DENVER DEPARTMENT OF PARKS AND RECREATION
ADMINISTRATIVE CITATIONS RULES AND REGULATIONS
AS ADOPTED 5-11-12 and AS AMENDED AND RESTATED 11-18-15

CITY AND COUNTY OF DENVER
DEPARTMENT OF PARKS AND RECREATION
RULES & REGULATIONS

Governing Use of Administrative Citations for the Enforcement of Article I of Chapter 39
of the Denver Revised Municipal Code and associated Rules, Regulations and Directives

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SECTION I – PURPOSE AND AUTHORITY

A. Purpose: The establishment of administrative (civil) citations, penalties and procedures
   for violations of the provisions of Article I (In General) of Chapter 39 (Parks and Recreation) of
   the Denver Revised Municipal Code and associated rules, regulations and directives, to be
   administered by the Denver Department of Parks and Recreation (“DPR”).

B. Authority:

1) Section 2.4.4(A) of the Denver City Charter delegates to DPR the duty and
   power to manage, operate and control all facilities located within and without the boundaries of
   the City and County of Denver and owned by the City for park and recreational purposes. This
   authority includes the power to adopt rules and regulations regarding the management, operation
   and control of these facilities. The enforcement of these rules and regulations is achieved through
   ordinances adopted by the Denver City Council and approved by the Mayor.

2) This Charter authority is recognized in Section 39-1(a) of the Denver Revised
   Municipal Code (“DRMC”), and additional authority is granted in Section 39-1(c), DRMC, for
   DPR to adopt rules and regulations for the use of administrative citations in accordance with
   Article XII of Chapter 2, DRMC.

3) The Executive Director of DPR has adopted a set of rules and regulations
   prescribing, restricting and prohibiting certain public behavior and uses in the Denver parks,
   parkways, mountain parks and other recreational facilities. These rules and regulations are set
   forth in a compilation known as the “Department of Parks and Recreation Rules and Regulations
   Governing Public Activities, Uses and Behavior in Parks, Parkways, Mountain Parks, Recreation
   Facilities, and other Public Facilities under the Auspices of the Denver Department of Parks and
Recreation” adopted by the Executive Director of DPR on May 11, 2012, as amended from time to time (generally referred to herein as the “Park Use R&R’s”).

4) The Park Use R&R’s have been adopted and codified in Article I of Chapter 39, DRMC (namely, sections 39-3 et seq.) and have been typically enforced by the issuance of tickets and the imposition by courts of criminal fines as provided in Section 39-1(b), DRMC, and Section 1-13, DRMC. Nothing in section 39-1(c), DRMC, regarding administrative citations is intended to limit or supersede criminal enforcement under section 39-1(b), DRMC.

5) The rules and regulations contained herein are adopted and shall be implemented in accordance with the authority granted under Section 2.4.4(A) of the Denver City Charter, Section 39-1(c), DRMC, and Article XII of Chapter 2, DRMC, regarding administrative citations.

SECTION II – DEFINITIONS

A. “Admin R&R’s” means the rules and regulations contained herein governing the use of administrative citations for the enforcement of the Code, as said Admin R&R’s may be amended from time to time.

B. “Administrative Enforcement Order” (referred to herein as “AEO”) means the final decision of the AHO following an appeal of an administrative citation by a Responsible Party.

C. “Administrative Hearing Officer” (referred to herein as “AHO”) means the person appointed by the Executive Director to hear appeals of administrative citations and to perform other related duties in accordance with these Admin R&R’s.

D. “City” means the City and County of Denver.


F. “Enforcement Official” means a person employed by the City and charged by the Executive Director with enforcing the ordinances contained in the Code, the Parks Use R&R’s and these Admin R&R’s, such as a park ranger. “Enforcement Official” shall include any Denver police officer.

G. “Executive Director” means the Executive Director of the Denver Department of Parks and Recreation (“DPR”) or the Executive Director’s designee.

H. “Park Use R&R’s” means the rules and regulations set forth in a compilation known as the “Department of Parks and Recreation Rules and Regulations Governing Public Activities, Uses and Behavior in Parks, Parkways, Mountain Parks, Recreation Facilities, and other Public Facilities under the Auspices of the Denver Department of Parks and Recreation” adopted by the Executive Director on May 11, 2012, as amended from time to time.

I. “Responsible Party” means a person (including a minor under the age of 18) who, or an entity which, has been cited for violating the Code; a parent or guardian of a minor under the age
SECTION III – ADMINISTRATIVE CITATIONS

A. Issuance of Citation. An Enforcement Official shall have the authority to issue an administrative citation in accordance with these Admin R&R’s to any Responsible Party who the Enforcement Officer has reason to believe has violated the Code.

