

**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 Arapahoe 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 Arapahoe County’s rules and regulations for Open Spaces 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 Spaces Facilities and Properties are hereby adopted:

## **ARAPAHOE COUNTY OPEN SPACES RULES AND REGULATIONS**

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### **Section 1: Mission**

Through these rules and regulations, the Board of County Commissioners of Arapahoe County intends to engender a personal respect for community, natural surroundings and the well-being of all forms of life while acknowledging the personal freedom and enjoyment that comes with being outdoors.

### **Section 2: Definitions**

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

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

“Electric Micromobility Device” means electrified scooters, all classes of e-bikes, and other electrified mobility devices.

“Electric Personal Assistive Mobility Device” means a motorized device used by a person with a mobility disability for purposes of locomotion.

“Open Spaces Department” means the department created by the Board to preserve natural and heritage areas, enhance neighborhood and regional parks and build and maintain trails within Arapahoe County.

“Open Spaces Facilities” means restrooms, picnic shelters, playgrounds, buildings 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 3: Hours of Operation and Closures**

- A. It shall be unlawful for any person to violate the hours of operation posted on Open Spaces Facilities and Properties. Hours of operation are dawn to dusk, except for the use of trails and pathways when utilized for commuting purposes.
- 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 Spaces Facilities and Properties or part thereof that are closed to the public.

### **Section 4: Destruction of or Unauthorized Changes to Open Spaces Facilities and Properties**

- A. It shall be unlawful to remove, destroy, mutilate, tag with graffiti or deface any structure, equipment, 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.
- B. It shall be unlawful for any person to engage in any activity in an Open Spaces Facility or Property 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 Open Spaces Department for such activity. Such activities, as example, may include but are not limited to archery, hitting of golf balls and riding of off-highway vehicles.

### **Section 5: 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 the rules and regulations.
- B. It shall be unlawful to hunt and/or fish except in areas designated by the Open Spaces Department allowing such activity and only in accordance with current state and federal regulations.
- C. 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 Spaces Properties unless otherwise noticed. Dog and pet waste shall be picked up and disposed of in a waste receptacle. 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 Spaces Properties.

### **Section 6: Wheeled Devices and Equestrians**

- A. It shall be unlawful to operate any gas-powered motorized vehicles or devices on Open Spaces Properties, except on public roadways and parking lots as allowed by state law. Emergency, patrol, and maintenance vehicles are specifically excluded from this prohibition.
- B. It is lawful to ride Electric Micromobility Devices, Electric Personal Assistive Mobility Devices (including all-terrain wheelchairs, attachments for manual wheelchairs, and other similar devices), and bicycles, including pedal assisted electric bikes, on roads, parking lots, trails, and pathways, except as designated or posted.
- C. When parked, every Electric Micromobility Devices, Electric Personal Assistive Mobility Devices (including all-terrain wheelchairs, attachments for manual wheelchairs, and other similar devices), and bicycles, including pedal assisted electric bikes shall be parked in such a manner as to afford the least obstruction to pedestrian travel, and to vehicular traffic and parking.
- D. Unless otherwise posted, speed limits on trails and pathways within Open Spaces Properties 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.
- E. Unless otherwise posted, speed limits on roads within Open Spaces Properties 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.
- F. 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.
- G. When passing from any direction on Open Spaces trails, all visitors must give the right-of-way to equestrians. Bicyclists and other wheeled visitors (except those using Electric Personal Assistive Mobility Devices) must also give an audible signal and yield the right-of-way to pedestrians.
- H. It is lawful to ride by horseback on roads, parking lots, trails, and pathways, except as designated or posted.

### **Section 7: Overnight Residing**

- A. Pursuant to Arapahoe County Parking Ordinance No. 2024-02, it shall be unlawful to camp or to park a trailer, camper or other vehicle for camping purposes in areas, including Open Spaces

Properties, that are not specifically designated for camping by Arapahoe County or the Open Spaces Department.

### **Section 8: 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 Arapahoe County.

### **Section 9: Smoking and Marijuana**

- A. Pursuant to Arapahoe County Ordinance 88-1 and these rules and regulations, it shall be unlawful to smoke or to 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 display, transfer, distribute, serve, sell, or grow marijuana in or on Open Spaces Facilities and Properties.

### **Section 10: Alcohol**

- A. It shall be unlawful to, display, or sell alcohol in or on Open Spaces Facilities and Properties, unless specifically authorized by a rental agreement or approval by the Director and authorized by state liquor law. Visitors who drink alcohol and engage in disorderly conduct, harassment or present a public nuisance are in violation of these rules and regulations. See section 13 littering and dumping with regard to the prohibition of glass bottles and containers.

