



Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
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MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY COMMITTEE December 21, 2017

The meeting was called to order at 6:30 p.m. by John Nibarger in the Hearing Room of the Board of Commissioners, Third Floor, Boulder County Courthouse, Boulder, Colorado.

POSAC Members in Attendance

Present: Sue Anderson, Jenn Archuleta, Cathy Comstock, Jim Krug, Scott Miller (arrived 6:33), Gordon Pedrow, and John Nibarger

Excused: James Mapes and Heather Williams

Staff in Attendance

Renata Frye, Conrad Lattes, Michelle Durant, Stefan Reinold, Nathan McBride, Bevin Carithers, Jeff Moline, Therese Glowacki, Vivienne Jannatpour, and Eric Lane

Guests

Rick Adams - Professor, University of Northern Colorado

Approval of the March 24, 2017 Meeting Minutes

Action Taken: Jenn Archuleta moved to accept the November 16 minutes, and Jim Krug seconded the motion. Motion carried unanimously.

Public Participation - Items not on the Agenda

- Steve Watts, 614 Tantra Drive, Boulder. He is the Executive Director of Boulder Mountainbike Alliance. He thanked Parks & Open Space for the process behind the development of the Schoolhouse Loop and the Overland Loop on the Heil 2 property. BMA also has concerns about the Boulder Creek Path Extension project, and BMA thinks having a crossover is very important for a safe connection to Betasso.

Ongoing Bat Research on Boulder County Parks and Open Space

Presenter: Rick Adams- Professor- University of Northern Colorado

Public Comments: None

Action Taken: Information Only

Defensible Space Public Infrastructure

*Staff Presenters: Stefan Reinold – Senior Forestry Resource Specialist;
Nathan McBride – Forestry Technician*

Public Comments: None

Action Taken: Information Only

Parks and Open Space Rules and Regulations Revisions

Staff Presenter: Bevin Carithers- Resource Protection Supervisor

Public Comments: None

Action Taken

Motion 1:

John Nibarger moved to approve the rules and regulations, with the exception of the public assembly portion because he would like to see clearer language to better define that regulation. Gordon Pedrow seconded the motion, which included a friendly amendment that the enforcement philosophy be better explained and communicated. *After discussion, motion was withdrawn.*

Motion 2:

Scott Miller moved to approve the rules and regulations, with the exception of the public assembly policy, requesting that portion come back to POSAC in January with clearer language. Gordon Pedrow seconded the motion. *After discussion, motion carried unanimously.*

Planning Priorities

Staff Presenter: Jeff Moline- Resource Planning Manager

Public Comments: None

Action Taken: POSAC Input



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PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

DATE: Thursday, December 21, 2017
TIME: 6:30 pm
PLACE: Commissioners' Hearing Room, 3rd Floor, Boulder County Courthouse,
1325 Pearl Street, Boulder, CO

AGENDA

Suggested Timetable

- 6:30 1. **Approval of the November 16, 2017 Meeting Minutes**
- 6:35 2. **Public Participation - Items not on the Agenda**
- 6:40 3. **Ongoing Bat Research on Boulder County Parks and Open Space**
Presenter: Rick Adams, Professor, University of Northern Colorado
Action Requested: Information Only
- 7:20 4. **Defensible Space Public Infrastructure**
*Staff Presenters: Stefan Reinold – Senior Forestry Resource Specialist;
Nathan McBride – Forestry Technician*
Action Requested: Information Only
- 7:50 5. **Parks and Open Space Rules and Regulations Revisions**
Staff Presenter: Bevin Carithers, Resource Protection Supervisor
Action Requested: Recommendation to BOCC
- 8:30 6. **Planning Priorities**
Staff Presenter: Jeff Moline, Resource Planning Manager
Action Requested: POSAC Input
- 9:30 7. **Director's Update**
- 9:35 8. **Adjourn**



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PARKS AND OPEN SPACE ADVISORY COMMITTEE

TO:	Parks & Open Space Advisory Committee
TIME/DATE:	Thursday, December 21, 2017, 6:30 p.m.
LOCATION:	Commissioners Hearing Room, 3 rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO
AGENDA ITEM:	Rules and Regulations Revisions
PRESENTER:	Bevin Carithers, Resource Protection Supervisor
ACTION REQUESTED:	Recommendation to the BOCC

Summary

Boulder County Parks and Open Space staff proposes several changes to the current rules and regulations. These changes include basic grammatical updates, removing outdated language, the clarification of existing regulations, and the addition of new regulation language. These changes were presented to the Parks and Open Space management team for approval on November 14, 2017.

Background

Boulder County Parks and Open Space rules and regulations were last updated in 2016. Since that time, a number of county policies and state laws have changed precipitating a revision of the current rules and regulations.

Proposed Revisions and Additions of Significance

- Defines bicycles as exclusively human powered vehicles and prohibits the use of electronic bikes on all trails unless otherwise designated.
- Allows 24-hour use on Boulder Canyon Trail, US 36 Bikeway and the trail adjacent to Lagerman Agricultural Preserve along Pike Road.
- Allows the Board, Director and/or the Director's designee to enact park closures. Extends the park closure period from two to four weeks.
- Defines smoking.
- Requires dog owners to pick up after their pets.
- Creation of a regulation specific to the prohibition of unmanned aircraft systems (UAS). Prohibits UAS operators from harassing park visitors, livestock, and wildlife.
- Prohibits public assembly on open space lands without written approval from the Board. This is an existing county policy.

2017 Rules and Regulations Revisions
Explanation of Non-grammatical Regulation Changes

Parks & Open Space Advisory Committee
 Thursday, December 21, 2017

Regulation No.	Reason for Proposed Change
4	Clarifies that hand guns, rifles, and shotguns are prohibited weapons.
5c	Requires dog owners to clean up after their pets.
7c	Allows rangers to enforce posted fire ban signs resulting in a \$300 fine rather than a \$75 fine for posted notice.
8	Allows rangers to enforce day use and direction designations with a specific regulations rather than using the posted notice regulation. Clarifies that a bicycle is an <u>exclusively</u> human powered vehicle and prohibits the use of e-bikes on all trails unless otherwise designated.
9	Classifies e-bikes as vehicles.
14	Provides a definition of smoking per the county policy manual.
16	Allows tenants to provide alcoholic beverages greater than 3.2 percent at events if allowed in their lease.
17	Allows 24-hour use on the US 36 Bikeway, Boulder Canyon Trail, and the trail adjacent to Pike Road at Lagerman Agricultural Preserve. This change was proposed by resource protection to allow commuter use on the US 36 Bikeway and Boulder Canyon Trail and to accommodate runners and joggers using the trail along Pike Road before sunrise and after sunset.
19	Allows commercial uses that are noted within leases.
23b	Allows the Board, the Director, and/or the Director's designee to enact park, property, and trail closures. Extends the closure period from two to four weeks. Requires POS staff to post public notice at the closure site and on the website.

24d	Provides unmanned aircraft systems/drones with specific regulation. This change was proposed by resource protection based on feedback from the public that information on drones in our regulations was difficult to locate. This regulation also prohibits drone operators from harassing park visitors, livestock, and wildlife. The language for this regulation was taken from a municipal ordinance in Telluride, CO.
24e	Prohibits public assembly on open space without written approval from the Board. This policy was adopted from the county employee policy manual in order to allow resource protection staff to issue citations to protestors that gather on open space and refuse verbal requests to vacate the area.
29	Allows for exceptions to the rules and regulations to be included in leases.

RESOLUTION NO. ~~2016~~2017-25

Comment [CL1]: The resolution number will be supplied once it has been set for a BOCC hearing.