B. Form of Citation. Any administrative citation issued by an Enforcement Official shall be substantially in the form as set forth in Attachment A of these Admin R&R’s.

C. Penalty: Payments. The fine or fines to be assessed as a penalty upon the Responsible Party for the violation of the Code shall be as prescribed in Attachment B of these Admin R&R’s. Fines are to be paid in accordance with Section VIII below.

D. Signature of Responsible Party. The Enforcement Official will request the signature of the Responsible Party on the administrative citation. The signature of the Responsible Party shall not constitute an admission by said Responsible Party of having violated the Code, but rather an acknowledgment that an administrative citation has been issued to the Responsible Party. Failure or refusal to sign an administrative citation shall not affect the validity of the citation and subsequent proceedings.

E. Service. An administrative citation is to be issued directly to the Responsible Party. If the Responsible Party is a minor (under the age of 18) and a parent or guardian is not present, the citation is to be sent by first class mail to the parent or guardian of the minor. If administrative citation is to be issued to a vehicle involved in a violation of the Code, the citation shall be left in a visible location on the windshield or driver’s door of the vehicle. If the citation left on a vehicle is not timely paid or an appeal is not timely brought as allowed by these Admin R&R’s, then a copy of the citation shall be sent by first class mail to the owner or operator (if known) of the vehicle. Service is effective upon personal service to the Responsible Party or, for mailed administrative citations, five (5) calendar days following placement of the administrative citation in the mail. The mailing address of the Responsible Party is the most recent address contained in the accessible records of the City, state or federal government, including motor vehicles records. Failure or refusal to accept hand or mail delivery of an administrative citation shall not affect the validity of the citation and subsequent proceedings.

F. Identification. The Enforcement Official may require 1) that any person who the Enforcement Official believes has violated the Code to present a valid form of identification, such as a driver’s license, a work or school badge, or other recognized form of ID (if the person is carrying ID), and/or 2) that said person correctly and completely state his or her name, address, and other personal identifying information that the Enforcement Official may need to prepare an administrative citation. It shall be unlawful under both section 2-284(b), DRMC, and section 39-24(b), DRMC, for any person to fail or refuse to provide the requested identification.

G. Warning. Instead of issuing an administrative citation or other ticket, the Enforcement Official may issue a warning, either verbally or in writing, as an order to the Responsible Party to immediately cease or not to repeat a violation of the Code. It shall be unlawful under section 39-
24(a), DRMC, for any person to fail or refuse to comply with any lawful order issued by an Enforcement Official, including by means of a warning.

**H. Order to Leave.** Whether or not the Enforcement Official issues an administrative citation or other ticket, the Enforcement Official may order a Responsible Party to leave a park, parkway, mountain park or other recreational facility if the Enforcement Official has reason to believe that the Responsible Party will not cease to violate the Code, will repeat a violation of the Code, or will violate the Code in a different way. Any statement, action, or inaction by the Responsible Party which indicates an intent not to comply with the warning, order, administrative citation or other ticket given or issued by the Enforcement Official or to behave in other ways in violation of the Code shall be sufficient reason to believe that the Responsible Party will not cease to violate the Code, will repeat a violation of the Code, or will violate the Code in a new way. It shall be unlawful under section 39-24(a), DRMC, for any person to fail or refuse to leave a park, parkway, mountain park or other recreational facility if so ordered by an Enforcement Official.

**I. Interference/Evasion.** No person shall interfere with or attempt to evade efforts of an Enforcement Official to stop, prevent or enforce against a violation of the Code. This prohibition shall include the actions of any person to assist a violator of the Code in eluding lawful enforcement actions of any Enforcement Official or the efforts of any person violating the Code to evade receiving any warning, administrative citation or ticket or to evade complying with any lawful order of an Enforcement Official, including an order to leave a park, parkway, mountain park or other recreational facility. It shall be unlawful under section 39-24(c), DRMC, for any person to interfere with an Enforcement Official in the performance of that Official’s duties or to evade lawful actions by an Enforcement Official against said person.

**J. Exclusion.** The exclusion of an individual from entering or using a DPR facility is an extraordinary action and is limited to a situation where the individual has engaged in repeated or egregious violations of law in a DPR facility such that the prospects of injury to persons or damage to property appear to be substantial if the individual is not excluded.

