

ORDINANCE NO. 7443

AN ORDINANCE AMENDING THE BOULDER REVISED CODE TO IMPLEMENT THE OPEN SPACE AND MOUNTAIN PARKS VISITOR MASTER PLAN AS IT PERTAINS TO VOICE AND SIGHT CONTROL OF DOGS, COMMUNITY SERVICE FOR FAILURE TO REMOVE ANIMAL EXCREMENT, LATE NIGHT PARKING, HABITAT CONSERVATION AREAS, AND FEES RELATING TO VOICE AND SIGHT CONTROL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Purpose and Findings.

- (a) The purpose of this ordinance is to implement the policies and recommendations approved by the city council on April 12, 2005 in the Open Space and Mountain Parks Visitor Master Plan. This ordinance covers matters of local concern.
- (b) The city council finds that this ordinance and the Open Space and Mountain Parks Visitor Master Plan are necessary to protect the health, safety and welfare of residents of the city of Boulder, and of any person that may use city of Boulder open space and mountain parks properties.
- (c) The city council finds that this ordinance is necessary to protect and further the purposes for which open space and mountain parks lands may be acquired as established by Charter Section 176, B.R.C. 1981, and this ordinance is further authorized and required by the powers granted to implement Article XII of the Charter, and specifically Section 176.

Section 2. Chapter 4-20, "Fees," B.R.C. 1981, is amended by the addition of a new

section to read:

4-20-60 Voice and Sight Control Evidence Tag Fees.

- (a) An applicant for a Voice and Sight Control Evidence Tag who is a resident of the City of Boulder shall pay an application fee of \$15.00, and a non-resident shall pay an application fee of \$18.75.
- (b) The supplemental fee pursuant to Section 6-13-5, "Revocation and Reinstatement of Voice and Sight Control Evidence Tags upon Violations," B.R.C. 1981, shall be \$50.00, regardless of residency.

Section 3. Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981, is amended to read:

6-1-16 Dogs Running at Large Prohibited.

- (a) No person owning or keeping any dog shall fail to keep the dog on the premises of the guardian or keeper unless the dog is:
 - (1) On a leash held by a person, or
 - (2) Within a vehicle or similarly physically confined and without access to passers-by.
- (b) The maximum penalty for a first or second conviction within two years, based on date of violation, is a fine of \$500.00. For a third and each subsequent conviction within two years based upon the date of the first violation, the general penalty provisions of Section 5-2-4, "General Penalties," B.R.C. 1981, shall apply. The maximum penalty for a first conviction occurring on land owned by the city and constituting park land or open space land is a fine of \$50.00. For a second conviction within two years, based upon the date of violation, the maximum penalty shall be a fine of \$100.00. For a third and each subsequent conviction, the maximum penalty shall be a fine of not less than \$200.00.
- (c) It is a specific defense to a charge of violation of this section that the dog was¹:
 - (1) (A) Outside of the corporate limits of the city; or
 - (B) Inside the city limits within any of the following areas on land owned by the city and constituting park land or open space land: †The areas annexed by Ordinance Nos. 4166, 4167, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, and 4577; and also on the following portions of open space land lying along the North Foothills Trail, as that trail is shown on the city's most recent official trails map, which runs north from Lee Hill Road from approximately one mile west of Broadway and turns east to cross U.S. 36: the entire width between the trail fences from Lee Hill Road north and west along the eastern and northern boundary of the area annexed by Ordinance Nos. 4143 and 4163, and, at the end of the trail fencing, the area starting one hundred feet west of the trail and extending east across it to the eastern boundary fence of the land annexed by Ordinance Nos. 4143, 4147, 4163, and 4164, also including the area within one hundred feet northerly of the trail as it goes east toward its juncture with U.S. 36; and also the part of Heuston Park constituting roughly the eastern one-third of the park and lying west of the base of the slope north and west of the path along the north side of the ditch, as defined by signs and markers erected by the city manager delineating it as a voice (as defined in Section 6-1-2 "Definitions," B.R.C. 1981) and sight control area; and a parcel of land containing 120 acres, more or less, in Section 12, T1S R71W of the 6th P.M., as described in the deed recorded February 28, 1973 at reception number 055946, Boulder County records. Said parcel is commonly known as "NCAR Park" and lies north of Bear Creek, east of the North-South centerline of said Section 12, and west of the western boundary of the National Center for Atmospheric Research property; and a

