

A This ordinance is being re-recorded to add Exhibit A  
**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:

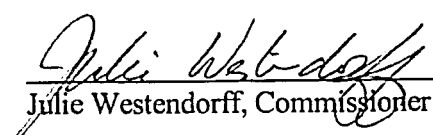
  
Clerk to the Board



BOARD OF COUNTY COMMISSIONERS  
LA PLATA COUNTY, COLORADO

  
Gwen Lachelt, Chair

  
\_\_\_\_\_  
Brad Blake, Vice Chair

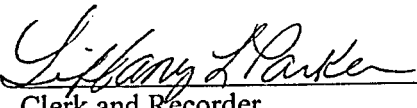
  
\_\_\_\_\_  
Julie Westendorff, Commissioner

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.

  
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Clerk and Recorder

## EXHIBIT A

### **Sec. 38-1. Operating hours for county properties, unauthorized activities on county properties, public assembly on county property, removal of unauthorized property; and enforcement procedures.**

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- I. Intent. The county owns and operates real properties which enable the county to deliver efficient and effective services to the citizens of La Plata County. The board finds that certain regulations are needed to meet the county's 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. The board further finds that certain conduct on county owned properties is a threat to public safety and health and interferes with the public's ability to use county owned property for its intended use.
- II. Purpose. The purposes of this section include:
  - A. Establishing procedures for entering or remaining in certain areas of county property that are not open to the public or are open to the public only during certain operating hours;
  - B. Prohibiting littering and fires on county property;
  - C. Establishing regulations for the disposal of abandoned personal property or the removal of unauthorized structures, camping equipment and other personal property from county property;
  - D. Establishing regulations regarding the erection of structures or placing equipment on county property;
  - E. Establishing uniform encampment regulations for all county property;
  - F. Prohibiting openly carrying a firearm on any county property where signs prohibiting firearms have been posted in compliance with C.R.S. § 29-11.7-104, either permanently or temporarily;
  - G. Prohibiting marijuana and marijuana-infused products on county property; and
  - H. Informing members of the public of the manner in which they may engage in constitutionally protected speech and expression upon county properties.
- III. Definitions. For purposes of this section, the following definitions shall apply:
  - A. Abandoned. Abandoned means personal property on county property that is presumed to be abandoned by the owner or custodian so as to permit an authorizing official to take custody when:

1. The property is placed out for collection in conjunction with solid waste or recyclable material on the scheduled date for collection by authorized waste haulers, or it is placed there on a date contemporaneous with a community collection or cleanup;
2. The property is not associated with an authorized encampment and a reasonable person would not allow the property to be there unattended for the length of time the personal property has been there, considering the location of the personal property on county property, the type of property, the danger of theft, and the risk of damage from weather;
3. No name appears on the property and the occupant or owner of the adjacent real property on inquiry disclaims ownership; or
4. The property is unattended on a county road, right of way, trail or planting strip adjoining a county owned property.

B. Authorizing official. Authorizing official means as to property under their jurisdiction, an elected official or county employee performing official duties and their respective authorized designees.

C. Board. Board means the Board of County Commissioners of La Plata County.

D. Camp or camping. Camp or camping means the parking of a motor vehicle or recreational vehicle for the apparent purpose of overnight occupancy or to erect a tent or other shelter, or to assemble camping equipment or personal property that evidence to a reasonable person that a person has remained or intends to remain, on county property overnight or on county property when it is closed to the public. Camping equipment includes, but is not limited to tarps, blankets, sleeping bags, cooking equipment, and other items commonly associated with remaining overnight.

E. County property. County property means county owned real property or property where the county is the lessee or has been granted or otherwise obtained an easement including but not necessarily limited to buildings, including sidewalks or parking lots appurtenant thereto, county trails, vacant lands, open space, conservation easements, county owned and maintained roads, rights of way or easements, ditches and drainage facilities. For purposes of this section, county property does not include the Durango-La Plata County Airport, water or mineral rights or real property leased by the county to a tenant pursuant to a written lease agreement.

F. Contraband. Contraband means any property that is unlawful to produce or possess.

G. County department or department. County department or department means a division or department of the county, including those operated by an elected official.

H. County trails. County trails or county trail means a path or marked route that provides access for pedestrian, bicycling or equestrian, non-motorized traffic that provides opportunities for walking, bicycling, horseback riding or other compatible activities which the county owns or is the dominant estate holder under an easement agreement and described in Resolution No. 2000-5 of the La Plata County Planning Commission adopting the La Plata County Trails Plan, as may be amended and updated from time to time.

I. Encampment. Encampment means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area either partially or wholly on county property, which appears to a reasonable person to be being used for camping. An identifiable area includes areas where the tents or structures are in plain sight of each other.

