



Parks & Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • www.BoulderCountyOpenSpace.org

MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY COMMITTEE January 25, 2018

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, James Mapes, Scott Miller [arrived 6:34], John Nibarger, and Heather Williams

Excused: Gordon Pedrow

Staff in Attendance

Janis Whisman, Renata Frye, Bevin Carithers, Conrad Lattes, Therese Glowacki, Tina Nielsen, Vivienne Jannatpour, and Eric Lane

Approval of the December 21, 2017 Meeting Minutes

Action Taken: Jim Krug moved to accept the December 21 minutes. Jenn Archuleta seconded the motion. Motion carried unanimously. [James Mapes and Heather Williams abstained because they were not at the December meeting.]

Public Participation - Items not on the Agenda

None

2017 Acquisitions Summary

Staff Presenter: Janis Whisman, Real Estate Division Manager

Public Comments: None

Action Taken: Information only

Update on E-bikes

Staff Presenter: Tina Nielsen, Special Projects Manager

Public Comments:

- Mike Barrow, 1103 Alexandria, Lafayette. He stated mountain bikers have passionate views on e-bikes because some see them as motorized vehicles. He says the pedal-assist option is a big help to people with disabilities and health issues, but he asked if e-bikes should be restricted to commuter trails, or be allowed on recreational trails. He noted that e-bikes are the biggest segment of growth in the bicycle industry and they can be difficult to tell from other bikes. He is interested in attending an upcoming e-bike demonstration.
- Justin Benore, 2070 Tundra, Erie. He spoke about the safety concerns for bike riders. He would like to see more commuter trails open to e-bikes.

Action Taken: Information Only

Final Adoption of Proposed Rules and Regulations

Staff Presenter: Bevin Carithers, Resource Protection Supervisor

Public Comments: None

Action Taken: Information only

Director's Update

- The sale of the AHI property west of Longmont is proceeding. It is expected to close in March.
- The annual Prairie Dog meeting was held in January with significant attendance from the public.
- A multi-agency open house, led by Land Use staff, was held at the Parks & Open Space building in January. Approximately 75 members of the public attended.

Adjournment

The meeting adjourned at 7:51 p.m.

The full audio, available staff memos, and related materials for this meeting can be found on our website: www.BoulderCountyOpenSpace.org/POSAC



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PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

DATE: Thursday, January 25, 2018
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 December 21, 2017 Meeting Minutes**
- 6:35 2. **Public Participation - Items not on the Agenda**
- 6:40 3. **2017 Acquisitions Summary**
Staff Presenter: Janis Whisman - Real Estate Division Manager
Action Requested: Information Only
- 6:50 4. **Update on E-bikes**
Staff Presenter: Tina Nielsen - Special Projects Manager
Action Requested: Information Only
- 7:05 5. **Final Adoption of Proposed Rules and Regulation Revisions**
Staff Presenter: Bevin Carithers - Resource Protection
Supervisor **Action Requested: Information Only**
- 7:20 6. **Director's Update**
- 7:25 7. **Adjourn**



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PARKS & OPEN SPACE ADVISORY COMMITTEE

TO:	Parks & Open Space Advisory Committee
TIME/DATE:	Thursday, January 25, 6:30 p.m.
LOCATION:	Commissioners Hearing Room, 3 rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO
AGENDA ITEM:	E-Bikes Public Engagement Plan
PRESENTER:	Tina Nielsen, Special Projects Manager
ACTION REQUESTED:	Information only

Background

Last August, Colorado updated the law that regulates the operation of bicycles in the state. The law expands the definition of electrical assisted bikes, or e-bikes¹, and gives local governments the authority to allow or prohibit the use of specified classes of e-bikes on pedestrian paths and bike paths. See <https://leg.colorado.gov/bills/hb17-1151> for full details.

Rules & Regulations Update

Motorized vehicles, including electric bicycles, have always been prohibited on Boulder County Parks & Open Space trails. Bicycles that are permitted on trails are defined as “human-powered wheeled vehicles” (see Rules & Regulations, Resolution 2016-25, items 8 and 9). Note that Boulder County Parks & Open Space does allow individuals with mobility disabilities to use Other Power-Driven Mobility devices (OPDMDs), which can include electric bicycles, on any trail open to pedestrian use as long as they are used in a safe manner (see Rules & Regulations Resolution 2016-25, item 9b). A list of Boulder County Parks & Open Space trails where OPDMDs are allowed is available on the [Accessibility on Open Space](#) webpage.