portion of the parcel commonly known as "Batchelder" described as: the E ½ the NE ¼ of Section 1, T1S R71W of the 6th P.M. lying outside the boundary of Chautauqua Park. Said parcel is described in the deed recorded May 5, 1898 at Book 206 Page 24, Boulder County records along with a portion of the parcel commonly known as "Austin-Russell" described as the eastern portion of the W ½ of the NE ¼ of Section 1, T1S R71W of the 6th P.M., described in the deed recorded April 21, 1903 at Book 270 Page 40, Boulder County records, located within the city limits of Boulder, Colorado; and a parcel of land located in the SE ¼ of the NW ¼ of Section 25, T1S R71W of the 6th P.M., as described in the deed recorded October 11, 1995 at reception number 01554297, Boulder County records. Said parcel is commonly known as "Seventh Day Adventist" along with a parcel of land located in the SE ¼ of the NW ¼ of Section 25, T1S R71W of the 6th P.M., as described in the deed recorded March 9, 2001 at reception number 2126152, Boulder County records. Said parcel is commonly known as "Community Hospital" along with a portion of a parcel commonly known as "Boulder Memorial Hospital" described as that part of the N ½ of the NW ¼ of the SW ¼ of Section 25, T1S R71W of the 6th P.M., located N of County Road 52 (Sunshine Road) and including Lot 15, Block 11, Mount Sanitas Heights subdivision, as recorded in the Boulder County records; and Outlot D, Shanahan Ridge Six, a part of the NW ¼ of Section 17, T1S R70W of the 6th P.M., as shown on plat recorded July 13, 1977 as Plan File P-6-F-1-21, at reception number 232114, film 969, Boulder County records; and a parcel of land located in the SE ¼ of the NE ¼ of the NW ¼ of Section 36, T1N R71W of the 6th P.M., as described in the deed recorded September 13, 1990 at reception number 01063953, Boulder County records. Said parcel is commonly known as "St. Germain" along with a portion of a parcel commonly known as "Moore, Ann & Donald" described as: the northern portion of a parcel in the NE ¼ of Section 36, T1N R71W of the 6th P.M., described in the deed recorded April 17, 1987 at reception number 00842349, Boulder County records, located within the city limits of Boulder, Colorado. Said parcel is referred to as "Parcel 8" along with a portion of a parcel commonly known as "Moore, Ann & Donald" described as: the eastern portion of a parcel located in the NE ¼ of Section 36, T1N R71W of the 6th P.M., described in the deed recorded April 8, 1986 at reception number 00751339, Boulder County records, located within the city limits of Boulder, Colorado. Said parcel is referred to as "Parcel 7" along with a portion of a parcel commonly known as "Overlook" described as: the eastern portion of Tracts 437 and 438 as shown on the Boulder County Assessor parcel map for Section 36, T1N R71W of the 6th P.M., located within the city limits of Boulder, Colorado.

- (2) In an area which had not been posted by the city manager to require a leash; and
- (3) Accompanied by ~~its~~ a guardian or keeper, provided that the dog is:
 - (A) ~~and~~ within view and voice and sight control of such person; and
 - (B) visibly wearing a Voice and Sight Control Evidence Tag that has been lawfully obtained pursuant to Chapter 6-13, "Voice and Sight Control Evidence Tags," B.R.C. 1981.
- (4) The accompanying guardian or keeper had a leash in such person's immediate possession in a condition to be attached to the dog without undue delay; and

- (5) This specific defense is not applicable if the accompanying guardian or keeper has more than two dogs simultaneously unleashed or unrestrained.

¹As with other similar provisions of the B.R.C., compliance with each of paragraphs (1) through (5) of this subsection must be established in order for the defense to be established, because the paragraphs are in the conjunctive. Defense (c)(1)(B) was authorized by Ordinance No. 5811, adopted by the voters on November 5, 1996, and covers the strip of land generally running east from U.S. 36 through Boulder Valley Ranch and the Boulder Reservoir and Coot Lake to 63rd Street which constitutes park land on the east, and open space land on the west, as well as a strip of open space land along the North Foothills Trail as described, and the portion of Heuston Park as described.

Section 4. Section 6-1-18, "Removal of Animal Excrement Required," B.R.C. 1981, is amended to read:

6-1-18 Removal of Animal Excrement Required.