J. Facilities. Facilities means county owned buildings, including sidewalks and parking areas appurtenant thereto, but excluding the La Plata County Fairgrounds and county roads.

K. Freedom of speech or expression. Freedom of speech or expression means any lawful expression or verbal or written means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speaking verbally, holding signs, circulating petitions and distributing written materials. "Expression" includes voter registration activities but does not include speech that is primarily for a commercial purpose, including the promotion, sale or distribution of any product or service.

L. Firearm(s). Firearm(s) means any handgun, automatic, pistol, revolver, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges or other explosive charge.

M. Garbage or refuse. Garbage or refuse means any item that in its present condition has no apparent utility.

N. Hazardous item. Hazardous item means an item that reasonably appears to pose a health or safety risk to members of the public, to county employees or to other authorized personnel. Hazardous items may include human and biological waste, combustible materials, blankets, clothing, sleeping bags, mattresses, e-waste, household hazardous waste, used oil, tires, dead animals or other items depending upon their condition and site conditions.

O. Litter. Litter means rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description.

P. Manager. Manager means either the county manager, assistant county manager or their respective authorized designee.

Q. Motor vehicle. Motor vehicle shall have the same meaning as set forth in C.R.S. § 12-6-102(17) (or C.R.S. § 44-20-102(16) after October 1, 2018).

R. Open space. Open space means land owned, operated, and occupied by the county, either improved or unimproved, including unsanctioned trails or land predominately in its natural state, riparian areas, watersheds or other habitat areas.

S. Recreational vehicle. Recreational vehicle means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. "Recreational vehicle" includes camping trailers, fifth wheel trailers, motor homes, travel trailers, multipurpose trailers and truck campers as those terms are defined in C.R.S. § 24-3-902.

T. Personal property. Personal property means an item that is: (1) reasonably recognizable as belonging to a person; (2) in its present condition has apparent utility; and (3) is not hazardous. Examples of personal property include but are not limited to tents, bicycles, radios or other electronic equipment, personal identification or documentation, eyeglasses, prescription medications, photographs, jewelry, crutches, and wheelchairs. Personal property does not include building materials such as natural materials, wood products, metal, pallets, or rigid plastic. The authorizing official should resolve a reasonable doubt as to whether an item is personal property in favor of deciding the item is personal property and treat it accordingly under this section.

U. Structure, tent and other shelters. Structure, tent and other shelter means anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner. Structures include, but are not limited to, buildings, lean-tos, tents, awnings, pallets and tarps. Structure or other shelter shall not include buildings or facilities constructed by or on behalf of the county.

V. Unauthorized item. Unauthorized item means an item that is abandoned on county property, is present on county property without a required permit or other authorization, or evidences use for camping in violation of applicable law or this section.

W. Unsanctioned trail(s). Unsanctioned trail(s) means trails on county property created by trespassers or parties other than the county or the county's designee or easement holder(s) and not described in Resolution No. 2000-5 of the La Plata County Planning Commission adopting the La Plata County Trails Plan, as may be amended and updated from time to time.

#### IV. Prohibitions on use of county property.

Pursuant to the authority set forth in C.R.S. §§ 18-9-117, 30-11-101, and 30-15-401 and the other authorities specifically referenced herein, the following are prohibited acts:

A. Except as otherwise permitted herein, it shall be unlawful for any person to camp or erect a structure, tent, or other shelter on county property without the permission of the board, manager or their designee. Notwithstanding the foregoing, a person may occupy a motor vehicle for a period of no longer than forty-eight (48) hours on any county owned right of way or any other real property owned by the county under circumstances constituting an emergency, including but not limited to adverse weather conditions or vehicle inoperability. Periodic occupancy shall not be a defense or exemption to these regulations if based on the totality of the circumstances the La



Plata County Sheriff's Office has probable cause to believe a person is camping in a motor vehicle or recreational vehicle as defined in this section.

B. It shall be unlawful for any person to deposit, throw, or leave garbage, refuse or litter on county property, unless such garbage, refuse or litter is disposed of in a receptacle or container installed for such purpose.

C. It shall be unlawful for any person, except an authorizing official performing official duties, to ignite or cause ignition of either an open or enclosed fire on county property.

D. It shall be unlawful to remove, destroy, mutilate, deface or damage any building, structure, statue, posted notice, sign, marker, fence, vegetation or other object located on county property. C.R.S. § 18-4-509.

E. To discharge any firearm, unless expressly permitted by law (e.g. self-defense under C.R.S. 18-1-704 or an authorized law enforcement officer acting in the line of duty), on any county property.

F. To grow, produce, possess, display, transfer, distribute, sale, transport and use marijuana or marijuana-infused products on county property.

