

# EXHIBIT A

## Draft Greeley Municipal Code – Chapter 13.40

### 13.40.1 Purpose and intent.

This Chapter of the Code establishes standards for conduct by the public within City-designated natural areas and trails. The requirements and prohibitions of this Article shall not apply to emergency services, law enforcement operations, City personnel, or other entities in a formal relationship with, and at the direction of the City.

### 13.40.2 Closed hours.

All City-designated natural areas and trails shall be closed to the public from sixty (60) minutes after sunset to sixty (60) minutes before sunrise each day.

### 13.40.3 Definitions

When used in this Chapter, the following words have the meanings ascribed to them below:

*Animal* is defined in Section 7.04.020 of this Code.

*Bicycle* is defined in Section 11.01.102 of this Code.

*Drone* means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft and is also known as an unmanned aircraft system (UAS).

*Electric scooter* is defined in C.R.S. §42-1-102(28.8) and adopted herein.

*Electrical assisted bicycle* is defined in C.R.S. §42-1-102(28.5), adopted herein, and requires electrical assisted bicycles to conform to one of three classes as follows:

- (a) “Class 1 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.
- (b) “Class 2 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.
- (c) “Class 3 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

*Engine* means a device that consumes fuel as its energy source, changing the chemical composition of the energy source.

*Group event* means an organized athletic event, festival, or other activity that is planned or reasonably expected to include ten (10) or more persons, that will include activities other than those expressly authorized in a particular area, and that is reasonably expected by the City to:

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- 1) Obstruct, delay, or interfere with the normal use of a natural area or trail, or facilities located therein;
- 2) Present a risk of negative impact to animal or plant life, or the local ecology; or
- 3) Last more than two (2) hours.

*Hazardous pollutants* and *hazardous waste* are defined in Section 14.16.020 of this Code.

*Incidental trash* means discarded items including packaging, reasonably and actually used or consumed in the course of appropriate use of a natural area or trail. *Incidental trash* does not mean hazardous pollutants, hazardous waste, or other waste.

*Livestock* means cattle, horses, donkeys, mules, bison, goats, sheep, and pigs.

*Motor* means a device driven by electricity, air, or hydraulic pressure without changing the chemical composition of its energy source.

*Natural area* means an area under City management so designated by City-posted signs or by City-issued maps, whether within or outside the City limits.

*Trail* means a trail under City management, whether paved or unpaved, maintained or unmaintained, so designated by City-posted signs or by City-issued maps, whether within or outside the City limits. A *trail* is not a bike path or a pedestrian path as those terms are used elsewhere in this Code.

*Waste* means solid or liquid refuse, whether organic or inorganic, such as trash, garbage, debris or litter, rocks or dirt, cremains, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard clippings, tree limbs, glass, rags, clothing of any kind, or any other discarded object.

*Wild animal* is defined in Section 7.04.200 of this Code.

*Wild bird* is defined in Section 7.04.210 of this Code.

### 13.40.4 Prohibited activities.

The Greeley Municipal Code, not limited to those chapters specifically referenced in (x) below, in addition to federal and state laws, especially the regulations of the Colorado Parks and Wildlife (CPW), shall apply within City-designated natural areas and trails.

In a City-designated natural area or trail it shall be a violation of this Chapter to:

- (a) Engage in conduct prohibited by the following parts of this Code:
  - Chapter 7.08 regarding animals.
  - Chapter 9.24 regarding noise.
  - Chapter 9.44 regarding smoking in public places.
  - Chapter 10.36 regarding weapons.

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- (b) Engage in any careless or reckless behavior or activity that constitutes a hazard to one's safety or to the safety of other users.
- (c) Travel off designated trails unless City-posted signs allow travel off-trail.
- (d) Conduct or participate in a Group event without a City-issued permit.
- (e) Remove, destroy, mutilate, modify, or deface a building, structure, device, fence, gate, sign, survey, marker, or any other object.
- (f) Enter a natural area during closed hours except with a City-issued permit.
- (g) Discard, dispose, dump, or release any waste or hazardous substances. Disposal of incidental trash in City-designated receptacles is allowed.
- (h) Possess any glass beverage container whatsoever, except during clean-up activities sponsored and/or permitted by the City.
- (i) Enter in or upon any waters, including ice, or allow or direct an animal under one's care or control to do so, including by swimming, fishing, or boating, except where City-posted signs allow such activity.
- (j) Drive, hit, or throw golf balls within, into, or onto a natural area or trail.
- (k) Use a ball, kite, flying disc, or boomerang, except where City-posted signs allow such activity.
- (l) Operate an engine-powered vehicle or other conveyance.
- (m) Fish, except where City-posted signs allow fishing and only with a valid CPW-issued fishing license and in compliance with CPW regulations.
- (n) Operate any motor-driven miniature, toy, or model vehicle.
- (o) Operate or allow to be operated, a drone or other UAS within, into, onto or over a natural area or trail unless allowed by a federal or state regulation.
- (p) Operate a Class 3 electrical assisted bicycle.
- (q) Operate a skateboard, rollerblades, roller-skates, scooter, electric scooter, bicycle, or electrical assisted bicycle (Class 1 and Class 2) ~~except~~ where City-posted signs ~~allow-prohibit~~ such activity.
- (r) Park any wheeled vehicle in such a manner as to create a hazard, obstruct vehicular or pedestrian traffic, or damage natural resources.

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- (s) Allow livestock to graze, except with a valid City-issued grazing lease.
- (t) Harass (whether or not the harassment results in injury), attempt to injure, or kill a wild animal or wild bird, or allow an animal under one's control to do so.
- (u) Feed wild animals or wild birds.
- (v) Ride and/or lead livestock, except where City-posted signs allow such activity.
- (w) Construct, place or maintain any kind of road, trail, fence, enclosure, landscaping material, fixed hardware, communication equipment, or any other structures.
- (x) Remove, disturb, or damage any archaeological, geological, or paleontological materials.
- (y) Apply herbicide or pesticide.
- (z) Cut or remove trees or shrubs, or mow or trim vegetation, unless they are encroaching upon private property (and then only to remove the portion on private property).
- (aa) Plant any plant species, except during planting activities sponsored and/or permitted by the City.
- (bb) Collect or remove seeds, plants or cuttings of trees, shrubs, vines, grasses, wildflowers or other plants, and any wildlife species, or otherwise remove the same.
- (cc) Release or otherwise introduce an insect, bird, or other animal not native to the local ecosystem.

### 13.40.5 Violations

Unless stated otherwise in this Code, conduct prohibited by this Chapter shall be punishable as a misdemeanor infraction pursuant to Chapter 1.33 of the Code.

### 13.40.6 Activities allowed with City-issued permit.

Certain activities, otherwise prohibited by this Chapter, may be allowed if a permit is first issued by the City through the Culture, Parks and Recreation Department. Instructions for permit application are available at the Natural Areas & Trails office and on the Division's webpage. Examples of activities allowed after first obtaining a City-issued permit may include Group events, entering a natural area to access an adjacent property, entering a natural area during closed hours for an approved activity, and other uses as deemed appropriate by the City.