

ORDINANCE NO: 2181

INTRODUCED BY: \_\_\_\_\_  
\_\_\_\_\_

AN ORDINANCE CREATING SECTION 12-2011 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ENTRANCE UPON CLOSED PUBLIC GROUNDS AND REPEALING ORDINANCE 2160.

WHEREAS, the City of Commerce City, Colorado is a home rule municipality organized pursuant to the laws of the State of Colorado;

WHEREAS, the City of Commerce City, Colorado has retained the authority to exercise its police powers for the benefit of the public, the residents of Commerce City, and all those accessing public grounds within its jurisdiction;

WHEREAS, from time-to-time, the Commerce City Revised Municipal Code requires additions for the benefit of public safety;

WHEREAS, the City of Commerce City, Colorado wishes to take action to maintain and protect public grounds from unnecessary diminishment and erosion, to protect people from safety hazards, and also wishes to beautify such public grounds without unnecessary hindrance;

WHEREAS, the City Council of the City of Commerce City has determined that it is in the best interests of the public and the residents of Commerce City to add Section 12-2011 to the Commerce City Revised Municipal Code to prohibit entrance to public grounds posted as closed in order to manage the and maintain the natural aspects of such grounds and protect persons from safety hazards;

WHEREAS, the City of Commerce City previously passed ordinance 2160 on May 21, 2018, with the intent of adding Section 12-2011 to the Commerce City revised Municipal Code at that time;

WHEREAS, Ordinance 2160 was defective in that it failed to include the text of the Section 12-2011 and therefore failed to provide adequate public notice of the proposed legislation and should therefore be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOW:

**SECTION 1.** That the Commerce City Revised Municipal Code is hereby amended to add Section 12-2011 as set forth in "Exhibit A" attached hereto and incorporated herein by reference.

**SECTION 2.** Ordinance 2160 adopted May 21, 2018, is hereby repealed.

**SECTION 3.** Except as specifically set forth herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

**SECTION 4.** This ordinance shall become effective as provided by the Charter of the City of Commerce City.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS  
17TH DAY OF SEPTEMBER, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF COMMERCE CITY, COLORADO

BY: \_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

## EXHIBIT A

### **Sec. 12-2011. Entrance upon closed public grounds prohibited.**

- (a) *Definitions.* For purposes of this section, the following words shall have the following meanings:

*Ground under repair* means any area of soil, turf, landscaping, or other vegetation, within City right-of way, City parks, or other public property within the City, identified for repair or protection through means of regeneration, rejuvenation, seeding, sodding, or any other means of ground cultivation or management.

*Flood hazard area* means any area within City right-of way, City parks, or other public property within the City susceptible to flooding through natural causes.

- (b) *Prohibition.* It shall be unlawful to enter or remain on ground under repair or flood hazard areas where such area is posted as closed.
- (c) *Exemptions.* This section does not apply to persons authorized by the City to maintain or work on ground under repair or in flood hazard areas while performing such maintenance or work.