

Weld County

HOME

CHAPTER 17: Public Places

MS WORD

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ARTICLE III

Public Trails

Sec. 17-3-10. Purpose.

The Board of County Commissioners, pursuant to Section 29-7-101(2), C.R.S., as amended, hereby promulgates rules and regulations to control the activities by the public on rights-of-way for conveyance by nonmotorized vehicles and pedestrians, commonly known as *trails*. The prohibitions and regulations in this Article shall apply to activities by the public in park facilities owned by the County. (Weld County Codification Ordinance 2000-1)

Sec. 17-3-20. Application; jurisdiction; procedure.

The regulations contained in this Article shall apply to and be enforceable on all trails owned and operated by the County, by and through the Board of County Commissioners. It shall be the duty of the Sheriff to enforce the regulations. The County Court shall have jurisdiction in prosecutions of violations of the regulations. Simplified County Court Procedures, as set forth in Section 16-2-101 et seq., C.R.S., shall be applicable to prosecutions of violations of the regulations contained in this Article. Any summons and complaint brought in the County Court for violation of any of the regulations set forth herein shall be filed in the name of the County of Weld, by and on behalf of the People of the State of Colorado, with all process issued from the County Court likewise denominated. The County Attorney shall be empowered to enforce the regulations and to appear and prosecute for the County of Weld by and in the name of the People of the State of Colorado, in any proceeding in the County Court involving a violation of the regulations contained in this Article. (Weld County Codification Ordinance 2000-1)

Sec. 17-3-30. Definitions.

Unless specifically stated otherwise, the following words have the following definitions in this Article:

Designated parking areas means those areas adjacent to a trail which have been designated for the parking of motor vehicles, as set forth in posted signs.

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

Motorized vehicle means any self-propelled vehicle which is generally and commonly used to transport persons and property. The term shall include, but is not limited to, any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed

primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. The term does not include the following: authorized emergency vehicles, as defined by Section 42-1-102(6), C.R.S.; authorized service vehicles, as defined by Section 42-1-102(7), C.R.S.; wheelchairs, as defined by Section 42-1-102(113), C.R.S.; or vehicles moved solely by human power.

Overnight camping means the use of a trail for the purpose of overnight occupancy without a permanently fixed structure.

Public property means all property, real and/or personal, which is owned, controlled or in the possession of the County.

Trail means the entire real property located within the boundaries of the designated trail owned and operated by the County, including all improvements located thereon.

Sec. 17-3-40. Prohibited acts.

The following conduct and acts are prohibited. If any of the regulations set forth within this Section conflict with any other applicable law or regulation, the more stringent requirement shall control.

A. Overnight camping: To overnight camp on a trail or on properties adjacent to and within twenty (20) feet thereof.

B. Curfew: To use a trail in any manner from one-half (½) hour after dusk to one-half (½) hour before dawn.

C. Vehicles:

1. To operate any motorized vehicle on a trail.

2. While using a trail, to park any motorized vehicle in other than a designated parking area.

D. Firearms: To discharge any firearm or weapon of any kind, including, but not limited to, rifles, handguns, shotguns, BB guns, pellet guns, longbows, crossbows or other deadly weapons or firearms as defined by Section 18-1-901(3)(e) and (h), C.R.S., from, on or across any trail or designated parking area.

E. Fireworks: To discharge any types of fireworks, sparklers or explosive or incendiary devices as defined by Section 18-12-109(1)(a), C.R.S., from, on or across any trail or designated parking area.

F. Sanitation:

1. To leave human or animal waste, waste water, cans, bottles, plastic or paper cartons or other litter of any type on a trail or on adjacent lands, other than in designated trash and waste containers and/or receptacles.

2. To use trash containers and/or receptacles provided for public use for dumping household and/or commercial trash brought from outside a trail.

G. Dogs and other animals:

1. To bring or allow dogs or other animals not under physical control onto a trail. *Physical control* means the use of a leash, which may not exceed five (5) feet in length. As used in this Section, the term *other animals* does not include horses.

2. To allow dogs and other animals to create a nuisance, noise or disturbance.

3. To knowingly or negligently allow or direct a dog which one owns or which is under one's control to harass people or other animals, whether or not such persons or animals are injured by such dog.

4. To bring or allow horses onto a trail, except those areas posted for use by horses, and except for mounted police and posse.