A RESOLUTION CONCERNING RULES AND REGULATIONS FOR BOULDER COUNTY PARKS AND OPEN SPACE AREAS (Superseding Resolution No. ~~2014~~2016-5925).

WHEREAS the Board of County Commissioners (“Board”) is empowered by § 29-7-101(2), C.R.S. and § 30-15-401, C.R.S., as amended, to adopt rules and regulations pertaining to Boulder County Parks and Open Space areas; and

WHEREAS, Boulder County, through the Board, has elected to adopt such Rules and Regulations; and

WHEREAS, these Rules and Regulations are for the sole purpose of managing and protecting property which Boulder County owns, leases or otherwise manages as Parks and Open Space areas and will be enforced in accordance with established resources and operating procedures; and

WHEREAS, enactment of these Rules and Regulations constitutes neither a waiver of governmental immunity pursuant to §§ 24-10-101, et seq., C.R.S., as amended, nor the assumption of any duties of care to any person.

NOW, THEREFORE, BE IT RESOLVED that the prior Resolutions listed above concerning Rules and Regulations governing Boulder County Parks and Open Space areas are superseded by the following:

1. Resource Protection

- (a) It shall be unlawful for any unauthorized person to remove, move, destroy, mutilate, collect or deface any natural or man-made object within any Boulder County Parks and Open Space area, including, but not limited to: trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources and trash containers.
- (b) It shall be unlawful to install or replace rock bolts, plant vegetation of any type or any other type of landscape material, or establish or construct trails or other facilities for public or private use without the written permission from the Director of the Boulder County Parks and Open Space Department (“Director”).

2. Wildlife

- (a) It shall be unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or for any person to allow any domestic animal to do the same, at any time within any Boulder County Parks and Open Space area, except where and when such activities are permitted by action of the Board or by written permission from the Director and except as provided for in Rule 3 below. This provision shall not apply to any county, state or federal government personnel authorized by the Board to carry out a wildlife management program through law or county-approved rules and regulations.
- (b) It shall be unlawful for any unauthorized person to relocate or release any animal within Boulder County Parks and Open Space areas.

3. Fishing Regulations

Fishing is permitted in accordance with the Colorado Wildlife Commission's land and water regulations, except in Open Space areas designated and posted with special Boulder County Parks and Open Space regulations. Ice fishing is prohibited on all Boulder County Parks and Open Space areas, unless the area is specifically posted to allow ice fishing. It shall be unlawful to violate special fishing regulations posted within any Boulder County Parks and Open Space area. Rules and Regulations, fees and special permit requirements shall be determined by the Board and posted at affected Boulder County Parks and Open Space areas. The Board and the Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation and/or public safety concerns. The Director, within two days of modifying or creating any regulations under this Paragraph, sends notification to the Board of such action. The Board may, at a regularly scheduled business meeting, rescind or modify the decision by the Director. Only that portion of any decision by the Director that is specifically approved by the Board shall continue to be effective.

Unless otherwise posted or provided in these rules and regulations, float tubes, as defined under the boating regulations below, shall be permitted in conjunction with fishing wherever fishing is permitted within Boulder County Parks and Open Space areas.

It shall be unlawful to use seines, cast nets, and/or live traps on any body of water within Boulder County Parks or Open Space areas.

(a) Walden Ponds Wildlife Habitat:

- i. Fishing in Wally Toevs Pond shall be limited to senior citizens (age 64 and over) and their companions aged 15 years or younger and anglers with disabilities and their companions.
- ii. It shall be unlawful to exceed the posted creel limit.
- iii. All other ponds at Walden Ponds Wildlife Habitat are designated as catch and release fishing for largemouth and smallmouth bass. At these ponds anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to Colorado Parks and Wildlife Commission regulations.
- iv. Fishing is prohibited on Cottonwood Marsh Lake.
- v. All vessels and float tubes are prohibited.

(b) Cattail Ponds at the Boulder County Fairgrounds:

- i. All vessels and float tubes are prohibited.
- ii. Fishing is limited to people under 16 years of age.

(c) Lagerman Reservoir:

- i. Vessels at Lagerman Reservoir are limited to non-motorized vessels and motorized vessels with electric motors or gasoline motors of ~~7.5~~ 8 horsepower or less.
- ii. Vessels are restricted to wakeless speeds (less than five miles per hour).
- iii. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit is one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is five each).

(d) Stearns Lake at Carolyn Holmberg Preserve/Rock Creek Farm:

- i. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit shall be one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is 5 each).
- ii. All vessels and float tubes are prohibited.

(e) Pella Crossing:

- i. All Ponds at Pella Crossing are designated as catch and release fishing for largemouth and smallmouth bass. Anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to the Colorado Wildlife Commission regulations.
- ii. Fishing is prohibited on Webster Pond.
- iii. Non-motorized, portable vessels are allowed on Sunset, Heron, Dragonfly, Poplar and Clearwater Lakes. Such use is allowed only for the purpose of fishing.

(f) Twin Lakes:

- i. All vessels and float tubes are prohibited.

(h) Mud Lake:

- i. All vessels and float tubes are prohibited.

4. Projectiles, Weapons and Explosives

It shall be unlawful to carry or discharge on or into any Boulder County Parks and Open Space area, firearms (concealed or otherwise), projectile weapons or explosives of any kind including but not limited to [hand guns, rifles, shotguns](#), fireworks, BB guns, pellet guns, rockets, air guns, paint ball guns, blow guns, crossbows, longbows, and slingshots, except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended; ~~peace~~ [Peace](#) officers on official duty and Boulder County Park Rangers engaged in official wildlife management operations are excepted, as are residential tenants of the county within their living quarters and events under lease at the Boulder County Fairgrounds.

~~Further e~~Exceptions may be permitted only with written permission from the Board or the Director.

5. Domestic Animals/Livestock

- (a) Any dog or other domestic animal within a Boulder County Parks and Open Space area shall be restrained by a leash, cord, rope or chain and under physical control of a person, except as otherwise provided for in this paragraph or posted with approval from the Board. Any owner/keeper accompanying a dog in an off-leash area must have the ability to restrain his or her dog when requested by POS staff.
- (b) It shall be unlawful for any owner/keeper to allow his or her domestic animals within a Boulder County Parks and Open Space area to engage in disorderly conduct or any activity which interferes with the health, safety or welfare of users, livestock, other domestic animals or neighbors in the area, or which creates a nuisance, including unwanted physical contact or threatening behavior, with any user, domestic animal, or livestock.
- (c) ~~The Director may adopt dog restrictions on specific trails, parks or open space areas that require a~~ Any person who brings a dog into a Boulder County Parks and Open Space area ~~to shall~~ pick up, carry out, and dispose of that dog's excrement.

- (d) Dogs may be prohibited on specific Boulder County Parks and Open Space areas by action of the Board.
- (e) Horses must be under the physical control of a person at all Boulder County Parks and Open Space areas except at the exhibitor and spectator areas at the Boulder County Fairgrounds and those permitted under a written grazing lease from Boulder County.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall neither be left tied and unattended, nor tied in any manner which damages vegetation or structures, or which interferes with or disturbs the public's use of established trails, picnic areas, or campsites.
- (g) All feed provided to livestock while on Boulder County Parks and Open Space trails and trailheads must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or written permission from the Director or the Board.
- (h) Exceptions to this Rule are permitted for the use of a dog as a service animal so long as such use is in all respects in compliance with the regulations in 28 CFR § 35.136. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability. Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal.
- (i) It shall be unlawful to confine any animal in a motor vehicle in such a manner that places in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation, or other protection from such heat or cold.

6. Camping

Camping is not permitted on Boulder County Parks and Open Space areas except in designated areas at the Boulder County Fairgrounds.

7. Fire

- (a) Campfires are unlawful. Charcoal fires may be built only in established picnic and camping areas, and then only in grills and fireplaces provided by the department or in personal grills or stoves. All charcoal fires must be built in a safe manner and attended at all times. All charcoal fires must be properly extinguished and left in the provided grills. Exceptions may be granted only with written permission from the Board or the Director.

(b) Fires may be prohibited entirely by order of the Board, the Boulder County Sheriff or the Director by the posting of special notices or public notification through the press.

~~(b)~~(c) It shall be unlawful to violate an order or special notice prohibiting fires on any Boulder County Open Space area.

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8. Bicycles

No person shall ride a bicycle or unicycle within any Boulder County Parks and Open Space area except on trails where such use is designated, including day of use and directional designations, and at the Boulder County Fairgrounds. Unless otherwise stated, the definition of bicycle shall include: all exclusively human powered wheeled vehicles. Gas and electric assisted bicycles are

prohibited within any County Parks and Open Space area except where such use is specifically designated. Strollers and wheelchairs are exempted from ~~this the~~ definition of bicycle and are permitted within any County Parks and Open Space area.

9. Vehicles

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, electric assisted bicycle, snowmobile, four-wheel drive or other recreational vehicle, within any Boulder County Parks and Open Space area, unless the area is specifically designated and posted to permit the operation of such vehicle in that area. Boulder County and emergency vehicles on official business are excepted from this Rule. For exceptions related to disabled access refer to Rule 9(b).
- (b) Individuals with mobility disabilities are permitted to use wheelchairs and/or manually-powered mobility aids on any trail open to pedestrian use so long as they are used in a manner that is safe for the user. Individuals with mobility disabilities may use other power-driven mobility devices (“OPDMDs”) on all trails open for pedestrian use unless a particular trail has been designated as being unsafe for use by OPDMDs based upon the assessment factors found in 28 CFR § 35.137(b)(2). A current list of trails that have been designated as being unsafe for use of OPDMDs shall be kept on the Boulder County Parks and Open Space web site. County personnel who have been granted authority for enforcement of these Rules and Regulations pursuant to Rule 28 shall have the discretion to temporarily designate additional trail segments or other facilities on Boulder County Parks and Open Space areas as inappropriate for use of certain classes of OPDMDs based upon current conditions that may affect the safety of the OPDMD user or other members of the public and/or harm to the immediate environment or natural or cultural resources, such as weather, trail conditions, and volume of pedestrian traffic. Use of OPDMDs within any Parks and Open Space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any Parks and Open Space area.
- (c) Vehicles must be parked only in designated areas, and/or in compliance with all posted parking signs.
- (d) Vehicles may not be ~~left~~-parked ~~and-attended or~~ unattended at any time from sunset to sunrise except with permission from the Director.
- (e) Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to § 42-3-121, C.R.S, as amended, or otherwise authorized by § 42-4-1208 (4), C.R.S., as amended, shall be displayed at all times while vehicle is parked in such a space.
- (f) It shall be unlawful to park in a manner that impedes the safe flow of traffic.

10. Advertising and Signs Prohibited

Posting of signs, advertisements and flyers or placement of brochures on Boulder County Parks and Open Space areas or on vehicles within parking facilities is prohibited without permission from the ~~department~~Director.

11. Swimming and Skating

It shall be unlawful to swim, dive, ice skate, walk on ice, use any floatation device not designed

for fishing, in or on any lake, pond or stream within any Boulder County Parks and Open Space area, unless the area is specifically posted to allow such activity.

12. Littering/Dumping

- (a) It shall be unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park or open space area, except that which is generated by legal activities conducted within the Boulder County Parks and Open Space area. Trash and debris legally generated within any Boulder County Parks and Open Space area must be removed or deposited in a designated trash receptacle.
- (b) It shall be unlawful to clean vehicles / livestock trailers out onto Boulder County Parks and Open Space areas, including the Boulder County Fairgrounds.
- (c) Under no circumstance may hazardous materials be deposited within Boulder County Parks and Open Space areas.

13. Glass Containers

It shall be unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Boulder County Parks and Open Space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas or campground at the Boulder County Fairgrounds. Exceptions are also made for specific events under lease at the Boulder County Fairgrounds [or pursuant to the terms of an agricultural lease](#). Further exceptions are permitted only by obtaining written permission from the Director or the Board.

14. Smoking

Smoking is prohibited within any Boulder County Parks and Open Space area. [Smoking is defined as inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, plant, electronic smoking device or other combustible substance in any manner or in any form, regardless of its composition](#)

15. Marijuana

It shall be unlawful to consume marijuana or any marijuana derivative within any Boulder County Parks and Open Space area.

16. Alcoholic Beverages

It shall be unlawful to consume, possess or serve alcoholic beverages, except for fermented malt beverages containing not more than 3.2% alcohol by weight, within any Boulder County Parks and Open Space area, except that qualified non-profit organizations contracting for use of facilities at the Boulder County Fairgrounds and desiring to serve alcoholic beverages may apply for a Special Events Permit issued through the Board. [Further exceptions may also be granted pursuant to the terms of a lease of a Boulder County Parks and Open Space agricultural property.](#) Vendors at the Boulder County Farmers' Market may conduct tastings at the Fairgrounds without a Special Events Permit if in compliance with the Fairgrounds Policy Manual and the lease from Boulder County to the Farmers' Market. Alcoholic beverages may be prohibited on specific Boulder County Parks and Open Space areas by action of the Board.

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17. Hours

Boulder County Parks and Open Space areas shall be open for daytime use only, between the hours of sunrise and sunset, with the exception of the trail corridors for the Longmont-to-Boulder (Lobo)

~~Lebo~~-Trail, Coalton Trail, Coal Creek Trail, Rock Creek Trail, Meadowlark Trail, [US 36 Bikeway](#), [The Boulder Canyon Trail](#), [Open Sky Loop trail adjacent to Pike Road](#) ~~trail adjacent to Lagerman Agricultural Preserve~~, and Mayhoffer-Singletree Trail, which trail corridors and neighborhood connecting spurs shall be open 24 hours per day. Further exceptions are permitted only by obtaining written permission from the Director or the Board.

18. Research Projects

All research projects to be conducted within any park or open space area must be reviewed and written authorization granted in advance from the department.

19. Commercial Activity

It shall be unlawful for any person, acting individually or on behalf of a business or organization, to use any Boulder County Parks and Open Space area for any commercial purpose (such as races or events; filming movies or commercials; guiding service; equipment demonstrations; riding activities of a commercial horse stable, riding school, or livery).

Individuals engaging in still camera photography are exempt as are nonprofit tax exempt entities [and anyone acting pursuant to the terms of a lease](#).

20. Special Use Permits

Special use permits are required for any group of 25 or more. Requests must include the group affiliation, dates and time of use, trails or areas to be used and other details of the use. If, in the opinion of the Board or the Director, the activity will cause significant impact to the natural environment or will require significant departmental resources, the county may prescribe a fee that includes the costs expected to be incurred by the department, or deny permission for the activity.

21. Disorderly Conduct

It shall be unlawful for any person to engage in disorderly conduct or any activity within a Boulder County Park and Open Space area which interferes with the health, safety and welfare of users or neighbors in the area, or which creates a nuisance (including amplified sound). Exception from the ban on amplified sound is made for leased events at the Boulder County Fairgrounds.