In December 2017, Boulder County Parks & Open Space staff proposed updates to the Rules & Regulations to POSAC, including clarifications to Regulations 8 and 9, in order to maintain the prohibited status of e-bikes on Boulder County Parks & Open Space trails unless otherwise designated. (Changes to Regulation 8 clarify that a bicycle is an exclusively human-powered vehicle and prohibits the use of e-bikes on all trails unless otherwise designated; changes to Regulation 9 classifies e-bikes as vehicles.)

¹ E-bike Class I provides electrical pedal assistance up to 20 mph. E-bike Class II provides electrical power whether the rider is pedaling or not and stops giving power when the e-bike reaches the speed of 20 mph. Under the new law, Category I and II can be ridden on a bike, pedestrian or multi-use paths unless prohibited by the local authority. E-bike Class III provides electrical power up to 28 mph, and can only be ridden on public roads by riders age 16 and over.

Process for Considering Allowing E-Bike Access on Boulder County Open Space Trails

Currently, Boulder County allows e-bikes on the US 36 bikeway, a short section of which passes through the Scriffiny open space property. POSAC approved this exception to the Rules & Regulations in February 2017.

Given the growing popularity of e-bikes and the new state law, staff is beginning to consider what trails are desirable and suitable for e-bikes within the county's system of trails. We have created an e-bikes webpage with a portal for comments (<https://www.bouldercounty.org/open-space/management/e-bikes/>). We're kicking off the process with three open houses to gather public input and learn more about public perceptions and desires. Local vendors are partnering with Boulder County to provide e-bikes at each of the open houses for people to try them out.

Date	E-bike Demo	Open House
Tues. Feb. 6	4-5 p.m. Stazio Ballfields Parking Lot 2445 Stazio, Boulder	5-6:30 p.m. Boulder County Recycling Center 1901 63 rd Street
Sat. Feb. 10	1:30-2:30 p.m. Goodhue Farm House	1:30-3:30 p.m. Goodhue Farm House
Tues. Feb. 13	4-5 p.m. Lagerman Reservoir 12900 Pike Rd., Longmont (75 th and Pike Rd)	5-6:30 p.m. Parks & Open Space Office 5201 St. Vrain Rd., Longmont

Staff is also working with agencies share management on regional trails, including the Coal Creek Rock/Creek Trail and LoBo Trail.

Following the open houses, staff will craft a recommendation on where to allow e-bikes and bring it through additional public process. Trails approved for e-bike access would be covered under exceptions in Rules & Regulations paragraph 8.

POSAC Action Requested

This item is for your information only. We welcome your thoughts as we move forward with this project.



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PARKS & OPEN SPACE ADVISORY COMMITTEE

TO:	Parks & Open Space Advisory Committee
TIME/DATE:	Thursday, January 25, 2018, 6:30 p.m.
LOCATION:	Commissioners Hearing Room, 3 rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO
AGENDA ITEM:	Rules and Regulations Revision to Exclude 24(e)
PRESENTER:	Bevin Carithers, Resource Protection Supervisor
ACTION REQUESTED:	Recommendation to the BOCC

Summary and Background

Boulder County Parks & Open Space staff proposed changes to the current Rules and Regulations to the Parks & Open Space Advisory Committee on December 21, 2017. The committee voted unanimously to approve all changes to the Rules and Regulations with the exception of 24(e), Public Assembly, and asked staff to return with clarification of that item.

Upon review of this item, staff has concluded that this regulation is not necessary since it is covered in the Boulder County Personnel and Policy Manual, number 1.9, Use of County Grounds and/or Buildings. Consequently, it has been removed from the proposed Rules and Regulations revision.

Proposed Revision to Rule and Regulation 24.

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, 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.~~

POSAC Action Requested

Recommendation to the Boulder County Commissioners for approval of the revised rules and regulation, as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the revised rules and regulations as staff has described.

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 t, 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.

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

- (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.

