

RESOLUTION NO. R-005-_____

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION ADOPTING RULES AND REGULATIONS FOR
DOUGLAS COUNTY PARKS, TRAILS, AND OPEN SPACE
LANDS PURSUANT TO SECTION 18-9-117, SECTION 29-7-101,
AND SECTION 30-11-107(1)(a), C.R.S., AND REPEALING ALL
ORDINANCES AND RESOLUTIONS IN CONFLICT
THEREWITH**

WHEREAS, the Board of County Commissioners of the County of Douglas, State of Colorado (the “Board”), has the authority pursuant to §§ 18-9-117, 29-7-101, and 30-11-107(1)(a), C.R.S., to adopt rules and regulations for the regulation and control of County lands and facilities; and

WHEREAS, on August 14, 2003, the Board adopted Resolution No. R-003-105, A Resolution Adopting Rules and Regulations for Douglas County Parks, Trails and Open Space Lands Pursuant to Section 18-9-117, Section 29-7-101 and Section 30-11-107(1)(a), C.R.S.; and

WHEREAS, the Board amended Resolution No. R-003-105 by the adoption of Resolution No. R-004-108, “A Resolution Amending Resolution No. R-003-105 Adopting Rules and Regulations for Douglas County Parks, Trails, and Open Space Lands Pursuant to Section 18-9-117, Section 29-7-101 and Section 30-11-107(1)(a), C.R.S.”; and

WHEREAS, the Board now desires to repeal Resolution Nos. R-003-105 and R-004-108, and adopt amended rules and regulations for Douglas County Parks (“Park(s)”) and Douglas County Open Space lands (“Open Space”); and

WHEREAS, pursuant to § 29-7-101, C.R.S., the Board has the authority to adopt the penalty assessment procedure provided in § 16-2-201, C.R.S., and a graduated fine schedule for violations of these rules and regulations; and

WHEREAS, the Board desires to adopt this Resolution establishing consolidated Rules and Regulations for Parks, Open Space, and certain other lands; and

WHEREAS, pursuant to § 29-7-101(3), C.R.S., the board of county commissioners has the authority to designate specific county personnel to enforce the rules and regulations adopted by the county to control and regulate the use of county lands and facilities by issuance of summons and complaint or penalty assessment; now, therefore,

BE IT RESOLVED by the Board of County Commissioners of the County of Douglas that

Douglas County Parks and Open Space rules and regulations are promulgated and adopted as follows:

SECTION 1: GENERAL

Purpose. To regulate and control Parks, certain other lands and facilities and Open Space lands, owned and/or operated by Douglas County (the “County”) by adopting the rules and regulations listed herein.

Enforcement. This resolution shall be enforced by the Douglas County Sheriff or a Douglas County Park Ranger.

Violation. It shall be unlawful for any person to violate any provision of these rules and regulations in any Parks or Open Space lands.

Penalties. Any person who violates any of these rules and regulations in any Park or Open Space commits a Class 2 Petty Offense and, upon conviction thereof, shall be punished by a fine of Fifty Dollars (\$50.00) for each separate violation. The penalty assessment procedure provided in § 16-2-201, C.R.S., may be followed by the issuing officer for any such violation of these rules and regulations. In the event an individual is charged with subsequent offenses, the fine shall increase to One Hundred Dollars (\$100.00), for a second violation, and shall increase by One Hundred Dollars (\$100.00) for each violation thereafter, up to a maximum of Three Hundred Dollars (\$300.00).

The foregoing penalties are in addition to any penalties which may apply to enforcement of these rules as misdemeanors pursuant to § 18-9-117, C.R.S., when said rules and regulations have been prominently posted as provided in § 18-9-117, C.R.S.

Scope. These rules and regulations shall apply to all County-owned or operated Parks, and Open Space within Douglas County. These rules and regulations shall in no way limit application and enforcement of any Resolution, Ordinance, or lawful order of the County or the statutes of the State of Colorado, but shall be in addition thereto.