- (a) No person owning or keeping any animal shall fail to prevent such animal from defecating upon any property other than the premises of the guardian or keeper.
- (b) It is a specific defense to a charge of violating this section that the defecation occurred on private property with express permission of the owner or all tenants thereof.
- (c) It is a specific defense to a charge of violating this section that the defecation was from an ungulate or camelid within any park, recreation area, or open space.
- (d) It is a specific defense to a charge of violating this section that the guardian or keeper immediately removed or cleaned up such deposit and disposed thereof by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid or in an otherwise lawful and sanitary manner.
- (e) ~~The maximum penalty for a first or second conviction within two years, based on date of violation, is a fine of \$500.00.~~ For a second conviction within three years, based upon date of violation, the maximum penalty shall be a fine of \$500.00, with the municipal court strongly urged to impose community service hours cleaning up dog waste in public areas as a condition of a suspended sentence or probation pursuant to paragraph 2-6-37(f)(4), B.R.C. 1981, where appropriate in the judgment of the court. For a third and each subsequent conviction within three years, based upon the date of the first violation, the general penalty provisions of Section 5-2-4, "General Penalties," B.R.C. 1981, shall apply.

Section 5, Title 6, "Health, Safety, and Sanitation," B.R.C. 1981, is amended to add a new Chapter 13 as follows:

Title 6 HEALTH, SAFETY, AND SANITATION

Chapter 13 Voice and Sight Control Evidence Tags¹

¹ Adopted by Ordinance No. 7443.

6-13-1 Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and general welfare by establishing a requirement and process for dog guardians to obtain a Voice and Sight Control Evidence Tag that permits the dog to accompany the guardian without a leash held by a person on certain open space and mountain parks lands. Voice and Sight Control Evidence Tags are intended to assure the public that the dog is capable of being adequately controlled by voice and sight commands without a leash held by a person.

6-13-2 Voice and Sight Control Evidence Tag Required.

- (a) In addition to and in conjunction with the requirements of Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981, any dog guardian who desires to accompany a dog without a leash held by a person shall apply for and obtain a Voice and Sight Control Evidence Tag pursuant to the procedures and requirements established by this chapter.
- (b) Any dog guardian who accompanies a dog without a leash held by a person shall cause such dog to wear and visibly display a lawfully obtained and displayed Voice and Sight Control Evidence Tag at all times when the dog is present on open space and mountain parks lands where voice and sight control is permitted under Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981.
- (c) The city manager may promulgate guidelines, forms, or informational materials that are necessary or desirable to assist with implementation of this chapter or its legislative intent.
- (d) The maximum penalty for a first conviction is a fine of \$50.00. For a second conviction within two years, based upon the date of the first violation, the maximum penalty shall be a fine of \$100.00. For a third and each subsequent conviction, within two years based upon the date of the first violation, the maximum penalty shall be a fine of not less than \$200.00.

6-13-3 Voice and Sight Control Evidence Tag Application.

The applicant for a Voice and Sight Control Evidence Tag shall apply on forms furnished by the city manager and pay the fee, if any, prescribed by Section 4-20-60, "Voice and Sight Control Evidence Tag Fees," B.R.C. 1981.

6-13-4 Voice and Sight Control Evidence Tag Requirements.

- (a) Before a Voice and Sight Control Evidence Tag shall be issued, the applicant shall certify, under penalty of perjury, the following facts:
 - (1) The applicant has watched (or listened to if visually impaired) a video presentation on voice and sight control of a dog, prepared by the city and provided to the applicant by the city or its designated agents; and
 - (2) The applicant agrees to control any dog accompanying the applicant without a leash held by a person on certain open space and mountain parks lands in the manner described in the video presentation on voice and sight control of a dog.

6-13-5 Revocation and Reinstatement of the Right to Display Voice and Sight Control Evidence Tags upon a Third Conviction.

- (a) Upon a third conviction for violation of Section 6-1-16, "Dogs Running at Large Prohibited" occurring on land owned by the city and constituting park land or open space land within two years of the date of the first violation, the right to display any Voice and Sight Control Evidence Tag shall be revoked automatically, but may be reinstated through the following procedures:
 - (1) Payment of a supplemental fee established in subsection 4-20-60(b), B.R.C. 1981, in addition to the fees established by Section 6-13-3, "Voice and Sight Control Evidence Tag Application," B.R.C. 1981, and prescribed by subsection 4-20-60(a), B.R.C. 1981, for an initial application (and in addition to any fines imposed under Section 6-1-16, "Dogs Running at Large Prohibited," or subsection 6-13-2(b), B.R.C. 1981);
 - (2) Providing written proof of attendance at a city of Boulder sanctioned and monitored showing of the video presentation on voice and sight control of a dog;
 - (3) Providing written proof of attendance at and successful completion of a voice and sight control certification course approved by the city of Boulder; and
 - (4) Certification by the applicant for reinstatement that he or she agrees to control any dog accompanying the guardian without a leash held by a person on certain open space and mountain parks lands in the manner described in the video presentation on voice and sight control of a dog.