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



SECTION 1 GENERAL AND ADMINISTRATIVE POLICIES

NUMBER 1.9 Use of County Grounds and/or Buildings (June 20, 2017)

A. Prohibited Uses

1. **Alcohol, Beer, or Wine Consumption on County Grounds and/or in Buildings**

It is the policy of the BOCC that no serving or consumption of alcoholic beverages (as defined by the Colorado Revised Statutes), 3.2 percent beer, or wine shall be allowed in county-owned or county-leased buildings, except as permitted by Parks Rules and Regulations and Special Events Permits, except as required for performance of official duties of the Boulder County Sheriff's Office, and at county functions with BOCC approval.

2. **Marijuana Prohibited on County Grounds and/or in Buildings**

It is the policy of the BOCC that marijuana may not be cultivated, processed, sold, traded, distributed, possessed, or consumed on county-owned or managed property or in any county-owned or county-leased buildings. An exception to this policy exists for marijuana held as evidence by the Boulder County Sheriff's Office.

3. EO/DH, county employees and agency heads shall be responsible for enforcing and complying with this section in their own area of control.

4. Any county employee who violates this section is acting outside the scope of employment, may be personally liable for any consequences, and may be subject to discipline.

B. Free Speech Purposes

The BOCC recognizes and supports the rights of free speech. This policy is intended to inform county employees and members of the public of the manner in which they may engage in constitutionally protected speech and expression upon the county-owned properties listed herein. Free speech includes but is not limited to leafleting, displaying a sign, picketing and other activities involving the advancement, communication or expression of views, ideas, or

grievances and which have the effect or intent to express those views, ideas or grievances to others.

The county will protect the rights of freedom of speech, petition and peaceful assembly as set forth in the U.S. Constitution. The county maintains its right to regulate acts in connection therewith by reasonable time, place, and manner restrictions.

This policy addresses both public assemblies, which require the issuance of a Permit by the county per section E of this policy, as well as the specific time, place, and manner of restrictions on the expression of constitutionally protected free speech, which do not require a Permit, on specific properties owned by the county.

The expressions of free speech regulated in this policy are acts or expressions that are being taken or conducted on the county-owned property listed herein. The term "properties" throughout this policy specifically excludes any buildings or structures and only refers to the grounds upon which the buildings/structures are located and that are owned by the county.

The interiors of county-owned buildings are not open to the public for the purpose of free speech expression and are expressly reserved solely for the functioning of the county government. The use of interior space for activities other than the functioning of county government is allowed, if the activity is sponsored by an office/department or agency, and the activity occurs after working hours, or if the activity is in furtherance of county purposes as determined by the BOCC or another County Elected Official (with respect to that Elected Official's office). The exteriors of county-owned buildings and structures are similarly restricted for the functioning of county government and furtherance of county purposes as determined by the BOCC or another County Elected Official (with respect to that Elected Official's office). Signs, banners, lights, or other materials affixed to or projected against the walls or surfaces of county-owned buildings or structures other than those approved by the BOCC or another Elected Official are prohibited. The BOCC Deputy or designee reserves the right to determine the lighting at the courthouse campus.

C. Designation of County-owned Property

Generally, government properties are categorized as public forums or non-public forums. If a government property is not a traditional public forum it is a non-public forum and can only become a public forum if the government unit intentionally designates it as open to free speech expression, with or without limitations.

As designated herein, Boulder County properties include traditional public forums and limited public forums free speech activities.

1. Traditional public forums

The following properties are traditional public forums. They are properties that have traditionally been used for purposes of assembly, communicating thoughts between members of the public and discussing public questions.

County Fairgrounds	9595 Nelson Rd.
Boulder County Courthouse	1325 Pearl St.

2. Limited public forums

The properties listed in section F of this policy are Non-Public Forums opened for selective access to speakers whose topic is the organization of employees to address issues incident to their status as employees of the county. The properties listed in section are not and have never been dedicated to open communication. Therefore, the county intends to continue to restrict the use of these properties to those who participate in the forums' official business. Although the use of these properties is reserved for their intended business purposes, the county, to further its own internal purposes, is specifically allowing an additional use of the properties on a limited basis for free speech activity which directly relates to the organization of employees, to address issues incident to their status as employees of the county.

