

TOWN OF LYONS, COLORADO

ORDINANCE 1148

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING CHAPTER 11, ARTICLE 4 SECTION 20 OF THE LYONS MUNICIPAL
CODE CONCERNING THE HOURS OF OPERATIONS FOR TOWN PARKS**

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons ("the Town") has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, the Town of Lyons Board of Trustees ("Board") previously enacted Article 3 Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Park Hours" establishing hours for Town parks; and

WHEREAS, LMC § 11-4-20 sets the hours of 5:00 a.m. to 10:00 p.m. without any consideration of the season or allowance for flexibility in operations; and

WHEREAS, Town Staff recommends LMC § 11-4-20 be amended to reflect the operational realities of Town Parks and including changing the hours of operations to "dawn to dusk" to account for the seasonality of Town parks; and

WHEREAS, it is in the best interests of the public health, safety, and welfare that this Ordinance changing the park hours be passed and enactment of accompanying amendments be made; and

WHEREAS, The Board now desires to enact this Ordinance amending the hours of Town parks.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF LYONS, THAT:**

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. LMC § 11-4-20 is hereby amended to read as follows:

Sec. 11-4-20. - Park hours.

- (a) The parks within the Town shall be open daily to the public from dawn until dusk or as otherwise determined by the Town Administrator or their designee.
 - (1) Any variance in the hours of a Town Park(s) by the Town Administrator or their designee shall be publicly posted.

- (b) No person shall remain within any Town Park when the parks are not open, except:
- i. When camping with a permit in LaVern M. Johnson Park.
 - ii. When utilizing formal (or established) walkways through the parks outside of park hours.
 - iii. When authorized by the Town Administrator or their designee by permit or publicly posted variance to the Town Park(s) hours.
 - iv. When engaged in maintenance activity as directed by the Town.
- (c) Nothing in this section should be construed to mean it is lawful to be on property owned by the Town but not open for public access, even during park hours.

Section 3. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor the substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. 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 or code hereby repealed prior to this ordinance taking effect.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2 of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following the final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 20th DAY OF JUNE 2023.

**INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON
SECOND READING THIS 5th DAY OF JULY, 2023.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, MMC – Town Clerk