

ORDINANCE NO. 204

AN ORDINANCE ALTERING THE USE OF LAND HERETOFORE DEDICATED TO THE PUBLIC USE AND MORE PARTICULARLY, THAT PORTION OF RIO GRANDE STREET BETWEEN THE SOUTH EDGE OF BLOCK FOUR TO WALL STREET WITHIN THE CITY OF CREEDE, COLORADO, A TOWN

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section One. Purpose and Scope

The purpose of this Ordinance is to establish a Park for the use and benefit of the public at large in that area of Creede formerly dedicated to the use and benefit of the public at large known as Rio Grande Street between the South Edge of Block Four and Wall Street in the City of Creede, Colorado, A Town and to establish the authority for maintenance and operation of the same.

Section Two. Authority

The Board of Trustees of the City of Creede, Colorado, A Town hereby declare that while the streets and alleys of the City of Creede, Colorado, A Town, as platted, have been dedicated to the public use and benefit as streets and alleys, such dedication was neither exclusive or restricted in nature and that the authority to change such use is inherent in this Board so long as such use remains for the public use and benefit.

Section Three. Declaration

The Board of Trustees of the City of Creede, Colorado, A Town, hereby declare that Rio Grande Street between the South Edge of Block Four to Wall Street, in the City of Creede, Colorado, A Town, be and is hereby closed to traffic and such tract shall heretofore be used by the City as a public park, common or green, for the inhabitants of the City of Creede, Colorado, A Town. The City shall have the right to adopt reasonable rules and regulations in regard to the property, by Ordinance or otherwise, and obligates itself to maintain such park for the purposes and objects set forth herein. No structures of any kind shall

be erected on the premises except with the consent of the Board of Trustees of the City of Creede, Colorado, A Town, and only such structures as are consistent with the use hereinabove described.

Section Four. Violations

It shall be a violation of this Ordinance for any person, firm or corporation to commit any of the following acts herein dedicated to the use of a public park:

1. To sell, possess or consume any alcoholic beverage, of any kind, within the boundaries of the park.

2. To use such park for any purpose between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.

3. To violate any other State Statute, Federal Statute or Local Ordinance within the boundaries of said park except that this provision does not intend to and does not create a separate offense punishable under the terms hereof. Any violation of any such Federal or State Statute, or Local Ordinance shall be prosecuted and punishable under the terms of such Statute or Ordinance and not under the terms of this Ordinance.

Section Five. Penalty

Any person violating Subsection 1 or Subsection 2 of the above Section Four shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than Ninety (90) days or by both such fine and imprisonment.

Section Six. Designation of Park Name

For purposes of the proper dedication to the use set forth herein, the tract of land herein affected and any park area contiguous to the tract shall hereinafter be referred to as The Creede City Park.

Section Seven. Effective Ordinance

If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declare that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section Eight. Emergency

In the opinion of the Board of Trustees of the City of Creede, Colorado, A Town an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health and safety and more particularly, due to the City's pressing need for a park area, and this Ordinance shall be in full force and effect upon the expiration of five (5) days from and after its first reading, passage and publication, said publication to be in accordance with a previous resolution of the Board of Trustees.

READ IN FULL, PASSED, ADOPTED AND APPROVED ON FIRST READING, this 3rd day of MAY, 1976 being a regular meeting of the Board of Trustees.

Seal



Mayor

Attest:



Clerk

CERTIFICATE OF PUBLICATION

I certify that posting of the above and foregoing Ordinance was completed on the 4 day of May, 1976, and the said Ordinance will be and became effective upon the expiration of five (5) days from and after the date of posting.

In Witness whereof I have hereunto set my hand and
seal of the said Town, at my office in Creede, Colorado, this
4th day of May, 1976.

SEAL

Emma Linnhart
City Clerk