### **Section 11: Firearms and Weapons**

- A. It shall be unlawful to discharge firearms, incendiary devices or explosives of any kind, as well as cross bows, long bows and sling shots, except by law enforcement officers on official duty or in Open Spaces Properties specifically designated for such use.

### **Section 12: Fireworks**

- A. It shall be unlawful to discharge or use fireworks or incendiary devices of any kind or nature in any Open Spaces Facilities and Properties.
- B. Nothing herein precludes Arapahoe County from conducting professional firework displays.

### **Section 13: Littering and Dumping**

- A. It shall be unlawful to bring or leave refuse, litter, or rubbish, including but not limited to cans, bottles, plastic or paper cartons, human excrement, or other foreign substances, solid or liquid, of

every form, size, kind and description, in any Open Spaces Facilities and Properties. Trash bins and other refuse receptacles 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 14: Parking**

- A. Pursuant to Arapahoe County Parking Ordinance No. 2024-02, 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 No. 2024-02, it shall be unlawful to park vehicles, trailers or equipment in areas other than those designated and posted as parking areas by the Arapahoe County or the Open Spaces Department.

#### **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. Except as authorized by law and/or otherwise posted, 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 Spaces Properties.

#### **Section 16: Commercial Activities**

- A. It shall be unlawful for any person or business to offer for sale any products or perform services in or on Open Spaces Facilities and Properties, unless otherwise authorized by the Director.

#### **Section 17: Special Use Permits**

- A. Exceptions to these rules and regulations may be granted by 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. Special use permits may be considered for activities herein with the exception of section 9.

#### **Section 18: Enforcement/Civil Infraction/Disposition of Fines**

- A. Pursuant to C.R.S. § 29-7-101(2), it is the duty of the sheriff, undersheriff, deputy undersheriff or other law enforcement to enforce rules and regulations duly adopted by the Open Spaces Department to control and regulate the use of Open Spaces Facilities and Properties. Nothing in these rules and regulations prohibits law enforcement from enforcing similar or other state laws.

- B. 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. The fine or fines to be assessed as a penalty upon the party responsible for violating these rules and regulations shall be as prescribed in Attachment A hereto. Fines for repeat offender may increase up to \$100.00 maximum. The penalty assessment procedure may follow the provisions of C.R.S § 16-2-202.
- C. Instead of issuing a civil infraction, law enforcement may issue a warning, either verbally or in writing, as an order to the violating party to immediately cease or not to repeat a violation of the rules and regulations.
- D. 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 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 Spaces Facilities and Properties.

## **ATTACHMENT A**

### Penalty Fines for Violations\*

<b>SECTION</b>	<b>FINE</b>
Section 3: Hours of Operations and Closures .....	\$50.00
Section 4: Destruction of or Unauthorized Changes to Open Spaces Facilities and Properties .....	\$100.00
Section 5: Animals-Off Leash.....	\$25.00
Section 5: Animals-Release of Animals.....	\$50.00
Section 5: Animals-Poaching.....	\$100.00
Section 6: Wheeled Devices and Equestrians .....	\$25.00
Section 7: Overnight Residing .....	\$25.00
Section 8: Fire Restrictions and Bans .....	\$100.00
Section 9: Smoking and Marijuana .....	\$50.00
Section 11: Firearms and Weapons .....	\$100.00
Section 12: Fireworks .....	\$100.00
Section 13: Littering and Dumping.....	\$50.00
Section 15: Flotation Devices and Flying Objects.....	\$50.00

Section 16: Commercial Activities ..... \$100.00

\*Fine amounts for repeat violations by the same person shall increase by \$25.00/repeat violation, up to the maximum fine amount of \$100.00.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

- 1. Resolution No. 1012-96 adopted on October 12, 1996, is hereby superseded in its entirety by this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that Open Spaces staff with the approval of the County Attorney’s Office is hereby authorized to correct typographical errors and make such text revisions to these rules and regulations as are reasonably necessary to incorporate the approved rules and regulations for publication and/or posting.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that these rules and regulations approved by this Resolution shall be effective January 1, 2025, and shall be posted on the County’s website.

The vote was:

Commissioner Baker, \_\_; Commissioner Campbell, \_\_; Commissioner Holen, \_\_; Commissioner Summey, \_\_; Commissioner, Warren-Gully, \_\_.

The Chair declared the motion carried and so ordered.