

ARTICLE IX. NATURAL AREAS

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Sec. 23-191. Purpose and scope.

This Article establishes the standards for conduct within City-designated natural areas by the general public. The requirements and prohibitions of this Article shall not apply to emergency or law enforcement operations or to City management and maintenance activities to the extent the operation of this Article would impair the performance of the same.

Sec. 23-192. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Camping shall mean to sleep or spend the night or reside or dwell temporarily in a natural area, with or without bedding or other camping gear, and with or without shelter, or to conduct activities of daily living, such as eating or sleeping, in such place. *Camping* shall not include incidental napping or picnicking.

Designated trail shall mean a trail or path within the boundaries of a natural area, whether paved or unpaved, maintained or unmaintained, designated as a trail for use by the public by the posting of signs or by designation on official maps of a natural area.

Director shall mean the Director of the Natural Areas Department.

Group event shall mean an event such as an athletic event, class, fair, festival or other activity that is planned or reasonably expected to include fifteen (15) or more persons, that will include activities other than those expressly authorized in a particular location, such as picnicking in a posted picnic area, and that is reasonably expected to:

- (1) Obstruct, delay or interfere with the normal use of any natural area or any trails, viewing stations or other facilities located therein;
- (2) Present a risk of negative impact to animal or plant life, or the ecology of any natural area; or
- (3) Constitute an event or other special event as the same are defined in § 23.5-2, in which event any applicable requirements of Chapter 23.5 shall also apply.

Hazardous substance shall mean any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic, or any petroleum-based substance or by-product, including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis, paints, inks, gasoline, oil and diesel fuel.

Hunt shall mean to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife. "Hunt" does not include stalking, attracting, searching, or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking photographs of wildlife.

Incidental trash shall mean discarded items reasonably and actually used or consumed in the course of appropriate use of a natural area, or packaging from the same, and shall not include household or yard waste, commercial or construction waste, or other waste brought into a natural area for the purpose of disposal of such waste, or any hazardous substance.

Mobility disability shall mean a disability, as defined in Title II of the Americans with Disabilities Act, that limits an individual's mobility within a natural area.

Natural area shall mean any area designated and posted by the City as a City natural area **and open in whole or in part for access and use by the public**, whether within or without the City limits, and shall include any trails to the extent the same are within the boundaries of a natural area.

Other power-driven mobility device shall have the meaning ascribed to it by Title II of the Americans with Disabilities Act.

Public safety agency shall mean an agency providing law enforcement, fire protection, emergency medical, emergency response or search and rescue services.

Service Unit shall mean the Natural Areas Department.

Vessel shall mean every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

Waste shall mean solid or liquid waste, except hazardous substances, whether organic or inorganic, including by way of illustration and not limitation, wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard clippings, tree limbs, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object.

Sec. 23-193. Prohibited acts; permits.

(a) It shall be unlawful to:

- (1) Discard, dispose or release any waste or hazardous substance of any kind in a natural area or in a manner reasonably likely to result in the entrance of such waste or hazardous substance into or upon a natural area, except for the disposal of incidental trash in receptacles provided by the City for disposal of trash.
- (2) Bring any glass container into a natural area or possess the same while in any natural area except when removing containers during site clean-up activities sponsored or permitted by the City.
- (3) Bathe or wash any persons or objects in any waters of a natural area, or otherwise in any manner reasonably likely to result in the release of any waste or hazardous substance into any waters of a natural area.
- (4) Drive, hit or throw golf balls into or upon a natural area.
- (5) Fly a kite within a natural area.
- (6) Operate a motorized model boat, car, truck, aircraft or other motorized model vehicle in a natural area.
- (7) Launch a model rocket in, onto or over a natural area.
- (8) Bicycle, skateboard or **roller** skate (in-line or otherwise) in a natural area, except upon a roadway or designated trail.
- (9) Knowingly or negligently harass wildlife, or permit or direct a dog, falcon or other animal under one's care or control to harass wildlife, in a natural area, whether or not the same results in injury to such wildlife.
- (10) Remove, destroy, mutilate, modify or deface any building, structure, water control device, fence, gate, notice, sign, survey or section marker, tree, shrub or other plant or vegetation, insect, bird or other animal, or any other object, in a natural area, except during site clean-up activities, when taking fish in a manner otherwise permitted under this Article, or as specifically allowed by permit issued pursuant to §§ 23-193 and 23-194.
- (11) Possess or consume in a natural area any alcoholic beverage or possess any container, whether open or unopened, that contains or has been used to contain any alcoholic beverage.
- (12) Fish in a natural area without a valid license as required by the State of Colorado through Colorado Parks and Wildlife, or in violation of any requirements of Colorado Parks and Wildlife, or possess a fish taken in violation thereof.

