

**RESOLUTION 2017-07-01
OF THE BOARD OF DIRECTORS
OF THE LINCOLN PARK METROPOLITAN DISTRICT
ESTABLISHING RULES AND REGULATIONS
FOR PARKS, FACILITIES, AND OPEN SPACE**

At a special meeting of the Board of Directors of the Lincoln Park Metropolitan District, Douglas County, Colorado, held at 11:00 A.M. on Wednesday, July 26, 2017, at 8390 E. Crescent Pkwy., Ste. 500, Greenwood Village, CO 80111, at which a quorum was present, the following resolution was adopted:

WHEREAS, the Board of Directors (the "Board") of Lincoln Park Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), has determined that it is in the best interest of the residents of the District's service area to adopt rules and regulations pertaining to the use of the District's parks, trails, facilities, and open space in order to maintain, preserve, and protect public property and facilities owned and/or operated by the District and to prohibit activities that substantially interfere with the use and enjoyment of such public use areas; and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the District is authorized to adopt, amend, and enforce bylaws, rules, and regulations not in conflict with the constitution and laws of this state for carrying on the business, objectives, and affairs of the Board and of the District; and

WHEREAS, the Board considered fixing or increasing fees, rates, tolls, or penalties at its public meeting held on June 28, 2017; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the District has the authority to fix and from time to time increase fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., until paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens; and

WHEREAS, pursuant to Section 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the District may adopt such orders, rules, and regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management, or supervision, specifically orders, rules, or regulations upon the following matters: preservation of property, vegetation, wildlife, and other structures; restriction or limitation of the use of such public property as to time, manner, or permitted activities; prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance; necessary sanitation, health, and safety measures; camping and picnicking, public meetings and assemblages, and other individual or group usages, including the

place, time, and manner in which such activities may be permitted; use of all vehicles as to place, time, and manner of use; and control and limitation of fires and other regulation of fires; and

WHEREAS, pursuant to Section 18-9-117(2), C.R.S., such limitations or prohibitions must be prominently posted at all public entrances to such property or actual notice must first be given by an officer or agency, or by any law enforcement officer having jurisdiction or authority to enforce the limitations or prohibitions; and

WHEREAS, in accordance with Section 29-11.7-104, the District may enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a specific area within the District's jurisdiction and shall post signs at the public entrances to the specific area informing persons that the open carrying of firearms is prohibited in the specific area; and

WHEREAS, the Board has determined it is in the best interest of the residents of the District and its service area to adopt the following Rules and Regulations, pertaining to the use of the District's parks, facilities, and open space.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LINCOLN PARK METROPOLITAN DISTRICT AS FOLLOWS:

Section 1: The Board hereby adopts the Lincoln Park Metropolitan District Rules and Regulations for Parks, Facilities, and Open Space attached hereto as **Exhibit A** and incorporated herein (the "Parks, Facilities, and Open Space Rules and Regulations").

Section 2: The Board hereby directs the District Manager to post notice of the Parks, Facilities, and Open Space Rules and Regulations in the form attached hereto as **Exhibit B** at the public entrances of the District's parks, facilities, and open space in accordance with Sections 18-9-117(2) and 29-11.7-104, C.R.S.

Section 3: The Board hereby authorizes the District Manager to grant written variances for good cause shown to any one or more of the Parks, Facilities, and Open Space Rules and Regulations.

[Remainder of page intentionally left blank].

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 23rd DAY OF August 2017.

LINCOLN PARK METROPOLITAN DISTRICT

Mark D. Munn, Vice Pres.

