

RESOLUTION NO 10-2015
COLORADO CITY METROPOLITAN DISTRICT
RESOLUTION AMENDING RULES AND REGULATIONS TO PROHIBIT
HUNTING AND THE DISCHARGE OF FIREARMS ON DISTRICT-OWNED LAND

WHEREAS, the Colorado City Metropolitan District (“District”) is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.*

WHEREAS, the Board of Directors of the District desires to update its Rules and Regulations.

WHEREAS, the Board of Directors of the District has the authority granted by C.R.S. § 32-1-1001(1)(m) “[t]o adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district.”

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(f), the District has the power to “acquire, dispose of, and encumber real and personal property including, without limitation, rights and interests in property, leases, and easements necessary to the functions or the operation of the special district.”

WHEREAS, implied in the District’s power to acquire, own and dispose of real property is the District’s power to regulate the use of the real property that the District owns.

WHEREAS, the District has prepared proposed new sections 16.2.10 and 16.2.11 of the Rules and Regulations, which are attached hereto as **Exhibit A**.

WHEREAS, the District has held a public hearing on the proposed revised Rules and Regulations at which it accepted comments from the public, following publication of notice of the hearing.

WHEREAS, the Board of Directors of the District has determined that it is in the best interests of the District to amend the District’s Rules and Regulations to protect public safety on District-owned land, including District easements and right-of-way, by prohibiting hunting and the discharge of firearms on that land, without the District’s consent.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District that:

1. Hunting and/or the discharge of firearms are prohibited on property owned by the District, including without limitation Colorado City parks, greenbelts and open spaces, without prior written approval issued by the District Manager of Colorado City Metropolitan District.

2. The Board of Directors hereby amends the District's Rules and Regulations by the addition of the new provisions shown on **Exhibit A** attached hereto and incorporated herein by this reference, effective immediately.

3. District Administration is hereby directed to revise the Rules and Regulations to reflect this amendment.

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 8th day of December, 2015.

COLORADO CITY METROPOLITAN DISTRICT



Patti Wadlington, Treasurer

ATTEST:



Susan Kalman, Secretary

EXHIBIT A

The underlined language is added to Section 16.1.1.

16.1.1 Authority of District: The District has authority to establish parks and recreation facilities and to own other properties as the Board determines is in the best interests of the health, safety and welfare of the residents of Colorado City, to establish these Rules and Regulations for the use of District properties, including parks and recreation facilities. **For the purposes of this Section Sixteen property “owned by the District” includes property owned in fee, easement or right-of-way, including without limitation parks, greenbelts and open spaces.**

The following two new sections are added:

16.2.10 Firearms: The discharge of firearms is prohibited on property owned by the District, including without limitation Colorado City parks, greenbelts and open spaces, without prior written approval issued by the District Manager of Colorado City Metropolitan District. As used herein, “firearms” means any pistol, revolver, rifle, or other weapon of any description from which any shot, projectile, or bullet may be discharged. Violation of this prohibition is subject to the enforcement provisions of Section 16.2.8 of these Rules and Regulations. Nothing in this section shall be construed to restrict or otherwise affect any person’s constitutional right to bear arms or his legally protected right to the defense of his person, his family or his property.

16.2.11 Hunting: Hunting is prohibited on property owned by the District, including without limitation Colorado City parks, greenbelts and open spaces, without prior written approval issued by the District Manager of Colorado City Metropolitan District. As used herein, “hunting” means to pursue, attract, stalk, lie in wait for, or attempt to shoot, wound, kill, trap, capture, collect, or take wildlife. “Hunting” does not include stalking, attracting, searching, or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking photographs of wildlife. Violation of this prohibition is subject to the enforcement provisions of Section 16.2.8 of these Rules and Regulations.