Section 6. Section 7-6-27, “Special Regulations for Parking in Parks and Open Space,”

B.R.C. 1981, is amended to read:

Section 7-6-27 Special Regulations for Parking in Parks and Open Space.

No vehicle shall be parked in any park, parkway, recreation area, or open space:

- (a) In a manner that blocks or impedes travel on or into a designated fire road or other emergency access;
- (b) Contrary to posted signs;
- (c) Between 11:00 p.m. and 5:00 a.m. in open space and mountain parks or 12:00 midnight and 5:00 a.m. in other parks, parkways, recreation areas, ~~open space~~, and the Panorama Point or Halfway House parking lots; or
- (d) In an area for which a parking permit is required without properly displaying a valid permit in accordance with Chapter 4-24, “Parks and Open Space Parking Permits,” B.R.C. 1981.

Section 7. Title 8, “Parks, Open Space, Streets, and Public Ways,” B.R.C. 1981, is amended to add a new Chapter 8 as follows:

TITLE 8 PARKS, OPEN SPACE, STREETS, AND PUBLIC WAYS

Chapter 8 Open Space and Mountain Parks Visitor Master Plan Implementation¹

¹Adopted by Ordinance No. 7443.

8-8-1 Purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare by establishing procedures and requirements necessary to implement the Open Space and Mountain Parks Visitor Master Plan.

8-8-2 Habitat Conservation Area Designation.

- (a) The city manager is authorized to identify and propose areas for restricted public use that would appropriately constitute habitat conservation areas within the city’s open space and mountain parks system based upon the criteria set forth in the Open Space and Mountain Parks Visitor Master Plan. The city manager shall seek advice and comments from the Open Space Board of Trustees when developing a proposal.

- (b) The city council may order designation of the habitat conservation area or areas by ordinance, subject to such conditions as may be deemed appropriate.

8-8-3 Travel Restricted to Designated Trails in Habitat Conservation Areas.

- (a) Within any habitat conservation area, no person shall travel or be present on any area off a designated trail.
 - (1) It is a specific defense to a charge of violation of this section that:
 - (A) Such travel or presence was necessary for a guardian, owner or keeper to remove the animal excrement of an animal under his or her control; or
 - (B) Such travel or presence was authorized by an off trail permit issued by the city manager.
- (b) Within any habitat conservation area on a trail posted as a Voice and Sight Control Corridor, no person owning or keeping any dog shall fail to keep the dog within a trail corridor including the designated trail and extending twenty feet to either side of the designated trail.
- (c) Unless posted otherwise, within any habitat conservation area no person owning or keeping any dog shall fail to keep the dog on a leash held by a person.

8-8-4 Model Glider Flying.

Model gliders may not be flown upon open space and mountain parks properties unless permitted in designated posted areas.

8-8-5 Fishing Prohibited Except Where Posted.

Notwithstanding this section, fishing on open space and mountain parks properties may be allowed where posted.

8-8-6 Newly-Acquired Properties Available for Public Use Only After Opening.

All properties newly acquired by the open space and mountain parks department for the city of Boulder shall become available for public use only after they are opened by the city. At the time new property is acquired, the city manager shall identify and recommend to the Open Space Board of Trustees and city council, a temporary closure period sufficient in length to allow appropriate investigation and designation for appropriate public use.

8-8-7 Permits for Off-Trail Use in Habitat Conservation Areas.

The city manager may issue permits for off-trail use in habitat conservation areas. The city manager shall promulgate rules to implement this section pursuant to Section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

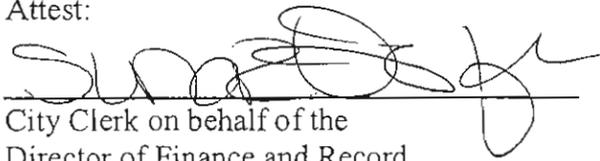
Section 9. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 8th day of November, 2005.