22. Trail Use

- (a) It shall be unlawful for any trail user to fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: All users yield to equestrians, bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- (b) The Board may, by resolution, adopt use restrictions on specific trails or park or open space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads.

23. Closures

- (a) Boulder County Parks and Open Space areas being managed for agricultural purposes, whether by the department or a lessee, are closed to the public unless trails and other related facilities are otherwise designated by the Board. It shall be unlawful for any

unauthorized person to enter such closed areas.

- (b) The Board or the department may ~~close from time to time determine that closure of~~ Boulder County Parks and Open Space areas to the public and/or to certain animals ~~as is~~ necessary or desirable due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs. The Board may also designate an area as closed temporarily, permanently, or for an indefinite period of time. The Director ~~or his or her designee~~ may also designate an area closed, temporarily, for a period not to exceed ~~two~~ four weeks, and within 2 business days of making such a decision, shall send notification of the closure to the Board, ~~who may designate such closures as temporary, permanent or indefinite. The Board may also designate an area as closed temporarily, permanently, or for an indefinite period of time.~~ The Board may, at a regularly scheduled business meeting, rescind, extend, or otherwise modify the decision by the Director or his or her designee. It shall be unlawful for any unauthorized person to enter areas that are closed. All closures, whether temporary, permanent, or indefinite, and whether by the Board or by the Director, shall be designated at the site of the closure and on the Boulder County Parks and Open Space website.
- (c) Operators of remote-controlled gliders may apply to the Director or the Board for permission to retrieve gliders that may land on the Lindsay Open Space Property.

24. Other Prohibited Activities

- (a) Other prohibited activities include: polluting land, water or air, golfing, hangliding, paragliding, parapenting, parachuting, parasailing, the use of remote-controlled land, water or air-borne devices, mountain skateboards, mountain ski-bikes, off-road roller blades, and similar devices unless the activity is permitted in a lease at the Boulder County Fairgrounds.
- (b) Except for emergency landings, it shall be unlawful to take off, operate, or land with any motorized or non-motorized aircraft within park and open space areas. Aircraft includes but is not limited to: airplanes, helicopters, ultralights, gliders/sailplanes, ~~unmanned aircraft systems (i.e. drones)~~ and hot-air balloons except as permitted by current Boulder County Parks and Open Space policies for unmanned aircraft systems or the conditions of a lease at the Boulder County Fairgrounds.
- (c) Special regulations may apply to buildings open to the public on Boulder County Parks and Open Space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.

(d) It shall be unlawful to take-off, land, or operate any unmanned aircraft system (drone) on Boulder County Parks and Open Space areas unless permitted by the ~~Boulder County Parks and Open Space~~ Department. No person shall operate an unmanned aircraft system so as to endanger, harass, harm, or injure any person, companion animal, livestock, or wildlife on Boulder County Parks and Open Space areas.

(e)(e) Public Assembly is not permitted on Boulder County Parks and Open Space areas without an approved permit issued by the Board or unless at the Boulder County Fairgrounds and in compliance with the Boulder County Personnel and Policy Manual.

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25. Regulatory Signs

It shall be unlawful to violate any official rule or regulation posted on a sign.

26. Fairgrounds Campground

It shall be unlawful to violate the following rules and regulations for the Boulder County Fairgrounds. Length of stay at the campground is not to exceed a total of fourteen days within a given calendar year. ~~Site Any campsite~~ Campsites must be occupied during stay. Extensions ~~are may be~~ permitted only by obtaining written permission from the Fairgrounds Manager.

- (a) Checkout time for those staying at the campground is 10:00 a.m. the morning following a paid night's stay.
- (b) Quiet hours at the campground will be between the hours of 9:00 p.m. and 6:00 a.m.
- (c) Discharge of gray or black water from motor homes, campers or trailers is permitted only at the designated dumpsite.
- (d) Permits for camping in designated areas must be kept current or secured in advance from the Fairgrounds staff or onsite paystation. Payment for that day must be received by 10:00 am or within one hour after arrival to the campground.
- (e) Livestock in the campground is prohibited.
- (f) Within the exhibitor and spectator areas at the Boulder County Fairgrounds, livestock must be penned or tied in the barn areas or otherwise under the physical control of a person. Livestock is defined as: "farm animals, raised for human use or profit (cattle, horses, goats, hogs, sheep, etc.)".
- (g) Campground restrooms and showers may be used by registered campers only.
- (h) It shall be unlawful to violate any rule or regulation contained in the Boulder County Fairgrounds Manual. Violations may result in a fine and/or expulsion from the campground.

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27. Boating

- (a) Boating is only permitted on waterways which are owned and/or managed as Boulder County Parks and Open Space areas if the waterway is specifically posted to allow boating and if in compliance with Article 13 of Title 33, C.R.S., as amended.
 - i. "Vessel" means every description of watercraft used or capable of being used as a means of transportation for persons and property on the water, other than single-chambered air-inflated devices, float tubes, or seaplanes.
 - ii. "Float tubes" means a single person inflatable watercraft designed for fishing and in which a fisherman is submerged below the water level. If the fisherman sits above the surface of the water, the watercraft shall be considered a vessel and is subject to the rules and regulations related to boating.
 - iii. "Portable vessels" means non-motorized car top boats that can be lifted onto and taken from the top of a passenger vehicle such as kayaks, stand-up paddleboards, surfboards, and canoes.

- (b) Any vessel powered by the wind such as sailboats and sailboards are specifically prohibited on all Boulder County Parks and Open Space waters
- (c) Motorized vessels are prohibited on all Boulder County Parks and Open Space waters, with the exception of Lagerman Reservoir, which allows motorized vessels with electric or gasoline powered motors of 8 horsepower or less. Any motorized vessel with a motor larger than 8 horsepower shall have that motor's propeller lifted out of the water at all times.

28. Interference

It shall be unlawful to interfere or attempt to interfere with any Boulder County Park Ranger or other Open Space employee who is acting in the performance of his or her duties on Open Space lands or waters or to give false or misleading information with the intent to mislead said person in the performance of his or her duties.

29. Exceptions to the Rules and Regulations

Exceptions to these Rules and Regulations as amended, re-enacted, or re-adopted, may be granted by the Board or the Director for activities that involve the management of Boulder County Parks and Open Space areas, provided these activities are undertaken or overseen by department staff, [and as provided in the terms of a lease.](#)

30. Enforcement

Pursuant to §§ 29-7-101(2) and (3) and § 30-15-401, C.R.S. et seq., as amended, it is the duty of the Boulder County Sheriff and the Sheriff's deputies to enforce any and all of the Rules and Regulations adopted for Boulder County Parks and Open Space areas. To the extent that the Board may find it desirable to vest specific enforcement authority in designated Boulder County personnel, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted for Boulder County Parks and Open Space areas. Any person who violates any of these Rules and Regulations may be expelled from Boulder County Parks and Open Space areas.

31. Interpretation of Rules and Regulations

- (a) It is hereby declared to be the legislative intent that the provisions of this Resolution shall be separable, in accordance with the provisions set forth as follows: If any provision of this Resolution is ruled to be invalid by any court of competent jurisdiction:
 - i. The effect of such judgment shall be limited to that specific provision or provisions which are expressly stated in the judgment to be invalid; and
 - ii. Such judgment shall not affect, impair or nullify the validity of application of this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.
- (b) The enactment of this Resolution or any amendment thereto shall not be construed as abating any action now pending under or by virtue of prior provisions, or discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the county under any provision existing prior to the adoption of this Resolution, or as vacating or annulling any rights obtained by any person by lawful action of the county except as shall be expressly provided for in this Resolution.

