

Proposed Natural Area Municipal Code Changes

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Purpose of Code Changes

The reasoning behind updating the Fort Collins Municipal Code in reference to Natural Areas is to further protect the natural resources of the city in an ever-evolving environment; while also closing loopholes and allowing for appropriate enforcement actions for violations in partnership with the City Attorney's Office.

- Anything **highlighted** is new

Regulation Infraction levels 1-15(a-h)

- Civil Infraction – Option to appear in court or pay the fine. Fine schedule \$100-\$300 typical, Maximum \$3,000. Fail to pay or appear in court goes to collections.
 - 3 of the same infraction within 12 months can be charged as a misdemeanor
- Petty Offense – Court Appearance Only. Maximum fine \$3,000 (no possibility of jail). Warrant for failure to appear in court.
- Misdemeanor – Court Appearance Only. Maximum fine \$3,000 or 180 days in jail. Warrant for failure to appear in court.

Combined Citation and Warning Totals

Violation	2018	2019	2020	2021
23-193(c)	134	145	130	226
Animal at Large	125	162	178	193
Camp in a NA	88	70	75	31*
Alcohol in a NA	32	35	90	45
Fishing w/o a license	31	26	16	24
Cordial Contacts	3503	3619	3923	4107

* Direction from City Attorney's Office to stop issuing "camping citations" in 2021-current





New Definitions



Hunt

- *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.
- Same legal definition used in the Colorado Revised Statutes
- Same legal definition used by Colorado Parks and Wildlife

Natural Area

- *Natural area* shall mean any area designated and posted by the City as a City natural area whether open or closed to access and use by the public, or outside the City limits 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.
- Cleaning up verbiage for enforcement capabilities
- Clarifying sites like Prairie Dog Meadows that only have a single trail and are otherwise closed to the public.

Natural Area

- 31-25-216. Cities control park grounds outside limits. (1) In all cases where any city, or any city or city and county organized under a special charter or created under the state constitution, has acquired lands outside its municipal limits for parks, parkways, boulevards, or roads, said city or city and county has full police power and jurisdiction and full municipal control and full power and authority in the management, control, improvement, and maintenance of and over any such lands so acquired. It has power and authority to provide by ordinance for the regulation and control of its lands so acquired, to prevent the commission of any acts which are or may be declared unlawful pursuant to the provisions of this part 2, and to prosecute and punish the violation of any ordinances in its municipal courts. Such city or city and county also has like power and jurisdiction to prevent pollution of the water in all reservoirs, streams, and pipes which may be included within any such parks, parkways, boulevards, or roads and over the stream or source from which such water is taken as far as ten miles above the point from which it is diverted. Such city or city and county has like power and jurisdiction to regulate and prevent the erection, construction, and maintenance, within three hundred feet of any such park, parkway, boulevard, or road outside its municipal limits, of any advertisement or of any billboard or other structure for advertisements. Such city or city and county also has like power and jurisdiction over the use of any public roads, boulevards, or parkways within such parks and running over or through or between such lands and any public roads, boulevards, or parkways between any such park or pleasure ground and its municipal boundaries and not included within the municipal limits of any incorporated city or town.

Public Safety Agency

- *Public safety agency* shall mean an agency providing law enforcement, fire protection, emergency medical, emergency response or search and rescue services.
- Specifying those that can apply for certain permits (i.e. search and rescue dog training vs general dog training)

Vessel

- *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.
- Same legal definition used in the Colorado Revised Statutes
- Current codes reference “Boat” but there is no legal definition of what a boat is.



Updated Regulations



23-193(a)

- It shall be unlawful to:

23-193(a)(8)

- Bicycle, skateboard or **roller** skate (in-line or otherwise) in a natural area, except upon a roadway or designated trail.
- Addition of the term *roller* to solidify the difference between this regulation and another that pertains to *ice* skating.

23-193(a)(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.
- Replacing *boat* with the updated term *vessel*

23-193(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:

23-193(b)(1)

- Walk, ice skate or otherwise Eenter upon the ice of any waters of a natural area.
- Additional clarification about what can be done. Also clearing up confusion with aforementioned change in 23-193(a)(8).

23-193(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):**
- Allows for better tracking of offenses

23-193(c)(1)

- Entering upon any natural area that has been closed due to wet or muddy conditions.
- Specific charge for entering a property during a wet and muddy closure (i.e. Maxwell, etc..)
- Will be a Civil Citation in line with Dog Off Leash charge allowing parties to pay without a mandatory court appearance.
- One of our most cited offenses.
- If major damage is done to the trail can be used in conjunction with 23-193(a)(10).

23-193(c)(2)

- Entering upon any natural area with a dog, horse or other animal.
- Only applies to NA's that restrict animal access (i.e. Coyote Ridge not allowing dogs, etc...)
- Will be a Civil Citation in line with Dog Off Leash charge allowing parties to pay without a mandatory court appearance.

23-193(c)(3)

- Leaving any marked or designated trail in any natural area designated as trail-only access.
- Specific to NA's that are designated as "On Trail Only" (i.e. Reservoir Ridge, etc...)
- Will remain a mandatory court appearance charge.

23-193(c)(4)

- Entering upon any area that is designated as closed.
- Designed for temporary or non-permanent closures and restrictions (i.e. closures for fire or weed mitigation operations, etc...)
- Will remain a mandatory court appearance charge.

23-193(d)

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

23-193(d)(1)

- Enter or remain upon a natural area during the hours of 11:00 p.m. to 5:00 a.m., or during the time from one-half hour after sunset to one-half hour before sunrise at properties where the Service Unit has posted a sign designating the property as open from dawn to dusk except:
- Closing a loop-hole in the verbiage restricting use after hours.

23-193(d)(2)

- Operate a motorized ~~boat~~ vessel, other than one with a wakeless, electric trolling motor in a natural area.
- Changing boat to vessel

23-193(d)(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.
- Allows rangers to cite and enforce for Hunting in any Natural Area as well as enforce all CPW hunting regulations on Natural Area properties during legal hunts (i.e. Pronghorn at Soapstone).
- There was a deer poached at Bobcat Ridge last fall and CPW couldn't cite as Natural Areas are technically public property.
- Will have an increased fine schedule from City Attorneys Office and Mandatory Court Appearance.

23-193(d)(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”.
- Natural Area waters (i.e. Arapaho Bend and Pineridge) are seeing increased pressure from water based recreation due to crowding at Horsetooth Reservoir.
- The above devices do NOT meet the definition of a *Vessel*
- Natural Area waters are not tested and cannot be used as “swim beaches”

23-193(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.
- Updated language from City Attorney's Office

23-193(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).



Questions?