G. Except with respect to law enforcement personnel, to openly carry a firearm in any county facilities where signs prohibiting firearms have been posted in compliance with C.R.S. § 29-11.7-104, either permanently or temporarily, as may be needed from time to time at the discretion of the manager.

H. Any person who violates subsection IV (A), (B) and (E) and receives notice pursuant to C.R.S. § 18-9-117(2) shall be guilty of a Class 3 misdemeanor, pursuant to C.R.S. § 18-9-117(3)(a).

I. Any person who violates subsection IV (C) and receives notice pursuant to C.R.S. § 18-9-117(2) shall be guilty of a Class 2 misdemeanor, pursuant to C.R.S. § 18-9-117(3)(b).

J. Any person who violates subsection IV(D) shall be guilty of a Class 2 misdemeanor. C.R.S. § 18-4-509.

K. Any person who violates subsection IV (A) through (G) shall be guilty of a Class 2 petty offense pursuant to C.R.S. § § 30-11-101 and 30-15-401. For each separate violation of this subsection IV (A) through (G), the fine for the first offense and for any subsequent offense shall be a minimum of fifty dollars (\$50.00) and the maximum fine shall not exceed one thousand dollars (\$1,000.00), subject to all statutory surcharges.

L. All penalties under this subsection are cumulative of and not a substitute for any other criminal statutes and penalties associated with the activities prohibited herein.

V. Affirmative defenses. It shall be an affirmative defense to the camping or fire prohibitions of this section if the person obtains express consent of the board or manager prior to engaging in such activity.

VI. Notice. Notice of the prohibition against camping, openly carrying firearms, littering and fires on county property shall be posted on county property as deemed necessary or appropriate by the manager.

VII. Departmental rules. In addition to rules and procedures that may presently exist or be promulgated by the board, an elected official or a department head, the following regulations apply to county property under the control of the applicable county department.

A. La Plata County Fairgrounds – 2500 Main Avenue, Durango, CO.

1. Operating hours and areas closed to the public. Some Fairgrounds property is always closed to the public. Other Fairgrounds property is open to the public only during established operating hours.

a. General Fairgrounds operating hours are between 6:00 a.m. and 10:00 p.m.

b. Special operating hours may be established for individual events, permitted vehicles, campers or recreational vehicles or in those instances where the Fairgrounds is used as an emergency shelter or incident command facility.

c. In addition to a violation of any other applicable law, it is a violation of this section to enter or remain in any area of the Fairgrounds when the area is not open to the public.

2. Camping and erection of structures, tents and other shelters. Camping or the erection and maintenance of structures, tents, recreational vehicles and other shelters on Fairgrounds property is permissible in designated areas if authorized by the manager or the General Services Director subject to the county's emergency operations shelter plan or permitted and subject to the Fairground's procedures and policies relating to individual events, stall rentals and recreational vehicle parking. Camping or overnight occupancy in a stall is prohibited and subject to the penalties set forth in this section 38-1.

3. Engaging in any activity on Fairgrounds property that requires a permit without first obtaining a valid permit is a violation of this section 38-1.

B. La Plata County Senior Center – 2424 Main Avenue, Durango, CO and Former Armory – 283 Girard Street, Durango, CO.

1. Operating hours and areas closed to the public. Some Senior Center and Former Armory property is always closed to the public. Other Senior Center and Former Armory property is open to the public only during established operating hours.

a. The Senior Center and Former Armory operating hours are between 8:00 a.m. and 5:00 p.m.

b. Special operating hours may be established for individual events, permitted vehicles, campers or recreational vehicles or in those instances where the Senior Center or Former Armory are used as an emergency shelter and incident command facility.

c. In addition to a violation of any other applicable law, it is a violation of this section to enter or remain in any area of the Senior Center or Former Armory Property when the areas are not open to the public.

2. Camping and erection of structures, tents and other shelters. Camping or the erection and maintenance of structures, tents, recreational vehicles and other shelters at the Senior Center or Former Armory is permissible in designated areas if authorized by the board, manager or the manager's designee subject to the county's emergency operations shelter plan or permitted and subject to procedures and policies relating to individual events and recreational vehicle parking.

3. Engaging in any activity on Senior Center or Former Armory that requires a permit without first obtaining a valid permit is a violation of this section 38-1.

C. County owned open space, unimproved lands and closed landfills.

1. Areas closed to the public. County owned open space, unimproved lands and closed landfills are always closed to the public.

D. County trails and unsanctioned trails.

1. County trails operating hours and areas closed to the public. County trails are open to the public only during established operating hours.

a. General county trail operating hours are between 5:00 a.m. to 10:00 p.m. unless otherwise posted at specific trailhead locations. Additional closures or restricted hours may occur due to inclement weather or to reduce disturbances to wintering wildlife.

b. Special operating hours for county trails may be established for individual or special events by the board, manager or the manager's designee.

c. In addition to a violation of any other applicable law, it is a violation of this section to enter or remain on any county trail when the county trail is not open to the public.