32. Penalties

Violation of any Rule or Regulation above shall be a Class 2 Petty Offense as provided for in §

29- 7-101(2) and § 30-15-402, C.R.S., as amended, and punishable by fine or as otherwise provided by law.

- (a) Any person having the authority and responsibility to enforce these Rules and Regulations and having knowledge of any violation of the Rules and Regulations stated herein may issue a Citation or Summons and Complaint to the violator or, as set forth in Rule 32(b) herein, to a vehicle, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- (b) Any person having the authority and responsibility to enforce the Rules and Regulations for Boulder County Park and Open Space areas and having knowledge of any violation of the Rules and Regulations stated herein may use the Penalty Assessment Procedure defined under § 16-2- 201, C.R.S., as amended, by issuing the violator a penalty assessment notice and releasing the violator upon its terms or, as the law allows, by taking the violator before a county court judge. The penalty assessment notice shall be a Summons and Complaint and shall contain the identification of the offender, the specification of the offense, and the applicable fine. As provided in § 16-2-201(1.5), C.R.S., as amended, a penalty assessment notice may be placed on an unattended vehicle that is parked in apparent violation of any county regulation. A penalty assessment notice placed on a vehicle shall contain the license plate number and state of registration of the vehicle in lieu of the identification of the offender.
- (c) When the Penalty Assessment Procedure is used, the following schedule of fines shall be used with exception for parking and weapons, hunting and fire related violations as noted below:
 - Regulations assessments:
 - First Offense \$75
 - Second Offense \$150
 - Third Offense \$300
 - Subsequent Offenses \$300 or maximum allowable by law
 - Weapons, hunting, interference, and fire related assessments:
 - First offense \$300
 - Subsequent Offenses \$300 or the maximum allowable by law
 - Closures, disorderly conduct, resource protection and vehicles 9(a):
 - First Offense \$150
 - Subsequent Offenses \$300 or the maximum allowable by law
 - Parking assessments for violation of 9(c):
 - First Offense \$25
 - Second Offense \$50
 - Third Offense \$75
 - Fourth Offense \$100
 - Subsequent Offenses \$300 or maximum allowable by law
 - Parking assessments for violation of 9 (d): \$50
 - Parking assessments for violation of 9 (e): \$100

The department shall make available for inspection to the public, a current copy of the existing rules and regulations relating to Boulder County Parks and Open Space areas.

Claire G. Jacey
Clerk to the Board

RESOLUTION NO. 2017-__

A RESOLUTION CONCERNING RULES AND REGULATIONS FOR BOULDER COUNTY PARKS AND OPEN SPACE AREAS (Superseding Resolution No. 2016-25).

WHEREAS the Board of County Commissioners (“Board”) is empowered by § 29-7-101(2), C.R.S. and § 30-15-401, C.R.S., as amended, to adopt rules and regulations pertaining to Boulder County Parks and Open Space areas; and

WHEREAS, Boulder County, through the Board, has elected to adopt such Rules and Regulations; and

WHEREAS, these Rules and Regulations are for the sole purpose of managing and protecting property which Boulder County owns, leases or otherwise manages as Parks and Open Space areas and will be enforced in accordance with established resources and operating procedures; and

WHEREAS, enactment of these Rules and Regulations constitutes neither a waiver of governmental immunity pursuant to §§ 24-10-101, et seq., C.R.S., as amended, nor the assumption of any duties of care to any person.

NOW, THEREFORE, BE IT RESOLVED that the prior Resolutions listed above concerning Rules and Regulations governing Boulder County Parks and Open Space areas are superseded by the following:

1. Resource Protection

- (a) It shall be unlawful for any unauthorized person to remove, move, destroy, mutilate, collect or deface any natural or man-made object within any Boulder County Parks and Open Space area, including, but not limited to: trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources and trash containers.
- (b) It shall be unlawful to install or replace rock bolts, plant vegetation of any type or any other type of landscape material, or establish or construct trails or other facilities for public or private use without the written permission from the Director of the Boulder County Parks and Open Space Department (“Director”).

2. Wildlife

- (a) It shall be unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or for any person to allow any domestic animal to do the same, at any time within any Boulder County Parks and Open Space area, except where and when such activities are permitted by action of the Board or by written permission from the Director and except as provided for in Rule 3 below. This provision shall not apply to any county, state or federal government personnel authorized by the Board to carry out a wildlife management program through law or county-approved rules and regulations.
- (b) It shall be unlawful for any unauthorized person to relocate or release any animal within Boulder County Parks and Open Space areas.

3. Fishing Regulations

Fishing is permitted in accordance with the Colorado Wildlife Commission's land and water regulations, except in Open Space areas designated and posted with special Boulder County Parks and Open Space regulations. Ice fishing is prohibited on all Boulder County Parks and Open Space areas, unless the area is specifically posted to allow ice fishing. It shall be unlawful to violate special fishing regulations posted within any Boulder County Parks and Open Space area. Rules and Regulations, fees and special permit requirements shall be determined by the Board and posted at affected Boulder County Parks and Open Space areas. The Board and the Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation and/or public safety concerns. The Director, within two days of modifying or creating any regulations under this Paragraph, sends notification to the Board of such action. The Board may, at a regularly scheduled business meeting, rescind or modify the decision by the Director. Only that portion of any decision by the Director that is specifically approved by the Board shall continue to be effective.

Unless otherwise posted or provided in these rules and regulations, float tubes, as defined under the boating regulations below, shall be permitted in conjunction with fishing wherever fishing is permitted within Boulder County Parks and Open Space areas.

It shall be unlawful to use seines, cast nets, and/or live traps on any body of water within Boulder County Parks or Open Space areas.

(a) Walden Ponds Wildlife Habitat:

- i. Fishing in Wally Toevs Pond shall be limited to senior citizens (age 64 and over) and their companions aged 15 years or younger and anglers with disabilities and their companions.
- ii. It shall be unlawful to exceed the posted creel limit.
- iii. All other ponds at Walden Ponds Wildlife Habitat are designated as catch and release fishing for largemouth and smallmouth bass. At these ponds anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to Colorado Parks and Wildlife Commission regulations.
- iv. Fishing is prohibited on Cottonwood Marsh Lake.
- v. All vessels and float tubes are prohibited.

(b) Cattail Ponds at the Boulder County Fairgrounds:

- i. All vessels and float tubes are prohibited.
- ii. Fishing is limited to people under 16 years of age.

(c) Lagerman Reservoir:

- i. Vessels at Lagerman Reservoir are limited to non-motorized vessels and motorized vessels with electric motors or gasoline motors of 8 horsepower or less.
- ii. Vessels are restricted to wakeless speeds (less than five miles per hour).
- iii. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit is one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is five each).

(d) Stearns Lake at Carolyn Holmberg Preserve/Rock Creek Farm:

- i. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit shall be one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is 5 each).
- ii. All vessels and float tubes are prohibited.

(e) Pella Crossing:

- i. All Ponds at Pella Crossing are designated as catch and release fishing for largemouth and smallmouth bass. Anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to the Colorado Wildlife Commission regulations.
- ii. Fishing is prohibited on Webster Pond.
- iii. Non-motorized, portable vessels are allowed on Sunset, Heron, Dragonfly, Poplar and Clearwater Lakes. Such use is allowed only for the purpose of fishing.

(f) Twin Lakes:

- i. All vessels and float tubes are prohibited.

(h) Mud Lake:

- i. All vessels and float tubes are prohibited.

