

RESOLUTION NO. 24-___ It was moved by Commissioner _____ and seconded by Commissioner ___ to adopt the following Resolution.

WHEREAS, Title 29, Article 7, Part 1 of the Colorado Revised Statutes (“C.R.S.”) authorizes counties to own and operate public facilities and lands; and

WHEREAS, C.R.S. § 29-7-101(2) authorizes the Board of County Commissioners (“Board”) to adopt an ordinance to regulate and control public recreation lands and facilities owned or operated by the County; and

WHEREAS, by prior action on October 12, 1996, the Board adopted Resolution No. 1012-96 which established rules and regulations on public recreational lands or facilities; and

WHEREAS, the Board desires to expand, update and amend the County’s rules and regulations for open space facilities and properties by adopting a new Resolution and repealing Resolution 1012-96; and

WHEREAS, the Arapahoe County Open Spaces Department may have specific rules and regulations pertaining to individual locations; and

WHEREAS, the Arapahoe County Open Spaces Department has recommended that the Board adopt this Resolution; and

WHEREAS, based upon information presented, the Board concurs with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board pursuant to the authority of C.R.S. § 29-7-101 that the following amended rules and regulations regarding the use and enjoyment of open space facilities and properties are hereby adopted:

ARAPAHOE COUNTY OPEN SPACES RULES AND REGULATIONS

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Section 1: Definitions

“Board” means the Board of County Commissioners of Arapahoe County.

“Director” means the Director of Open Spaces appointed by the Board.

“Open Spaces Facilities” means restrooms, picnic shelters, playgrounds and any other capital improvements located on Open Spaces Properties

“Open Spaces Properties” means all open spaces, parks, trailheads, trails, pathways, greenways, rights-of-way, other public lands, easements, and water bodies, open or closed to the public, which are owned, held, leased or controlled by Arapahoe County and managed by the Open Spaces Department.

Section 2: Hours of Operation and Closures

- A. It shall be unlawful for any person to violate THE HOURS OF OPERATION ~~any curfew provision which is properly posted on any recreational land or facility or open spaceS~~ FACILITIES AND ~~properties~~ ~~ES. or park.~~ HOURS OF OPERATION ARE DAWN TO DUSK.
- B. THE DIRECTOR MAY ALTER, EITHER TEMPORARILY OR PERMANENTLY, THE HOURS OF OPERATION OF ANY OPEN SPACES FACILITIES AND PROPERTIES IN WHOLE OR IN PART.
- C. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENTER OPEN SPACE FACILITIES AND PROPERTIES OR PART THEREOF THAT ARE CLOSED TO THE PUBLIC.

Section 3: Destruction of or Unauthorized Changes to Open Space Facilities and Properties

- A. It shall be unlawful to remove, destroy, mutilate, TAG WITH GRAFFITI or deface any structure, EQUIPMENT, poster, FIXTURE, MONUMENT, notice, sign or marker, tree, shrub or other plant or vegetation, or rock or any object of archaeological, ECOLOGICAL, geological or historical value or interest.

Section 4: Animals

- A. It shall be unlawful to trap, catch, molest, harm, RELEASE or chase any wildlife, wildfowl or fish or to molest OR DAMAGE their natural habitat, except as elsewhere provided in theSE RuleS and Regulations.
- B. It shall be unlawful to hunt and/or fish except in those COUNTY designated areas allowing such activity and only in accordance with current state and federal regulations.
- C. ~~No grazing of livestock shall be authorized except as approved by the Board of County Commissioners in writing.~~ IT SHALL BE UNLAWFUL TO GRAZE LIVESTOCK EXCEPT AS AUTHORIZED BY THE DIRECTOR.
- D. PURSUANT TO ARAPAHOE COUNTY ANIMAL SERVICES RESOLUTION NO. 24-0212, DOGS AND OTHER PET ANIMALS MUST BE UNDER PHYSICAL CONTROL (LEASHES LESS THAN 10 FEET LONG) WHILE ON OPEN SPACE PROPERTIES UNLESS OTHERWISE NOTICED. DOGS MAY BE ALLOWED TO BE LOOSE IN DESIGNATED "DOG PARKS" SUBJECT TO COMPLIANCE WITH DISPLAYED SIGNAGE.
- E. IT SHALL BE UNLAWFUL FOR ANY PERSON, OR ANY PET ANIMAL UNDER THEIR CUSTODY, CONTROL OR OWNERSHIP TO KILL, HARASS, OR CHASE ANY LIVESTOCK ON OPEN SPACE PROPERTIES.