This policy does not cover any unlisted county-owned properties that are managed by the Parks and Open Space Department, all of which are non-public forums. This policy is not intended to cover road races or parades, which are regulated separately by the Transportation Department.

The county reserves the right to alter or modify the designation of county-owned properties or the regulations of speech thereon. Any county-owned properties not specifically listed in this policy should be considered non-public forums, unless otherwise designated public by the BOCC.

D. Regulations on Free Speech Activities

Free speech activities are those activities under the First Amendment of the United States Constitution and similar provisions in the Colorado State Constitution. They include, but are not limited to: Leafleting, displaying a sign, picketing, and other activities involving the advancement, communication or expression of political or religious views, ideas, or grievances, and which have the effect or intent to express those views, ideas or grievances to others. Pursuant to federal

law, the county may regulate the time, place, and manner of assembly and other free speech activities.

The following restrictions/prohibitions apply to all acts or expressions of free speech conducted on county-owned property, including traditional public forums and limited public forums. In addition, a public assembly on county-owned property as defined in section E requires a county-issued permit and must comply with all conditions of the permit.

The following restrictions/prohibitions apply to all acts or expressions of free speech conducted on county-owned property.

Acts or expressions of free speech must not – or the people engaging in such acts shall not:

1. Threaten any person in a manner constituting assault or actionable harassment.
2. Interfere with, impede or cause blockage of the flow of vehicular or pedestrian traffic.
3. Create an imminent safety, security or health hazard. Fire shall not be permitted due to the risk of harm to people and property. Use of candles may be permitted at the Courthouse campus under a public assembly permit.
4. Interfere with or disrupt any other lawful activity by anyone in the same general location at the same time.
5. Post materials on any walls, windows, doors, sidewalks, trees, light poles, fences, landscaping, on county-owned property, or on any other county equipment, or shine or project any signs, images, colors, or lights communicating any message on any county-owned building or structure.
6. Conduct speech that includes obscenity or fighting words. Fighting words are those words that by their very utterance tend to incite an immediate breach of the peace.
7. Engage in any other speech or action that is not allowed by law.
8. Engage in any acts that are significantly disruptive to the normal operations of the county or unlawfully invade the rights of others.
9. Shall not camp, as defined in this policy.

The Sheriff or local law enforcement officials may establish “police lines” in the case of counter-protests, for the purpose of separating confrontational groups and providing for safe events. Additionally, members of the public must obey orders by law enforcement when

they are acting to prevent a clear and present danger of riot, disorder, interference with traffic upon a street, or other immediate threat to public safety, peace or order.

All applicable county policies and resolutions, state and federal laws, and applicable municipal ordinances must be followed when any person is using county-owned property pursuant to this policy.

- E. Public Assembly Policy-Requiring a Boulder County issued Permit
The United States Supreme Court has recognized that the regulation of governmental-owned property for public assemblies is a traditional exercise of control by local governments, and in order to regulate competing uses of these public forums the county may impose a Permit requirement on those who seek to hold public assemblies.

It is the policy of the BOCC to grant permission to groups and organizations to use county-owned property listed above in section C.1 as traditional public forums for scheduled events on a reservation basis. The Fairgrounds has additional requirements. Contact the Parks and Open Space Department to reserve this site. This policy does not apply to vehicular, bicycle or running/walking road races or parades on county roads which are regulated separately by the Transportation Department.

1. Definitions:

- a. Sheriff means the Sheriff of the county of Boulder, Colorado
- b. County means the county of Boulder
- c. BOCC Deputy means the Deputy to the BOCC or a designee of the BOCC or the BOCC Deputy
- d. The BOCC means the BOCC of Boulder County
- e. City, Town, or Municipality means any city, town or municipality located within Boulder County. The use of any of these terms throughout this policy shall refer to the actual city, town or municipality in which the free speech activity is to occur.
- f. Public Assembly Permit (or Permit) means a Permit as required by this policy. The party applying for the Permit is defined as the Permit holder.
- g. Person means any person, firm, partnership, association, corporation, company or organization of any kind.
- h. Public Assembly is defined as either:
 - 1) Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that

interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.