4. Projectiles, Weapons and Explosives

It shall be unlawful to carry or discharge on or into any Boulder County Parks and Open Space area, firearms (concealed or otherwise), projectile weapons or explosives of any kind including but not limited to hand guns, rifles, shotguns, fireworks, BB guns, pellet guns, rockets, air guns, paint ball guns, blow guns, crossbows, longbows, and slingshots, except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended. Peace officers on official duty and Boulder County Park Rangers engaged in official wildlife management operations are excepted, as are residential tenants of the county within their living quarters and events under lease at the Boulder County Fairgrounds.

Further exceptions may be permitted only with written permission from the Board or the Director.

5. Domestic Animals/Livestock

- (a) Any dog or other domestic animal within a Boulder County Parks and Open Space area shall be restrained by a leash, cord, rope or chain and under physical control of a person, except as otherwise provided for in this paragraph or posted with approval from the Board. Any owner/keeper accompanying a dog in an off-leash area must have the ability to restrain his or her dog when requested by POS staff.
- (b) It shall be unlawful for any owner/keeper to allow his or her domestic animals within a Boulder County Parks and Open Space area to engage in disorderly conduct or any activity which interferes with the health, safety or welfare of users, livestock, other domestic animals or neighbors in the area, or which creates a nuisance, including unwanted physical contact or threatening behavior, with any user, domestic animal, or livestock.
- (c) Any person who brings a dog into a Boulder County Parks and Open Space area shall pick up, carry out, and dispose of that dog's excrement.

- (d) Dogs may be prohibited on specific Boulder County Parks and Open Space areas by action of the Board.
- (e) Horses must be under the physical control of a person at all Boulder County Parks and Open Space areas except at the exhibitor and spectator areas at the Boulder County Fairgrounds and those permitted under a written grazing lease from Boulder County.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall neither be left tied and unattended, nor tied in any manner which damages vegetation or structures, or which interferes with or disturbs the public's use of established trails, picnic areas, or campsites.
- (g) All feed provided to livestock while on Boulder County Parks and Open Space trails and trailheads must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or written permission from the Director or the Board.
- (h) Exceptions to this Rule are permitted for the use of a dog as a service animal so long as such use is in all respects in compliance with the regulations in 28 CFR § 35.136. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability. Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal.
- (i) It shall be unlawful to confine any animal in a motor vehicle in such a manner that places in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation, or other protection from such heat or cold.

6. Camping

Camping is not permitted on Boulder County Parks and Open Space areas except in designated areas at the Boulder County Fairgrounds.

7. Fire

- (a) Campfires are unlawful. Charcoal fires may be built only in established picnic and camping areas, and then only in grills and fireplaces provided by the department or in personal grills or stoves. All charcoal fires must be built in a safe manner and attended at all times. All charcoal fires must be properly extinguished and left in the provided grills. Exceptions may be granted only with written permission from the Board or the Director.
- (b) Fires may be prohibited entirely by order of the Board, the Boulder County Sheriff or the Director by the posting of special notices or public notification through the press.
- (c) It shall be unlawful to violate an order or special notice prohibiting fires on any Boulder County Open Space area.

8. Bicycles

No person shall ride a bicycle or unicycle within any Boulder County Parks and Open Space area except on trails where such use is designated, including day of use and directional designations, and at the Boulder County Fairgrounds. Unless otherwise stated, the definition of bicycle shall include: all exclusively human powered wheeled vehicles. Gas and electric assisted bicycles are prohibited within any County Parks and Open Space area except where such use is specifically

designated. Strollers and wheelchairs are exempted from the definition of bicycle and are permitted within any County Parks and Open Space area.

9. Vehicles

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, electric assisted bicycle, snowmobile, four-wheel drive or other recreational vehicle, within any Boulder County Parks and Open Space area, unless the area is specifically designated and posted to permit the operation of such vehicle in that area. Boulder County and emergency vehicles on official business are excepted from this Rule. For exceptions related to disabled access refer to Rule 9(b).
- (b) Individuals with mobility disabilities are permitted to use wheelchairs and/or manually-powered mobility aids on any trail open to pedestrian use so long as they are used in a manner that is safe for the user. Individuals with mobility disabilities may use other power-driven mobility devices (“OPDMDs”) on all trails open for pedestrian use unless a particular trail has been designated as being unsafe for use by OPDMDs based upon the assessment factors found in 28 CFR § 35.137(b)(2). A current list of trails that have been designated as being unsafe for use of OPDMDs shall be kept on the Boulder County Parks and Open Space web site. County personnel who have been granted authority for enforcement of these Rules and Regulations pursuant to Rule 28 shall have the discretion to temporarily designate additional trail segments or other facilities on Boulder County Parks and Open Space areas as inappropriate for use of certain classes of OPDMDs based upon current conditions that may affect the safety of the OPDMD user or other members of the public and/or harm to the immediate environment or natural or cultural resources, such as weather, trail conditions, and volume of pedestrian traffic. Use of OPDMDs within any Parks and Open Space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any Parks and Open Space area.
- (c) Vehicles must be parked only in designated areas, and/or in compliance with all posted parking signs.
- (d) Vehicles may not be parked attended or unattended at any time from sunset to sunrise except with permission from the Director.
- (e) Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to § 42-3-121, C.R.S, as amended, or otherwise authorized by § 42-4-1208 (4), C.R.S., as amended, shall be displayed at all times while vehicle is parked in such a space.
- (f) It shall be unlawful to park in a manner that impedes the safe flow of traffic.

10. Advertising and Signs Prohibited

Posting of signs, advertisements and flyers or placement of brochures on Boulder County Parks and Open Space areas or on vehicles within parking facilities is prohibited without permission from the Director.

11. Swimming and Skating

It shall be unlawful to swim, dive, ice skate, walk on ice, use any floatation device not designed for fishing, in or on any lake, pond or stream within any Boulder County Parks and Open

Space area, unless the area is specifically posted to allow such activity.

12. Littering/Dumping

- (a) It shall be unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park or open space area, except that which is generated by legal activities conducted within the Boulder County Parks and Open Space area. Trash and debris legally generated within any Boulder County Parks and Open Space area must be removed or deposited in a designated trash receptacle.
- (b) It shall be unlawful to clean vehicles / livestock trailers out onto Boulder County Parks and Open Space areas, including the Boulder County Fairgrounds.
- (c) Under no circumstance may hazardous materials be deposited within Boulder County Parks and Open Space areas.

13. Glass Containers

It shall be unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Boulder County Parks and Open Space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas or campground at the Boulder County Fairgrounds. Exceptions are also made for specific events under lease at the Boulder County Fairgrounds or pursuant to the terms of an agricultural lease. Further exceptions are permitted only by obtaining written permission from the Director or the Board.

14. Smoking

Smoking is prohibited within any Boulder County Parks and Open Space area. Smoking is defined as inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, plant, electronic smoking device or other combustible substance in any manner or in any form, regardless of its composition

15. Marijuana

It shall be unlawful to consume marijuana or any marijuana derivative within any Boulder County Parks and Open Space area.

16. Alcoholic Beverages

It shall be unlawful to consume, possess or serve alcoholic beverages, except for fermented malt beverages containing not more than 3.2% alcohol by weight, within any Boulder County Parks and Open Space area, except that qualified non-profit organizations contracting for use of facilities at the Boulder County Fairgrounds and desiring to serve alcoholic beverages may apply for a Special Events Permit issued through the Board. Further exceptions may also be granted pursuant to the terms of a lease of a Boulder County Parks and Open Space agricultural property. Vendors at the Boulder County Farmers' Market may conduct tastings at the Fairgrounds without a Special Events Permit if in compliance with the Fairgrounds Policy Manual and the lease from Boulder County to the Farmers' Market. Alcoholic beverages may be prohibited on specific Boulder County Parks and Open Space areas by action of the Board.

