on the 19th day of June, 2018.



THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

Ronald Shaver  
By: Ronald Shaver  
Mayor

Attest:

John Brennan  
John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 19<sup>th</sup> day of June, 2018.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

Ronald Shaver  
By: Ronald Shaver  
Mayor

Attest:

John Brennan  
John Brennan  
City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. CERTIFICATE  
CITY OF FORT MORGAN )

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1216** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 19th day of June, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of June, 2018, published in *The Fort Morgan Times*, a daily newspaper of general circulation published

and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 3<sup>rd</sup> day of July, 2018. Within five (5) days after its final passage, said **Ordinance No. 1216** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan  
City Clerk