1. An individual may be subject to the procedures for exclusion from a park, parkway median (as defined in the Park Use R&R’s, section 1.3), mountain park or recreational facility as set forth in this Sub-section III.J., if the individual:

   (a) is a Responsible Party who has received, within any twelve month period, three or more administrative citations or tickets for violations of the Code (as defined in Sub-section II.E above), none of which were successfully appealed under these Admin R&R’s or dismissed by a court; OR

   (b) has been convicted, found guilty, pled guilty, or has entered a plea bargain for violating a substantive health or safety law, including a State criminal statute or a Denver ordinance (other than the Code, as defined in Sub-section II.E. above) in a park, parkway median, mountain park or recreational facility; OR

   (c) has failed to comply with a previously issued Administrative Enforcement Order imposing an exclusion on the individual and the individual has been cited or ticketed for this failure to comply; AND
(d) appears to be a significant threat to public health and safety or to public property based on his/her prior history of legal violations which show a propensity to engage in further dangerous, violent or destructive activity.

(2) Upon a determination by the Executive Director that there is substantial evidence that an individual would likely qualify for exclusion under Sub-section III.J.(1), a notice of hearing will be sent to the individual stating that a hearing will be held before an Administrative Hearing Officer, as the notice, procedures and standards for an appeal hearings are provided in Section V below, to determine if exclusion should be imposed on the individual.

(3) The hearing shall be scheduled no sooner than twenty-one (21) days from the date that notice of hearing is mailed. The notified individual should attend the hearing (but the hearing shall not be dismissed if the notified individual fails to attend, notwithstanding what is stated in Section V.E. below), shall have such rights and obligations as appellants have under Section V below in opposing the case presented by the Executive Director for imposing the exclusion, and may be represented by legal counsel paid for by the individual. The Executive Director may appoint a representative, including an attorney from the City Attorney’s Office, to present the Executive Director’s case for imposing the exclusion on the individual.

(4) Following the conclusion of the hearing and the receipt of all relevant evidence, the Administrative Hearing Officer shall issue an Administrative Enforcement Order, as provided in Section VI below, either imposing or denying the exclusion on the individual. The Administrative Enforcement Order shall state whether or not the exclusion will be imposed; the evidence which provides the grounds for imposing or denying an exclusion; the name of the park(s), parkway median(s), mountain park(s), or specific recreational facility(ies) for which any exclusion is imposed; and the duration of any exclusion, which is not to exceed one year from the date of the Administrative Enforcement Order or completion of any unsuccessful appeal.

(5) The Administrative Enforcement Order is subject to enforcement and appeal as provided in Sub-sections VI.C. and D. below. Unless suspended by the Executive Director or by an injunctive order issued by a court of competent jurisdiction, the Administrative Enforcement Order shall remain in effect through the pendency of any appeal. A copy of the Administrative Enforcement Order may be provided to the Denver Police Department or Jefferson County Sheriff’s Office, as applicable, for enforcement as provided in Sub-section VI.C. below.

(6) It shall be unlawful under section 39-24(e), DRMC, for any person to fail or refuse to comply with an Administrative Enforcement Order issued under this Sub-section III.J.

SECTION IV - FILING AN APPEAL

A. Right of Appeal. Any Responsible Party served with an administrative citation shall have the right to appeal that citation subject to the requirements and restrictions of this Section IV.

B. Deadline. A Responsible Party may file a written notice of appeal and the fee required below with the Executive Director within fifteen (15) calendar days from the effective date of service of the administrative citation on the Responsible Party. Compliance with this deadline shall be a jurisdictional prerequisite to any appeal brought under this Section IV, and failure to comply with this deadline shall bar an appeal. The Executive Director shall deny any notice of appeal not in compliance with the deadline or deadline extension prescribed in this Section IV.
C. **Filing.** The notice of appeal may either 1) be mailed to the Executive Director at the Department of Parks and Recreation, 201 West Colfax Avenue, Dept. 601, Denver, Colorado 80202 ATTN: Appeal; 2) be emailed to ParksRec-Manager@denvergov.org; or 3) hand-delivered to the Executive Director at the address above.

D. **Fee.** An appeal processing fee of twenty-five dollars ($25.00) must be delivered with the notice of appeal. If the notice of appeal is mailed or emailed to the Executive Director, a check for the required amount must be sent by mail and made out to the Denver Chief Financial Officer. If the notice is hand-delivered, cash or check will be accepted at the cashier on the second floor of the Wellington E. Webb Municipal Building at 201 West Colfax Avenue. The notice of appeal will not be processed if the required fee is not tendered or if a check is returned for insufficient funds. The $25.00 fee shall be refunded if the appellant prevails on his or her appeal; however, an appellant shall not be deemed to have prevailed if only a portion of the appeal is successful or if there is a reduction in fine due to a finding of mitigation of circumstances.

