

ORDINANCE NO. 7514

AN ORDINANCE ADOPTING AN INTERGOVERNMENTAL AGREEMENT FOR AUTHORIZATION BETWEEN THE CITY OF BOULDER AND THE COUNTY OF BOULDER TO MUTUALLY SHARE ENFORCEMENT MEASURES ON THE CITY OF BOULDER'S OPEN SPACE AND MOUNTAIN PARKS LAND AND ON ADJACENT UNINCORPORATED COUNTY OF BOULDER LAND.

Section 1. The City Council hereby adopts and approves the intergovernmental agreement titled "Intergovernmental Agreement" attached as Exhibit A, and incorporated herein by reference.

Section 2. The city manager is directed to sign the Intergovernmental Agreement enabling the Boulder County Sheriff's Office to authorize the City of Boulder Open Space and Mountain Parks rangers to enforce the "No Parking" rules and regulations promulgated by the Boulder County Traffic Code adopted by the Boulder County Commissioners on county roads and State of Colorado highway rights-of-way adjacent to City open space and mountain parks lands.

Section 3. The ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and the county and covers matters of local concern.

Section 4. 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.

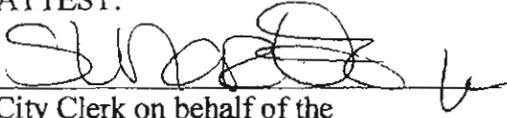
INTRODUCED, READ ON FIRST READING, AND ORDERED

PUBLISHED BY TITLE ONLY this 9th day of April, 2007.



Mayor

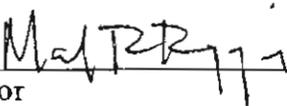
ATTEST:



City Clerk on behalf of the
Director of Finance and Record

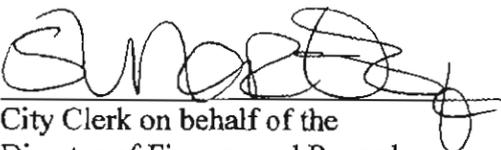
READ ON SECOND READING, PASSED, ADOPTED, AND

ORDERED PUBLISHED BY TITLE ONLY this 1st day of May, 2007.



Mayor

ATTEST:



City Clerk on behalf of the
Director of Finance and Record

Attachment: Exhibit A: Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT

This Agreement made this ___ day of _____, 2007, between the County of Boulder, a body politic and corporate of the State of Colorado (the "County"), and the City of Boulder, a home rule city (the "City").

WHEREAS, Section 29-1-203 C.R.S. permits governments to enter into cooperative agreements for the provision of services; and

WHEREAS, islands of unincorporated property exist within the City limits of Boulder; and

WHEREAS, the City's Open Space and Mountain Parks Department ("OSMP") own and maintain lands adjacent to unincorporated Boulder County; and

WHEREAS, the County maintains properties within the City limits; and

WHEREAS, the intermixing of City and County jurisdictions creates potential confusion as to the actual jurisdiction of each entity's peace officers; and

WHEREAS, pursuant to Section 8-3-12 of the Boulder Revised Code, the City has authorized "park patrol officers" to enforce all provisions of the code, other ordinances of the City and rules issued thereunder, regulating conduct in any city park, parkway, recreation area or open space, and has adopted rules and regulations for the City's OSMP areas governing open space and mountain park areas as well as having hired OSMP rangers, otherwise designated as park patrol officers ("rangers") to enforce the City code and those ordinances and rules and regulations; and

WHEREAS, the County has designated "No Parking" areas and posted "No Parking" signs along County roads in the vicinity of the City's OSMP areas; and

WHEREAS, the County also is authorized to issue parking violations along roads in the vicinity of the City's OSMP areas that are in the right of way for State highways, and are posted by the State; and

WHEREAS, as a direct result of the City's creation of public amenities, such as trails, shelters and parking lots on the City's OSMP lands, the County and the City are experiencing difficulty with members of the public parking along County roads and State highway rights of way in the vicinity of the City's OSMP areas and not complying with the posted "No Parking" signs; and

WHEREAS, regulating illegal parking along County roads and State highway rights of way adjacent to the City's OSMP areas has become a matter of concern because illegal parking in these areas can create a dangerous condition for the public; and

WHEREAS, the County and the City desire to declare that these certain areas along county roads in the vicinity, but outside the boundaries, of specific OSMP areas as being within the jurisdiction of the City's OSMP rangers, so that rangers may enforce the Boulder County Traffic Code pertaining to parking in these areas.

NOW, THEREFORE, the City of Boulder, through its OSMP Department and the County of Boulder, through its Sheriff's Office hereby agree as follows:

1. Boulder County, through its Boulder County Sheriff's Office conveys the authority to the City of Boulder's Open Space and Mountain Parks rangers to enforce any County or State posted "No Parking" violations on lands in unincorporated Boulder County that are adjacent to City of Boulder Open Space/Mountain Parks lands.
2. The ranger's jurisdiction to enforce the Boulder County Traffic Code in these areas shall be limited to both the City's and the County's Rules and Regulations relating to parking and shall be limited to the Boulder County -owned portion of the road right of way, as well as any State-owned rights of way in which Boulder County has authorization to enforce parking violations.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first written above.

CITY OF BOULDER

By: _____
Frank W. Bruno, City Manager

ATTEST:

By: _____
City Clerk on behalf of the
Director of Finance and Record

APPROVED AS TO FORM:

By: _____
Ariel Pierre Calonne
City Attorney

COUNTY OF BOULDER

By: _____
Ben Pearlman, Chair

ATTEST

By: _____
Clerk to the Board

BOULDER COUNTY SHERIFF

By: _____
Joseph K. Pelle

APPROVED AS TO FORM:

By: _____
Mark T. Doherty
Assistant County Attorney