- 2) Any meeting, demonstration, picket line, rally or gathering which includes the placement, construction, or assembly of a structure or structures, including but not limited to, personal sized tents, or objects including, but not limited to, tables, chairs, stages, recreation equipment regardless of the number of participants.
 - i. Sidewalk is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
 - j. Internal sidewalk is a sidewalk located on the grounds of county-owned property and is included in all restrictions for county-owned property as set forth in this policy.
 - k. Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
 - l. Camping shall be defined as sleeping, cooking, or otherwise engaging in activities of daily living, including having and storing paraphernalia of daily living, including but not limited to clothing, personal hygiene items, or cooking equipment, or using shelter including any cover or protection from the elements other than clothing. The term does not include napping during the day or picnicking. During the day is defined as the period from one (1) hour after "sunrise" until "sunset". Persons using a tent or other means of shelter on county-owned property should have no expectation of privacy, and can be asked to open the shelter by a Law Enforcement or Boulder County Security Officers.
 - m. Historic Event which has occurred on county-owned property on a regular basis over a period of time such that there is an expectation that event will continue to occur on that regular basis and an application for the event will be submitted to Boulder County.
2. Permit Required
No person shall engage in or conduct any Public Assembly on county-owned property unless a Permit is issued by the BOCC Deputy.
 3. Exceptions
This policy shall not apply to the following:
 - a. Funeral processions;

- b. A governmental agency acting within the scope of its functions; and
- c. Spontaneous events occasioned by news or affairs coming into public knowledge within two (2) days of such Public Assembly, provided that the organizer thereof gives written notice to the county at least twenty-four (24) hours prior to such Public Assembly.
- d. Vehicular, bicycle or running/walking road races or parades on county roads which are regulated separately by the Transportation Department.

4. Application

- a. A person seeking a Permit shall request and file a signed Permit application from the BOCC Deputy. The BOCC Deputy will forward the application to the County Attorney, the Risk Management, and the Administrative Services Department for the purpose of notice and review for suggestions; however, the BOCC Deputy shall have the final approval authority for any Permit.
- b. For a single, non-recurring event, an application for a Permit shall be filed with the BOCC Deputy at least ten (10) and not more than one hundred eighty (180) days before the Public Assembly is proposed to commence. The BOCC Deputy may waive the minimum ten (10) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the Public Assembly, the anticipated number of participants, and the county services required in connection with the event, the BOCC Deputy determines that the waiver will not present a hazard to public safety. A Public Assembly cannot be approved for more than seven (7) consecutive days.
- c. For public assemblies held on a regular or recurring basis at the same location, an application for a Permit covering all such assemblies during that calendar year may be filed with the BOCC Deputy at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such Public Assembly is proposed to commence. The BOCC Deputy may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (2) above.
- d. Historic Events will take precedence if there is a conflict in location, date, and time between a recurring Public Assembly and such Historic Event. The BOCC Deputy may deny a Permit for a recurring Public Assembly if that event

is monopolizing a particular location or time period which limits the access of other members of the public to the public spaces.

- e. The application for a Permit shall set forth the following information:
 - 1) The name, address and telephone number of the person seeking to conduct such Public Assembly and how the applicant or person in charge of the event may be contacted on the day of the event, including during the event;
 - 2) The names, addresses and telephone numbers of the headquarters of the organization for which the Public Assembly is to be conducted, if any, and the authorized and responsible heads of the organization;
 - 3) The requested date of the Public Assembly;
 - 4) The approximate number of persons who will constitute such Public Assembly;
 - 5) The hours when such Public Assembly will start and terminate;
 - 6) The location by street of any assembly areas for such Public Assembly;
 - 7) The time at which organizers and/or participants of the Public Assembly will begin to assemble at any such area;
 - 8) If the Public Assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such Permit shall identify the person or organization in charge of the event and provide contact information for said person/organization to the BOCC Deputy;
 - 9) The type of Public Assembly, including a description of activities planned during the event;
 - 10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the Public Assembly;
 - 11) The approximate number of participants (spectators are by definition not participants);
 - 12) The approximate number of spectators;
 - 13) A designation of any public facilities or equipment to be utilized; and
 - 14) Any additional information that the BOCC Deputy finds reasonably necessary to a fair determination as to whether a Permit should be issued.

