



ADAMS COUNTY

COLORADO
BOARD OF COUNTY COMMISSIONERS

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STUDY SESSION AGENDA
TUESDAY
May 12, 2020

ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE

11:00 A.M.	ATTENDEE(S):	Byron Fanning
	ITEM:	Proposed Changes to Parks Rules and Regulations
11:30 A.M.	ATTENDEE(S):	Adam Burg / Eliza Schultz / Elisabeth Rosen
	ITEM:	Legislative Update
12:00 P.M.	ATTENDEE(S):	Raymond Gonzales
	ITEM:	Administrative Item Review / Commissioners Communication

TO WATCH THE MEETING:

- Watch the virtual Zoom Study Session through our [You Tube Channel](#)

(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)

AGENDA IS SUBJECT TO CHANGE



STUDY SESSION ITEM SUMMARY

DATE OF STUDY SESSION: May 12, 2020
SUBJECT: Park Rules and Regulations
OFFICE/DEPARTMENT: Parks, Open Space and Cultural Arts
CONTACT: J. Byron Fanning, Jr.
FINACIAL IMPACT: n/a
SUPPORT/RESOURCES REQUEST:
DIRECTION NEEDED: Approval
RECOMMENDED ACTION: Approval of the updated park rules and regulations

DISCUSSION POINTS:

With the help of the Community Safety and Well-Being Department, Parks, Open Space & Cultural Arts Department (POSCA) has made several revisions to the Park Rules and Regs that we are recommending for adoption to the Board of County Commissioners. The new Rules and Regs have been significantly expanded (from 4 pages to 10 pages) to provide more detail and clarity. In addition to benefitting POSCA, these new rules and regulations will benefit the County’s new Ranger Program, and the Sheriff’s Office, by providing consistent and reasonable rules to protect our residents and park resources. A summary of the most significant changes/additions to the rules are listed below.

2020 Rules and Regulations	2016 Rules and Regulations
Hours are 5am to 11pm for ALL parks, trails, and open space areas.	Hours are sunrise to sunset for parks and open space areas, 5am to 11pm for regional trails.
Alcoholic beverages are allowed.	Only 3.2% beer is allowed.
Recreational gold mining using motorized/mechanized equipment is prohibited.	Silent on recreational gold mining. (Prohibition on motorized/mechanized mining is contained in our Development Regulations).
Propane grills allowed.	Silent on propane grills.
Yielding right-of-way for trail users is now defined as a regulation.	Silent on yielding/trail use.
More detail and clarification on domestic animals/livestock section.	Domestic animal/livestock section very basic.
More detail about authority, enforcement, and penalties. Gives authority to rangers.	Brief mention of authority, enforcement, and penalties.



Parks, Open Space & Cultural Arts Department
 Riverdale Regional Park
 9755 Henderson Road, Brighton, CO 80601
 PHONE 303.637.8000 FAX 303.637.8015

MEMORANDUM

To: Board of County Commissioners

From: J. Byron Fanning & Marc Pedrucci, Parks, Open Space & Cultural Arts

Through: Executive Leadership Team, Matt Rivera & Eric Guenther, Community Safety and Wellbeing

Date: April 28, 2020

Subject: Proposed Changes to Park Rules and Regs

With the help of the Community Safety and Well-Being Department, Parks, Open Space & Cultural Arts Department (POSCA) has made several revisions to the Park Rules and Regs that we are recommending for adoption to the Board of County Commissioners. The new Rules and Regs have been significantly expanded (from 4 pages to 10 pages) to provide more detail and clarity. In addition to benefitting POSCA, these new rules and regulations will benefit the County's new Ranger Program, and the Sheriff's Office, by providing consistent and reasonable rules to protect our residents and park resources. A summary of the most significant changes/additions to the rules are listed below. Please let us know if there are any questions and if you are comfortable adopting the new rules and regulations at this time.