Disposition of Fines. All fines and forfeitures for the violation of these rules and regulations and all monies collected by the County for violation thereof shall be paid to the Douglas County Treasurer’s Office.

Severability. If any part or parts of these rules and regulations are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of these rules and regulations. The Board hereby declares that it would have passed this Resolution, these rules and regulations, and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Repeal. All ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with provisions of this Resolution and these rules and regulations are hereby repealed. All previous resolutions adopting rules and regulations for either Douglas County Parks or Douglas County Open Space are hereby repealed, including but not limited to Resolution M-985-303, Book 581, Page 734; Resolution R-990-072, Reception Number 9016818, Book 921, Page 332; and Resolution R-000-189, Reception Number 00081534, Book 1921, Page 1264, Resolution R-002-208, Reception Number 2002077646, Resolution No. R-003-105, Reception No. 2003122786 and Resolution No. R-004-104, Reception No. 200407344 . However, this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or resolution repealed hereunder prior to the effective date of this Resolution.

SECTION II: DEFINITIONS

“Park” shall mean, wherever used in these rules and regulations, all public recreation lands and all trails, waters, buildings, structures, roads, parking lots and facilities located on such lands owned or operated by Douglas County that are managed or administered by the Douglas County Division of Parks and Trails.

“Open Space” shall mean, wherever used in these rules and regulations: (a) any land that Douglas County owns in fee, designated by the Board of County Commissioners as open space; (b) any land or interest in land that Douglas County holds through conservation easements under §§ 38-30.5-101, *et seq.*, C.R.S., if the conservation easement authorizes, permits, or allows public access or use of such lands or interests in land; and other lands owned or operated by Douglas County that are managed or administered by the Douglas County Division of Open Space and Natural Resources; and (c) all trails, waters, buildings, structures, roads, parking lots or facilities located on such lands.

“Law Enforcement Officers” shall mean the Sheriff, Undersheriff, and his deputies.

“Park Ranger” shall mean an employee of Douglas County, authorized by the Board of County Commissioners to enforce the rules and regulations on Park and Open Space lands.

SECTION III. PROHIBITIONS

It shall be unlawful, unless otherwise approved in writing by the Director of the Douglas County Parks and Trails Division or the Director of the Douglas County Open Space and Natural Resources Division, for any person:

- A. To enter, use or occupy any Park or Open Space lands, or any portion thereof, during the time such lands, or any portion thereof, are closed to entry, use or occupancy, including seasonal closures.

- B.
 - (i) To remove, destroy, mutilate, deface or damage any building, structure, facility, sign, marker, rock, vegetation, or other object located on Parks or Open Space lands.
 - (ii) To construct, place, or maintain any kind of road, trail, structure, signs, markers, fence, enclosure, communication equipment or other improvements on Park or Open Space lands without written permission from Douglas County.
 - (iii) To excavate, dig, or disturb the ground of any Park or Open Space lands, including but not limited to any rock, soil, sediment or vegetable matter without the written permission of Douglas County.
 - (iv) To utilize any metal detector or similar device to search for any object in Parks or Open Space lands without the written permission of Douglas County.
- C.
 - (i) To deposit or leave any refuse, trash, litter, household, construction debris, or commercial garbage or trash, including but not limited to brush, lawn trimmings, and Christmas trees, in or upon any Park or Open Space lands except by depositing such refuse, trash, debris or litter in designated refuse receptacles.
 - (ii) To leave any refuse or rubbish generated on Parks or Open Space lands except when deposited in designated receptacles.
- D.
 - (i) To build, start, or light any fire of any nature on any Park or Open Space lands except in outdoor fireplace grills or camp stoves within designated areas.
 - (ii) To build, start, or light any fire of any nature in an outdoor fireplace grill or camp stove, or any other place whatsoever, even within designated areas, on Park or Open Space lands at any time that the Board has passed a resolution banning such fires due to fire danger in the County or neighboring areas.
 - (iii) To burn any material in a careless manner, or to leave any fire unattended, or to fail to completely extinguish any fire, on any Park or Open Space lands.
 - (iv) To collect firewood on any Park or Open Space lands, except with the written permission of the County.
- E.
 - (i) To feed, hunt, trap, catch, molest, take, harass, harm, or kill any wild animal, bird, fish, reptile or amphibian or to disturb their habitat, on any Park or Open Space lands except:

- (a) In designated areas where hunting is allowed by written permission from Douglas County in accordance with rules and regulations administered by the Colorado Division of Wildlife; or
 - (b) With written permission from Douglas County for purposes of scientific studies, research, wildlife census, education, or interpretation.
- (ii) To allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile or amphibian on any Park or Open Space lands. Any dog or other domestic animal within a Park or Open Space land 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 of County Commissioners.
- (iii) To relocate or release animals, fish, birds or insects onto any Park or Open Space lands without the written permission of the County.
- F.
 - (i) To possess, use, cock, aim, or discharge any firearm, including but not limited to B-B guns, pellet guns, paint ball guns, and air guns on any Park or Open Space lands.
 - (ii) To possess, use, draw, or discharge any archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts on any Park or Open Space lands.
 - (iii) To possess, use or discharge any device capable of discharging any projectile by any means whatsoever, including but not limited to slingshots and wrist rockets or any Park or Open Space lands.
 - (iv) To ignite or launch any model rocket or any Park or Open Space lands.
 - (v) To use, ignite, or fire any fireworks or explosives, on any Park or Open Space lands, except in designated areas when authorized in writing by Douglas County.
 - (vi) To golf or hit golf balls except where specifically permitted.
- G.
 - (i) To operate any motorized vehicle on any Park or Open Space lands, except on designated roadways and parking lots, which are open to public use. Emergency, maintenance, and patrol vehicles are specifically excluded.

(ii) To operate without written authorization by Douglas County, a motorized vehicle upon any roadway located on Park or Open Space lands that is designated a “service road.”

(iii) except during lighted sporting events, or with written permission from the Director of the Division of Parks and Trails or the Director of the Division of Open Space and Natural Resources, to park or leave unattended any vehicle on any Park or Open Space lands at any time between one hour after sunset to one hour before sunrise.

H. To park vehicles or trailers on any Parks or Open Space lands where prohibited or in such a manner as to create a hazard to vehicular, pedestrian, equestrian, or bicycle traffic, except at an approved special event.

I. To camp overnight, or to park a trailer or camper for overnight camping purposes, on any Park or Open Space lands, except in areas which are designated for camping; or to camp, or to park a trailer or camper, in such a designated area for a period of time in excess of the posted or permitted limits, except for an approved special event.

J. To enter, use or occupy Park and Open Space lands between the hours of one hour after sunset and one hour before sunrise, except when such entry, use or occupancy is within a designated active regional or local park where recreational activities may be allowed until 11:00 p.m., or when such entry, use or occupancy is authorized in writing by the Director of the Douglas County Division of Parks and Trails or the Director of the Douglas County Division of Open Space and Natural Resources.

K. (i) To molest, harm, chase or otherwise harass any livestock on any Park or Open Space lands.

(ii) To allow domestic pets to molest, harm, chase or otherwise harass any livestock upon any Park or Open Space lands.

(iii) To turn livestock onto or to negligently or intentionally allow livestock to graze upon any Park or Open Space lands without written permission of the County.

L. To swim or wade in waters within any Park or Open Space lands, except in designated areas.

M. (i) To operate any boat or other flotation device on waters within any Park or Open Space lands, except in designated areas.

