

**RESOLUTION
BOARD OF DIRECTORS OF THE
ROXBOROUGH VILLAGE METROPOLITAN DISTRICT**

A RESOLUTION ADOPTING THE FIRST AMENDED AND RESTATED RULES AND REGULATIONS FOR ROXBOROUGH VILLAGE METROPOLITAN DISTRICT PARKS AND OPEN SPACE PURSUANT TO SECTION 18-9-117 AND SECTION 32-1-1001, C.R.S.

WHEREAS, the Board of Directors ("**Board**") of Roxborough Village Metropolitan District, a political subdivision of the State of Colorado ("**District**"), has determined that it is in the best interest of the residents of the District to adopt rules and regulations pertaining to the use of the District's parks, trails, facilities, and open space, in order to maintain, preserve, and protect public property and facilities owned and/or operated by the District, and prohibit activities that substantially interfere with the use, enjoyment, protection, and preservation of such public use areas;

WHEREAS, pursuant to Section 32-1-1001(m), C.R.S., the Board is authorized adopt and amend rules, and regulations not in conflict with the constitution and laws of this State for carrying on the business, objectives, and affairs of the Board and of the District;

WHEREAS, pursuant to Section 32-1-1001(n), C.R.S., the District, by and through the Board, is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1 of Title 32 of the Colorado Revised Statutes;

WHEREAS, pursuant to Section 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the District, by and through the Board, may adopt orders, rules, and regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management, or supervision, including preservation of property, vegetation, wildlife, restriction or limitation of the use of its public property, necessary sanitation, health, and safety measures, camping and picnicking, public meeting and other individual or group usages, prohibition of activities or conduct on public property, use of all vehicles, and regulation of fires;

WHEREAS, pursuant to Section 18-9-117(2), C.R.S., such limitations or prohibitions must be prominently posted at all public entrances to such property or notice must first be given by an officer or agency, or by any law enforcement officer having authority to enforce the limitations or prohibitions;

WHEREAS, "**Parks and Open Space**" shall mean all public recreational lands, trails, waters, buildings, structures, roads, parking lots, facilities, and other improvements and property owned and/or operated by the District;

WHEREAS, pursuant to the forgoing authority, on June 21, 2022, the Board adopted *Rules and Regulations For Roxborough Village Metropolitan District Parks And Open Space Pursuant To Section 18-9-117 And Section 32-1-1001, C.R.S. (“2022 Rules and Regulations”)*; and,

WHEREAS, the Board has determined it is in the best interest of the District and the residents it serves to amend and restate the 2022 Rules and Regulations.

NOW, THEREFORE, be it resolved by the Board of Directors of Roxborough Village Metropolitan District that:

Section 1 – 2022 Rules and Regulations Superseded: These First Amended and Restated Rules and Regulations are hereby adopted. These First Amended and Restated Rules and Regulations supersede and replace the 2022 Rules and Regulations, which are void and of no force or effect as of the date the Board adopts this Resolution.

Section 2 – Prohibited Activities: It shall be unlawful for any person to:

- 2.1 Enter, use, or occupy any portion of the Parks and Open Space when the Parks and Open Space are closed to entry, use, or occupancy, including seasonal closures, unless approved in writing by the District Manager or another Board-appointed person.
- 2.2 Remove, destroy, deface, or damage any building, structure, facility, sign, vegetation, rock, or other natural or man-made improvement located within the Parks and Open Space.
- 2.3 Construct, place, or maintain any kind of road, trail, structure, sign, fence, marker, enclosure, communication equipment or other improvement within the Parks and Open Space without the District Manager’s prior written approval. Temporary canopies or shade devices are permitted for daily use; provided, that they are secured, not left unattended, and do not interfere with others’ use and enjoyment of the Parks and Open Space facilities or amenities.
- 2.4 Have any glass container within the Parks and Open Space or depositing or leaving any refuse, trash, litter, household or construction debris, or commercial garbage or trash, including but not limited to brush, lawn trimmings, and Christmas trees, in or upon the Parks and Open Space, except by depositing such refuse, trash, debris, and litter in refuse receptacles specifically designated for such purpose by the District.
- 2.5 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, within any Parks and Open Space at any time when such fires are banned due to fire danger in the District or neighboring areas.
- 2.6 Feed, hunt, trap, catch, molest, take, harass, harm, or kill any wild animal, bird, reptile, or amphibian or disturb their habitat within the Parks and Open Space.
- 2.7 Plant any tree, shrub, plant, or other vegetation without the District Manager’s prior written approval.