H. Destruction of public property: To remove, destroy, mutilate, modify or deface any building, structure, water control device, fence, gate, sign, notice, survey or section marker, tree, shrub or other plant vegetation, or any other item of public property on a trail or a designated parking area.

I. Disorderly conduct: To knowingly or recklessly, on a trail or a designated parking area, make a coarse and obvious offensive utterance, gesture or display of abuse, threaten a person in an obviously offensive manner, make an unreasonable noise, fight with another, discharge a firearm, or display a deadly weapon in a manner calculated to alarm.

J. Commercial use: To use a trail for any commercial purpose whatsoever without the express written consent of the Board of County Commissioners.

K. Use restrictions:

1. To enter, use or occupy a trail which is posted against such entry, use or occupancy.

2. To use any portion of a trail for other than its intended purposes. This prohibition includes, without limitation, walking or sitting on, or jumping or fishing from, bridge guardrails.

3. To deliberately disobey regulatory signs on a trail.

4. To loiter on a trail or a designated parking area, as that term is defined in Section 18-9-112, C.R.S.

L. Fires: To burn fires on a trail without the express written consent of the Board of County Commissioners.

M. Alcohol: To consume alcoholic beverages on a trail or designated parking area.

N. Miscellaneous:

1. To collect seeds, plants or cuttings of trees, shrubs, vines, grasses, wildflowers or other plants from a trail or adjacent properties.

2. To fly a model airplane over or launch a model rocket from a trail.

3. To drive, hit or throw golf balls onto or from a trail.

4. To post a notice, including fastening or showing cards, posters or other materials.

5. To knowingly or negligently allow or direct a minor child to engage in conduct or acts which are prohibited herein. (Weld County Codification Ordinance 2000-1)

Sec. 17-3-50. Violations and penalties.

A. Any violation of this Article is a Class 2 petty offense punishable, upon conviction, by mandatory fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) upon a first conviction, by mandatory fine not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) upon a second conviction, and by a mandatory fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) upon a third or subsequent conviction.

B. It is at the discretion of the Court, upon the conviction of any person and the imposition of fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person perform community service work at a time and in a manner prescribed by and at a place within the jurisdiction of the Court, for not less than eight (8) hours upon a first conviction or for not less than sixteen (16) hours upon a second or subsequent conviction.

Sec. 17-3-60. Penalty assessment and schedule.

Notwithstanding the provisions of Section 17-3-50 above, the person charged with one (1) or more of the violations of this Article shall have the option of paying the below-specified penalty assessments therefor to the County Treasurer in lieu of further proceedings or defense of such violation in Court or of appearing in Court to defend such charge. If such person elects to appear in Court, said person should be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided in Section 17-3-50 above, if found guilty of such charges. In the event a person wants to pay the prescribed penalty assessment as permitted herein, such payment shall constitute an acknowledgment of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation. Upon accepting the prescribed penalty assessment, the County Treasurer shall issue a receipt to the violator acknowledging payment thereof. The penalty assessment which may be accepted and paid by the violator under the privileges of this Section shall be as follows:

<i>Offense Number</i>	<i>Fine Imposed</i>
First Offense	\$ 25.00
Second Offense	50.00
Third Offense	100.00
Four or More Offenses	The penalty assessment shall not apply and the violator shall be prosecuted under the provisions of Section 17-3-50 above, upon the issuance of a Summons to Appear.

(Weld County Codification Ordinance 2000-1)

Sec. 17-3-70. Temporary closure.

The Board of County Commissioners may, by resolution, order the temporary closure of a trail subject to the Board's ownership and/or control. Said closure shall be strictly at the discretion of the Board. The Board of County Commissioners may also, by resolution, delegate to a Department Director of the County and/or the Sheriff the discretion to close a trail for reasons such as emergency, public safety or maintenance, for periods of time up to seventy-two (72) hours in length, without obtaining the prior approval of the Board.

Sec. 17-3-80. Nonliability.

The Sheriff, the Board of County Commissioners, their assistants, attorneys and employees, and any person enforcing the provisions of this Article as designated by the Board of County Commissioners, shall not be held responsible for any accident, injury or subsequent disease, of whatever kind or character, which may occur in connection with the administration of this Article. No portion of this Article shall be deemed to constitute a waiver of any immunities which the Sheriff, the Board of County Commissioners, their assistants and employees may possess, nor shall any portion of this Article be deemed to have created a duty of care with respect to any person. (Weld County Codification Ordinance 2000-1)