E. **Form.** The notice of appeal must be in writing and shall be electronically produced or legibly hand printed. No particular form of notice of appeal is required; provided, that the following information and/or documents are provided:

1) A legible copy of the administrative citation OR the following information from the administrative citation re-stated in the written appeal: citation number; date of issuance; the violation indicated; the amount of the fine; the location where the citation was issued (or statement that it was mailed); and the name of the Enforcement Official who issued the administrative citation.

2) The name, address and telephone number of the appellant and an affirmative statement that the appellant is a Responsible Party.

3) If the appellant is to be represented by another person, the name, address and telephone number of said representative. If that representative is an attorney and is representing the Responsible Party as an attorney, it must be so stated in the appeal. Any corporate or other legal entity (i.e., not a natural person) must be represented by legal counsel.

4) The reason(s) the appellant believes the appellant is not guilty of the alleged violation of the Code or that the administrative citation or penalty is objectionable, incorrect or not lawful; provided, however, an objection to the enforceability, legality or constitutionality of the Park Use R&R’s, Article I of Chapter 39, DRMC, these Admin R&R’s or Article XII of Chapter 2, DRMC, shall not be a basis for appeal under these Admin R&R’s.

5) If the appellant desires to have a hearing by telephone conference call, the request must be specifically stated on the notice of appeal along with a telephone number at which the appellant may be contacted at the time of the hearing.

6) The signature of the appellant, representative or legal counsel. Any minor under the age of 18 who is a Responsible Party must have a parent or guardian sign the notice of appeal and provide their name, address and telephone number.
F. **Processing Notice of Appeal.** If, in the opinion of the Executive Director, the notice of appeal substantially meets the requirements of 1 to 5 of Part E above, the Executive Director shall assign a case number and submit the appeal to the assigned Administrative Hearing Officer (AHO). If, in the opinion of the Executive Director, the notice of appeal does not substantially meet the requirements of 1 to 5 of Part E above, the Executive Director shall promptly return the notice of appeal and notify the appellant of what requirement the notice of appeal fails to meet. The deadline set forth in Part B above shall still apply unless the Executive Director determines, in the Executive Director’s estimation, that the deficiency is reasonably excusable so as to warrant a one-time time extension of up to three (3) days in order to amend the notice of appeal.

**SECTION V – NOTICES AND HEARING FOR AN APPEAL**

A. **Notice; parties.** Upon receipt from the Executive Director of the notice of appeal and any DPR record of the matter on appeal, the AHO shall set a date, time and place for the hearing of the appeal and shall mail notice of said hearing to the appellant at least seven (7) calendar days in advance of the scheduled hearing date. If the appellant has requested in the notice of appeal to attend the hearing by means of a telephone conference call, the notice of hearing shall indicate that the appellant will be called at the telephone number stated on the notice of appeal, or such other telephone number the appellant timely provides, at the time the hearing is held. The same notice shall be provided to the Executive Director and the Enforcement Official. The appellant and DPR shall be regarded as parties to the hearing.

B. **Pre-Hearing Statement.** In the discretion of the AHO, the parties to the hearing may be required to file a pre-hearing statement before the case is set for hearing. The pre-hearing statement includes: the issues raised by the appellant and the responses of DPR; a concise statement of relevant facts, both agreed upon and disputed; copies of exhibits not previously included in the record (whether presented by the appellant or DPR); names of witnesses with a brief statement summarizing their testimony; an estimate of the time necessary to present each party’s evidence and witnesses, and other matters as specified by the AHO. The AHO shall thoroughly consider the pre-hearing statements submitted along with, and in the same manner as, any other testimony and evidence presented at hearing.

C. **AHO Powers.** The AHO shall perform those duties and functions necessary and incidental to determining the case at hand, including issuing of subpoenas, calling and questioning of witnesses, hearing all evidence, examining all documents, ruling on evidentiary questions and witness qualifications, and generally establishing protocol and conducting the hearing as a tribunal and quasi-judicial proceeding in conformance with Article XII of Chapter 2, DRMC, and these Admin R&R’s. While judicial rules of evidence are not applicable, the AHO shall have the authority to determine admissibility of evidence and testimony based on relevance and probative value in light of the issues at hand. The AHO may utilize any experience, technical skills, or specialized knowledge the AHO may have in the evaluation of evidence and testimony presented.