17. Hours

Boulder County Parks and Open Space areas shall be open for daytime use only, between the hours of sunrise and sunset, with the exception of the trail corridors for the Longmont-to-Boulder (Lobo) Trail, Coalton Trail, Coal Creek Trail, Rock Creek Trail, Meadowlark Trail, US 36 Bikeway, The

Boulder Canyon Trail, Open Sky Loop trail adjacent to Pike Road, and Mayhoffer-Singletree Trail, which trail corridors and neighborhood connecting spurs shall be open 24 hours per day. Further exceptions are permitted only by obtaining written permission from the Director or the Board.

18. Research Projects

All research projects to be conducted within any park or open space area must be reviewed and written authorization granted in advance from the department.

19. Commercial Activity

It shall be unlawful for any person, acting individually or on behalf of a business or organization, to use any Boulder County Parks and Open Space area for any commercial purpose (such as races or events; filming movies or commercials; guiding service; equipment demonstrations; riding activities of a commercial horse stable, riding school, or livery). Individuals engaging in still camera photography are exempt as are nonprofit tax exempt entities and anyone acting pursuant to the terms of a lease.

20. Special Use Permits

Special use permits are required for any group of 25 or more. Requests must include the group affiliation, dates and time of use, trails or areas to be used and other details of the use. If, in the opinion of the Board or the Director, the activity will cause significant impact to the natural environment or will require significant departmental resources, the county may prescribe a fee that includes the costs expected to be incurred by the department, or deny permission for the activity.

21. Disorderly Conduct

It shall be unlawful for any person to engage in disorderly conduct or any activity within a Boulder County Park and Open Space area which interferes with the health, safety and welfare of users or neighbors in the area, or which creates a nuisance (including amplified sound). Exception from the ban on amplified sound is made for leased events at the Boulder County Fairgrounds.

22. Trail Use

- (a) It shall be unlawful for any trail user to fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: All users yield to equestrians, bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- (b) The Board may, by resolution, adopt use restrictions on specific trails or park or open space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads.

23. Closures

- (a) Boulder County Parks and Open Space areas being managed for agricultural purposes, whether by the department or a lessee, are closed to the public unless trails and other related facilities are otherwise designated by the Board. It shall be unlawful for any unauthorized person to enter such closed areas.

- (b) The Board or the department may from time to time determine that closure of Boulder County Parks and Open Space areas to the public and/or to certain animals is necessary or desirable due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs. The Board may designate an area as closed temporarily, permanently, or for an indefinite period of time. The Director or his or her designee may also designate an area closed, temporarily, for a period not to exceed four weeks, and within 2 business days of making such a decision, shall send notification of the closure to the Board. The Board may, at a regularly scheduled business meeting, rescind, extend, or otherwise modify the decision by the Director or his or her designee. It shall be unlawful for any unauthorized person to enter areas that are closed. All closures, whether temporary, permanent, or indefinite, and whether by the Board or by the Director, shall be designated at the site of the closure and on the Boulder County Parks and Open Space website.
- (c) Operators of remote-controlled gliders may apply to the Director or the Board for permission to retrieve gliders that may land on the Lindsay Open Space Property.

24. Other Prohibited Activities

- (a) Other prohibited activities include: polluting land, water or air, golfing, hanggliding, paragliding, parapenting, parachuting, parasailing, the use of remote-controlled land, water or air-borne devices, mountain skateboards, mountain ski-bikes, off-road roller blades, and similar devices unless the activity is permitted in a lease at the Boulder County Fairgrounds.
- (b) Except for emergency landings, it shall be unlawful to take off, operate, or land with any motorized or non-motorized aircraft within park and open space areas. Aircraft includes but is not limited to: airplanes, helicopters, ultralights, gliders/sailplanes, and hot-air balloons except as permitted by current Boulder County Parks and Open Space policies for unmanned aircraft systems or the conditions of a lease at the Boulder County Fairgrounds.
- (c) Special regulations may apply to buildings open to the public on Boulder County Parks and Open Space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.
- (d) It shall be unlawful to take-off, land, or operate any unmanned aircraft system (drone) on Boulder County Parks and Open Space areas unless permitted by the Department. No person shall operate an unmanned aircraft system so as to endanger, harass, harm, or injure any person, companion animal, livestock, or wildlife on Boulder County Parks and Open Space areas.
- (e) Public Assembly is not permitted on Boulder County Parks and Open Space areas without an approved permit issued by the Board or unless at the Boulder County Fairgrounds and in compliance with the Boulder County Personnel and Policy Manual.

25. Regulatory Signs

It shall be unlawful to violate any official rule or regulation posted on a sign.

26. Fairgrounds Campground

It shall be unlawful to violate the following rules and regulations for the Boulder

County Fairgrounds. Length of stay at the campground is not to exceed a total of fourteen days within a given calendar year. Campsites must be occupied during stay. Extensions may be permitted only by obtaining written permission from the Fairgrounds Manager.

- (a) Checkout time for those staying at the campground is 10:00 a.m. the morning following a paid night's stay.
- (b) Quiet hours at the campground will be between the hours of 9:00 p.m. and 6:00 a.m.
- (c) Discharge of gray or black water from motor homes, campers or trailers is permitted only at the designated dumpsite.
- (d) Permits for camping in designated areas must be kept current or secured in advance from the Fairgrounds staff or onsite paystation. Payment for that day must be received by 10:00 am or within one hour after arrival to the campground.
- (e) Livestock in the campground is prohibited.
- (f) Within the exhibitor and spectator areas at the Boulder County Fairgrounds, livestock must be penned or tied in the barn areas or otherwise under the physical control of a person. Livestock is defined as: "farm animals, raised for human use or profit (cattle, horses, goats, hogs, sheep, etc.)".
- (g) Campground restrooms and showers may be used by registered campers only.
- (h) It shall be unlawful to violate any rule or regulation contained in the Boulder County Fairgrounds Manual. Violations may result in a fine and/or expulsion from the campground.

27. Boating

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32. Penalties

Violation of any Rule or Regulation above shall be a Class 2 Petty Offense as provided for in § 29-7-101(2) and § 30-15-402, C.R.S., as amended, and punishable by fine or as otherwise provided by law.

- (a) Any person having the authority and responsibility to enforce these Rules and Regulations

and having knowledge of any violation of the Rules and Regulations stated herein may issue a Citation or Summons and Complaint to the violator or, as set forth in Rule 32(b) herein, to a vehicle, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

- (b) Any person having the authority and responsibility to enforce the Rules and Regulations for Boulder County Park and Open Space areas and having knowledge of any violation of the Rules and Regulations stated herein may use the Penalty Assessment Procedure defined under § 16-2- 201, C.R.S., as amended, by issuing the violator a penalty assessment notice and releasing the violator upon its terms or, as the law allows, by taking the violator before a county court judge. The penalty assessment notice shall be a Summons and Complaint and shall contain the identification of the offender, the specification of the offense, and the applicable fine. As provided in § 16-2-201(1.5), C.R.S., as amended, a penalty assessment notice may be placed on an unattended vehicle that is parked in apparent violation of any county regulation. A penalty assessment notice placed on a vehicle shall contain the license plate number and state of registration of the vehicle in lieu of the identification of the offender.
- (c) When the Penalty Assessment Procedure is used, the following schedule of fines shall be used with exception for parking and weapons, hunting and fire related violations as noted below:
 - Regulations assessments:
 - First Offense \$75
 - Second Offense \$150
 - Third Offense \$300
 - Subsequent Offenses \$300 or maximum allowable by law
 - Weapons, hunting, interference, and fire related assessments:
 - First offense \$300
 - Subsequent Offenses \$300 or the maximum allowable by law
 - Closures, disorderly conduct, resource protection and vehicles 9(a):
 - First Offense \$150
 - Subsequent Offenses \$300 or the maximum allowable by law
 - Parking assessments for violation of 9(c):
 - First Offense \$25
 - Second Offense \$50
 - Third Offense \$75
 - Fourth Offense \$100
 - Subsequent Offenses \$300 or maximum allowable by law
 - Parking assessments for violation of 9 (d): \$50
 - Parking assessments for violation of 9 (e): \$100

The department shall make available for inspection to the public, a current copy of the existing rules and regulations relating to Boulder County Parks and Open Space areas.