2. Unsanctioned trails shall be subject to the operating hours and restrictions applicable to the type of county property underlying the unsanctioned trail.

E. Conservation easements.

1. Operating hours and areas closed to the public. Lands held in a conversation easement by the county are closed to the public except as otherwise described in the terms and conditions of the easement instrument.

2. Camping and erection of structures, tents and other shelters. Camping or the erection and maintenance of structures, tents and other shelters on lands held in a conservation easement by the county are permissible only as specifically described in the applicable deed in conservation or another written instrument between the grantor and the county.

F. Other county buildings and facilities.

1. Operating hours and areas closed to the public. Some other county buildings and facilities may always be closed to the public. Other county buildings and facilities may be open to the public only during established operating hours or special events.

2. In addition to a violation of any other applicable law, it is a violation of this section to enter or remain in any building or facility when the area is not open to the public.

G. Manager discretion. The manager, manager's designee or board may temporarily alter the rules of operation for any county property for individual events, emergencies or as otherwise required by law.

VIII. Storage or disposal of personal property and other items.

A. In addition to a violation of other applicable law, it is a violation of this section to abandon or to store without authorization, personal property on county property or to place garbage or refuse anywhere on county property except in a designated receptacle.

B. The authorizing official may summarily and without advance notice remove and dispose of refuse, hazardous items, building materials or contraband. The authorizing official shall, before disposal of contraband, allow the appropriate law enforcement agency the opportunity to take possession of any contraband item.

C. Provided such property is not hazardous, the authorizing official shall store all personal property discovered on county property, including encampments, as provided in this subsection VIII. Personal property may be stored at the building or facility where it was discovered or at a location commonly used by the county for storing property. Personal property that is not recovered after seven (7) days from and including the day the property was stored may be discarded, recycled, used, donated or otherwise disposed of by the county.

D. If the personal property was encountered when removing an encampment, the encampment site shall, for ten days, be posted with a notice identifying:

1. The date(s) the personal property was removed from the site;
2. Where the personal property is stored; and

3. How the personal property may be claimed by its owner.

IX. Freedom of speech or expression activities. Consistent with federal law, the county maintains the ability to regulate freedom of speech/expression, petition and peaceful assembly on county property with reasonable time, place and manner restrictions which includes the designation of public forums, where public assemblies are allowed:

A. The following properties are designated as public forums for freedom of speech and/or expression activities. These properties have traditionally been used for purposes of assembly, communicating thoughts between members of the public and discussing public questions:

1. The sidewalk and lawn abutting E. 2<sup>nd</sup> Avenue of the La Plata County Courthouse, 1060 E. 2<sup>nd</sup> Avenue, Durango, Colorado when the activity is not intended to interfere with or impede justice or to influence a judge, juror or court officer.

2. The sidewalks on the east side of the County Administration Building, 1101 E. 2<sup>nd</sup> Avenue, Durango, Colorado.

B. The following property is designated as a limited public forum that is open only to particular categories of speakers or only speakers on a particular topic:

1. Board Room of the County Administration Building, 1101 E. 2<sup>nd</sup> Avenue, Durango, Colorado.

2. Certain portions of the grounds at the La Plata County Fairgrounds, 2500 Main Avenue, Durango, Colorado. Such portions shall be designated as necessary by signage depending upon the nature of the event.

C. All other county properties are not public forums. Both the interiors and exteriors of county property and facilities are not open to the public for purposes of free speech expression and are expressly reserved solely for the functioning of county government and furtherance of county purposes as determined by the board or another county elected official with respect to that elected official's office. Signs, banners, lights or other material affixed to or projected against the walls or surfaces of county facilities or structures other than those approved by the manager are prohibited.

D. Freedom of speech and expression activities may not:

1. Harass or threaten any person;
2. Interfere with the flow of vehicular or pedestrian traffic;
3. Create an imminent safety, security or health hazard;
4. Interfere with any other lawful activity by anyone in the same general location at the same time;
5. Include electioneering activities, political rallies and/or partisan political functions within 100 feet of any voting center or ballot drop-off location at any time twenty-two (22) days prior to an election or at any time during the day of an election.
6. Be commercial in nature.

X. The provisions of this section are intended to promote health, safety and welfare of the general public. They are not intended to be, nor shall be, construed to create any basis for liability on the part of the county, its officers, elected officials, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the county. Likewise, they are not intended to, nor shall be construed to, impose upon the county any duty that can become the basis of a legal action for injury or damage.

4813-8367-9843, v. 12