D. **Subpoena.** The AHO, at the written request of any party to the hearing, may subpoena witnesses, documents and other evidence where the attendance of the witnesses or the admission of the evidence is deemed necessary by the AHO in order to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Witness and mileage fees shall be the same as established for the Colorado County Courts. Any subpoena must be served on a witness or the person or entity
providing any evidence at least five (5) days prior to the date of the hearing. The AHO may entertain a continuance of a hearing date if a witness or the person or entity providing any evidence is unable to attend or provide the evidence, for good cause shown, on the scheduled hearing date. It shall be unlawful for any person to refuse to obey a subpoena issued by an AHO, and failure to obey a subpoena constitutes contempt and may be criminally prosecuted and have penalties imposed under section 1-13(a), DRMC, all as provided in section 2-289, DRMC.

E. Failure to appear. The AHO shall dismiss the appeal, with prejudice, if the appellant should fail to appear, without reasonable excuse, after having been sent timely notice of the hearing. Likewise, if the appellant has requested to attend the hearing by means of a telephone conference call, failure to answer the call from the AHO within fifteen minutes after the start time for the hearing shall constitute a failure to appear. The AHO shall grant the appeal and dismiss the administrative citation if either the Enforcement Official who issued the administrative citation or a City employee who witnessed the violation of the Code fails to appear without reasonable excuse. The hearing may be rescheduled if the AHO should determine that there is a reasonable excuse for failure to appear.

F. Oath; legal counsel; evidence and testimony. All testimony in proceedings before the AHO is to be given under oath or solemn statement administered by the AHO. A party may be represented by legal counsel, and an appellant who is not a natural person (e.g., a corporation, a limited liability company, a partnership, etc.) must be represented by legal counsel. The parties may present evidence and call and question witnesses and cross examine witnesses called by the other parties. The AHO may allow witnesses, other than the Enforcement Official, to testify by telephone or live by other electronic means, provided that neither party has a legitimate objection to such telephonic testimony and the identity of the witness is acknowledged by the parties or is determined to the satisfaction of the AHO. An appellant who appears at the hearing by means of a telephone conference call waives any right to confront witnesses in person.

G. Burden of proof; preponderance of evidence. DPR shall have the initial burden of proof to show that the Responsible Party is guilty of the alleged violation of the Code and that the administrative citation was lawfully issued. This burden is satisfied through a preponderance of the evidence or testimony presented by DPR at the hearing. Upon the AHO’s determination that DPR has satisfied this burden, the burden shifts to the appellant to establish by countervailing testimony or evidence that there is factual or legal grounds for showing that the appellant is not guilty of the alleged violation of the Code or that the administrative citation or penalty is objectionable, incorrect or not lawful. An appellant may not base the appellant’s case on a challenge to the enforceability, legality or constitutionality of the Park Use R&R’s, Article I of Chapter 39, DRMC, these Admin R&R’s or Article XII of Chapter 2, DRMC.

H. Recordings; transcripts. All hearings shall be recorded by electronic means, and transcripts shall be made at the expense of the party requesting the transcript. The appellant may employ at his own expense a general or certified shorthand reporter. All evidence presented at the hearing shall be kept and preserved until the applicable judicial appeal periods have lapsed.

SECTION VI – AEO AND JUDICIAL APPEAL

A. AEO. The decision of the AHO, known as the Administrative Enforcement Order or AEO, shall be in writing and sent by first class mail to the appellant promptly upon issuance of
the AEO. A copy of the AEO shall be provided to the Executive Director and the Enforcement Official.

B. **Content of Decision.** As part of the AEO, the AHO shall issue a final decision regarding the violations alleged in and penalties assessed by the administrative citation. The order shall:

1) uphold the administrative citation and penalties as to any violation proven by DPR and require payment by the Responsible Party of any outstanding assessed fines and other costs assessed under these Admin R&R’s by a specified date; or

2) uphold the administrative citation and penalties as to any violation proven by DPR but make a finding of mitigation of circumstances and reduce the assessed fines in accordance with Attachment B to these Admin R&R’s and require payment by the Responsible Party of the reduced fines and other costs assessed under these Admin R&R’s by a specified date; or

3) in addition to the actions specified in 1) or 2) above, enter such other reasonable order to the Responsible Party that will help assure future compliance with the Park Use R&R’s commensurate to the nature and extent of the violation(s) which is the subject of the AEO; or

4) dismiss the administrative citation and penalties as to any violation not proven by DPR.

The AEO may not reduce the amount of any fines specified in Attachment B, except to the extent that any discretion is granted to the AHO in reducing fines in the Attachment B and only upon making appropriate findings in the AEO justifying the reduction in fines.

C. **Failure to Comply with AEO.**

(1) Under section 2-292, DRMC, it shall be unlawful for the Responsible Party who has been served with a copy of the AEO to fail to comply with the AEO, and failure to comply with the AEO may be criminally prosecuted and have penalties imposed under section 1-13(a), DRMC.

