

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION TC-2008-3**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL ADOPTING
REGULATIONS GOVERNING PARKS AND PUBLIC PLACES.

WHEREAS, due to the rapid growth and development of the Town, the Town has received, and will continue to receive and acquire, new land for use as parks, open space and other public places; and

WHEREAS, given the increase in both the number of parks and the complexity concerning the use of parks and open space by multiple types of users, the Town desires to increase its ability to address more quickly developing issues of inventory, maintenance, upkeep, and enforcement; and

WHEREAS, pursuant to Chapter 12.20 of the Town Code, Council is empowered to adopt specific parks, open space, and public places regulations that govern special circumstances or issues.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Approval: The following parks and public place regulations are hereby adopted:

I. Dogs Permitted Off Leash:

A. The owner, keeper or harbinger of a dog may lead, bring or otherwise permit such dog in or upon the following parks and public places if the dog is under control by means of an adequate leash, cord or chain that is controlled by the dog's owner, keeper or harbinger, or if the dog is under "voice control," as defined in subsections B and C of this section:

1. Coal Ridge Park;
2. Riverside Park Play Fields;
3. Mt. Medaris Trail;
4. Cemetery Road; and
5. Alder Park.

B. A dog is under "voice control" when the owner, keeper or harbinger of the dog controls the behavior of a dog that is not leashed or otherwise physically restrained sufficient that the dog does not, without regard to circumstances or distractions:

1. Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
2. Charge, chase, or otherwise display aggression toward any dog;
3. Charge, chase, harass, or disturb wildlife or livestock; or

4. Fail to come to and stay with the owner or keeper immediately upon command by such person.

C. Voice control does not exist unless the owner, keeper or harbinger exercises this command authority at all times to keep the dog within the requirements of this definition.

II. Park and Open Space Memorials:

The Town permits donations of memorials for placement in Town parks, open space, or public places pursuant to the following guidelines:

A. Tree donations:

1. Individuals or groups wishing to plant a memorial tree shall complete an application form available at Town Hall. The applicant will be required to pay a one-time non-refundable purchase, planting, and maintenance fee to cover the cost of the installation of the tree and the administration of this program. Applications may be submitted at any time during the year.

2. Subject to section 3, below, the applicant may request a particular type of tree from a list of approved species. The applicant may also request that the tree be placed in a specific park or location.

3. The Town will attempt to accommodate the applicant's request concerning tree type, the final installation location, and the timing of the installation, and will attempt to notify the applicant of the same. However, the Town retains final decisionmaking authority over all aspects of tree selection and planting to ensure consistency with the Town's park plans and goals. The Town will use its best efforts to maintain the overall health of the tree, but the Town shall not be responsible to the applicant in the event that the tree becomes ill or dies.

4. No plaques or other markings shall be permitted on or around the tree.

B. Memorial benches or other park amenity memorials:

1. Individuals or groups wishing to donate a memorial bench or other park amenity shall complete an application form available at Town Hall. The applicant will select a bench or other park amenity from an approved list provided by the Town. The applicant shall be required to pay a one-time application fee. Such fee covers the acquisition of the bench or amenity, its installation, and administrative costs of this program.

2. The applicant can work with Town Staff to determine suitable locations for the placement of the bench or amenity. The Town retains final decisionmaking authority over the placement of the bench or amenity.

3. When feasible and for an additional fee, an applicant may request the inclusion of a small plaque on the bench or amenity. The design, placement, and content of the plaque will be determined by the Town, but generally will read:

“In Memory of _____.”

C. Other memorials or donations:

From time to time the Town may accept donations for specific projects that benefit the Town (e.g.: plazas, fountains, gardens, park naming). Individuals and groups are encouraged to inquire whether such specific projects exist.

3. Posting and Notice of Regulations: Pursuant to Chapter 12.20 of the Town Code, these regulations shall be posted in Town Hall in a conspicuous area for ongoing public inspection, and shall be made available on the Town’s website. In addition, any and all signage addressing substantive issues of park and open space regulations permitted by the Chapter 12.20 of the Code or by subsequent regulation enacted at or near Town parks or open space shall contain the following provision:

Park and Open Space users are subject to the provisions of the Town Code and the Town’s Parks and Open Space Regulations, all of which are available on the Town’s website; www.newcastlecolorado.org.

THIS RESOLUTION was adopted by the New Castle Town Council by a vote of 7 to 0 on the 15th day of January, 2008.



TOWN OF NEW CASTLE, COLORADO

By: 
Frank Breslin, Mayor

ATTEST: 
Lisa Cain, Town Clerk