

# SANTA FE COUNTY

## Ordinance No. 2001- 1

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### RULES AND REGULATIONS FOR COUNTY PARKS, TRAILS AND OPEN SPACE AREAS

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#### **Section 1. Short Title**

This ordinance may be cited as the “Rules and Regulations for County Parks, Trails, and Open Space Areas”

#### **Section 2. Purpose and Legislative Authority**

NMSA 1978 § 4-37-1 (1975) authorizes the Board of County Commissioners to adopt rules and regulations pertaining to parks, trails and open space areas.

The purpose of this Ordinance is to establish rules and regulations for public use of county parks, trails, and open space areas in a manner that promotes public health, safety, and welfare and preserves property which Santa Fe County owns, leases or otherwise manages as parks, trails, or open space areas.

#### **Section 3. Definitions**

3.1 “Administrator” means the Land Use Administrator of the Santa Fe County Land Use Department;

3.2 “Board of County Commissioners” means the Board of County Commissioners for Santa Fe County;

3.3 “Commercial use” means any for-profit sales or services but does not include the operation of vending machines authorized the Board of County Commissioners;

3.4 “Cultural resources” means any structures, places, sites, or objects having historic, archaeological, scientific, architectural, or other cultural significance;

3.5 “Special Use Permit” means a permit issued by the Board of County Commissioners or Land Use Administrator to a person, business entity, or organized group to host or provide a certain event or activity within a County park, trail, or open space area. The term of a special use permit shall be for the duration of the approved event.

3.6 “Vending machine” means any coin-operated beverage, snack or service machine subject to approval of the Board of County Commissioners.

#### **Section 4. Rules and Regulations**

##### **1. Removing or Installing Objects.**

(a) It shall be unlawful for any unauthorized person to remove, destroy, mutilate, collect or deface any natural or man made object within any County park, trail, or open space area, including but not limited to: trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, bulletin boards, restrooms, tables, benches, cultural resources, and trash containers.

(b) It shall be unlawful to place rock bolts, install gates, plant trees or any other type of landscape material, or establish or construct trails or other facilities for public or private use without the prior written consent of the Administrator.

(c) Notwithstanding the above, collection of edible roots, herbs, or nuts for individual consumption shall be allowed, provided it is done in accordance with a duly authorized management plan.

**2. Wildlife.** It shall be unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife at any time within any County park, trail, or open space area. Except that any person may injure or kill any wildlife that is threatening immediate harm to him or others. The person who takes action under this provision shall report this action to the Santa Fe County Sheriff's Department or County Code Enforcement Officers, who shall verify the necessity of such action.

**3. Firearms.** It shall be unlawful to carry or discharge into any County park, trail, or open space area firearms or projectile weapons or explosives of any kind including, but not limited to, fireworks, BB guns, pellet guns, air guns, crossbows, longbows, slingshots, or other device capable of causing injury to persons or animals or damage or destruction to property; peace officers on official duty are excepted.

##### **4. Domestic Animals.**

(a) Any dog or other domestic animal within a County park, trail, or open space area shall be restrained by a leash and under the control of a person, unless otherwise posted.

(b) Horses shall be permitted only in designated areas and must be adequately controlled at all times.

(c) It shall be unlawful for any person to allow any dog or other domestic animal under his control to disturb, molest, harass or chase livestock in a County park, trail, or open space area.

**5. Camping.** Camping is not permitted except in designated areas.

- 6. Special Use Permits.** Special Use Permits are required for any commercial, recreational, athletic, educational or public event with an anticipated attendance of 15 or more persons. Grazing use on properties shall be allowed based on an adopted management plan and issuance of a special use permit. The Board of County Commissioners or Administrator may require indemnification and proof of general liability insurance naming the County as an additional insured before issuing a Special Use Permit to any person or entity. Special Use Permits may be obtained by making application to the County Land Use Department.
- 7. Fires.**
- (a) Ground fires are unlawful. Fires may be built only in designated picnic areas, and then only in grills and fireplaces or in personal grills and stoves. All fires must be attended at all times and properly extinguished. Exceptions to the ground fire prohibitions may be allowed only with a Special Use Permit.
- (b) Fires may be prohibited entirely by order of the Board of County Commissioners, the County Sheriff, or County Fire Marshall by the posting of special notices or other means of public notification. It shall be unlawful to build any fire or use any stove or other device having an open flame whenever the Board of County Commissioners has issued an order prohibiting the same.
- 8. Motor Vehicles.**
- (a) No person may operate a motor vehicle, including a car, truck, motorcycle, mini-bike, all terrain or other recreational vehicle, within any County park, trail or open space area, unless the area is specifically designated and posted to permit the operation of such vehicle; County and emergency vehicles on official business are excepted. For exceptions related to disabled access refer to 8(c).
- (b) Bicycle use within any park, trail, or open space area shall be allowed only on designated roads or trails and only when those areas are not posted to prohibit such use.
- (c) Persons with disabilities may use single-rider, motorized vehicles adapted for use by them.
- (d) The Administrator may impose use restrictions on specific parks, trails, or open space areas when such restrictions are necessary for resource protection or personal safety. Such restrictions shall be posted at the trailheads and it shall be unlawful for any person to violate the posted restrictions.
- 9. Vehicle Parking.** Vehicles shall be parked only in designated parking areas and in designated camping areas and may not be left unattended or occupied in a county park, trail or open space area at any time from one half-hour after sunset to sunrise, except as specifically authorized in designated camping areas. It shall be unlawful to park any vehicle in such a manner as to block access, restrict traffic, or inhibit free movement of other vehicles, or persons. Vehicles so parked may be towed at the owner's expense. Exceptions to this provision may be granted under a Special Use Permit.