(2) An AEO excluding an individual from a park, parkway median, mountain park or a recreational facility may be enforced by issuance of administrative citations in accordance with these Admin R&R’s or by issuance of a ticket resulting in a judicial prosecution. Authority for such enforcement resides in section 39-24(e), DRMC.

D. **Judicial appeal.** An AEO shall be considered a final decision subject to judicial appeal. In the alternative, the decision of the AHO may be appealed, in writing, to the Executive Director within fifteen (15) days of the date of the AEO, in which case the decision of the Executive Director in response to this appeal shall be considered a final decision. In either case, the final decision shall be effective as of the date the AEO is mailed by first class mail to the appellant or, in the event of an appeal to the Executive Director, the final decision shall be effective as of the date the Executive Director’s written decision is mailed by first class mail to the appellant. Judicial review shall be under Rule 106(a)(4) of the Colorado Rules of Civil Procedure upon the timely filing of an appeal to the Denver District Court.
SECTION VII – QUALIFICATIONS AND RECUSAL OF AHO

A. Qualifications. The AHO shall be a person designated by the Executive Director to serve as an AHO under these Admin R&R’s. The AHO may be a City employee or a person retained on a temporary contractual basis to serve as an AHO. The AHO shall have such qualifications and skills as specified by the Executive Director to perform the duties of an AHO under these Admin R&R’s.

B. Recusal. The AHO shall recuse himself or herself, or the Executive Director will recuse an AHO, for any conflict of interest, evidence of impropriety or appearance of impropriety as provided in the City’s Code of Ethics set forth in Article IV of Chapter 2, DRMC.

SECTION VIII – PAYMENT, COLLECTION & LEGAL RECOUSE

A. Payment of Fines. The fine(s) stated on an administrative citation are to be paid by delivery of a payment to the cashier, along with the administrative citation or a legible copy thereof, on the second floor of the Wellington E. Webb Municipal Building at 201 West Colfax Avenue in Denver or by mailing the same to the address stated on the administrative citation. All checks are to be payable to the Denver Chief Financial Officer. Checks denied payment due to insufficient funds or other reasons shall be subject to a charge set by the Chief Financial Officer. Failure to pay the fine specified on the administrative citation within thirty (30) days of service of the administrative citation will result in a twenty-five dollar ($25) late charge plus ten percent (10%) per annum being added to the fine.

B. Effect of Appeal and AEO. The obligation to pay the fine(s) stated on an administrative citation will be suspended upon the filing of an administrative appeal in accordance with Section IV above. The suspension shall terminate upon the AHO issuing an AEO upholding the administrative citation and the penalty. The fine(s) and any costs assessed by the AHO shall be paid within such time frame and in such manner as prescribed in the AEO. Late payments and bad checks shall be subject to the charges, fees and interest specified in Part A above. The obligation to pay the fine(s) stated on an administrative citation shall terminate upon the AHO issuing an AEO dismissing the administrative citation and the penalty.

C. Collection. If the Responsible Party fails to pay the fine(s) and costs within the time frame prescribed by this Section VIII, the Executive Director may refer the matter for collection by any means available to the City.

E. Other Action. Any action or other recourse or remedy provided by law may be pursued by the City to enforce an AEO, to recover or collect any amounts owing under these Admin R&R’s, to recover damages, to seek injunctive relief against continuing violations of the Code, or to assure that the restrictions and prohibitions of Article I of Chapter 39, DRMC, are complied with.
SECTION IX – MISCELLANEOUS

A. These Admin R&R's have been considered and adopted in accordance with Article XII of Chapter 2, DRMC, on Administrative Citations and section 39-2, DRMC, on adoption of rules for the Department of Parks and Recreation. Any judicial action to contest the validity of the procedure in adopting these Admin R&R’s must be commenced no more than one hundred twenty (120) days from the effective date of these Admin R&R’s.

B. The Attachments A and B are incorporated into this Policy by this reference.

Attachment A: Form of Administrative Citation
Attachment B: Penalty Fines Chart

Attachment A may be modified or replaced, as determined appropriate by DPR (provided any modifications or replacements are in keeping with these Admin R&R’s) without undergoing any amendment process to this Admin R&R’s.
DENVER DEPARTMENT OF PARKS AND RECREATION
ADMINISTRATIVE CITATIONS RULES AND REGULATIONS
AS ADOPTED 5-11-12 and AS AMENDED AND RESTATEDE 11-18-15

These Administrative Citation Rules and Regulations, as amended and restated herein, have been duly adopted effective this 18th day of November, 2015, in accordance with the rule-making requirements of section 39-2 of the Denver Revised Municipal Code and are in accordance with the authority of the Executive Director of the Denver Department of Parks and Recreation under section 2.4.4 of the Denver City Charter.

