

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Council Bill No. 11-2008
Ordinance No. 1415

Series 2008

TITLE: AN ORDINANCE AMENDING SECTIONS 17.1, 17.22 AND 17.32 OF THE
WHEAT RIDGE CODE OF LAWS CONCERNING RESTRICTIONS OF USE
OF LAKES AND WATERWAYS WITHIN THE CITY

WHEREAS, the City Council of the City of Wheat Ridge, Colorado has authority to enact ordinances for the protection of public health, safety and welfare; and

WHEREAS, exercising this authority, the Council has previously adopted Chapter 17 of the Wheat Ridge Code of Laws entitled "Parks and Recreation;" and

WHEREAS, the Council has determined it is necessary to amend Sections 17.1, 17.22 and 17.32 of the Code to extend enforcement authority of code officers to lakes and waterways.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 17.1 is amended by the addition of the following definition:

WATERWAY MEANS THE PORTIONS OF LENA GULCH AND CLEAR CREEK WITHIN CITY LIMITS.

Section 2. Section 17.22 is amended to read as follows:

Sec. 17-22. Restriction of use.

The director may restrict the hours, days and weeks of use of any recreation center or building, facilities, parks, open space or trails, LAKE OR WATERWAY, and the director or an CSO may restrict or remove any user, individual or group for violation of any of the rules and regulations set forth in this article.

Section 3. Section 17.32 is amended to read as follows:

Sec. 17-32. Boating.

a) All nonmotorized watercraft designed to be used as a means of transportation on water, other than single-chambered air-inflated devices, shall be allowed on any waters in the park and recreation areas of the city as outlined in this section except for Bass Lake. Boating is prohibited on Bass Lake.

(b) In order to boat on any water in the parks and recreation areas of the city the following requirements shall be met:

(1) The watercraft shall be nonmotorized, propelled solely by means of oars and paddles or by the use of sails. Any watercraft which has a motor-driven means of propulsion shall be classified as motorized and shall be prohibited upon the water of the city.

(2) Any sailboat must be properly registered with the Colorado Division of Parks and Outdoor Recreation.

(3) All air-inflated devices, including inflatable canoes, kayaks, rafts and belly boats, must have a minimum of two (2) separate and distinct chambers. Inner tubes, air mattresses and other similar beach toys are not permitted at any time.

(4) The watercraft shall be in seaworthy condition as defined by these rules and regulations and determined by the CSOs.

(5) EACH PERSON OCCUPYING A The watercraft shall BE REQUIRED TO WEAR A ~~have one (1)~~ personal flotation device of a type currently approved for use by the United States Coast Guard WHILE THE CRAFT IS IN USE. IN ADDITION, EACH WATERCRAFT, EXCEPT FOR KAYAKS, SHALL HAVE on board AT LEAST ~~for each person occupying the craft and one (1)~~ throw flotation device.

(f) ~~AN~~ A CSO may order operators from the water when, in the CSO's judgment, such operators constitute a safety hazard to themselves or other OPERATORS operations. CSOs may also order from the water persons or crafts operating in a reckless or careless manner or in disregard of or in violation of any department of parks and recreation rule or regulation. CSOs shall have the authority to close ANY LAKE OR WATERWAY ~~the lake~~ because of inclement weather or any other unsafe condition which, in the judgment of the CSO, constitutes a danger to the health and safety of the public.

(g) EXCEPT AS EXPRESSLY PROVIDED FOR HEREIN, THE PROVISIONS OF ARTICLE 13 OF TITLE 33 OF THE COLORADO REVISED STATUTES, ENTITLED VESSELS, AS CURRENTLY WRITTEN AND HEREAFTER AMENDED, SHALL APPLY TO LAKES AND WATERWAYS WITHIN THE CITY.

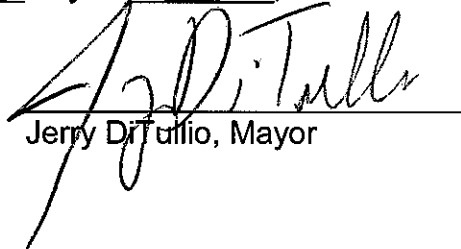
Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

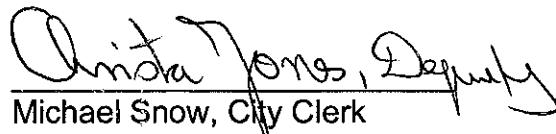
INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 14th day of July, 2008, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for Monday, July 28, 2008 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

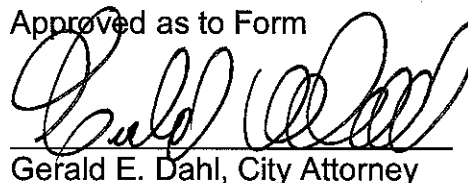
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 28th day of July, 2008.

SIGNED by the Mayor on this 28th day of July, 2008.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: July 17, 2008

Republished as amended on 1st reading: July 24, 2008

Third Publication as amended on 2nd reading: July 31, 2008

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Effective Date: August 15, 2008