- 10. Advertising.** The posting of advertisements or the placement of brochures by private parties on County park, trail, or open space area facilities and on vehicles within designated parking areas is prohibited.
- 11. Disposal of Trash.** It shall be unlawful to dispose of trash, garbage, rubbish, litter or debris within any County parks, trails, or open space areas, except that which is generated by legal activities conducted within the parks, trails, or open space areas. Trash and debris legally generated within any County parks, trails, or open space areas must be removed or deposited in designated trash receptacles.
- 12. Alcoholic Beverages.** It shall be unlawful to sell, consume, possess, or serve alcoholic beverages, as defined by state statute, within any County parks, trails, or open space areas.
- 13. Research.** All research projects to be conducted within any County park, trail, or open space area must be reviewed and prior written authorization granted by the Administrator. All research projects shall comply with this Ordinance.
- 14. Commercial Uses.** It shall be unlawful for any person, acting individually or on behalf of a business or organization, to use any County park, trail, or open space area for any commercial purpose without first obtaining a Special Use Permit.
- 15. Public Nuisance.** It shall be unlawful for any person to engage in any activity within a County park, trail, or open space area which interferes with the health, safety and welfare of the users or which creates a nuisance or hazard to the use and/or safety of persons using or neighboring the area. Disorderly conduct (including amplified sound) shall be prohibited, except that amplified sound may be allowed through the issuance of a Special Use Permit.
- 16. Yielding Right-Of-Way.** It shall be unlawful for any trail user passing another trail user to fail to yield in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the right-of-way is as follows: All users yield to equestrians, and bicycles yield to pedestrians. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- 17. Closures.**
- (a) Open space lands being managed for agricultural and other purposes and posted as such are closed to the public unless trails and other related facilities are otherwise designated by the Board of County Commissioners. It shall be unlawful for any unauthorized person to enter such closed areas.
- (b) The Land Use Department may from time to time determine that closures of open space areas to the public and/or to certain animals are necessary or desirable to protect wildlife, vegetation, or for public safety concerns. The Board of County Commissioners may designate an area as closed temporarily, indefinitely or permanently. It shall be unlawful for any unauthorized person to enter areas that are closed. All closures, whether temporary, indefinite or permanent, shall be posted.

**18. Posted Regulations.** It shall be unlawful to violate any posted regulations or those regulations set forth in an official county parks, trails, or open space brochure.

**19. Enforcement.** The Santa Fe County Sheriff’s Department and County Code Enforcement Officers shall enforce any and all of the regulations adopted for County parks, trails, and open space areas. To the extent that the Board of County Commissioners may find it desirable to vest specific enforcement authority in other County personnel or other governmental agency, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted for County parks, trails, and open space areas. The following schedule of fines shall be used for violations of this Ordinance:

First Offense:	\$100
Second Offense:	\$300
Third Offense:	\$500 or the maximum allowed by law

Weapons and Fire-related Offenses:

First Offense:	\$500
Subsequent Offenses:	Maximum allowed by law

**20. Penalties.** Any person who violates the provisions of this Ordinance shall be prosecuted in a court of competent jurisdiction and penalized to the maximum extent allowed by law.

**21. Severability.** The provisions of this Ordinance shall be severable. If any provision of this Ordinance is ruled to be invalid by a court of competent jurisdiction:

(a) the effect of such judgment shall be limited to the specific provision or provisions that are expressly stated in the judgment to be invalid; and

(b) such judgment shall not affect, impair or nullify the validity or application of the remainder of this Ordinance which shall continue in full force and effect.

**22. Effective Date.** The Ordinance shall take effect thirty (30) days after it is recorded in the County Clerk’s Office.

**23. Ordinance Availability.** The County Land Use Department shall make available for inspection to the public, a current copy of the existing rules and regulations related to County parks, trails, and open space areas.

PASSED, APPROVED AND ADOPTED on 13 of February 2011.



At Test:  
*Roberta Fontana*  
Roberta Fontana, County Clerk

BOARD OF COUNTY COMMISSIONERS  
*[Signature]*  
Patricia C. Curren

Approved As to Form

*Sally Malave*  
for Steven Stephens, County Attorney



1116 854  
COUNTY OF SANTA FE  
COUNTY CLERK  
I hereby certify that this is a true and correct copy of the  
original as the same appears on file in the office of the  
County Clerk, Santa Fe, New Mexico, on this 13th day of  
February, 2011.  
Sally Malave  
County Clerk