

ORDINANCE No. 2019-1

Corrected

AN ORDINANCE OF KIOWA COUNTY, COLORADO ADOPTING REGULATIONS FOR THE REGULATION AND CONTROL OF KIOWA COUNTY, COLORADO PARKS, PUBLIC LANDS, AND PUBLIC FACILITIES.

WHEREAS, the Colorado Revised Statutes, §30-11-101(2), C.R.S. provides that "Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise provided by law."; and

WHEREAS, the Board of County Commissioners for Kiowa County, Colorado (the "Board"), has the authority pursuant to §§18-9-117(1)(e) and 30-11-107(1), C.R.S., to adopt rules and regulations for the regulation and control of Kiowa County Parks, Public Lands and Public Facilities; and

WHEREAS, pursuant to §30-11-101(2), 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 Ordinance establishing consolidated Rules and Regulations for Kiowa County Parks, Public Lands and Public Facilities; and

WHEREAS, pursuant to §30-10-501, *et seq.*, C.R.S., Kiowa County, Colorado has the authority to designate the Kiowa County Sheriff to enforce the rules and regulations adopted by Kiowa County to control and regulate the use of Kiowa County Parks, Lands and Facilities by issuance of summons and complaint or penalty assessment; now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY, COLORADO by that Kiowa County land and facilities rules and regulations are promulgated and adopted as follows:

ARTICLE I

DEFINITIONS

1.1 "Park" or "Public Lands" or "Public Facilities" 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 Kiowa County that are managed or administered by Kiowa County.

1.2 "Open Space" shall mean, wherever used in these rules and regulations: (a) any Park, Public Lands or Facilities that Kiowa County owns in fee; and (b) all trails, waters, buildings, structures, roads, parking lots or facilities located on such Park, Public Lands or Public Facilities.

1.3 "Law Enforcement Officers" shall mean the Sheriff, Undersheriff, and his deputies

1.4 ."County Official" shall mean a designee by the Board.

ARTICLE II

GENERAL PROVISIONS

2.1 GENERAL PURPOSE. To regulate and control lands and facilities, owned and/or operated by Kiowa County, Colorado ("Kiowa County") by adopting the rules and regulations listed herein.

2.2 ENFORCEMENT. This Ordinance shall be enforced by the Law Enforcement Officers for Kiowa County.

2.3 VIOLATION. It shall be unlawful for any person to violate any provision of these rules and Regulations in or on any Kiowa County Park, Public Lands or Public Facilities.

2.4 PENALTIES. Any person who violates any of these rules and regulations in or on any Kiowa County lands or facilities 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.

2.5 SCOPE. These rules and regulations shall apply to all Kiowa County-owned or operated lands and facilities within Kiowa County, Colorado. These rules and regulations shall in no way limit application and enforcement of any resolution, ordinance, or lawful order of Kiowa County, any municipality located within Kiowa County, or the statutes of the State of Colorado, but shall be in addition thereto.

2.6 DISPOSITION OF FINES. All fines and forfeitures for the violation of these rules and regulations and all monies collected by Kiowa County for violation thereof shall be paid to the Kiowa County Treasurer.

2.7 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 ordinance, these rules and regulations, and each part or parts thereof, irrespective of the fact that any one part or parts are declared invalid.

ARTICLE III

PROHIBITIONS

3.1 It shall be unlawful, unless otherwise approved in writing by the Board of Commissioners for Kiowa County, Colorado, for any person:

(a) To enter, use or occupy any Park or Public 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, fence, sign, marker, rock, vegetation, or other object located on Parks or Public 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 Public Lands without written permission from the Board of County Commissioners for Kiowa County, Colorado;

(iii) To excavate, dig, or disturb the ground of any Park or Public Lands, including but not limited to any rock, soil, sediment or vegetable matter without the written permission of the Board of County Commissioners for Kiowa County, Colorado.

(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 Public 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 Public Lands except when deposited in designated receptacles;

(iii) To use County-owned trash receptacles at the park for depositing large quantities of personal, residential, or commercial trash.

(d) (i) To build, start, or light any fire of any nature on any Park or Public 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 Public Lands at any time that a resolution banning such fires due to fire danger in Kiowa County;

(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 Public Lands

(iv) To collect firewood on any Park or Public Lands, except with the written permission of the Board of County Commissioners for Kiowa County, Colorado.

(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 Public Lands except:

(a) In designated areas where hunting is allowed by written permission from the Board of County Commissioners for Kiowa County, Colorado in accordance with rules and regulations administered by the Colorado Division of Wildlife; or

(b) With written permission from the Board of County Commissioners for Kiowa County, Colorado and approval from Colorado Department of Wildlife 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 Public Lands;

(iii) To relocate or release animals, fish, birds, or insects onto any Park or Public Lands without the written permission of the Board of County Commissioners for Kiowa County, Colorado and approval from Colorado Department of Wildlife.

(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 Public 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 Public 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 Public Lands;

(iv) To ignite or launch any model rocket or any Park or Public Lands;

(v) To use, ignite, or fire any fireworks or explosives, on any Park or Public Lands, except in designated areas when authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.

(g) (i) To operate any motorized vehicle on any Park or Public Lands, except on designated roadways and parking lots, which are open to public use. Emergency, maintenance, and patrol vehicles are specifically excepted;

(ii) To operate without written authorization by the Board of County Commissioners for Kiowa County, Colorado, a motorized vehicle upon any roadway located on Park or Public Lands that is designated as a "service road."

(h) To park vehicles or trailers on any Parks or Public 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 Public Lands, except if authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.

(j) To enter, use or occupy Park and Public Lands between the hours of 10:00 p.m. and 5:00 a.m., except when such entry, use or occupancy is authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.

(k) (i) To molest, harm, chase or otherwise harass any livestock on any Park or Public lands;

(ii) To allow domestic pets to molest, harm, chase or otherwise livestock upon any Park or Public Lands;

(iii) To turn livestock onto or to negligently or intentionally allow livestock to graze upon any Park or Public Lands without written permission of the Board of County Commissioners for Kiowa County, Colorado.

(l) To conduct any commercial activity, or provide any service, product or activity for which a fee is charged, on any Park or Public Lands, except when such activity is authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.

(m) (i) To fail to restrain any dog, cat, horse, or other domestic animal 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, on any Park or Public Lands except in designated areas;

(ii) To leave unattended on any Park or Public Lands any dog, cat, horse, or other domestic animal that one owns or that is in one's custody, care, or control.

(n) For any person to consume any alcoholic beverage, on any Park or Public Lands or in any Public Facility except when authorized by the Board of County Commissioners for Kiowa County, Colorado.

(m) To interfere or attempt to interfere with any Kiowa County official, volunteer or sheriff personnel 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.

ARTICLE IV

ADDITIONAL PROVISIONS

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

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

4.3 Organized events for recreational, athletic, social, training, or educational purposes are allowed only express authorization of the Board of County Commissioners for Kiowa County, Colorado.

4.4 Any person entering any Park or Public Lands accepts full responsibility of any and all risks that may be present or may develop during their presence on such lands.

INTRODUCED, READ AND ADOPTED ON FIRST READING on July 25, 2019 and ordered published in the Kiowa County Independent.

ATTEST:

Delisa Weeks, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS

KIOWA COUNTY, COLORADO

Richard Scott, Chairman

Howard "Butch" Robertson

Donald Oswald