~~P. Andrew Munn, President.~~

ATTEST:

Arik Yoffe

Arik Yoffe, Secretary

**Exhibit A
To Resolution**

Lincoln Park Metropolitan District
Parks, Facilities, and Open Space Rules and Regulations

**LINCOLN PARK METROPOLITAN DISTRICT
RULES AND REGULATIONS
FOR PARKS, FACILITIES, AND OPEN SPACE**

Section 1: Definitions

- 1.1 “Application” shall mean an application for a Revocable Park Use Permit, the form of which is attached hereto as **Attachment 1**.
- 1.2 “Board” shall mean the Board of Directors of the Lincoln Park Metropolitan District.
- 1.3 “Deposit” shall mean the three hundred dollar (\$300.00) deposit required to be paid to the District as such time as an Application is submitted to the District Manager as described in Section 3.1
- 1.4 “District” shall mean the Lincoln Park Metropolitan District.
- 1.5 “Individual Event Permit Fee” shall mean the one hundred dollar (\$100.00) fee required for a Permit and required to be paid to the District for the reservation of a Park Facility for a single day reservation as described in Section 3.1.
- 1.6 “Manager” shall mean the manager of the District, currently CliftonLarsonAllen, LLP, 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111.
- 1.7 “Park Facility” shall mean any facility at, or portion of, a Parks, Facilities, and Open Space area.
- 1.8 “Parks, Facilities, and Open Space” shall mean all public recreational lands and trails, waters, buildings, structures, and facilities located on such lands owned and/or operated by the District, including, but not limited to, the District’s tennis courts, fields, and park shelters, but exclusive of the District’s pool facility located at approximately 9540 Stonegate Parkway, Parker, CO 810134.
- 1.9 “Permit” shall mean a Revocable Park Use Permit as described in Section 3.1.
- 1.10 “Permit Fee” shall mean the Individual Event Permit Fee and/or the Seasonal Permit Fee required to be paid prior to obtaining a Revocable Park Use Permit as described in Section 3.1.
- 1.11 “Seasonal Permit Fee” shall mean the two hundred dollar (\$200.00) fee required to be paid to the District for the reservation of a Park Facility to reserve the Park Facility for more than one day as described in Section 3.1.

Section 2: Prohibited Uses

Without the prior written permission of the District Manager, or other individual as may be appointed by the Board, no person shall:

- 2.1 Enter, use, or occupy any Parks, Facilities, and Open Space, or any portion thereof, during the time such Parks, Facilities, and Open Space, or any portions thereof, are closed to entry, use, or occupancy, including seasonal closures.
- 2.2 Remove, destroy, deface, or damage any building, structure, facility, sign, vegetation, rock, or other object located within any Parks, Facilities, and Open Space.
- 2.3 Construct, place, or maintain any kind of road, trail, structure, sign, equipment, fence, marker, enclosure, communication equipment, or other improvement within any Parks, Facilities, and Open Space.
- 2.4 Possess glass containers within any Parks, Facilities, and Open Space.
- 2.5 Deposit or leave any refuse, trash, litter, household or construction debris, or commercial garbage or trash, including but not limited to brush, lawn trimmings, and Christmas trees, in or upon any Parks, Facilities, and Open Space except by depositing such refuse, trash, debris, and litter in refuse receptacles specially designated for such purpose by the District.
- 2.6 Build, start, or light any fire within any Parks, Facilities, and Open Space other than fires contained entirely within District-owned and provided BBQ grills. Personal grills may not be brought within any Parks, Facilities, and Open Space without the written permission of the District.
- 2.7 Feed, hunt, trap, catch, molest, take, harass, harm, or kill any wild animal, bird, fish, reptile, or amphibian or to disturb their habitat within any Parks, Facilities, and Open Space.
- 2.8 Plant any tree, shrub, plant, or other vegetation within any Parks, Facilities, and Open Space.
- 2.9 Have within any Parks, Facilities, and Open Space any animals except domestic pets (dogs or cats). All domestic pets shall be restrained by means of a leash, cord, rope, or chain not to exceed six (6) feet in length under the physical control of a person. No person shall allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile, or amphibian within Parks, Facilities, and Open Space.
 - 2.9.1 To have vicious animals, as the term is defined in Douglas County Resolution No. R-998-100, as authorized pursuant to Section 30-15-101(1)(a)(III), C.R.S., within any Parks, Facilities, and Open Space.

