

**ORDINANCE NO. 2014-05**

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING  
CHAPTER 9.03 OF THE FRUITA MUNICIPAL CODE CONCERNING  
PARKS AND PUBLIC GROUNDS**

**WHEREAS**, it is the intent of this Ordinance to include open spaces, trails and other public properties in Chapter 9.03.002 of the Fruita Municipal Code concerning Parks and Public Grounds, Prohibited Acts; and

**WHEREAS**, it is also the intent of this Ordinance to include a prohibited act of occupying a park or public grounds for anything other than their primary purposes in Section 9.03.002 of the Fruita Municipal Code; and

**WHEREAS**, it is also the intent of this Ordinance to change the penalty for violating subsections (A) – (H) of Chapter 9.03.002 from a Class A Municipal Offense to a Class B Municipal Offense; and

**WHEREAS**, it is also the intent of this Ordinance to remove language in Chapter 9.03.002 that states that any person who violates subsections (G) of this Section commits a Non-Criminal Municipal Offense

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF FRUITA, COLORADO:**

**Section 1.** That Section 9.03.002 of the Fruita Municipal Code, concerning Parks and Public Grounds, Prohibited Acts, is hereby amended to read as follows:

**9.03.002 PARKS AND PUBLIC GROUNDS, PROHIBITED ACTS.** It is unlawful for any person, firm or organization using city parks, **TRAILS, OPEN SPACES, GREENWAYS, RIGHT OF WAYS, EASEMENT AREAS OR ANY OTHER PROPERTY OWNED, MAINTAINED AND/OR CONTROLLED BY THE CITY** to either perform or permit to be performed any of the following acts:

- A. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railing, paving or paving material, waterlines or other public utilities or parts or appurtenance thereof, signs, notices or placards whether temporary or permanent monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenance whatsoever, either real or personal;
- B. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, tributary, 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;

- C. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any parks, 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.
- D. Violate any rule for the use of the park, ~~made or approved by the City Council.~~
- E. Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use;
- F. Swim, bathe, or wade in any waters or waterway in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are set forth in this chapter or may be hereafter adopted.
- G. Serve or consume beverages from glass containers.
- H. OCCUPYING A PARK OR PUBLIC GROUNDS FOR OTHER THAN THEIR PRIMARY PURPOSES. PITCHING TENTS OR PARKING TRAILERS OR OTHER CAMPING EQUIPMENT EXCEPT IN PLACES PROVIDED FOR SUCH SERVICES.**
- I. Any person who knowingly violates subsection (A) - ~~(H F)~~ of this Section commits a Class ~~B~~ **A** Municipal Offense. ~~Any person who violates subsections (G) of this Section commits a Non-criminal Municipal Offense.~~

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

ATTEST:

CITY OF FRUITA, COLORADO

\_\_\_\_\_  
Margaret Sell, City Clerk

BY: \_\_\_\_\_  
Lori Buck, Mayor