

MOUNTAIN SHADOWS METROPOLITAN DISTRICT

DISTRICT PARK AND OPEN SPACE USE POLICY

(Revised June 4, 2018)

A. District Park Use and Reservations: The pavilions, gazebos, and turf fields at the District Parks are available for the general, informal use by the general public provided they have not been previously reserved and subject to this District Park and Open Space Use Policy (the “Park Policy”). Any party with a reservation will have priority over the general public to use the pavilions, gazebos, or turf fields. Commercial use of the park is prohibited.

1. The pavilions, gazebos, and turf fields at the District Parks may be reserved for exclusive use by the general public provided they have not been previously reserved. To reserve the pavilions, gazebos, and turf fields at the District Parks, individuals or groups must contact Apex Park and Recreation District (“APEX”), 13150 W. 72nd Avenue, Arvada, CO 80005, phone 303-424-2739, email info@apexprd.org.
2. Turf fields at the District Parks may be reserved for exclusive use by the general public for sport team games and practices provided they have not been previously reserved. To reserve the turf fields for sport team use at the District Parks, sports teams must contact Apex Park and Recreation District (“APEX”), 13150 W. 72nd Avenue, Arvada, CO 80005, phone 303-424-2739, email info@apexprd.org.

B. Prohibited Activities: Unless specifically authorized in writing by the District, the activities described in the Park Policy are prohibited within District Parks and District Open Space.

1. Place or post signs.
2. Camp overnight.
3. Enter or remain in or refuse to leave during those times when the District Open Space is not open for public use as posted.
4. Deposit, leave or bury refuse, trash or litter except in designated trash receptacles.
5. Install any structure, including but not limited to, tents, booths, stands, awnings, tree houses, rope swings, inflatable amusements or canopies, except that temporary awnings and umbrellas for shade are permitted as long as such structures are not left unattended and are removed when user leaves.
6. Operate remote control or control-line devices in the air, on or in the water, or on the ground.
7. Use any amplified sound system that produces audible sound beyond 25 feet.

8. Stick or place any handbill, poster, placard, sticker, or painted or printed matter on any public building, fence, power or light or telephone pole, or any other public structure.
9. Smoke, except in designated smoking areas of provided.
10. Play or practice golf or archery.
11. Bring into, possess, or have any glass bottle or container.
12. Discharge explosives or fireworks or operate launch model rockets or other devices which may have an explosive charge.
13. Conduct any private enterprise.
14. Park motor vehicles overnight.
15. Sell, serve, dispense, possess or consume any alcoholic beverages or 3.2% beer.
16. Block, close off, or impair access to any trails or facilities.
17. Hunt, shoot, kill, injure, trap or maim any animal.
18. Permit any livestock to graze.
19. Destroy, vandalize, deface or damage any buildings, structures, signs, equipment, fences, gates or locks regulating access.
20. Enter, without authorization, those areas and facilities posted or otherwise designated as closed to the general public.
21. Dispose of trash.
22. Remove, cut down, disfigure rocks, trees, shrubs or other features of the natural environment.
23. Build a fire.
24. Operate unauthorized motor vehicles.
25. Possess a weapon, unless authorized pursuant to C.R.S. 18-12-214, or any air rifle, spring-gun, bow and arrow, sling, paintball gun, air soft gun or any other weapon.

C. Compliance: All persons must obey any order, rule or regulation of the District and the instructions of any sign posted by the District.

D. Violation of Park Policy: Should any person fail to observe and obey any such order, rule, regulation or sign posted by the District, the District's Manager, or designee, may immediately remove or cause to be removed any such person and may ban such person from the use of the District parks or open space and its facilities for such period of time as

may be necessary to secure compliance with order, rules, regulations or posted signs, or the District's Manager, or designee, may impose a fine, at their discretion.

1. **Fines:** A violation of any Park Policy rule or regulation is subject to any and all civil remedies available to the District under Title 32, C.R.S. or other applicable laws, including a civil penalty hereby imposed in the amount of \$25 for the first violation, \$50 for the second violation, and \$100 for the third violation, and actual costs and attorney fees incurred by the District with respect to any damages or other losses sustained by the District because of the violation of the Park Policy. Such penalties, charges, costs and attorneys fees shall be assessed against a violator of the Park Policy and may be assessed against real property or the owners of any real property (the "Owner") located within the District on which a violator of the Park Policy resides on a permanent or temporary basis. The District may collect such penalties, charges, costs and attorneys fees it incurs by any means necessary authorized by law.

2. **Opportunity for Hearing:** Any Owner charged with a violation of the Park Policy is entitled to an opportunity for a hearing. If any Owner desires a hearing, they must proceed as follows:
 - a. Within seven (7) days after the Notice of Violation has been delivered to the alleged violator, the Owner must complete the Request for a Hearing form, which is attached to the Notice of Violation, and return it to the District Manager.

 - b. If a Request for a Hearing is timely filed, an administrative hearing on the complaint shall be held before a representative or committee appointed by the Board ("Tribunal"). The hearing shall be conducted no later than twenty-one (21) days after receipt of the Request for a Hearing, as determined by the Tribunal.

 - c. At any such hearing, the Tribunal shall hear and consider arguments, evidence or statements regarding the alleged violation. Following the hearing, the Tribunal shall issue its determination regarding the alleged violation. The decision of the Tribunal shall be binding on the Owner and the District. If the decision of the Tribunal is deemed unsatisfactory to the alleged violator, they may present a written request to the District for an appeal before the Board.

 - d. If no Request for a Hearing is received within seven (7) days, a hearing will be considered waived, the allegations in the Notice of Violation shall be deemed admitted by default, and appropriate sanctions shall be imposed. The Owner shall be notified by the District Manager of any such determination using the same form and in the same manner as if a hearing had been conducted.