

ORDINANCE NO. 110, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IX OF CHAPTER 23 OF THE CODE OF THE CITY OF
FORT COLLINS REGARDING NATURAL AREAS

WHEREAS, in 1999 the City Council adopted Ordinance No. 027, 1999, enacting certain requirements and regulations related to the use by the general public of the City's natural areas, codified in Chapter 23, Article IX of the City Code; and

WHEREAS, those Code provisions have since been updated periodically to address and clarify points of concern or new issues related to the public's use of the City's natural areas; and

WHEREAS, in 2021 Natural Areas staff, working with the City Attorney's Office, began a comprehensive review of the Natural Areas provisions of the City Code to identify disparities between the existing regulations and staff's management and enforcement goals and draft amendments to those provisions; and

WHEREAS, staff's recommended amendments include adding or clarifying several defined terms, clarifying several existing regulations, creating six new specific violations, and designating two of the new violations as civil infractions (all other Natural Areas violations are either petty offenses or misdemeanors); and

WHEREAS, at its regular meeting on August 10, 2022, the Land Conservation and Stewardship Board voted unanimously to recommend approval of the proposed amendments; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City, and are necessary for the health, safety and welfare of the City's residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 23-192 of the Code of the City of Fort Collins is hereby amended to read as follows:

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:

...

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.

...

Natural area shall mean any area designated and posted by the City as a City natural area, ~~whether either~~ within or without the City limits, 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, and shall include any trails to the extent the same are within the boundaries of a natural area.

...

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

...

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.

...

Section 3. That Section 23-193 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-193. Prohibited acts; permits.

(a) It shall be unlawful to:

...

(8) Bicycle, skateboard or roller skate (in-line or otherwise) in a natural area, except upon a roadway or designated trail.

...

(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.

...

(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.

...

(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 designated as closed.

(d) Except as authorized by a permit obtained for such use from the Service Area Unit, 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 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:

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.

...

(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).

...

Introduced, considered favorably on first reading and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk