

**ORDINANCE NO. O-2018-02**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, ADDRESSING OPERATING HOURS FOR COUNTY PROPERTIES, UNAUTHORIZED ACTIVITIES ON COUNTY PROPERTIES, PUBLIC ASSEMBLY ON COUNTY PROPERTY, REMOVAL OF UNAUTHORIZED PROPERTY AND ENFORCEMENT PROCEDURES**

**WHEREAS**, pursuant to C.R.S. §§ 30-11-101(1)(b) and (c), La Plata County, Colorado is empowered to purchase and hold real and personal property for the use of the county and to make such orders respecting the same as may be deemed conducive to the interests of the inhabitants.

**WHEREAS**, pursuant to C.R.S. § 30-11-101(2), La Plata County, Colorado, has the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as prescribed by law.

**WHEREAS**, pursuant to C.R.S. § 30-15-401(1)(a)(I)(A), the Board of County Commissioners of La Plata County, Colorado (“Board”), has authority to adopt ordinances related to the removal of rubbish, including trash, junk and garbage, from lots and tracts of land within the county.

**WHEREAS**, pursuant to C.R.S. § 18-9-117 it is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on the same in violation of any order, rule or regulation concerning any matter prescribed in C.R.S. Title 18, Article 9, Part 1, limiting or prohibiting the use or activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property.

**WHEREAS**, pursuant to C.R.S. § 18-9-117 the Board and other county officers are authorized to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection, and maintenance of such public buildings and property, specifically, order, rules and regulations upon the following matters:

(a) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings and grounds, and other structures;

(b) Restriction or limitation of the use of such public buildings or property as to time, manner, or permitted activities;

(c) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;

(d) Camping and picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted;

(e) Control and limitation of fires, including but not limited to the prohibition, restriction, or ban on fires or other regulation of fires to avert the start of or lessen the likelihood of wildfire, and the designation of places where fires are permitted, restricted, prohibited, or banned.

**WHEREAS**, pursuant to C.R.S. § 30-15-401(1)(b), the Board may prevent disturbances and disorderly assemblies in any public place.

**WHEREAS**, pursuant to C.R.S. §30-15-401(1)(h), the Board may control and regulate the movement and parking of vehicles and motor vehicles on public property.

**WHEREAS**, pursuant to C.R.S. § 29-11.7-104 the Board may prohibit the open carrying of a firearm in a building or specific area within its jurisdiction provided it posts signs at the public entrances to the building or specific areas informing persons that the open carrying of firearms is prohibited in the building or specific area.

**WHEREAS**, Chapter 38 of the La Plata County Code currently contains provisions relating to camping or the possession of marijuana or marijuana-infused products on county owned property.

**WHEREAS**, on May 22, 2018, the Board held a public meeting as part of a properly noticed business agenda to perform a first reading of this ordinance and receive evidence and testimony from county staff as well as members of the public;

**WHEREAS** at such public hearing the Board received testimony as to the danger of fire in unincorporated areas of the county, including county owned property; and

**WHEREAS**, on June 12, 2018, the Board of County Commissioners held a public meeting as part of a properly noticed business agenda to perform a second and final reading of this ordinance and receive evidence and testimony from county staff as well as members of the public.

**NOW, THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein and made a part of this ordinance.

Section 2. Sections 38-1 and 38-2 of the La Plata County Code are hereby repealed in their entirety.

Section 3. Section 38-1 is replaced in full by revised Section 38-1 attached hereto as Exhibit A and Section 38-2 is reserved.

Section 4. It is unlawful for any person to violate any provision of this ordinance.

Section 5. This ordinance may be enforced by a law enforcement officer or any other persons or positions designated by the Board as enforcement officers under this ordinance.

Section 6. Pursuant to C.R.S. §§ 30-11-101 and 30-15-402, any arresting law enforcement officer enforcing this ordinance is authorized to utilize the penalty assessment procedure provided in C.R.S. §16-2-201.

Section 7. Pursuant to C.R.S. §§ 30-11-101 and 30-15-402, any person or entity that violates this ordinance shall be guilty of a Class 2 petty offense. For each separate violation, the fine for the first offense and for any subsequent offense shall be a minimum of fifty dollars (\$50.00) and a maximum of no more than one thousand dollars (\$1,000.00).

Section 8. In addition to the aforementioned fines and penalties prescribed in this ordinance, any person convicted of a violation of this ordinance shall be subject to the statutory surcharges of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund. This surcharge shall be paid to the clerk of court by each person convicted of violating this ordinance. The clerk shall transmit the moneys to the respective funds in accordance with C.R.S. § 30-15-402(2).

Section 9. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado, but shall be in addition thereto.

Section 10. This ordinance shall be liberally construed so as to further its purpose.

Section 11. If any portion of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares this ordinance to be severable and further declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

This Ordinance is necessary for the immediate preservation of the public health or safety and shall become effective upon adoption, pursuant to C.R.S. § 30-15-405. Proper regulations on the use of La Plata County properties and facilities is necessary to ensure the health, safety and welfare of employees and public users of La Plata County properties and facilities.

**PASSED, ADOPTED AND APPROVED** by the Board of County Commissioners of the County of La Plata Colorado, on this 12 day of June, 2018.

ATTEST:

  
Clerk to the Board



BOARD OF COUNTY COMMISSIONERS  
LA PLATA COUNTY, COLORADO

  
Gwen Lachelt, Chair

  
Brad Blake, Vice Chair

  
Julie Westendorff, Commissioner

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF LA PLATA                )

I, Tiffany Lee Parker, Clerk and Recorder of La Plata County, Colorado, do hereby certify that Ordinance No. O-2018-02 was regularly introduced and read at a business meeting of the Board of County Commissioners of La Plata County, Colorado on the 22nd day of May, 2018, and was ordered to be and was published in accordance with the terms and conditions of the statutes in such cases in the Durango Herald, a newspaper of general circulation, on the 25th day of May, 2018, prior to its final consideration by the La Plata County Board of County Commissioners.

/s/Tiffany Parker  
Clerk and Recorder

I further certify that said Ordinance No. O-2018-02 was duly adopted by the La Plata County Board of County Commissioners on the 12 day of June, 2018, and that in accordance with instructions received from the La Plata County Board of County Commissioners, either the ordinance was published in full or the title of the ordinance along with the full text of any amendments and reference to the date of the initial publication was published in the Durango Herald on the 18 day of June, 2018.

  
Clerk and Recorder