- 2.8 Have within the Parks and Open Space any animals except domestic pets (dogs or cats). All domestic pets shall be restrained by means of a leash, cord, rope, or chain that is under the physical control of a person. It is prohibited to allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile, or amphibian within the Parks and Open Space.
 - 2.8.1 To have vicious dogs, as the term is defined in Douglas County Resolution No. R- 998-100 (Control and Licensing of Dogs and Pet Animals), as authorized pursuant to Section 30-15-101(1)(a)(III), C.R.S., within the Parks and Open Space.
 - 2.8.2 To leave any domestic pet unattended within the Parks and Open Space.
 - 2.8.3 For any person who brings a domestic pet into the Parks and Open Space to not pick up and dispose of the animal's excrement in designated refuse receptacles.
- 2.9 Relocate or release animals, fish, birds, or insects within the Parks and Open Space without the District Manager's prior written approval.
- 2.10 Possess, use, cock, aim, or discharge any firearm or any other device capable of discharging a projectile by any means whatsoever, including but not limited to B-B guns, pellet guns, paint ball guns, air guns, slingshots, and wrist rockets, onto or within the Parks and Open Space.
- 2.11 Possess, use, draw, or discharge any archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts onto or within the Parks and Open Space.
- 2.12 Ignite a model rocket within the Parks and Open Space, except for school or organized clubs; provided, they have received the District Manager's prior written approval and they comply with; a) all District Rules and Regulations for Parks and Open Space; b) any additional conditions imposed by the District Manager; c) current Federal Aviation Administration regulations; and d) the safety guidelines of an organization such as the National Association of Rocketry. Model rocketry is prohibited during fire bans.
- 2.13 Launch or operate any Unmanned Aircraft System ("UAS"), including model airplanes and drones, except in accordance with current Federal Aviation Administration regulations and by following the safety guidelines of an organization such as the Academy of Model Aeronautics. Further, it is prohibited to:
 - 2.13.1 Fly a UAS over any person or moving vehicle, within 25 feet of any person, or over areas without a direct line of sight.
 - 2.13.2 Operate a UAS in a careless or reckless manner, or in any way that may cause a nuisance to other persons. Such operation may result in criminal penalties or civil liability.
 - 2.13.3 Engage in any UAS operations during a fire ban.

- 2.14 Use, ignite, or fire any fireworks or explosives, onto or within the Parks and Open Space.
- 2.15 Golf or hit golf balls onto or within the Parks and Open Space.
- 2.16 Park vehicles, trailers, or campers within the Parks and Open Space, except within designated parking lots, and only between the hours of 6:00 a.m. and 10:00 p.m.
- 2.17 Camp within the Parks and Open Space.
- 2.18 Park a semi or other commercial trucks within the Parks and Open Space, or any parking lots within the Parks and Open Space, except for a commercial vehicle that has a valid permit pursuant to the District Food Truck Application and Contract Application.
- 2.19 Enter, use, or occupy the Parks and Open Space between 10:00 p.m. and 6:00 a.m.
- 2.20 Swim, wade, or operate any boat or other flotation device in waters located within the Parks and Open Space, except for authorized personnel maintaining such waters.
- 2.21 Engage in any activity within the Parks and Open Space that unreasonably endangers the health, safety, and welfare of any person, animal, or property.
- 2.22 Engage in disorderly conduct (as defined in Section 18-9-106 (1), C.R.S.) within the Parks and Open Space.
- 2.23 Carry, possess, or consume alcoholic beverages other than for private/personal use only. Any event providing alcoholic beverages must have the District Manager's prior written approval and must: a) have all State and local required licenses and permits for serving alcoholic beverages; and, b) comply with all state and local laws for alcohol possession and consumption. Alcoholic beverages are prohibited on any field or playing surface, including softball fields, soccer fields, tennis courts, basketball courts, volleyball courts, skate parks, or playground areas.
- 2.24 Walk, run, jog, hike, or bicycle within the Parks and Open Space except on a designated trail for such use. Maximum trail speed for bicyclists is 15 mph.
- 2.25 Amplify sound by any means within the Parks and Open Space, without the District Manager's prior written approval.
- 2.26 Build, or place any kind of structure, fence, tree house, rope or swing within the Parks and Open Space. Temporary canopies or shade devices are permitted for daily use; provided, that they are secured, not left unattended, and do not interfere with others' use and enjoyment of the Park or Open space facilities or amenities.
- 2.27 Interfere or attempt to interfere with any authorized law enforcement, County or District personnel or to give false or misleading information with the intent to mislead said persons in the performance of their duties.