Mayor

Attest:



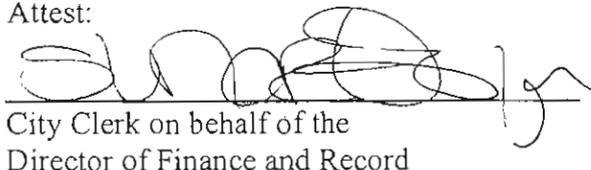
City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this 6th day of December, 2005.



Mayor

Attest:



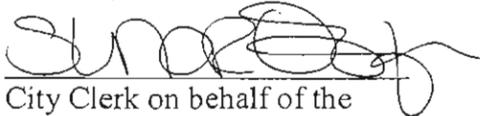
City Clerk on behalf of the
Director of Finance and Record

READ ON THIRD READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 20th day of December, 2005.



Mayor

ATTEST:



City Clerk on behalf of the
Director of Finance and Record

READ ON FOURTH READING, PASSED, ADOPTED AND ORDERED PUBLISHED
BY TITLE ONLY this 3rd day of January, 2006.



Mayor

ATTEST:



City Clerk on behalf of the
Director of Finance and Record

Existing OSMP and Parks and Recreation Leash Required (6-1-16) Exception Areas



Dogs are prohibited on the South Shore May 15 - Labor Day

Legend

-  Voice and Sight Control
-  On Corridor Voice and Sight
-  Leash Required Seasonally
-  Leash Required
-  No Dogs Allowed
-  Dogs Prohibited Seasonally
-  City Annexation Limits
-  6-1-16 Exception Areas
-  City Parks
-  OSMP in City Limits
-  South Shore of Boulder Reservoir





Existing Leash Required (6-1-16) Exception Areas: Howard Heuston Dog Park



Leash
Required
6-1-16

Iris Ave.

30th St.

Valmont Ave.

Foothills Pkwy.