- 2.9.2 To leave any domestic pet unattended within any Parks, Facilities, and Open Space.
- 2.9.3 For any person who brings a domestic pet into any Parks, Facilities, and Open Space to not pick up and dispose of the animal's excrement in designated refuse receptacles.
- 2.10 Relocate or release animals, fish, birds, or insects onto any Parks, Facilities, and Open Space.
- 2.11 Possess openly, use, cock, aim, or discharge any firearm, including but not limited to B-B guns, pellet guns, paint ball guns, and air-soft guns onto or within any Parks, Facilities, and Open Space.
- 2.12 Possess, use, draw, or discharge any archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts onto or within any Parks, Facilities, and Open Space.
- 2.13 Possess, use, or discharge any device capable of discharging a projectile by any means whatsoever, including but not limited to slingshots and wrist rockets onto or within any Parks, Facilities, and Open Space.
- 2.14 Ignite or launch any model rockets or airplanes onto or within any Parks, Facilities, and Open Space.
- 2.15 Use, ignite, or fire any fireworks or explosives onto or within any Parks, Facilities, and Open Space.
- 2.16 Golf or hit golf balls onto or within any Parks, Facilities, and Open Space.
- 2.17 Play lacrosse or throw lacrosse balls onto or within any Parks, Facilities, and Open Space other than at Aventerra Park, which is located at the southeast corner of the intersection of Keystone Boulevard and Aventerra Parkway.
- 2.18 Operate any motorized vehicle within any Parks, Facilities, and Open Space, except on public roads or within public parking areas. Emergency, maintenance, and patrol vehicles are specifically excluded.
- 2.19 Park vehicles within any Parks, Facilities, and Open Space except within designated parking lots.
- 2.20 Camp within any Parks, Facilities, and Open Space.
- 2.21 Park semi or commercial trucks, campers, or trailers within any Parks, Facilities, and Open Space.

- 2.22 Swim, wade, or operate any boat or other flotation device in waters located within any Parks, Facilities, and Open Space.
- 2.23 Skate or ice skate on any non-designated surface within any Parks, Facilities, and Open Space.
- 2.24 Engage in activity within any Parks, Facilities, and Open Space that unreasonably endangers the health, safety, and welfare of any person, animal, or property.
- 2.25 Engage in disorderly conduct, as defined in Section 18-9-106(1), C.R.S., within any Parks, Facilities, and Open Space.
- 2.26 Carry, possess, or consume alcoholic beverages within any Parks, Facilities, and Open Space.
- 2.27 Amplify sound by any means within any Parks, Facilities, and Open Space.
- 2.28 Build or place any kind of structure, fence, tree house, rope, or other swing within any Parks, Facilities, and Open Space.
- 2.29 Interfere or attempt to interfere with any authorized law enforcement or District personnel or to give false or misleading information with the intent to mislead said persons in the performance of their duties.

Section 3: Revocable Park Use Permit

- 3.1 **Application for a Revocable Park Use Permit.** Any party desiring to utilize any Park Facility for an event which will involve more than ten (10) individuals must confirm availability of the Park Facility and apply for a Permit for such use. All applicants must be at least twenty-one (21) years of age. The applicant must complete and execute an Application, pay the Permit Fee, and pay the Deposit no later than ten (10) days prior to the proposed event. If the applicant is a corporation, the Application must also be executed by an individual. The District retains the right to waive the ten (10) day requirement. All Applications shall be taken and reviewed in a first-come, first-served basis. If the Application is accepted, the District will execute a Permit, and will provide the same to the applicant within five (5) days after receipt of the Application.

For single-day reservations of the Park Facilities, the District Manager is required to collect a one hundred dollar (\$100.00) Individual Event Permit Fee to offset the District's costs of providing the Parks, Facilities, and Open Space programs and facilities.