2020 Rules and Regulations	2016 Rules and Regulations
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MEMORANDUM

RESOLUTION NO. 2020-

A RESOLUTION CONCERNING RULES AND REGULATIONS FOR ADAMS COUNTY PARKS, TRAILS, AND CULTURAL ARTS AREAS

WHEREAS, the Adams County Board of County Commissioners (“Board”) is empowered by Colorado Revised Statutes (C.R.S.) § 18-9-117 and § 29-7-101(2), as amended, to adopt rules and regulations pertaining to Adams County public recreation lands and facilities; and,

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

WHEREAS, these Rules and Regulations are for the purpose of administration, protection, maintenance, regulation, and control of property which Adams County owns, leases or otherwise manages as parks, trails, and open space areas; 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 any prior Resolutions concerning the Rules and Regulations contained herein are superseded by the following.

**RULES AND REGULATIONS
FOR ADAMS COUNTY PARKS, OPEN SPACE, AND CULTURAL ARTS (POSCA)**

1. Regulatory Signs

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

2. Hours

Adams County’s parks, trails, open space areas, and facilities are open for daytime use only, between 5:00 a.m. and 11:00 p.m. Contracted and permitted events are excepted. No person shall enter or remain in any Adams County park, trail, open space area, or facility at any other time without authorization.

3. Resource Protection

- (a) It is unlawful for any unauthorized person to remove, move, destroy, mutilate, collect, or deface any natural or man-made object within any Adams County park, trail, or open space area, including but not limited to: trees, downed timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources, motorized or mechanized mining of gold or other ores, and trash containers.

- (b) It is unlawful to plant vegetation of any type or place any other type of landscape material or establish or construct trails or other facilities for public or private use without the permission from the Adams County POSCA Department Director.

4. Domestic Animals/Livestock

- (a) Any dog or other domestic animal within an Adams County park, trail, or open space area shall be restrained by a maximum of a 12 foot leash, cord, rope, or chain and under physical control of a person, except as otherwise provided for in this section 4, or as posted with approval from the Adams County POSCA Director.
- (b) It is unlawful for any owner/keeper to allow their domestic animal(s) within an Adams County park, trail, or open space area to engage in disorderly conduct or any activity that 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 an Adams County park, trail or open space area shall dispose of that dog's excrement in an appropriate manner.
- (d) Dogs may be prohibited within specific Adams County park, trail, or open space areas at the discretion of the Adams County POSCA Department Director.
- (e) Horses must be under the physical control of a person at all Adams County park, trail, or open space areas except at the exhibitor and spectator areas at the Riverdale Regional Park.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall not 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 other recreational areas.
- (g) All feed provided to livestock while on Adams County parks, trails, trailheads, or open space areas must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or permission from the Adams County POSCA Department Director.
- (h) Exceptions to this Rule are permitted for the use of a dog as a service animal as 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.
- (i) Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal. Emotional support, well-being, comfort, or companionship animals are not protected under the Americans with Disabilities Act (ADA) and may be restricted in certain Adams County parks, trails, open space areas, and facilities.

- (j) It is unlawful to confine any animal in a motor vehicle in such a manner that places it 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.

5. Wildlife

- (a) It is unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or to allow any domestic animal to do the same, at any time within any Adams County park, trail, or open space area, except where and when such activities are permitted at the discretion of the Adams County POSCA Department Director. This provision shall not apply to any county, state, or federal government personnel authorized by the Board to carry out a wildlife management program pursuant to applicable law or county-approved rules and regulations.
- (b) It is unlawful for any unauthorized person to relocate or release any wildlife or domesticated animals within any Adams County park, trail, or open space area, unless permission is specifically granted by the POSCA Director.

6. Fishing and Boating

- (a) 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 Adams County park, trail or open space regulations. Ice fishing is prohibited on all Adams County park, trail, and open space areas. It is unlawful to violate special fishing regulations posted within any Adams County park, trail, or open space area. Rules and Regulations, fees, and special permit requirements shall be determined by the Adams County POSCA Department Director and posted at affected Adams County park, trail, or open space areas. The Adams County POSCA Department Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation, and/or public safety concerns.
- (a) It is unlawful to use bow & arrow, seines, cast nets, and/or live traps on any body of water for the purpose of fishing within Adams County parks, trails, or open space areas.
- (b) Belly-boating for fishing is allowed in designated lakes and other boating is only allowed where posted.