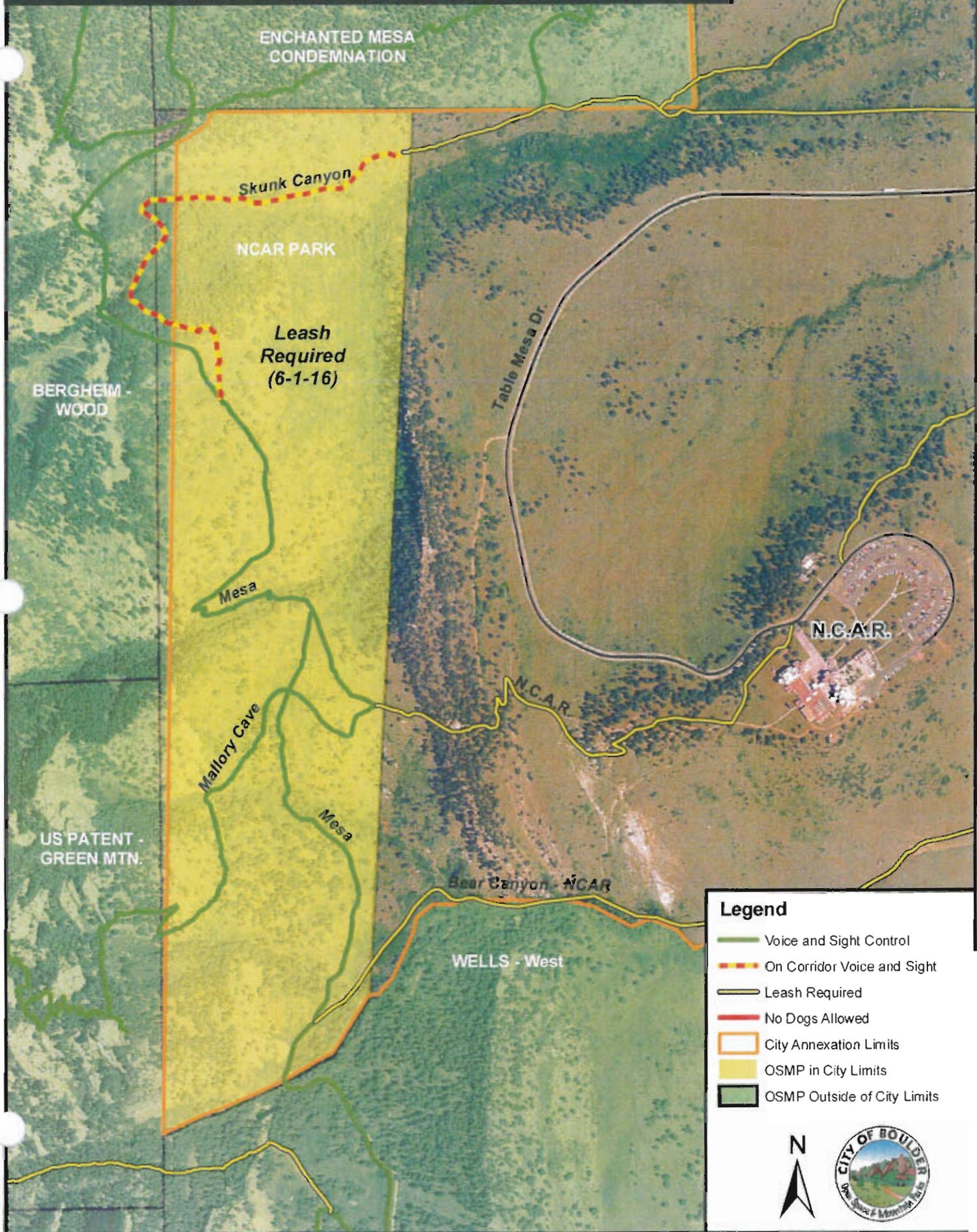
Legend

 Howard Heuston Dog Park



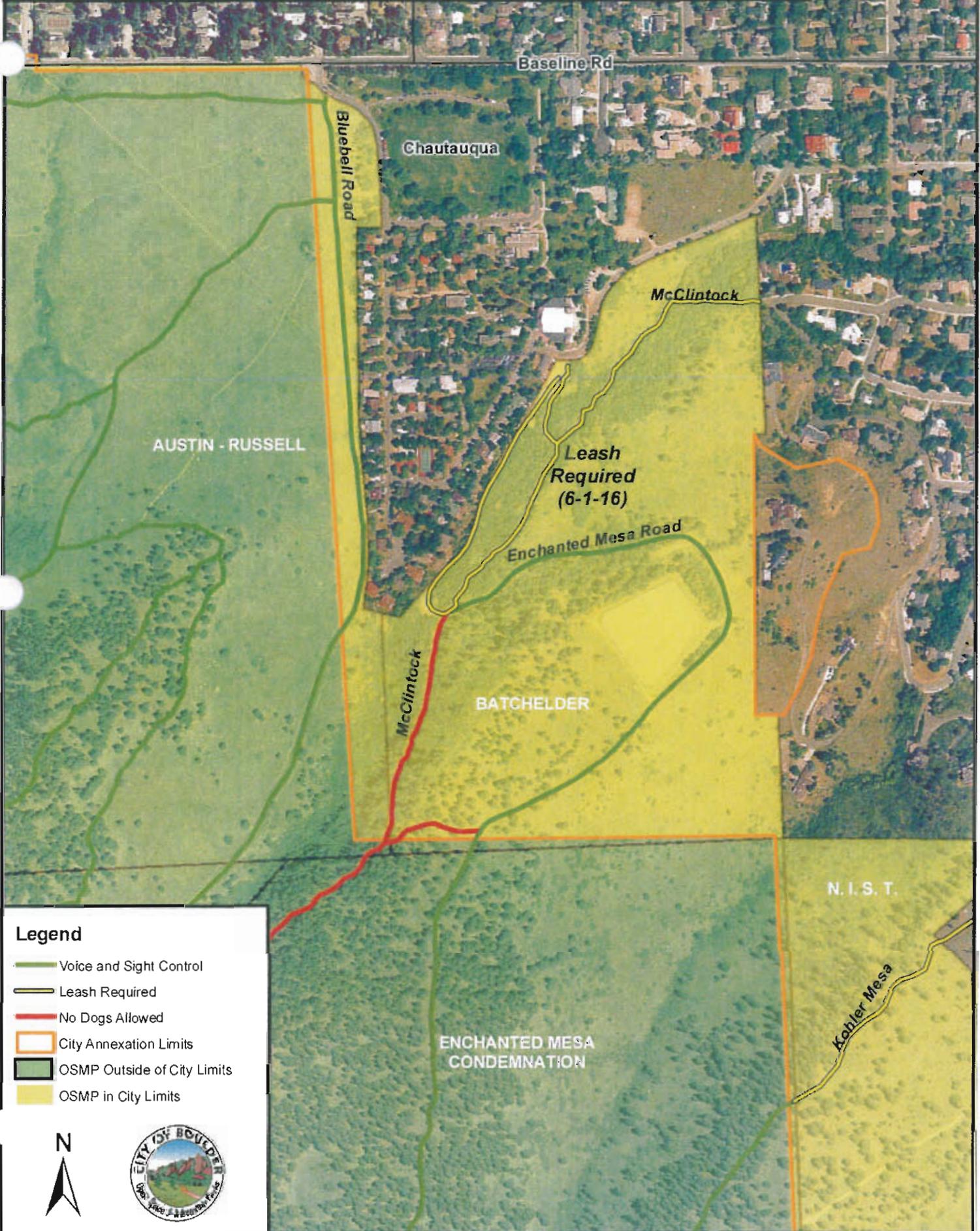


OSMP Leash Required (6-1-16) Exception Areas: NCAR