- (ii) To anchor or beach boats unattended overnight on any Park or Open Space lands or waters, except in designated areas.
 - (iii) To launch any boat from a trailer, car, truck or any other conveyance on any Park or Open Space lands, except in designated launch areas.
- N.
- (i) To engage in any activity on any Park or Open Space lands that unreasonably endangers the health, safety, and welfare of any person, animal or property.
 - (ii) To engage in disorderly conduct, as defined in § 18-9-106, C.R.S.
- O.
- To conduct any commercial activity, or provide any service, product or activity for which a fee is charged, on any Park or Open Space lands, except when such activity is authorized in writing by Douglas County.
- P.
- (i) To fail to restrain any dog, cat, horse, or other domestic animal on any Park or Open Space lands that one owns or that is in one's custody, care, or control, by use of a leash, cord, or rope not to exceed 10 feet in length, except in designated areas.
 - (ii) To allow any vicious dog, as that term is defined in Douglas County Resolution No. R-998-100, onto any Park or Open Space lands.
 - (iii) To leave unattended on any Park or Open Space lands any dog, cat, horse, or other domestic animal that one owns or that is in one's custody, care, or control.
 - (iv) To bring any dog, cat, horse, or other domestic animal that one owns or that is in one's custody, care, or control, into the Highland Heritage Regional Park, located southwest of the intersection of Quebec Street and University Boulevard, the Columbine Open Space property and the Sharptail Ridge Open Space property, except where permitted by signs.
 - (v) Any person who brings a dog into a Park or Open Space land shall pick up, carry out and dispose of that dog's excrement.
 - (vi) The Director of the Douglas County Division of Parks and Trails may authorize dogs, cats, horses and other animals in the Highland Heritage Regional Park for special events, subject to those conditions deemed necessary by the Director to protect the public health and safety.

Q. To exceed the speed of 20 miles per hour, or as otherwise posted, on all roadways and parking areas on any Park or Open Space lands.

R. For any person to consume malt, vinous, or spirituous liquor (alcohol in excess of 3.2%) on any Park or Open Space lands, except on liquor licensed premises.

S. To carry, possess or discard any glass container or bottle on any Park or Open Space lands.

T. To walk, run, jog, hike, bicycle, or ride a horse off-trail, on any Park or Open Space lands that contain any trail, except under the immediate direction and control of a Douglas County employee or an authorized Douglas County Parks or Open Space volunteer, unless otherwise designated.

U. To interfere or attempt to interfere with any Park Ranger, other County employee, contractor, or volunteer while in the performance of their official duties, or to give false or misleading information with the intent to mislead said person in the performance of their duties.

V. To conduct any of the following at Bingham Lake:

- (i) Any commercial enterprise
- (ii) Motorized boats, except those propelled solely by electric motors
- (iii) Boats exceeding twenty feet in length
- (iv) Model airplanes using internal combustion engines
- (v) Skateboarding
- (vi) Skating, including in-line, roller, and ice skating
- (vii) Scuba diving
- (viii) Any use of firearms, by persons other than law enforcement personnel
- (ix) Any activity that may result in violation of the Clean Water Act
- (x) Swimming
- (xi) Camping
- (xii) Fireworks
- (xiii) Open fires
- (xiv) Dumping of trash
- (xv) Ice fishing
- (xvi) Archery

SECTION IV: AUTHORITY OF DOUGLAS COUNTY PARKS AND OPEN SPACE RANGERS

A. Pursuant to § 29-7-103, C.R.S., Park Rangers employed by Douglas County are hereby designated to enforce these rules and regulations by issuance of a penalty assessment.

B. The foregoing designation shall not preclude the Douglas County Sheriff's Office from enforcement of these rules as misdemeanors pursuant to § 18-9-117, C.R.S., when said rules and regulations have been prominently posted as provided in § 18-9-117, C.R.S.

SECTION V: ADDITIONAL PROVISIONS

A. Violation of any of these rules and regulations shall be grounds for eviction from the property.

B. These regulations shall not be applicable to nor prohibit any act by an officer, employee, or contractor of Douglas County who is engaged in the performance of any act within the scope of his or her employment.

C. Organized events for recreational, athletic, social, training, or educational purposes are allowed only by Special Use Permits issued by the Director of the Douglas County Division of Parks and Trails or the Director of the Douglas County Division of Open Space and Natural Resources.

PASSED AND ADOPTED this ____ day of _____, 2005, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY: _____
WALTER M. MAXWELL, Chair

ATTEST:

By: _____
MARY A. NIBLACK, Deputy Clerk