7. Swimming and Skating

It is 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 Adams County Park, Trail or Open Space area, unless the area is specifically posted to allow such activity.

8. Trail Use

- (a) It is 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 parks, trails, or open space areas when such restrictions are necessary for resource protection or safety-related issues. Such restrictions shall be posted at the parks, trailheads, or open space areas.

9. Bicycles

No person shall ride a bicycle including e-bikes or unicycle within any Adams County park, trail, or open space area except on trails where such use is designated, including day-of-use and directional designations, and at the Riverdale Regional Park. Strollers and wheelchairs are exempted from this regulation and are permitted within any Adams County park, trail, or open space area.

10. Vehicles and Parking

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, snowmobile, four-wheel drive, or other recreational vehicle, within any Adams County park, trail, or open space area, unless the area is specifically designated and posted to permit the operation of such vehicle. Adams County and emergency vehicles on official business may be operated on parks, trails, and open space areas for maintenance, inspection, regulatory, and law enforcement purposes and are excepted from this rule. For exceptions related to disabled access, refer to Rule 10(f) (g) and (h). Violations of this Rule 10(a) may only be cited by a law enforcement officer pursuant to C.R.S. § 18-9-117, Adams County Ordinance 9, or other applicable law.
- (b) Vehicles must be parked only in designated areas, and in compliance with all posted parking signs. It is unlawful to park in a manner that impedes the safe flow of traffic. A law enforcement officer may enforce this Rule 10(b) under either C.R.S. § 18-9-117, Adams County Ordinance 9, or a separate and distinct County Parking Ordinance. Other authorized agents of Adams County may only enforce this Rule 10(b) pursuant to a separate and distinct County Parking Ordinance.
- (c) Only persons with a disability may park in spaces designated for persons with disabilities. A law enforcement officer may enforce this Rule 10(c) under either Adams County Ordinance 9 or C.R.S. § 42-4-1208. Other authorized agents of Adams County may only enforce this Rule 10(c) pursuant to a separate and distinct County Parking Ordinance.

- (d) Vehicles may not be parked, attended or unattended, when the park, trail, or open space area is closed, except with permission from the Adams County POSCA Department Director.
- (e) Any motor vehicle parked in an area that is closed, or not a designated parking area, or an area designated as a “No Parking” area may be towed at the owner’s expense in accordance with C.R.S. 42-4-1801, *et. seq.*
- (f) 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 safe manner. Individuals with mobility disabilities may use other power-driven mobility devices (“OPDMDs”) on all trails open for pedestrian use unless a 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 Riverdale Regional Park & Open Space website.
- (g) County personnel who have been granted authority to enforce these Rules and Regulations shall have the discretion to temporarily designate additional trail segments or other facilities on Adams County areas as unsafe and as inappropriate for use of certain classes of OPDMDs. This may be based upon current conditions, such as weather, trail conditions, pedestrian traffic volume, and potential harm to the immediate environment or natural resources. OPDMD’s shall not be wider than ½ the width of the designated path.
- (h) Use of OPDMDs within any park, trail, or 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 Adams County park, trail, or open space area.

11. Camping

- (a) It is unlawful to camp overnight, or to park any vehicle, trailer, or camper for overnight camping purposes in any Adams County park, trail, open space area, or facility.
- (b) Exceptions may only be granted for overnight RV parking permits issued by Adams County staff in association with a contracted or official county event at the Riverdale Regional Park. All permits issued for overnight RV parking will be in accordance with established policies and procedures.

12. Fires, Grills, and Generators

- (a) Open fires, including campfires, are unlawful on all Adams County parks, trails, and open space areas. Charcoal fires may be built only in designated picnic grills. All charcoal fires must be safely and completely extinguished as soon after grilling as practicable. All residue must be left in the provided grills. Propane grills are permitted. Gas generators are permitted, however must be placed on a wooden or similar base to prevent damage to native or other turf.

- (b) Exceptions may be granted only with permission from the Adams County POSCA Department Director.