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- (13) Leave any fire unattended in a natural area.
 - (14) Operate any ~~boat~~ vessel in waters within a natural area unless the ~~boat~~ vessel contains at least one (1) personal flotation device that is in good and serviceable condition and of a type approved for recreational use by the United States Coast Guard for each person on board. Any such use must also be consistent with Paragraph (d)(2) below.
 - (15) Ride a horse, bicycle, skateboard or other means of conveyance, or skate, in a reckless or unsafe manner in a natural area.
 - (16) Violate the following in any natural area:
 - a. Division 5 of Chapter 4, regarding control of animals;
 - b. Chapter 9, regarding fire prevention and protection;
 - c. Chapter 11, regarding hazardous materials transportation;
 - d. Section 12-37, prohibiting tampering with refuse or rubbish containers;
 - e. Chapter 17, regarding miscellaneous offenses, including, without limitation, the discharge of weapons, trespass, loitering, disturbing the peace and the transfer or display of marijuana; and
 - f. Chapter 23.5, regarding special events.
 - (17) Fail to comply with any posted yield, right-of-way or other trail use requirement on a trail subject to the provisions of this Article.
 - (18) Violate any term, condition or requirement of any permit issued pursuant to this Article.
- (b) Unless a sign has been posted by the Service Unit that the particular natural area or a portion thereof is open for such use, it shall be unlawful to:
- (1) Walk, ice skate or otherwise Enter upon the ice of any waters of a natural area.
 - (2) Swim, wade or otherwise enter into any waters of a natural area, or allow any pet animal or any riding or pack animal to do so.
 - (3) Sled, snow tube, downhill ski or snowboard in a natural area.
 - (4) Ride a horse in a natural area, other than on or within ten (10) feet of a designated trail, except to the extent unavoidable circumstances require that a horse be ridden beyond this ten-foot limit briefly to avoid imminent danger to other persons.
 - (5) Climb rocks or boulders with or without ropes, fixtures or other apparatus.
 - (6) Kick, hit or throw a flying disc, ball or boomerang in, onto or over a natural area, except within a fenced area designated and posted to allow dogs off-leash.
 - (7) Affix to any object or use an affixed rope, line, or other similar equipment for the purposes of walking, jumping, crawling, sitting, lying, or balancing along a suspended or partially suspended plane between two objects.
- (c) It shall be unlawful to engage in any activity within or upon a natural area when a sign has been posted by the Service Unit that the particular area or a portion of the area is closed for such use, based upon a determination by the Service Unit that such prohibition is appropriate to protect the safety or well-being of persons or animals; the natural area, related facilities or any other City property or facility; the use and enjoyment of said areas or facilities by the general public; the needs and objectives of the City in maintaining and operating the same; and/or the natural environment in general. Specific activities that shall be unlawful when posted as prohibited by a sign include (but are not limited to):
- (1) Entering upon any natural area that has been closed due to wet or muddy conditions.
 - (2) Entering upon any natural area with a dog, horse or other animal.

(3) Leaving any marked or designated trail in any natural area designated as trail-only access.

(4) Entering upon any area that is closed to protect natural vegetation, wildlife, restoration, other resource protection efforts or safety issues.

(d) Except as authorized by a permit obtained for such use from the Service Area, it shall be unlawful to:

- (1) Enter or remain upon a natural area during the hours of 11:00 p.m. to 5:00 a.m., or between dusk and dawn at properties signed and posted except:
 - a. As otherwise permitted by a sign posted by the Service Unit opening or closing the particular area or a portion of the area for public use for a specified time or during specified hours; or
 - b. As necessary to participate as a registered or otherwise officially recognized participant in a City-sponsored or permitted event in a natural area.
- (2) Operate a motorized ~~boat~~ vessel, other than one with a wakeless, electric trolling motor in a natural area.
- (3) Land or launch in a natural area, or fly lower than five hundred (500) feet above a natural area, any type of aircraft, including hot air balloons and hang gliders, except within takeoff or landing airways of a commercial airport or in emergency situations.
- (4) Remove, disturb or damage any archaeological, geological or paleontological materials from a natural area.
- (5) Remove from a natural area downed trees, logs or groupings of branches or sticks, or disturb or damage any of the same.
- (6) Collect seeds, plants or cuttings of trees, shrubs, vines, grasses, wildflowers or other plants in a natural area, or otherwise remove the same from a natural area.
- (7) Plant trees, shrubs, vines, grasses, wildflowers or other plants in a natural area.
- (8) Construct a structure or pitch a tent in a natural area. For purposes of this section, daytime use of a sun shelter erected and used for a few hours and removed before dusk for recreational purposes, shall not be considered a tent.
- (9) Build a campfire, bonfire or other fire in a natural area.
- (10) Allow livestock to graze in a natural area.
- (11) Feed, or attempt to feed, songbirds, squirrels, ducks, geese or any other wildlife species in a natural area.
- (12) Post a notice or sign, including fastening, displaying or depositing cards, posters or other written materials in a natural area, or to erect a display in a natural area, unless such items are incidental to another ongoing permitted activity and are specifically authorized by the permit for such activity.
- (13) Conduct or sponsor a group event in a natural area.
- (14) Perform a service for commercial gain or sell or offer to sell any item for commercial gain in a natural area.
- (15) Deposit rocks, wood, dirt or any other material in a natural area.
- (16) Release or otherwise introduce into a natural area an insect, bird or other animal.
- (17) Deposit or scatter in a natural area cremated remains of any human or animal origin.
- (18) Operate or park a motor vehicle or other motorized means of conveyance anywhere in a natural area other than on established roadways and in designated parking areas, with the following exceptions:

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- a. Class 1 and Class 2 electrical assisted bicycles, as defined in Section 2002(12) of the Fort Collins Traffic Code, are allowed within natural areas, on paved, designated trails only, unless prohibited by signs;
 - b. a motorized wheelchair may be used by any person with a temporary or permanent mobility disability anywhere in a natural area that public access is allowed; and
 - c. an other power-driven mobility device may be used in a natural area by any person with a temporary or permanent mobility disability, in accordance with City regulations regarding such use of other power-driven mobility devices.
- (19) Camp in a natural area.
- (20) Possess in a natural area any gun, pistol, crossbow, bow and arrow, slingshot or other firearm or weapon whatsoever, including BB guns or pellet or paintball guns, except as permitted by a City-issued or other lawfully issued permit. Discharge of any such firearm or weapon shall be prohibited, except in a natural area as expressly permitted by a City-issued hunting permit.
- (21) Hunt or take by any means any animal within in a Natural Area or, when hunting is permitted, to violate any state laws, rules or regulations regarding hunting.
- (22) Use, or allow use of, on the waters in any Natural Area (excluding the Poudre River), any floating mats, air mattresses, inner tubes, air inflated devices, rubber rafts with less than two (2) air chambers or other flotation device that is not included in the definition of "vessel".
- (e) ~~Research or public safety related training activities~~ involving any of the activities prohibited in this Article, ~~or public safety related training activities conducted by a public safety agency involving any of the activities prohibited in this Article,~~ including ~~without limitation~~ the training of search and rescue dogs off-leash, may be authorized by the Service Unit by permit in accordance with the procedures and standards set forth in § 23-194.
- (f) Any person who violates a provision of subsections (c)(1) or (c)(2) of this § 23-193 is guilty of a civil infraction punishable by a fine in accordance with § 1-15(f). Any person who violates subsections (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), (a)(12), (a)(14), (a)(17), (b), (d)(2), (d)(3), (d)(5), (d)(11), (d)(12), or (d)(16) of this § 23-193 is guilty of a petty offense punishable by a fine in accordance with § 1-15(h). Any person who violates any other subsection of this § 23-193 commits a misdemeanor punishable by a fine or jail in accordance with § 1-15(a).
- (g) Any person who violates subsection (a)(16) of this § 23-193 shall be guilty of the level of offense applicable to the underlying violation.

Sec. 23-194. Natural areas permit process.

- (a) Any person or organization seeking a permit for the purposes set forth in this Article shall apply for a natural area permit by filing a verified application with the Service Unit on a form supplied by the Service Unit, except that permit applications for which a routine permit process has been established by the Director under § 23-195 below shall be governed by and processed in accordance with the routine permit process. A fully completed application must be filed with the Director not less than twenty-one (21) business days nor more than ninety (90) business days before the date on which a permitted activity is to commence; provided, however, that the Service Unit may accept and process an application that is filed after the filing deadline if, in the judgment of the Director, there are sufficient time and sufficient resources for the Service Unit to process and investigate the application and make any preparations necessary for the activity.
- (b) The Director shall approve, conditionally approve or deny an application on the grounds set forth in this Subsection, and the Director's action and the basis therefor shall be stated in a written notice to the applicant, no later than fifteen (15) business days after receipt of a fully completed application. The Director may deny any application or impose any reasonable permit conditions or requirements upon the approval of the same in order to protect the safety or well-being of persons or animals; the natural area, related facilities or any other

City property or facility; the use and enjoyment of said areas or facilities by the general public; the needs and objectives of the City in maintaining and operating the same; and/or the natural environment in general.

- (c) A permit decision by the Director under Subsection (b) above may be appealed to the City Manager pursuant to the appeals procedure set forth in Article VI of Chapter 2 of this Code. If a permit is denied for an activity or event consisting of speech or other expressive conduct that may be protected by the First Amendment to the United States Constitution, the permit applicant shall have the right to seek immediate judicial review of such denial without first appealing such denial to the City Manager.

Sec. 23-195. Routine permit processes.

The Director may establish an alternative permit process for any activity specified in Subsection 23-193(d) that is subject to standardized requirements and conditions, including but not limited to issuance of hunting permits in a natural area through a lottery system. Issuance of a permit under any such routine permit process shall be on a first-come, first-served basis, or first-drawn basis when a lottery system is used to determine recipients of a limited number of permits. A routine permit process for an activity such as camping may utilize an on-site system located at the permitted camping area. In connection with and as a condition of any routine permit process, the payment of an administrative fee may be required by the City Manager pursuant to Chapter 7.5 of this Code.

Secs. 23-196—23-200. Reserved.