- 2.28 Fish without a valid permit, issued by the District Manager.
- 2.29 Engage in a commercial concession enterprise or operation, or request a donation, within the Park or Open Space, except as provided for in the District Food Truck Application and Contract Application. This provision does not prohibit a club or a non-profit or charitable organization from using the Park or Open Space for not-for-profit activities, provided that the District has issued the club or a non-profit or charitable organization a permit to engage in such activities and the permit holder complies with all District Rules and Regulations of Park and Open Space, and all state and local laws governing such activity.

Section 3 – Restricted Operations of Motorized Vehicles and Equipment: Operating any type of motorized vehicles or equipment on or through the Parks and Open Space is prohibited, except for the following:

3.1 *District Vendor and Contractors.*

3.1.1 District vendor and contractor motorized service vehicles and equipment required for services to be performed on non-paved areas of Parks and Open Space, such as mowing equipment, tree trimming, planting or mulching equipment, equipment required to complete repairs, are permitted to operate on non-paved areas to the extent necessary to perform such services.

3.1.2 Except for the motorized vehicles and equipment identified in Section 3.1.1, above, all other vendor and contractor motorized vehicles and equipment shall only operate on concrete or paved areas unless the District Manager has issued an access permit to the contractor or vendor.

3.2 *Emergency Services.* Law enforcement, fire, search and rescue, ambulances, and other emergency services agencies are authorized to operate motorized vehicles and equipment in the Parks and Open Space in the performance of their duties and services.

3.3 *Agency Easements and Rights of Way.* Public agencies, directly or through designated third-party contractors, are authorized to operate motorized vehicles and equipment to install, repair, maintain, or replace facilities located in their easements or rights-of-way within the Parks and Open Space.

3.4 *Power-Driven Mobility Devices.* The following motorized vehicles or equipment are permitted to operate only on the concrete or paved areas within the Parks and Open Space:

3.4.1. Class I and II electrical assisted bikes as defined by C.R.S. 42-1-102.

3.4.1 Wheelchairs, which are defined under Part 35 of the federal Americans with Disabilities Act (ADA) to mean a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

3.5 ***Other Power-Driven Mobility Devices.*** “***Other Power-Driven Mobility Devices***” means any mobility device powered by batteries, fuel, or other engines - whether designed primarily for use by individuals with mobility disabilities - that is used by individuals for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMD’s), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this Section 3.4.2, above.

3.5.1 Other Power-Driven Mobility Devices that are powered by fuel (internal combustion engines) are prohibited in all Parks and Open Space.

3.5.2 Other Power-Driven Mobility Devices that are powered by electricity, referred to collectively herein as Electric Personal Assistance Mobility Devices (“***EPAMD’s***”) are permitted to operate only on concrete or paved trails and parking lots within the Parks and Open Space, and subject to the following restrictions:

3.5.2.1 Cannot carry no more than 2 persons

3.5.2.2 Cannot exceed 250 pounds

3.5.2.3 Cannot exceed 36” maximum width

3.5.2.4 Cannot exceed 10 MPH

Section 4 – Parks and Open Space Rules: The Board hereby adopts and approves the Parks and Open Space Rules set forth in the attached **Exhibit A** and directs that they be posted at all public entrances to the Parks and Open Space.