In accordance with section 39-2(e), D.R.M.C., copies of these Administrative Citation Rules and Regulations, as amended and restated herein, were filed with the Denver Clerk and Recorder and the Denver City Attorney within seven (7) days of the effective date set out above, and a notice of the adoption of these Park Use Rules and Regulations was published in The Daily Journal on the 4th day of December, 2015. The notice included a statement that a copy of the Administrative Citation Rules and Regulations are on file with the Executive Director of Parks and Recreation and is available for public inspection.

APPROVED AND ADOPTED:

Allegra "Happy" Haynes
Executive Director of Parks and Recreation

APPROVED FOR LEGALITY:

D. Scott Martinez
City Attorney for the City and County of Denver

Assistant City Attorney
## Ranger Citation

**Attachment A**

**Ranger Citation**

**Administrative Citation—Notice of Violation**

THIS IS A LEGAL DOCUMENT—PLEASE READ BOTH SIDES CAREFULLY

City and County of Denver Parks and Recreation Department

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**YOU HAVE BEEN SERVED AN ADMINISTRATIVE CITATION FOR A VIOLATION OF PARK AND RECREATION RULES UNDER CITY ORDINANCE. ANY PERSON SERVED WITH THIS CITATION MAY FILE A NOTICE OF APPEAL WITHIN THIRTY DAYS OF THE DATE SERVED. THE NOTICE OF APPEAL MUST BE MADE IN WRITING AND FILED WITH THE MANAGER OF PARKS AND RECREATION.**

**SIGNATURE RESPONSIBLE PARTY/RECIPIENT:**

**DEPOSIT PAYMENT TO FOLLOWING DENVER ACCOUNT, 01/18/2021 03:36:00:**

<table>
<thead>
<tr>
<th>FINE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500</td>
<td>19-46 BICYCLES $100</td>
</tr>
<tr>
<td>$100</td>
<td>19-10 CHAIN LINK FENCE $100</td>
</tr>
<tr>
<td>$200</td>
<td>19-11A STORAGE $100</td>
</tr>
<tr>
<td>$300</td>
<td>19-11B STORAGE $100</td>
</tr>
<tr>
<td>$400</td>
<td>19-11C STORAGE $100</td>
</tr>
<tr>
<td>$500</td>
<td>19-11D STORAGE $100</td>
</tr>
</tbody>
</table>

**OTHER VIOLATIONS/DESCRIPTION OF VIOLATION:**

| PAYMENT IS DUE WITHIN THIRTY DAYS OF SERVICE OF THIS CITATION SEE BACK OF YOUR CITATION COPY FOR PAYMENT INSTRUCTIONS|
| WARN THE CITY AND COUNTY OF DENVER MAY SEEK COLLECTION OF LATE FEES, INTEREST AND ANY UNPAID FINES BY ANY APPROPRIATE MEANS OF COLLECTION INCLUDING COLLECTION AGENCIES |

**INSTRUCTIONS**

**Administrative Citation and Associated Civil Penalty**

The City and County of Denver Revised Municipal Code (DRMC) provides for the issuance of Administrative Citations and the assessment of civil penalties for DRMC violations. There are progressive penalties assessed for each particular type of violation.

**How to Pay Civil Penalty Associated with this Citation**

Payment of a civil penalty is due to the Manager of Finance within thirty (30) days after service of the Administrative Citation. Unless you timely and properly file a Petition for Review with the Manager of Parks and Recreation in compliance with the Rules and Regulations Governing Hearings as referenced below, any Rights of Appeal will be lost.

**By Mail**

For payment by mail only, enclose a copy of the citation and mail a check payable to the “Manager of Finance” to the following address:

Denver Parks and Recreation
Manager of Finance
201 W Colfax Ave, Dept. 602
Denver, CO 80202

Make sure you bring a copy of the citation if you wish to pay in person.

**In Person**

You may pay the administrative citation in person at the cashier’s window: 2nd floor of the Wellington Webb Building 201 W Colfax Ave. Denver, CO 80202

**Consequences of Failure to Pay the Civil Penalty**

If you fail to pay the civil penalty assessed by the Administrative Citation within thirty (30) days after the service of the citation, the City will charge a late fee of 5%, interest at the rate of 10% per annum, and may bring an action to collect the penalty and all costs associated with filing such action.