BE IT further RESOLVED that any prior resolutions setting forth Rules and Regulations for Boulder County Parks and Open Space areas, which are inconsistent herewith, are hereby expressly repealed.

A motion to adopt this Resolution was made by Commissioner _____.

seconded by Commissioner _____ and adopted by a **3-0** vote.

ADOPTED this ___ day of _____, **2017**

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY

Deb Gardner, Chair

Cindy Domenico, Vice-Chair

Elise Jones, Commissioner

ATTEST:

Cecilia G. Lacey, Clerk to the Board



Parks and Open Space

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303.678.6200 • Fax: 303.678.6177 • www.bouldercounty.org

PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

TO: Parks & Open Space Advisory Committee

DATE AND LOCATION: Thursday, 12/21/2017, 6:30 p.m. Commissioners Hearing Room, 3rd floor Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: Parks & Open Space Planning Schedule

PRESENTER: Jeff Moline, Resource Planning Manager

ACTION REQUESTED: **Input Requested**

Introduction

The Resource Planning Division maintains a schedule to keep the department, the county, and the public informed about ongoing and future planning projects. Staff wanted to share this document with the committee before the end of the year in order to get feedback from committee members as well as get input from the public. The latest version of the schedule is attached.

This is a particularly opportune time to discuss the schedule since some of the department's resources are now less involved in flood work and there is a chance to begin devoting some time and effort to those other projects. In the last several months, planning staff has revised and updated the schedule to 1. reflect the flood-related changes, 2. incorporate processes that will be necessary to fulfil the CIP, 3. accommodate projects associated with the department's 2020 Vision, 4. respond to requests within the department, 5. re-engage on projects started before the flood, and 6. respond to requests from outside agencies and partners for assistance.

Discussion

As much as recovery continues to progress, flood work does remain an important part of the Planning Division's load, and, as more flood projects move into the construction phase other parts of the department are still heavily involved. Three planners (one full-time and two term employees) are still fully devoted to flood projects for the upcoming year as some of the most complicated and costly projects are just now entering the intensive planning stage. The department recognizes that finishing the flood projects is its highest priority and our 2020 Vision reflects that importance. The region's natural and cultural environments (including developed water infrastructure and healthy riparian corridors) depend on the successful implementation of these projects. Finally, as part of the planning for flood recovery, staff is looking for ways to incorporate concepts from existing management plans (such as the St. Vrain Greenway) into those projects.

Meanwhile, some projects have continued in spite of shifted work priorities due to the flood. Some of these are moving forward because they have requirements (such as funding deadlines) that necessitate ongoing work or include partner agencies with distinct timelines: Eldorado Canyon-Walker Ranch Connector Study and the Toll Trail are examples in this category. Other projects depend on the capacity and dynamics of outside agencies and partners and these require our participation at in various times and in various roles. Projects such as the Rocky Mountain Greenway and trail planning in the West Magnolia part of the Arapaho-Roosevelt National Forest fall into this grouping.

Every year the department solicits trail and open space requests from all the municipalities in the county. As we look for ways to respond to those requests, planning staff is considering two procedures that may help facilitate that work: First, the assignment of a staff member to each municipality for the purpose of coordinating planning work between the jurisdictions. And second, a broad regional review of the municipal requests with an eye toward finding easy, acceptable ways to connect towns and cities to the existing/planned county regional trail system.

With regard to property management plans currently on the schedule, nearly all of them are contingent on actions by other agencies or parties. For example, a comprehensive planning update to the North Foothills properties relies on the final reclamation of the Hall II andesite mine; planning at Platt-Rogers Memorial Park/Reynolds Ranch needs to wait until it can be performed along with the U.S. Forest Service's planning effort on "East Magnolia." There are other properties in the county's open space system that are not currently guided by management plans, but, in the absence of pressures or demands, these lands can be well-maintained through agricultural leases and operating plans along with the broad application of existing management policies for resources such as water, noxious weeds, forestry, and croplands. As a consequence, the planning schedule for the next several years does not emphasize property management planning.

Since 2010, the department has devoted considerable effort into the development of management policies. Four important policies remain on the docket: Cultural Resources, Grassland-Shrubland, Visitor Use, and Wildlife. A component of the Grassland-Shrubland policy has been completed—the prairie dog element. And, prior to the flood, staff had been drafting the remainder of the policy. With respect to developing a Visitor Use Policy, staff views this as an involved and time-consuming process. The policy could attempt to address a variety of controversial and high-interest topics that have been requested of the department over the years such as e-bike access, recreational hunting, commercial use, etc. In an attempt to focus planning efforts on projects with tangible results and as a way of bettering public involvement, staff is considering defining a framework for the policy but then focusing on one, broad issue at a time as a way of working through visitor use issues. Additionally, given workloads, working on one public policy at a time seems most prudent and therefore staff is preparing to re-engage and complete the Grassland-Shrubland policy and then move next to the Wildlife Policy. Visitor Use as described above would be next with Cultural Resources moved further into the future.

The remainder of the schedule is populated by both on-going duties and other miscellaneous projects. Staff looks forward to a discussion with the committee to gather input on the department's planning activities.

Attachment: Planning Schedule

**Boulder County Parks and Open Space
Planning Schedule**

	Active 2018	2019	Long- Term (2020+)
Trail and Corridor Plans			
Eldorado - Walker Connector Trail Feasibility Plan	x		
West Magnolia Trail Planning with US Forest Service	x		
Regional Mountain Trails Plan			x
Rocky Mountain Greenway	x	x	x
St. Vrain Greenway Planning	x	x	x
Tolland Ranch Trail	x		
Trail Requests - Municipalities, Transportation, & Others	x	x	x
Update to Trails Element/Plan of BCCP	x		
Property Management Plans			
Kenosha Ponds (recreation plan)			x
Mayhoffer Farm Plan	x		
North Foothills Open Space			x
Platt Rogers/Reynolds Ranch			x
Rabbit Mountain			x
South County Grasslands			x
Management Policies			
Cultural Resources			x
Cultural Responsiveness and Inclusion Plan	x	x	
Facility Construction and Maintenance Guidelines	x		
Grasslands and Shrublands	x		
Visitor Use		x	x
Wildlife	x	x	
On-going Planning Duties			
Land Use Docket Review	x	x	x
Post-Construction Coordination of Flood Projects	x		
Post-MP Follow-up / Implementation	x	x	x
Trail Reroute Team	x	x	x
Other Plans and Projects			
Bailey Ponds	x	x	x
Climbing Management Plan		x	
Hall II - Lyons Quarry Reclamation	x	x	x
Kenosha Ponds Reclamation	x	x	
Land Use Code Changes for Agricultural Uses	x		
Land Use Code Changes for Env. Res. Element	x		
Lower Boulder Creek Restoration	x	x	
Stream Management Plan	x		
Third Party Projects on POS	x	x	x

Recommended Status =

- Delayed
- Review
- New
- Continue