

# AGENDA ITEM SUMMARY

November 20, 2018

City Council

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## STAFF

Rick Bachand, Environmental Program Manager  
Mike Calhoon, Parks Supervisor  
Jody Hurst, Legal

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## SUBJECT

Second Reading of Ordinance No. 130, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Regarding Parks, Trails, Recreation, and Natural Areas.

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 6, 2018, updates a number of provisions within Chapter 23, Articles IX (Natural Areas) and X (Parks) of the City Code. The Code changes are intended to more accurately reflect the current practices and procedures of the Natural Areas and Parks Departments. Various provisions are covered in these changes including permit processes, slacklining, structures, and updating definitions to reflect the City's current organizational chart.

This Ordinance has been amended on Second Reading to reflect the proper name "Colorado Parks and Wildlife" and correct a minor error in the Code language of Section 4.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## ATTACHMENTS

1. First Reading Agenda Item Summary, November 6, 2018 (w/o attachments) (PDF)

# AGENDA ITEM SUMMARY

City Council

November 6, 2018

## STAFF

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Rick Bachand, Environmental Program Manager  
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## SUBJECT

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First Reading of Ordinance No. 130, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Regarding Parks, Trails, Recreation, and Natural Areas.

## EXECUTIVE SUMMARY

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The purpose of this item is to update a number of provisions within Chapter 23, Articles IX (Natural Areas) and X (Parks) of the City Code. The Code changes are intended to more accurately reflect the current practices and procedures of the Natural Areas and Parks Departments. Various provisions are covered in these changes including permit processes, slacklining, structures, and updating definitions to reflect the City's current organizational chart.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

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City Code Articles IX and X of Chapter 23 (Public Property) establish prohibitions and outline the special use permit systems for natural areas and parks, trails and recreation areas. The recommended Code changes will ensure consistency between the Natural Areas and Parks Departments where similar or overlapping regulations are present.

Various recreation activities have become more popular including slacklining. These updated provisions clarify that these activities are subject to regulation by the City in Parks and Natural Areas under the administration of the respective Department Director.

The proposed Code changes will:

- Transfer authority to issue special permits from the Service Area Director to the Natural Areas and Parks Directors;
- Update the name of the "Colorado Division of Wildlife" to its current name "Colorado Parks and Wildlife Division";
- Clarify that ropes, hammocks, slacklines or other equipment may not be used in Natural Areas or Parks unless otherwise permitted;
  - Wikipedia describes slacklining as "the act of walking or balancing along a suspended length of flat webbing that is tensioned between two anchors. Slacklining is similar to slack rope walking and tightrope walking".
- Clarify that tents (with the exception of a temporary shadecloth or sunshelter which may be erected during daylight hours in areas open for recreational use) are considered a "structure" that may not be erected without permission.

**CITY FINANCIAL IMPACTS**

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No financial impact is expected with the recommended Code changes.

**BOARD / COMMISSION RECOMMENDATION**

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At its May 10, 2017, meeting, the Land Conservation and Stewardship Board voted 8-1 to recommend approval of the changes to Chapter 23, Article IX of City Code as proposed.

**PUBLIC OUTREACH**

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Public outreach was not conducted as the recommended Code changes largely reflect administrative changes and updates.

**ATTACHMENTS**

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1. Land Conservation and Stewardship Board, May 2017 Minutes (PDF)

COPY

ORDINANCE NO. 130, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF FORT COLLINS  
REGARDING PARKS, TRAILS, RECREATION, AND 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, in 1999, the City Council adopted Ordinance No. 028, 1999, enacting certain requirements and regulations related to the use by the general public of the City's parks, trails, and recreation areas, codified in Chapter 23, Article X; and

WHEREAS, both sections of Code have subsequently been updated to address and clarify points of concern related to use by the general public of the City's parks, trails, recreation, and natural areas; and

WHEREAS, City staff has identified several aspects of these provisions to be updated and refined; and

WHEREAS, making these changes to the Code provisions for both natural areas and parks will ensure consistency in how these provisions are administered and enforced; 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 citizens.

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 as follows:

...

*Director* shall mean the Director of the Natural Areas Department.

...

*Service Unit* shall mean the Natural Areas Department.

...

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

**Sec. 23-193. - Prohibited acts; permits.**

(a) It shall be unlawful to:

...

(12) Fish in a natural area without a valid license as required by the **State of Colorado through Colorado** Parks and Wildlife ~~Division~~, or in violation of any requirements of ~~the~~ Colorado Parks and Wildlife ~~Division~~, or possess a fish taken in violation thereof.

...

(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:

...

(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.

...

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

...

(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.

...

Section 4. That Section 23-202 of the Code of the City of Fort Collins is hereby amended as follows:

...

*Director* shall mean the Director of Parks.

...

*Service Unit* shall mean the ~~Natural Areas~~ **Parks** Department.

...

Section 5. That Section 23-203 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 23-203. - Prohibited acts; permits.**

(a) It shall be unlawful to:

...

(9) Fish in a recreation area without a valid license as required by the State of Colorado through Colorado Parks and Wildlife ~~Division~~, or in violation of any requirements of ~~the~~ Colorado Parks and Wildlife ~~Division~~, or possess a fish taken in violation thereof.

...

(b) Unless a sign has been posted by the Service Unit that the particular recreation area or a portion thereof is open for such use, it shall be unlawful to:

...

(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.

...

Introduced, considered favorably on first reading, and ordered published this 6th day of November, A.D. 2018, and to be presented for final passage on the 20th day of November, A.D. 2018.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 20th day of November, A.D. 2018.

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Mayor

ATTEST:

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City Clerk