Section 5: Wheeled Devices

- A. It shall be unlawful to operate any GAS POWERED motorized vehicleS OR DEVICES AND SIMILAR ELECTRIC VEHICLES OR DEVICES ON ~~within Arapahoe County Open Space PROPERTIES Parks or Recreational Facilities,~~ except ON PUBLIC ROADWAYS AND PARKING LOTS AS ALLOWED BY STATE LAW, AND AS DESIGNATED on ~~designated lakes, roads, trails and PATHWAYS. parking lots. Unless otherwise posted, authorized vehicles shall not be operated in excess of 25 miles per hour.~~ EMERGENCY, PATROL, AND MAINTENANCE VEHICLES ARE SPECIFICALLY EXCLUDED FROM THIS PROHIBITION.
- B. IT IS LAWFUL TO RIDE BICYCLES, INCLUDING PEDAL ASSISTED ELECTRIC BIKES, ON ROADS, PARKING LOTS, TRAILS, AND PATHWAYS, EXCEPT AS DESIGNATED OR POSTED.

- C. IT IS LAWFUL TO UTILIZE MOBILITY ASSISTIVE EQUIPMENT, INCLUDING ALL-TERRAIN WHEELCHAIRS, ATTACHMENTS FOR MANUAL WHEELCHAIRS, AND OTHER SIMILAR DEVICES ON ROADS, PARKING LOTS, TRAILS, AND PATHWAYS, EXCEPT AS DESIGNATED OR POSTED.
- D. IT IS LAWFUL TO RIDE BY HORSEBACK ON ROADS, PARKING LOTS, TRAILS, AND PATHWAYS, EXCEPT AS DESIGNATED OR POSTED.
- E. UNLESS OTHERWISE POSTED, SPEED LIMITS ON TRAILS AND PATHWAYS ARE FIFTEEN (15) MILES PER HOUR. THE SPEED LIMIT IS REDUCED TO WHAT IS REASONABLE UNDER THE CIRCUMSTANCES WHEN THERE IS HEAVY TRAFFIC, AT-GRADE INTERSECTIONS WITH STREETS, INCLEMENT WEATHER, DARKNESS, OR CONDITIONS WARRANT SLOWER SPEEDS.
- F. UNLESS OTHERWISE POSTED, SPEED LIMITS ON OPEN SPACES ROADS ARE TWENTY (20) MILES PER HOUR. THE SPEED LIMIT IS REDUCED TO WHAT IS REASONABLE UNDER THE CIRCUMSTANCES WHEN THERE IS HEAVY TRAFFIC, AT-GRADE INTERSECTIONS WITH STREETS, INCLEMENT WEATHER, DARKNESS, OR CONDITIONS WARRANT SLOWER SPEEDS.
- G. WHEELED DEVICES MUST STAY ON THE RIGHT SIDE OF THE TRAIL OR PATHWAY, EXCEPT WHEN PASSING, AND MUST NOT BLOCK OR IMPEDE INDIVIDUALS TRAVELING IN THE OPPOSITE DIRECTION. WHEN PASSING FROM ANY DIRECTION ON OPEN SPACE PROPERTIES, ALL VISITORS MUST GIVE AN AUDIBLE SIGNAL AND YIELD THE RIGHT-OF-WAY TO EQUESTRIANS, PEDESTRIANS, BICYCLISTS, MOBILITY ASSISTIVE EQUIPMENT AND OTHER WHEELED DEVICES.

Section 6: Overnight Residing

- A. PURSUANT TO ARAPAHOE COUNTY PARKING ORDINANCE NO. xxxxxx, It shall be unlawful to camp OR TO park a trailer, camper OR OTHER VEHICLE for camping purposes in areas that are not specifically designated for camping BY THE COUNTY.

Section 7: Fire Restrictions and Bans

- A. It shall be unlawful to build, start or light a campfire, bonfire or fire of any nature except in designated areas in outdoor grills.
- B. VISITORS ARE REQUIRED TO FOLLOW ANY FIRE BANS ISSUED BY THE COUNTY.

Section 8: Smoking and Marijuana

- A. PURSUANT TO ARAPAHOE COUNTY ORDINANCE 88-1 AND THESE RULES AND REGULATIONS, IT SHALL BE UNLAWFUL TO SMOKE OR USE AN ELECTRONIC

SMOKING DEVICE IN OPEN SPACES FACILITIES AND PROPERTIES. THIS INCLUDES, BUT IS NOT LIMITED TO, THE USE OF TOBACCO CIGARETTES, E-CIGARETTES, VAPE DEVICES, MARIJUANA PRODUCTS, AND CIGARS.

- B. IT SHALL BE UNLAWFUL TO CONSUME, USE, DISPLAY, TRANSFER, DISTRIBUTE, SERVE, SELL, OR GROW MARIJUANA IN OR ON OPEN SPACES FACILITIES AND PROPERTIES.

SECTION 9: Alcohol

- A. IT SHALL BE UNLAWFUL TO CONSUME, DISPLAY, TRANSFER, DISTRIBUTE, OR SELL ALCOHOL IN OR ON OPEN SPACES FACILITIES AND PROPERTIES, UNLESS SPECIFICALLY AUTHORIZED BY A RENTAL AGREEMENT OR APPROVAL BY THE OPEN SPACES DIRECTOR AND AUTHORIZED BY STATE LIQUOR LAW.

