

City and County of Denver
Department of Parks and Recreation
Topic: 2012 Rules and Regulations Update



Background:

Efforts to update the DPR Rules and Regulations have been underway for over ten years. The last full update was completed in 1993. There are a variety of revisions and additions that are needed to bring the rules and regulations up to date. These include:

- The numbering and organization of the 1993 Rules and Regulations is no longer accurate and an update is warranted.
- Some clarifications and corrections of existing Rules and regulations are needed.
- There is a need to add some new Rules and Regulations to address current issues
- There is a need to add language to enable and govern the use of Administrative Citations for enforcement.

Given the scope of this entire project, the Department has determined that it will be best to perform the revisions in phases with this set of revisions being Phase 1. Many of the 1993 Rules and Regulations are still valid and appropriate and no effort will be made to change these existing regulations

The following is a summary of the proposed additions and clarifications that are recommended in the 2012 Rules and Regulations update:

Process:

Sec. 39-1. - Rules and regulations; enforcement.

(a) Under section 2.4.4 of the City Charter, the Manager of Parks and Recreation has the power and authority to adopt rules and regulations for the management, operation and control of parks, parkways, mountain parks and other recreational facilities, and for the use and occupancy, management, control, operation, care, repairing and maintenance of all structures and facilities thereon, and all land on which the same are located and operated.

Sec. 39-2. - Adoption of rules.

(a) Any proposed rules and any amendments to the rules shall be referred to the Board of Parks and Recreation by the Manager. The Board of Parks and Recreation (PRAB) shall consider the proposed rules or amendments to the rules and make recommendations to the Manager within forty-five (45) days of the board's receipt of the proposed rules or amendments to the rules.

Elements for Review:

Four specific elements must move forward for the 2012 Rules and Regulations update to be completed.

RULES & REGULATIONS (draft proposed)

Governing Public Activities, Uses and Behavior in Parks, Parkways, Mountain Parks, Recreation Facilities, and other Public Facilities under the auspices of the Denver Department of Parks and Recreation. This update to the DPR Rules and Regulations is under the purview of the Manager and must go through a PRAB public meeting process.

RULES & REGULATIONS GOVERNING USE OF ADMINISTRATIVE CITATIONS (draft proposed)

For the Enforcement of Article I of Chapter 39 of the Denver Revised Municipal Code and for the Recovery of Costs and Restitution for Damages Resulting from Violations of Article I of Chapter 39. This update to the Rules and Regulations Governing Administrative Citations is under the purview of the Manager and must go through a PRAB public meeting process.

FINES ATTACHMENT A (draft proposed)

Penalty Fines for Violations of Article 1, Ch. 39, DRMC Adopted in accordance with Sec. 2-293, DRMC (there is a one page list of proposed fines for Administrative Citations). This update to the DPR Rules and Regulations is under the purview of the Manager and must go through a PRAB public meeting process. Fines for Administrative Citations may be recommended by the Manager and PRAB, but must be approved by Council.

Summary of Proposed Changes:

Mountain Parks Curfew: Change curfew for Mountain Parks to one hour after sunset and one hour before sunrise. This is consistent with Jefferson County Open Space regulations; the current curfew is 11:00 p.m. to 5:00 a.m. which allows use in the Mountain Parks after dark (a problem).

Red Rocks: Clarified “rock climbing” prohibition. Limits use to designated trails and facilities only.

Summit Lake: Limits use to designated trails and use areas.

Wildlife: Updates definition of “wildlife” --prohibits the feeding of wildlife.

Trails and human-powered devices: Updates trail regulations to include regulation of human powered devices. Established a 15 mph speed limit on DPR Trails unless otherwise signed--establishes rules concerning careless and reckless operation of human powered devices.

Compliance with lawful order; identification; interference or evasion: All persons must comply with any lawful order issued by an Enforcement Official (ranger) when the Official has reason to believe that a violation has occurred. All persons must provide appropriate and correct identification to an Enforcement Official when the Official has reason to believe that a violation has occurred. A person may not interfere with an Enforcement Official in the performance of that Official’s duties or to evade lawful actions.

Administrative Citations: The establishment of administrative (civil) citations, penalties and procedures for violations of DPR Rules and Regulations. Administrative Citations are already being used for enforcement by Forestry, Animal Control, Environmental Health, Neighborhood Inspections, and Right-of-Way Control.

Fines: Sets fines for most Administrative Citations at \$100

Ordinance amending Chapter 39: This includes the following: proposed Mountain Parks Curfew, Trails and Human-powered Devices, general updates to language and organization.

PRAB Review and Public Input:

A PRAB working group has been formed to review documents and guide the public review process. Staff will meet with stakeholder groups and solicit feedback as well. A 45 day posting and public review process is required before PRAB public meeting tentatively scheduled for April 2012.

Progressive Compliance:

The rules and regulations are in place to help provide a clean, safe, and enjoyable experience for park visitors. Visitors coming to parks for a recreational experience may be unfamiliar with some park regulations. In an effort to educate the public and avoid negative visitor contacts, a program of "progressive compliance" will be employed when Park Rangers are making regulatory enforcement contacts.

Priorities:

General patrol and enforcement priorities are as follows:

1. **Public Safety**
Park Rangers will prioritize patrol and contact efforts in an effort to ensure public safety in Denver Park and Recreation properties.
2. **Resource and Facilities Protection**
Park Rangers will prioritize patrol and contact efforts in an effort to protect park resources and facilities.
3. **Administration**
Park Rangers will enforce regulations such as park permits, fees, and other administrative rules and regulations.

Guidelines:

Enforcement contacts will be made in an effort to educate the public and increase voluntary compliance. In general, visitors will first be warned and asked to comply with park rules and regulations. Rangers will employ progressive enforcement actions as follows:

1st Contact:

Typically a verbal or written warning, the nature of the rule or regulation will be explained to the visitor and their compliance requested. If the violation is particularly serious (public safety violations, rock climbing, damage to park property, etc.) a citation may be appropriate at this time.

2nd Contact:

If a second contact is required for the same offense, a Park Ranger may issue a citation to the individual or issue a final warning.

3rd or Additional Contacts:

Ranger may cite the individual or ask them to leave the park for failing to comply with the rules and regulations. At this point, if compliance is still in question, the ranger can call for Denver Police assistance to cite and remove the individual from the park. If at any point a ranger is threatened, they may call for police assistance, but police intervention should be used sparingly and with cause. Assistance in Mountain Parks would be provided by the Jefferson County Sheriff's Department.