5. Fees

A refundable deposit for cleanup and damages of \$50.00 (and for applicants who propose to use candles on the flagstone area in front of the Courthouse, \$100.00) shall be paid to the county by the applicant when the application is filed. If the costs of cleanup and/or repairing damages are less than the deposit amount, the balance will be refunded. If the costs are greater than the deposit, the applicant agrees to be responsible for the actual costs for cleanup and repairing damage.

6. Police Protection

- a. The BOCC Deputy shall determine whether the applicant must coordinate with local police enforcement authorities to ensure that all local laws, ordinances and regulations will be met, and to determine whether and to what extent there is a need for law enforcement support during the Permitted event. In such case the BOCC Deputy may require that the applicant obtain written confirmation from the local law enforcement authority that the above-stated conditions/considerations have been sufficiently addressed.
- b. Persons engaging in public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the county.

7. Standards for Issuance

- a. The BOCC Deputy shall issue a Permit as provided for herein when from a consideration of the application and from such other information as may otherwise be obtained, the deputy finds that:
 - 1) The conduct of the Public Assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
 - 2) The conduct of the Public Assembly will not require the diversion of so great a number of county and/or city, town or municipality police officers to protect public safety as to prevent normal police protection of the county and/or city, town or municipality.
 - 3) The concentration of persons at Public Assembly points will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such Public Assembly areas;

- 4) The conduct of the Public Assembly is not reasonably likely to cause injury to persons or property;
 - 5) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any Public Assembly areas;
 - 6) The applicant has met the requirements of paragraph E for payment of deposit;
 - 7) Such Public Assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit and the assembly itself is not primarily for private profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the assembly;
 - 8) No Public Assembly Permit application for the same time and location is already granted or has been received and will be granted; nor is the time and location historically used by a reoccurring Public Assembly for which a Permit is expected to be received and granted;
 - 9) No Public Assembly Permit application for the same time but different location is already granted or has been received and will be granted, if the police resources required for that prior Public Assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and
 - 10) No event is scheduled elsewhere in the county where the police resources required for that event are so great that the deployment of police services for the proposed Public Assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- b. No Permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a county street, sidewalk, or right-of-way, internal sidewalk or other county property, including those encircling the fountain area immediately in front of the Courthouse, unless advance approval for the erection or placement of the structure is obtained from the county.

- c. The county reserves the right to deny one (1) or more Permits for a period of up to two (2) years from the last date of a non-complying event if the applicant has, in the past, failed to substantially comply with the conditions of prior Permits. A Permit may also be denied when the Permittee has, on prior occasions, damaged county property and has not paid in full for such damage.
8. Prohibitions, Guidelines and Requirements
- The following prohibitions, guidelines and requirements shall apply to all public assemblies:
- a. It is prohibited for any person to stage, present, or conduct any public assembly without first having obtained a permit as herein provided;
 - b. It is prohibited for any person to participate in a public assembly for which the person knows a permit has not been granted;
 - c. It is prohibited for any person in charge of, or responsible for the conduct of, a duly licensed public assembly to knowingly fail to comply with any condition of the permit;
 - d. It is prohibited for any person to engage in any public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
 - e. No amplified sound or music will be allowed during county business hours Monday through Friday. Amplified sound or music must in all cases meet the county and any city, town or municipal noise ordinance standards.
 - f. Permitted events must be open to all interested persons. No admission or ticket charges will be allowed.
 - g. Political rallies and/or partisan political functions may not be scheduled during the following specified times because of state laws prohibiting electioneering activities (these restrictions apply only to county properties upon which election voting is then taking place):
 - 1) Fifteen (15) days prior to an election between the hours of 8:00 a.m. and 5:00 p.m.
 - 2) At any time during the day of an election.
 - h. Soliciting of funds or fund-raisers for non-profit agencies are not allowed within county buildings, but may be allowed from booths or tables set up for this purpose on the Courthouse lawn with an approved Permit.