13. Tents and Inflatables

Tents, booths, stands, awnings, canopies, and similar structures are prohibited unless prior consent has been granted from the Adams County POSCA Department Director. Use of stakes of any kind are prohibited. Tents, jumping castles or similar inflatables may be allowed; however, they need to be secured with weights. Unsecured tents, jumping castles, or similar inflatables are prohibited.

14. Glass Containers

It is unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Adams County park, trail, or open space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas at the Riverdale Regional Park. Exceptions are also made for specific events under an Agreement with Adams County. Further exceptions are permitted only by obtaining permission from the Adams County POSCA Department Director.

15. Alcoholic Beverages

Possession and consumption of alcoholic beverages is permitted within Adams County park, trail, or open space areas so long as it follows all other Rules and Regulations and state law.

16. Projectiles, Weapons, Explosives and Fireworks

- (a) It is unlawful to discharge on or into any Adams County park, trail, or open space area, projectiles, weapons, firearms, and explosives of any kind (including fireworks), except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended. See also C.R.S. Section 30-15-302 (1)
- (b) Peace officers on official duty and engaged in official operations are excepted from this Section 16.
- (c) Nothing in this policy shall be construed to restrict or otherwise affect the constitutional right to bear arms or to defend ones' person, family, or property.

17. Littering/Dumping

- (a) It is unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park, trail, or open space area, except that which is generated by legal activities conducted within the Adams County park, trail or open space area. Trash and debris legally generated within any Adams County park, trail, or open space area must be removed or deposited in a designated trash receptacle.

(b) It is unlawful to clean vehicles / livestock trailers out onto Adams County park, trail, or open space area, including the Riverdale Regional Park.

(c) It is unlawful to deposit any hazardous material within any Adams County park, trail, or open space area.

18. Advertising and Flyers Prohibited

Posting of signs, advertisements and flyers or placement of brochures in Adams County park, trail, or open space areas or on the vehicles or property of others within those areas is prohibited except for community bulletin boards located within the parks and at trailheads.

19. Commercial Activity

It is unlawful for any person, acting individually or on behalf of a business or organization, to charge a fee for any commercial activity or concession, or to provide any service, product or activity for which a fee is charged in any Adams County park trail, open space area, or facility, unless a valid Adams County Vendor Permit has been issued for that purpose by the Adams County Parks and Open Space Department.

Individuals engaging in still camera photography, nonprofit tax-exempt entities, and anyone acting pursuant to the terms of an agreement with Adams County are exempt from this section.

20. Research Projects

All research projects to be conducted within any park, trail, or open space area must be reviewed and authorization granted in advance from the Adams County POSCA Department Director.

21. 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 Adams County POSCA Department Director 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.

22. Other Prohibited Activities

(a) It is unlawful to pollute land, water, or air; golf; or to use remote-controlled land, water, airborne, or similar devices at any Adams County park, trail, or open space area unless the activity is permitted by an agreement with Adams County.

- (b) Except for emergency landings, it is unlawful to take off, operate, or land with any motorized or non-motorized aircraft within Adams County park, trail, or open space area. “Aircraft” includes but is not limited to; airplanes, helicopters, ultralights, gliders/sailplanes, and hot-air balloons except as permitted with agreement with Adams County.
- (c) Special regulations may apply to buildings open to the public on Adams County park, trail, or open space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.
- (d) It is unlawful to take-off, land, or operate any unmanned aircraft system (drone) on Adams County Park, trail or open space area unless permitted by the Adams County POSCA Department Director. No person shall operate an unmanned aircraft system, which may endanger, harass, harm, or injure any person, companion animal, livestock, or wildlife on Adams County park, trail, or open space area.

23. Closures

- (a) Adams County park, trail, or open space areas being managed for agricultural purposes, whether by Adams County or a lessee, are closed to the public unless trails and other related facilities are designated for another purpose by the Board. It is unlawful for any unauthorized person to enter such closed areas.
- (b) The Adams County POSCA Department Director may from time to time determine that closure of Adams County park, trail, or open space areas to the public and/or to certain animals is necessary or appropriate due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs.

