



ITEM NO. O-2018-2

DATE: 05/22/2018

AGENDA REQUEST

*DECISION AGENDA

MEETING GROUP: Board of County Commissioners

STAFF RESOURCE: Sheryl Rogers, County Attorney

REQUESTING DEPT: Attorney's Office

TYPE: Ordinance

SUBJECT: Consideration of Ordinance O-2018-2 relating to authorized and unauthorized activities on county owned property

BACKGROUND:

On September 9, 2014, the County adopted Section 38-2 of the County Code, which prohibits camping, littering, and fires on county-owned property. Since that time there has been an increase in camping and other unlawful behavior on county owned properties. Furthermore, staff believes there is a need to more formally address the manner in which the County may meet its obligations to responsibly manage its real property, to meet its obligations for the orderly and safe operation of its facilities and to provide a designated forum for free speech by citizens.

Ordinance O-2018-2 repeals in their entirety, Sections 38-1 and 38-2 of the County Code and replaces such provisions with a new Section 38-1 relating to the establishment of operating hours for county properties, unauthorized activities on county properties, public assembly on county property, removal of unauthorized property and enforcement procedures. On February 25, 2014 the Board adopted Section 38-1 of the County Code prohibiting the use of marijuana and marijuana-infused products in county buildings and facilities. The new proposed code section incorporates the marijuana related prohibitions with other prohibited behavior and thus a special section for marijuana will no longer be needed.

Specifically, the proposed amendments to the code will clarify and create policies and procedures regarding, among other things:

1. Camping on county owned property. The proposed amendments create uniform encampment regulations on county owned property, regulate the erection of structures on county owned property, establish regulations for the removal of unauthorized structures and camping equipment on county owned property, and

establish regulations for the disposal of abandoned personal property. The amendments describe the properties on which camping may occur subject to consent or permit requirements or exigent circumstances.

2. Fires on county owned properties. Fires are prohibited unless the creation of such fires are part of the duties of a county official.

3. Defacing or destroying county buildings or signs. The amendments make it unlawful for a party to remove, destroy, mutilate, deface or damage any county building, structure or posted notice.

4. Operating hours and public access to county facilities. Since the County owns multiple properties that serve the citizens of La Plata County in different ways, the proposed amendments designate those county properties open to the public during certain operating hours and those not open to the public. The new code provision also informs the public of constitutionally protected speech and expression areas on county owned properties and prohibits those activities in areas used solely for the functioning of county government.

5. Open carry of firearms. C.R.S. § 29-11.7-104 allows the County to prohibit openly carried firearms on county property where signs prohibiting firearms have been posted. Staff recommends this prohibition as to all county owned buildings with an exception for law enforcement personnel. It is important to note that this provision does not prevent conceal carry because only the La Plata County Courthouse has security for the deposit of firearms.

6. Possession of marijuana and marijuana-infused products. The amendments incorporate the prohibitions that currently exist in Sec. 38-1 relating to the possession of marijuana or marijuana-infused products on county owned property.

Procedurally, this is the introduction and first reading of the Ordinance. The County will subsequently publish the ordinance and after ten days it will be presented to the Board for a second reading. Typically, an ordinance becomes effective thirty days after final publication but in this instance staff and the Sheriff recommend that the Ordinance become effective immediately upon final adoption due to fire danger and other health, safety and welfare concerns related to illegal camping in the unincorporated areas of the county.

FISCAL IMPACT:

With the adoption of the ordinance, additional responsibility will fall on the Sheriff's Office and County Attorney's Office for enforcement of the prohibitions described in the ordinance.

RECOMMENDED ACTION:

1. Introduce and read the title of Ordinance No. O-2018-X into the record:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO RELATING TO HOURS FOR COUNTY ASSEMBLY ON COUNTY PROPERTY, REMOVAL OF UNAUTHORIZED PROPERTY AND ENFORCEMENT PROCEDURES

2. Note the following information for the record: For the record, a written copy of the entire text of the ordinance, including exhibits referenced by the ordinance, was provided to the Board prior to the first reading of the ordinance.

3. Direct staff to publish the entirety of the ordinance, including any exhibits, in the Durango Herald no less than 10 days prior to the second reading and consideration of adoption of the ordinance by the Board.

MEETING NARATIVE:

REVIEWED BY:

Elizabeth Dufva

Elizabeth Dufva, Clerk to the Board 5/17/2018

ATTACHMENTS:

- 2018_05_Ordinance_Use of County Properties 4843-8950-6150 v.3 (DOCX)
- 2018_0420_Sec. 38-2 Amend_Use of County Owned Property_discussion version 4813-8367-9843 v.9 (DOCX)