- i. Retail merchandise sales must be noted on the Permit application and are only allowed to be done by non-profit organizations.
- j. Alcoholic beverages are prohibited, with the following exceptions. Except as permitted by Parks Rules and Regulations, Special Events Permits, county functions with BOCC approval and Downtown Management Commission-sponsored events having a City of Boulder special events liquor license, which are subject to review and approval by the BOCC Deputy may be allowed.
- k. Sale of refreshments by other than non-profit organizations is prohibited.
- l. Unlawful activities are prohibited.
- m. All debris is to be picked up and disposed of, and walkways/lawn areas are to be cleaned, by the permit holder at the conclusion of the event.
- n. Organizers of events during which food or beverages will be served must comply with applicable requirements of Boulder County Public Health and the Zero Waste policy for meetings and events.
 - 1) Meetings and event organizers who use county property to create virtually no waste through:
 - a) Using reusable, recyclable, or compostable food service items
 - b) Educating staff and attendees on proper recycling and composting practices,
 - c) Providing access to and requiring use of convenient recycling and composting collection containers, and
 - d) Arranging for the materials collected to be recycled or composted through the use of commercial collection service(s) or dropping of these materials at a commercial facility that accepts these materials. A list of haulers providing these services is available on request from the Resource Conservation Division.
- o. Organizers must comply with all National Fire Protection Association standards in effect at the time of their event.
- p. Boulder County will not provide electrical power for any event. For the Courthouse lawn location, arrangements can be made with the City of Boulder Parks and Recreation Department or Downtown Management Commission.
- q. Events scheduled must take place between the hours of 7:00 a.m. to 11:00 p.m., excepting only Downtown Management

Commission events, unless approved by the BOCC deputy.
Camping, as defined in this policy, is not allowed.

r. Additional restrictions may be placed on activities which are not protected speech.

9. Non-Discrimination

The BOCC Deputy shall uniformly consider each application upon its merits and shall not discriminate in granting or denying Permits under this policy based upon political, religious, ethnic, race, disability, sexual orientation, color, gender, gender identity, national origin, age or socio-economic related grounds.

10. Notice of Denial of Application

The BOCC Deputy shall act promptly upon a timely filed application for a Public Assembly permit but in no event shall grant or deny a Permit less than forty-eight (48) hours prior to the event, except where the BOCC Deputy has waived the ten-day application requirement and an application is accepted within seventy-two (72) hours of the event. If the BOCC Deputy disapproves the application, the deputy shall notify the applicant either by personal delivery, fax, email or mail at least forty-eight (48) hours prior to the event of this action and state the reasons for denial, except where the ten-day application requirement has been waived and an application is accepted within seventy-two hours of the event. When an application is accepted within seventy-two (72) hours of the event, the Deputy shall decide whether to grant or deny the application and notify the applicant within twenty-four (24) hours prior to the event.

11. Alternative Permit

- a. The BOCC Deputy, in denying an application for a Permit, may authorize the conduct of the Public Assembly at a date, time, or location different from that named by the applicant. An applicant desiring to accept an alternate Permit shall, within five (5) days after notice of the action of the BOCC Deputy, file a written notice of acceptance with the BOCC Deputy.
- b. An alternate Public Assembly Permit shall conform to the requirements of, and shall have the effect of, a permit issued under this policy.

12. Appeal Procedure

- a. Any applicant shall have the right to appeal the denial of a Permit to the BOCC. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the BOCC. The BOCC shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

- b. In the event that the BOCC rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

13. Notice to County and Other Officials

Immediately upon the issuance of a Permit, the BOCC Deputy shall send a copy thereof to the following:

- a. The Director of the Administrative Services Department of the county;
- b. The CA;
- c. The Fire Chief of the city or town in which the property is located;
- d. The police or law enforcement unit of the city or town in which the property is located;
- e. The Sheriff; and
- f. The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the Public Assembly.

14. Contents of Permit

Each permit shall state the following information:

- a. Starting and ending time;
- b. The portions of the property that may be occupied by the Public Assembly;
- c. Contact information of persons in charge of the event in order that the county may contact said person the day of and during the event;
- d. Such other information as the BOCC Deputy shall find necessary to the enforcement of this policy.

15. Duties of Permit Holder

- a. Permit Holder hereunder shall comply with all Permit directions and conditions and with all applicable laws and ordinances.
- b. A copy of the Permit, including any conditions of approval, must be held by one of the Assembly participants during the conduct of the Assembly and available for inspection if required.

16. Public Conduct During Public Assemblies

- a. No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly or with any person participating or used in a public assembly.
- b. No driver of a vehicle shall drive between the persons comprising a public assembly when such vehicles or persons are in motion and are conspicuously designated as part of a public assembly.