**Rights of Appeal**

You have the right to request a hearing to review issuance of the Administrative Citation by filing a Petition for Review with the Manager of Parks and Recreation along with payment to the “Manager of Finance” of a nonrefundable $25.00 filing fee as specified in the Rules and Regulations Governing Hearings. A Petition must be received by the Manager of Parks and Recreation within fifteen (15) days after service of the Citation at the following address:

Manager Of Parks And Recreation
City And County Of Denver
201 W Colfax Ave, Dept. 561
Denver, CO 80202

The Petition must contain the information required as provided in the Rules and Regulations Governing the Use of Administrative Citations for the Enforcement of Article 1, Chapter 39 of the DRMC. For any information concerning appeals, citation related questions or to obtain a copy of Rules and Regulations visit the Department of Parks and Recreation website http://www.denvergov.org/parks/ or email the Parks Department at ParksRec-Manager@denvergov.org.
Attachment B
to Admin R&R's

Penalty Fines for Violations of Art. 1 Ch. 39, DRMC
Adopted in accordance with Sec. 2-293, DRMC

Sec. 39-1(b)  Sign or notice $100
Sec. 39-3   Curfew and closures $100
Sec. 39-4 (a) Restriction or prohibition of uses/activities $100
(b) Passive Recreation Use Area $150
Sec. 39-5   Permit requirements, failure to have a required Permit; admission fees $100
Sec. 39-6(a) Destruction of park property $150
Sec. 39-6 (b) & (c) Misuse of park property $100
Sec. 39-7 (a) & (b) Camping $100
(c) & (d) Rock climbing, Red rocks or Summit closures $150
Sec. 39-8 (a) - (c) Fires and fireworks $100
(d, e) Fire ban $500
Sec. 39-9 (a) - (c) Firearms, weapons and hunting $150
Sec. 39-10 (a) (b) (e) (f) Alcohol and smoking $100
(c) Marijuana $150
Sec. 39-11 Sales in or near parks; gambling $100
Sec. 39-12 (a) Disturbance of peace – misbehavior $150
(b) Disturbance of peace – sound amplification $100
Sec. 39-13 Fishing $100
Sec. 39-14 Waters and water facilities; swimming $100
Sec. 39-15 (a)-(c), (e)-(j) Animals; wildlife, pit bulls, dog parks $100
(d) Excrement $150
Sec. 39-16 Inflatable, flying objects, sledding devices $100
Sec. 39-17 (a) & (c) Bottles and littering $100
(b) Dumping $150
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>39-18</td>
<td>Human powered devices; trails</td>
<td>$100</td>
</tr>
<tr>
<td>39-19 (a) (e)</td>
<td>Motorized vehicle parking</td>
<td>$50</td>
</tr>
<tr>
<td></td>
<td>Posted handicapped</td>
<td>$100</td>
</tr>
<tr>
<td>(a) - (d)</td>
<td>Motorized vehicle operating; repairs</td>
<td>$100</td>
</tr>
<tr>
<td>39-20</td>
<td>Sports activities, facilities</td>
<td>$100</td>
</tr>
<tr>
<td>39-21 (a) (b) (c), (e)-(i) (d)</td>
<td>Boating</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>Careless or reckless</td>
<td>$150</td>
</tr>
<tr>
<td>39-23 (a) - (c), (e)-(i) (d)</td>
<td>Golf</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>Careless or reckless cart operation</td>
<td>$150</td>
</tr>
<tr>
<td>39-24</td>
<td>Lawful order; identification; interference or evasion; compliance with AEO</td>
<td>$150</td>
</tr>
</tbody>
</table>

Upon appeal, an AHO may reduce the first offense fines up to twenty-five percent (25%) upon a finding of mitigation of circumstances in favor of the Responsible Party.

For a second offense within one year, the $100 fines listed above shall be $250.00 and the $150 fines listed above shall be $500.00. Upon appeal, an AHO may reduce the second offense fines up to twenty-five percent (25%) upon a finding of mitigation of circumstances in favor of the Responsible Party.

For a third offense within one year, the $100 fines listed above shall be $500.00 and the $150 fines listed above shall be $999.00. Upon appeal, an AHO may reduce the third offense fines up to twenty-five percent (25%) upon a finding of mitigation of circumstances in favor of the Responsible Party.

A finding of mitigation of circumstances shall occur only upon a determination by the AHO in the AEO that the Responsible Party has violated some provision in Article I of Chapter 39, DRMC, but that there are special circumstances or factual considerations that mitigate the violation by the Responsible Party so as to warrant the reduction of the fine imposed under this Attachment B. The finding of mitigation must be expressly stated in the AEO when the fine is reduced as allowed under this Attachment B.