For any Park Facility reservation longer than one day (e.g. sports team practice rentals), the District Manager is required to collect a two hundred dollar (\$200.00) Seasonal Permit Fee to offset the District's costs of providing the Parks, Facilities, and Open Space programs and facilities.

Additionally, the District Manager is required to collect a three hundred dollar (\$300.00) Deposit from every applicant pursuant to this Section 3.1. Such Deposit must be made at the time the Application is submitted. The Deposit, or a portion thereof, may be refundable pursuant to the Section 3.3 below.

A copy of the Permit must be in the possession of the applicant or a designated recipient during the event and must be shown to District personnel or law enforcement upon request. The Permit is non-assignable.

Reservations will not be considered final until approval is granted and the appropriate Permit Fee and Deposit have been received by the District Manager.

3.2 **Permit Conditions.** In addition to the Prohibited Uses outlined in Section 2 above, the following permit conditions shall also apply to all Permits:

- 3.2.1 No more than fifty (50) individuals may be present at the event at any given time without prior District approval in writing.
- 3.2.2 Motorized vehicles are prohibited (this includes vehicles for the purposes of unloading or loading picnic supplies and all catering or concession vehicles) on the Parks, Facilities, and Open Space, except on public roads or within public parking areas. Exceptions will require prior District approval in writing.
- 3.2.3 No commercial concessions shall be operated, nor charge or donation request of any kind be made of the public, on the premises without prior District approval in writing, including confirmation that all necessary permits have been issued by all appropriate state and local authorities.
- 3.2.4 Upon termination of the permitted use, the area shall be restored to a litter-free condition. Repair or cleanup required by the District will be deducted from the Deposit and, to the extent the amount exceeds the Deposit, invoiced to the applicant based on cost of service.
- 3.2.5 If additional security or traffic control measures are required, the District will not assume any financial responsibility for such services.
- 3.2.6 Tents, booths, stands, awnings, canopies, or other structures are prohibited without prior District approval in writing.
- 3.2.7 Destruction, damage, or removal of any vegetation and defacement of District property are prohibited.
- 3.2.8 Disorderly conduct and/or abusive language are prohibited.

- 3.2.9 A Permit is inapplicable for the use of waterways, swimming pools, or other water facilities in any Parks, Facilities, and Open Space.
- 3.2.10 The applicant, and any organization represented by the applicant, shall be responsible for it/his/her actions and the actions of the parties represented as a result of the Permit.
- 3.2.11 All reservations may be subject to time limitations and use limitations, and may be subject to other conditions or restrictions as set forth in the Permit. Users must vacate the area at the time designated on the Permit, if any. Failure to comply with time restraints, if any, may be considered a forfeiture of the Deposit.
- 3.2.12 Due to concerns about field or court conditions, the District reserves the right to cancel an event if it is deemed, in the District's sole discretion, that the field or court conditions are poor or the activity will cause damage. It is the responsibility of the field user(s) to know the status of any given field or court to maintain safe and playable conditions. The fields and courts may not be used and activities must be cancelled when any of the following conditions exists: standing water and ground saturation; snow covers the field or court (snow removal by user groups will not be permitted); grass and field are sparse or worn badly; frost is visible; mud cakes or clings to shoes; or when steady rain is falling.
- 3.3 **Refund of Deposit.** The Deposit will be refunded if and to the extent the Park Facility is left in a condition acceptable to the District and the applicant and group have complied with these Rules and Regulations. Unless required at an earlier time identified in the Permit, no later than 12:00 p.m. on the day after the event, the applicant is required to restore the Park Facility to the condition such Park Facility was in prior to the event. The District shall deduct any reasonable costs related to any damage to the Park Facility, the removal of any excess trash or debris remaining at the Park Facility and the surrounding area utilized for the event, and any other costs incurred by the District due to noncompliance with these Rules and Regulations and any Permit conditions. To the extent the costs exceed the amount of the Deposit, the applicant shall be invoiced for the cost of the services. Applicant agrees to pay any such invoice within thirty (30) days, and if any such invoice charges are not paid within thirty (30) days, interest shall accrue at a rate of eighteen percent (18%) per annum from the thirtieth (30th) day following the date of the invoice. The District shall be entitled to charge to the applicant any and all legal fees and any other related expenses incurred for collection efforts.
- 3.4 **No Refund for Inclement Weather or Park Facility Closure.** In the event (1) the Park Facility is closed or may not be used due to poor field or court conditions as stated in Section 3.2.12 above; or (2) the event is not, or may, not otherwise be held due to inclement weather or any other reason outside of the control of the District, the Deposit will be refundable in accordance with Section 3.3 above, but the District will not refund