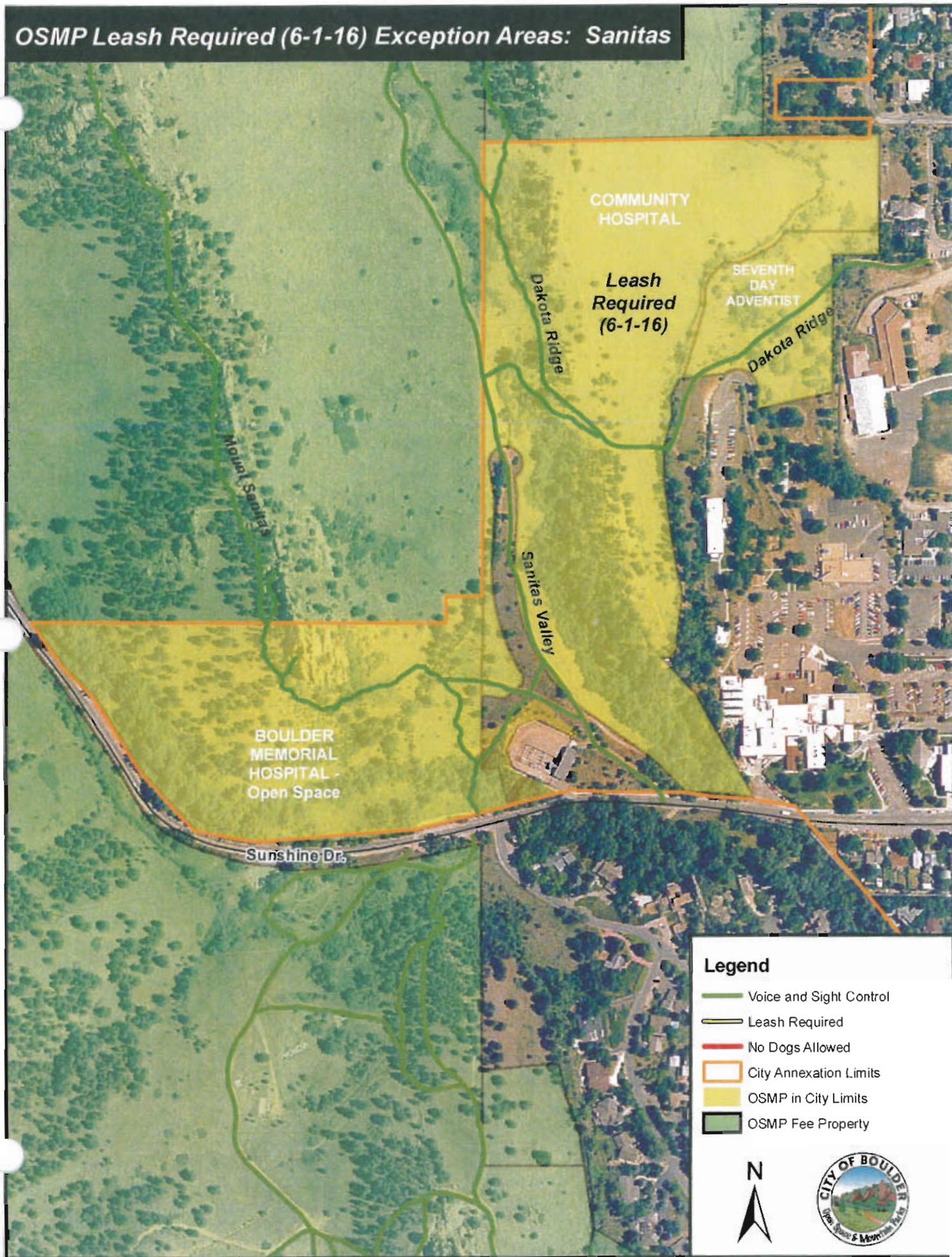


OSMP Leash Required (6-1-16) Exception Areas: Enchanted Mesa



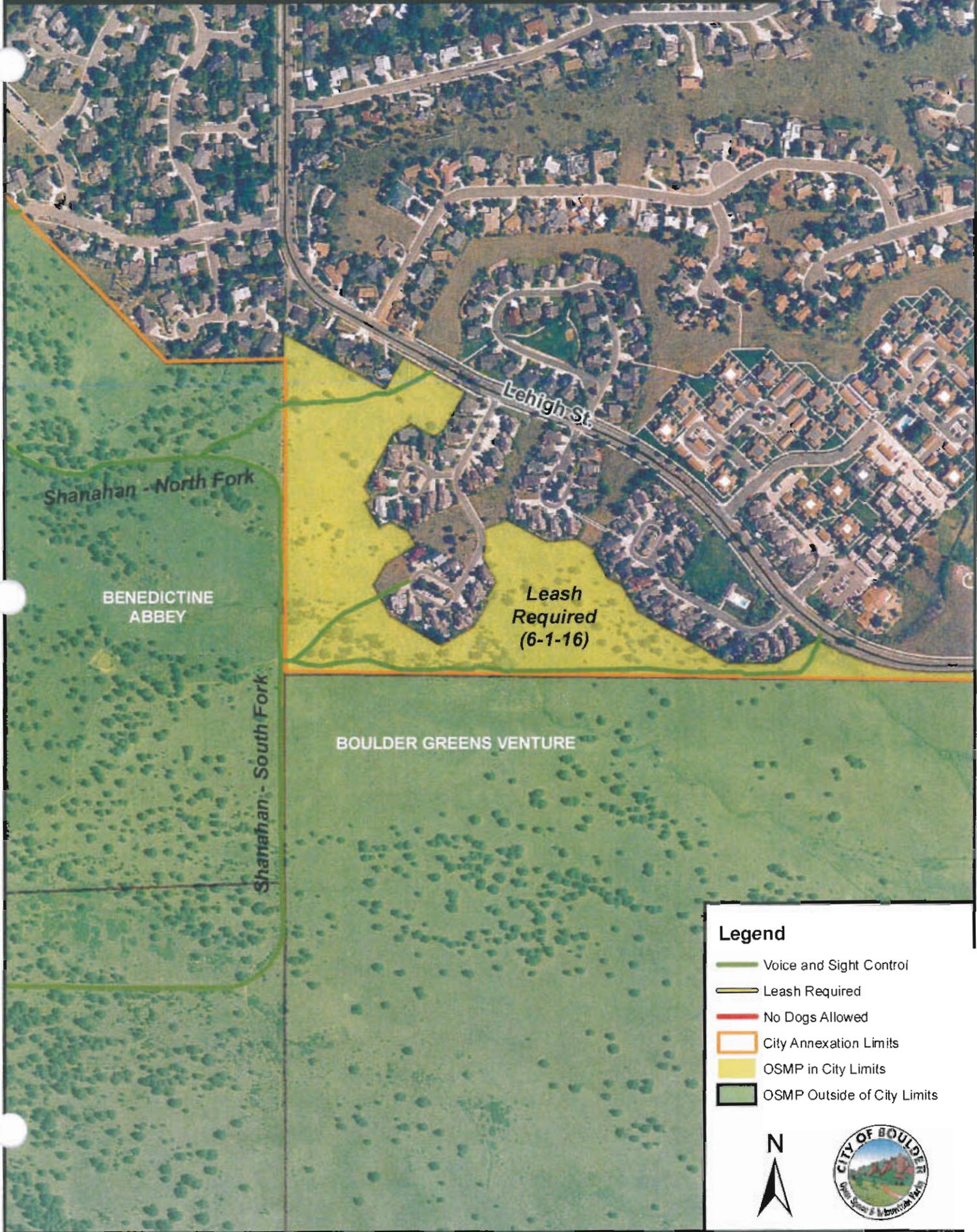


OSMP Leash Required (6-1-16) Exception Areas: Sanitas





OSMP Leash Required (6-1-16) Exception Areas: Hardscrabble





OSMP Leash Required (6-1-16) Exception Areas: Viewpoint