17. Revocation of Permit

The BOCC Deputy shall have the authority to revoke a Permit instantly upon violation of the conditions or standards for issuance as set forth in this policy or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the Public Assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

18. Severability

If any section, subsection, sentence, clause or phrase of this policy is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.

E. Non-Public Forums Opened for Free Speech/Activity for a Limited Purpose

Non-Public Forums opened for selective access to speakers whose topic is the organization of employees to address issues incident to their status as employees of the county.

The properties listed in this section are non-public forums; they are not and have never been dedicated to open communication. Therefore, the county intends to continue to restrict the use of these properties to those who participate in the forums' official business. Although the use of these properties is reserved for their intended business purposes, the county, to further its own internal purposes, is specifically allowing an additional use of the properties on a limited basis for free speech activity which directly relates to the organization of employees, to address issues incident to their status as employees of the county. In addition to the regulations on free speech activity for all county-owned properties in section C of this policy, allowable free speech activity on these properties is subject to the following regulations:

1. Those wishing to engage in free speech/activities on these properties must obtain prior permission to access these properties from the county. Permission for access to these properties should be directed to the BOCC Deputy, who may include additional restrictions not listed in this policy but which further the county's purpose of providing access without disruption to the ongoing business of the county.
2. There shall be a fifteen-foot buffer zone at every point of ingress and egress to the buildings within which no person shall locate for

the purpose of engaging in free expression speech.

For those wishing to engage in free speech activity whose topic is not the organization of employees, to address issues incident to their status as employees of the county, all activity must occur on the public right-of-way (i.e., streets, sidewalks) adjacent to the county-owned property.

Non-Public Forums opened for selective access to speakers, whose topic is the organization of employees, to address issues incident to their status as employees of the county

Clerk and Recorder	1750 33 rd St.
Courthouse East Wing	2025 14 th St.
Courthouse West Wing	2020 13 th St.
Transportation and Department of Housing and Human Services	2525 13 th St
Longmont Courts	1035 Kimbark St.
Justice Center	1777 6 th St.
Recycling Admin Building	1901 63 rd St.
Hazardous Materials Mgmt. Facility	1901 63rd St.
Workforce Boulder County	2520 55 th St.
Lafayette Motor Vehicles	1376 Miners Dr.
Allenspark Transfer Station	14857 State Hwy 7
Open Space & Transportation Complex	5201 St.Vrain Rd.
Sherriff's Headquarters	5500 Flatirons Pkwy
Walden Ponds Transportation Facility	3897 N. 75 th St.
Road & Maintenance Transportation Facility	3116 Longhorn Rd.
Nederland Transportation Facility	286 Ridge Rd.
Fairgrounds	9595 Nelson Rd.
Open Space Transportation Complex	5201 St. Vrain Rd.
Coroner's Office	5610 Flatirons Pkwy.
Communications Center	3280 Airport Rd.
Old Courthouse	1325 Pearl St.
Courthouse Annex	2045 13 th St.
Sheriff's Substation	7960 Niwot Rd.
*Jail Building	3200 Airport Rd.
**Sundquist Building	3482 N. Broadway
**Old Addiction Recovery Center	3470 N. Broadway
**Mental Health Partners	1333 Iris Ave.
**Old County Hospital	3460 N. Broadway
**Department of Housing & Human Services	3400 N. Broadway
**Public Health	3450 N. Broadway
**Lafayette Public Health	1345 Plaza Court North

**Mental Health Partners Crisis Center
**Copper Door
**St. Vrain Hub

3281 Airport Rd.
1770 21st St.
529/515 Coffman St.

*For security reasons, approved speakers may only access the public parking lot at the jail. No further access is allowed. All other general regulations as stated in the policy apply.

**Most of the services provided at these properties are community support services which include, among other things, services such as: Substance abuse counseling; teen pregnancy counseling; pre-trial detention and child welfare services. In order to protect the privacy of these individuals as much as possible; to minimize the disruption of services to the members of the public of Boulder County who access these properties; and to prevent confusion on the part of members of the public accessing these properties for services; the use of the properties are subject to these additional limitations: Solicitation, picketing, demonstrations or use of signs is prohibited. All other general regulations as stated in the policy apply.