any Permit Fee. The applicant assumes the risk of forfeiture of the Permit Fee in accordance with this Section.

Section 4: Should any person fail to observe and obey any such order, rule, regulation, or sign posted by the District, the District Manager, or designee, may immediately remove, or cause to be removed, any such person and may ban such person from the use of the Parks, Facilities, and Open Space and any Park Facility for such period of time as may be necessary to secure compliance with orders, rules, regulations, or posted signs.

4.1 **Criminal Remedies.** Pursuant to Section 18-9-117 (2) & (3), C.R.S., when said rules and regulations have been prominently posted or notice given as required by Section 18-9-117(2), C.R.S., any violation of the Rules and Regulations for Parks, Facilities, and Open Space is unlawful, and violators shall be subject to criminal penalties enforceable by the Douglas County Sheriff's Office or other appropriate law enforcement.

**Attachment 1
to Rules and Regulations
for Parks, Facilities, and Open Space**

Lincoln Park Metropolitan District
Application for Revocable Park Use Permit

Lincoln Park Metropolitan District

8390 E. Crescent Parkway, Suite 500

Greenwood Village, CO 80111

Main (303) 779-5710

Fax (303) 779-0348

Application for Revocable Park Use Permit

An event which will involve more than ten (10) individuals is required to have a Revocable Park Use Permit. Applicant must be at least 21 years of age.

Name of Applicant: _____

Name of Organization (if applicable): _____

Address: _____

Phone: _____ Mobile: _____ Home: _____

Email Address: _____

Name of Park Facility / Location: _____

Number of Individuals: _____

Date of Use: _____

Time of Use: _____

POLICY

Capitalized terms not defined herein shall have the meaning ascribed to them in the Lincoln Park Metropolitan District ("District") Rules and Regulations for Parks, Facilities, and Open Space ("Rules and Regulations"). Any party desiring to utilize any Park Facility for an event which will involve more than ten (10) individuals must confirm availability of the Park Facility and apply for a Permit for such use. All applicants must be at least 21 years of age. The applicant must submit a completed Application, Permit Fee, and Deposit no later than ten (10) days prior to the proposed event.

Permits will be issued on a first-come, first-served basis. Use times and preferences if granted will be granted in the order of the reservations received by the District's Manager. You may not get your first choice of days and/or time; therefore, please provide a second and third choice to ensure you get a reservation.

The following must be submitted in order to be considered for a Permit:

- (1) A completed Application; and
- (2) Deposit; and
- (3) Permit Fee.

Deposit. There is a \$300.00 deposit for a Permit. The Deposit may be returned in accordance with Section 3.3 of the Rules and Regulations.

Permit Fee. There is a \$100.00 Individual Event Permit Fee for single-day reservations and a \$200.00 Seasonal Event Permit Fee for reservations of more than one day to offset the District's costs of providing the Parks, Facilities, and Open Space programs and facilities.

Please make checks payable to Lincoln Park Metropolitan District, c/o CliftonLarsonAllen LLP, 8390 East Crescent Pkwy, Suite 500, Greenwood Village, CO 80111, Attention: Matthew Urkoski.

Reservations will not be considered final until approval is granted and the appropriate Deposit and Permit Fee have been received by the District.