24. Exceptions to the Rules and Regulations

Exceptions to these Rules and Regulations as amended, re-enacted, or re-adopted, may be granted by the Adams County POSCA Department Director for activities that involve the management of Adams County parks, trails, and open space areas, provided these activities are undertaken or overseen by department staff, or as provided in the terms of a lease or other agreement.

25. Interference

It is unlawful to interfere or attempt to interfere with any Adams County Parks & Trails Ranger or other Parks & Open Space employee who is acting in the performance of their duties; or to give false or misleading information to said person.

26. Prohibited Conduct on Public Property

- (a) It is unlawful for any person to engage in any conduct or activity within an Adams County park, trail, open space area, or facility which may be reasonably expected to:
 - (i) substantially interfere with the use and enjoyment of such places by others; or,
 - (ii) interfere with the health, safety, and welfare of users of, or neighbors near, the areas; or,
 - (iii) which may constitute a general nuisance.
- (b) As used herein, “general nuisance” means an unreasonable or unlawful use of the area, including but not limited to any noise, action or odor that could substantially interfere with any other person’s lawful use or enjoyment of the area. The use of amplified sound shall constitute a general nuisance under this section unless it is made for leased events at the Riverdale Regional Park or consent has been obtained from the Adams County POSCA Department.
- (c) Violations of this Rule 29 may only be enforced by a law enforcement officer pursuant to C.R.S. § 18-9-117, or other applicable law.

27. Enforcement

- (a) Pursuant to §§ 29-7-101(2) and (3), C.R.S. et seq., as amended, it is the duty of the Adams County Sheriff, undersheriff, and deputies, as well as any county enforcement personnel authorized and appointed pursuant to those sections, to enforce the rules and regulations adopted herein; and the county courts of Adams County, Colorado, have jurisdiction in the prosecution of any violation of a rule or regulation adopted herein, unless the violation is cited under a state law that confers jurisdiction to another court.
- (b) Pursuant to §§ 29-7-101 (2) and (3), the Board hereby vests specific enforcement authority in personnel designated as Adams County Parks and Trails Rangers, and unless specifically excepted herein, those individuals so vested shall have the authority and responsibility to enforce the Rules and Regulations adopted herein for Adams County park, trail, and open space areas
- (c) Any person who violates any of these Rules and Regulations may be ejected from Adams County parks, trails, and open space areas.
- (d) These Rules and Regulations are in addition to, and not in place of, all other existing laws, ordinances, rules, and regulations. Nothing in these Rules and Regulations shall be construed to limit the authority of any law enforcement officer to charge an individual for violating the provisions of C.R.S. § 18-9-117 (or any successor statute) related to unlawful conduct on public property. Law enforcement officers retain their authority to enforce local, state and federal laws within Adam County park, trail and open space areas.

28. Penalties

- (a) (i) Violations of any Rule or Regulation herein cited under any other applicable law, ordinance, rule or regulation shall be charged and punishable pursuant to the applicable legal authority.
- (ii) Violation of any other Rule or Regulation adopted pursuant to this Resolution, charged by either a law enforcement officer or an authorized agent of Adams County, shall be a Class 2 Petty Offense as provided for in § 29-7-101(2), as amended, and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or as otherwise provided by law.
- (b) 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 stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- (b) Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.
- (c) In addition to any penalty prescribed by law, any violation of any of the Rules and Regulations herein by any person may subject that person to immediate ejection from the Adams County parks, trails, open spaces, and facilities.

29. Copy of Rules and Regulations

The department shall make available for inspection to the public a current copy of the existing rules and regulations relating to Adams County parks, trails, and open space areas.

30. Interpretation of Rules and Regulations

- (a) It is hereby declared to be the legislative intent of the Board that the provisions of this Resolution shall be severable, 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 the remainder of this resolution as a whole or any other part thereof, and 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.

BE IT FURTHER RESOLVED that any prior resolutions setting forth Rules and Regulations for Adams County parks, trails, and open space areas, which are inconsistent herewith, are hereby expressly repealed.