Section 10: Firearms and Weapons

- A. It shall be unlawful to discharge firearms, INCENDIARY DEVICES or explosives of any kind, ~~or BB guns, pellet guns, cross bows, long bows and sling shots~~ except by law enforcement officers on official duty or in areas designated BY THE COUNTY for such use.

Section 11: Fireworks

- A. It shall be unlawful to discharge or use fireworks OR INCENDIARY DEVICES of any kind or nature in any ~~Arapahoe County Park~~ OPEN SPACES FACILITIES AND PROPERTIES.

Section 12: Littering and Dumping

- A. It shall be unlawful to BRING OR leave refuse, LITTER, or rubbish, including but not limited to ~~tin~~ cans, bottles, plastic or paper cartons, human excrement, ~~fish entrails~~ or other ~~litter~~ FOREIGN SUBSTANCES, SOLID OR LIQUID, OF EVERY FORM, SIZE, KIND AND DESCRIPTION, ~~or to deposit same in streams or lakes~~ IN ANY OPEN SPACES FACILITIES AND PROPERTIES. ~~Toilets, garbage pits~~ TRASH BINS and other refuse receptacles ~~must be used for disposal of such materials~~ ARE FOR DISPOSAL OF WASTE GENERATED ONSITE.
- B. 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 OPEN SPACES FACILITIES AND PROPERTIES.

Section 13: Parking

- A. PURSUANT TO ARAPAHOE COUNTY PARKING ORDINANCE XXXX, It shall be unlawful to park in any area except where designated for parking, and then, only in compliance with the SIGNAGE OR notices as posted.
- B. PURSUANT TO ARAPAHOE COUNTY PARKING ORDINANCE XXXX, It shall be unlawful to park vehicles, or trailers OR EQUIPMENT in areas other than those designated and posted as parking areas BY THE COUNTY.

Section 14: Compliance with Lawful Order

- A. It shall be unlawful for any person to engage in any activity in AN OPEN SPACES FACILITY OR PROPERTY a public park which may constitute a hazard to the safety of said person and other users of such PROPERTY OR FACILITY except that such activity may be conducted in an area specifically designated BY THE COUNTY for such activity. Such activities, as example, may include but are not limited to: archery, hitting of golf balls and ~~horseback riding~~ RIDING OF OFF HIGHWAY VEHICLES.
- ~~B. It shall be unlawful to picnic in any areas not designated for picnicking purposes.~~

Section 15: Flotation Devices and Flying Objects

- A. IT SHALL BE UNLAWFUL TO USE FLOTATION DEVICES, INCLUDING KAYAKS, CANOES, PADDLEBOARDS, AND POOL FLOATIES, IN WATERS OF OPEN SPACE PROPERTIES, EXCEPT AS OTHERWISE POSTED.
- B. IT SHALL BE UNLAWFUL TO THROW, STRIKE, PROPEL, LAUNCH, OR OTHERWISE OPERATE FLYING OR PROPELLED OBJECTS OF A POTENTIALLY DANGEROUS NATURE, SUCH AS A SKY SAIL, DRONE (UNMANNED AERIAL VEHICLE), MODEL AIRPLANE, HELICOPTER OR ROCKET, GOLF BALL, ROCK, AND OTHER SIMILAR FLYING OR PROPELLED OBJECT ON OR ABOVE OPEN SPACE PROPERTIES, INCLUDING IN WATERS OF OPEN SPACE PROPERTIES, EXCEPT AS OTHERWISE POSTED.

Section 16: Commercial Activities

- A. IT SHALL BE UNLAWFUL FOR ANY PERSON OR BUSINESS TO OFFER FOR SALE ANY PRODUCT OR SERVICE IN OR ON OPEN SPACES FACILITIES AND PROPERTIES.

Section 17: Special Use Permits

- A. Exceptions per these Rules and Regulations may be granted by the Board or the Director for activities that involve specific Open Spaces Facilities and Properties, provided these activities are consistent with the respective property's or facility's purpose and/or are in the best interest of the public's use and safety of the properties or facilities.

Section 18: Enforcement/Liability

Pursuant to C.R.S. § 29-7-101(3)(A), the Board may designate the County sheriff, undersheriff, deputy undersheriff or other County personnel to enforce rules and regulations duly adopted by the County to control and regulate the use of Open Spaces Facilities and Properties.

These Rules and Regulations shall be enforced primarily by the Arapahoe County Sheriff's Department. For purposes of enforcement, and pursuant to C.R.S. § 29-7-101(3)(A), Arapahoe County Open Spaces Rangers may issue a citation to enforce these Rules and Regulations.

Section 19: Penalties

Pursuant to C.R.S. § 29-7-101(2), any person violating any rule or regulation herein commits a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.

Section 20: Disposition of Fines

All fines collected for convictions of violations of these Rules and Regulations, and all monies collected for services provided or otherwise pursuant to these Rules and Regulations, shall be paid shall be paid into the Treasury of Arapahoe County by depositing such monies, as collected, into the Open Spaces Sales Tax Fund of Arapahoe County for use in supporting the operation and protection of open space facilities and properties.