VIOLATION OF ANY OF THE REVOCABLE PARK USE PERMIT CONDITIONS OR ANY OF THE DISTRICT'S POLICIES, INCLUDING, BUT NOT LIMITED TO, THE RULES AND REGULATIONS FOR PARKS, FACILITIES, AND OPEN SPACE, MAY RESULT IN IMMEDIATE REVOCATION OF THE REVOCABLE PARK USE PERMIT AND/OR FORFEITURE OF THE DEPOSIT.

INDEMNIFICATION/WAIVER OF LIABILITY: The Applicant and Organization Represented as listed below, its successors and assigns, waive all liability and will defend, indemnify, and hold harmless, the District, the District's staff, employees, consultants, licensees, invitees, agents, successors, and assigns from any and all loss, claims, liability, damages, and costs, including, without limiting the generality of the foregoing, court costs and attorneys' fees, caused by, resulting from, or in any way arising out of, or alleged to arise out of, the use of the District's facilities by the Applicant or Organization Represented, its licensees, invitees, agents, contractors, subcontractors, employees, successors, and assigns.

I have read, understand, and fully agree with and accept all responsibility for the terms and conditions of this Revocable Park Use Permit.

Signature of Applicant: _____

Organization Represented: _____

Date: _____

FOR OFFICE USE ONLY:

Approved Disapproved

Date: _____ By: _____

Fee: Cash Check # _____ Other _____

Deposit: Cash Check # _____ Other _____

Confirmation received? Yes No

Additional Notes:

Lincoln Park Metropolitan District
Revocable Park Use Permit
(to be completed by District office personnel)

Name of Applicant: _____

Name of Organization (if applicable): _____

Name of Park Facility / Location: _____

Number of Individuals: _____

Dates of Use: _____

Times of Use: _____

Approved Disapproved Date: _____

Permit Fee: _____ Deposit: _____ Total \$: _____

Cash Check # _____ Other _____

Confirmation received? Yes No

Special Conditions:

Signature

Title

Date

**Exhibit B
To Resolution**

Parks, Facilities, and Open Space Rules and Regulations
Notice for Posting

**LINCOLN PARK METROPOLITAN DISTRICT
PARKS, FACILITIES, AND OPEN SPACE
RULES AND REGULATIONS**

- Only domestic pets (dog and cats) are permitted, but such pets must be leashed and their waste properly disposed of.
- Shelter, court, and field use is subject to prior reservation, and use by more than 10 individuals requires a permit.
- Vehicles may be parked only at designated parking lots.
- Lacrosse may only be played at Aventerra Park (located at the southeast corner of the intersection of Keystone Boulevard and Aventerra Parkway).

PROHIBITED

- Removing, destroying, defacing, or damaging any structure, equipment, vegetation, or objects within the Park Facility
- Glass containers
- Unauthorized motorized vehicles, including but not limited to semi or commercial trucks, trailers, and campers
- Camping
- Littering or dumping
- Fires other than those contained entirely within District-owned and provided BBQ grills; personal grills are prohibited
- Fireworks
- Open carrying of firearms and archery
- Projectiles of any kind (e.g. sling shots and wrist rockets)
- Model rockets and airplanes
- Amplified sound
- Hitting golf balls
- Playing lacrosse or throwing lacrosse balls other than within Aventerra Park
- Construction of any kind of road, trail, sign, tree house, swing, fence, marker, or any other structure or improvement
- Planting trees, shrubs, plants, or other vegetation
- Swimming, wading, or boating
- Skating or ice skating on any non-designated surface
- Disorderly conduct
- Misuse of public property
- Alcoholic beverages
- Feeding or harassing wildlife
- All animals except leashed domestic pets (dog and cats), including relocation or release
- Interfering with law enforcement

To report violations or accidents call 911 and provide specific location information.

The full text of the Resolution Adopting Rules and Regulation for Parks, Facilities and Open Space can be obtained from the District Manager at (303) 779-5710.

The Rules and Regulations for Parks, Facilities, and Open Space are enforced as authorized by Colorado Revised Statutes Sections 18-9-117 and 32-1-1001.