Section 5 – Variances: The Board authorizes the District Manager to grant written variances for good cause shown to any one or more of these Parks and Open Space Rules and Regulations.

Section 6 – Criminal Penalties: Pursuant to Section 18-9-117(3)(a) and (b), C.R.S., when the Parks and Open Space Rules and Regulations have been prominently posted as required by Section 18-9-117(2), C.R.S., any violation of the Parks and Open Space Rules and Regulations is unlawful and violators shall be subject to criminal penalties enforceable by the Douglas County Sheriff’s Office or authorized county enforcement personnel who have been designated pursuant to Section 29-7-101(3)(a), C.R.S.

Section 7 – Civil Remedies: A violation of any Parks and Open Space Rules and Regulations that have been prominently posted is subject to any and all civil remedies available to the District under Title 32, C.R.S. or other applicable laws, including the imposition of fines, penalties, charges, costs and attorney fees incurred by the District in recovering any damages or other losses sustained by the District because of the violation.

ATTACHMENT A

ROXBOROUGH VILLAGE METROPOLITAN DISTRICT PARKS AND OPEN SPACE RULES

PERMITTED ACTIVITIES

- Parks and Open Space are open 6:00 a.m. to 10:00 p.m.
- Only domestic pets (dogs and cats) are permitted, which must be leashed and in control of a person, and their waste properly disposed of
- Shelter/field use with prior reservation
- Personal consumption of alcoholic beverages (fermented malt beverages/vinous liquor)
- Walking, jogging, running, hiking, and biking on designated trails only
- Temporary canopies and shade devices for daily use only
- Maximum trail speed for bicyclists is 15 mph
- Vehicles, trailers, or campers may be parked at designated parking lots only between 6:00 a.m. and 10:00 p.m.
- Fishing only with a valid permit issued annually by the District Manager

PROHIBITED ACTIVITIES

- Enter or use the Parks and Open Space for any purpose between 10:00 p.m. and 6:00 a.m.
- Unauthorized motorized vehicles and equipment (*See Rules and Regulations for Details*)
- Overnight parking of vehicles, trailers, or campers (10:00 p.m. and 6:00 a.m.)
- Semi or commercial trucks in the Parks and Open Space, except permitted Food Trucks
- Camping
- Littering/dumping/any glass containers
- Fires outside designated areas and any type of fire during a fire ban
- Firearms and other projectile discharging devices, including B-B guns, pellet guns, paint ball guns, air guns, slingshots, and wrist rockets
- Archery, including bows, longbows, crossbows, arrows, darts, and bolts
- Fireworks and explosives of any type
- Model rockets and Unmanned Aircraft Systems, including airplanes and drones, that: 1) do not comply with federal regulations and guidelines (AMA/NRA); 2) are within 25 feet of any person or are over areas without direct line of sight; 3) interfere with law enforcement, County or District personnel; 4) are operated in a careless or reckless manner; or, 5) are operated during a fire ban
- Unauthorized amplified sound
- Golfing or hitting golf balls

- Constructing any kind of road, trail, sign, tree house, rope or swing, fence, marker, or any other structure or improvement
- Unauthorized planting of trees, shrubs, plants, or other vegetation
- Swimming, wading, or boating
- Disorderly conduct
- Misuse of public property
- Harassment of wildlife
- Unauthorized relocating or releasing of animals, fish, birds, or insects
- Removing, destroying, defacing, or damaging any building, structure, facility, sign, vegetation, rock, or other natural or man-made improvement
- Engage in any activity that unreasonably endangers the health, safety, and welfare of any person, animal, or property

To report violations or accidents call 911 and provide specific location

Full text of the *Resolution Adopting Rules and Regulations* can be obtained from the District Manager at (303) 779-4525.

Parks and Open Space Rules are enforced as authorized by Colorado Revised Statutes Sections 18-9-117, 29-7-101, and 32-1-1001.