Natural Areas Commercial Use Policy
City of Fort Collins Natural Areas Department

Purpose & Authority
The purpose of the Natural Areas Commercial Use Policy (CUP) is to set forth policies and procedures governing commercial use activities on City of Fort Collins Natural Areas (NA). This policy is solely restricted to City natural areas and does not apply to permit requests for other lands owned or managed by the City of Fort Collins. Please note that other permit requirements or legal restrictions may apply to the extent an activity or event will occur in part on other public properties or facilities.

The City may at its sole discretion elect to deny or revoke any commercial use permit for failure to comply with the permit conditions or policies as outlined herein. A commercial use permit is a revocable license. The issuance of a permit does not in anyway grant a property interest.

As a home rule municipal corporation, the City of Fort Collins has the general authority to regulate activities on City property. Section 23-193(d)(14) of Fort Collins Municipal Code (the Code) prohibits performing a service for commercial gain in a natural area except as authorized by a permit from the Natural Resources Director:

(d) “Except as authorized by a permit obtained for such use from the Service Area, it shall be unlawful to: (14) Perform a service for commercial gain or sell or offer to sell any item for commercial gain in a natural area”.

Under section 23-194 (b) of Fort Collins Municipal Code, a party interested in performing a service for commercial gain or selling or offering to sell any item for commercial gain in a NA may apply for a permit to do so from the Natural Areas Director.

Definition of Commercial Use
Commercial use is defined as any activity on NA lands or facilities for which fees are charged to a third party by an entity other than the City. A fee can be a charge, purchase of goods or services, or a required donation for a service or as a condition of participation. Commercial uses may be provided by either for-profit or non-profit providers. Examples include but are not limited to guided activities (climbing, hiking, fishing, horseback and bicycle riding), and commercial filming. Commercial photography occurring on a routine basis with large groups (more than 15 individuals per visit) is also subject to the Commercial Use Policy.

Commercial use permits are revocable licenses for the use of Natural Area land or facilities. A permit for commercial use in no way grants or constitutes any property interest, nor would a permit grant exclusive use of a site. Any organization permitted for commercial use of NA lands or facilities (permittee) shall ensure that the rights and privileges of other visitors/users are recognized and not infringed upon.
Exemptions to the Commercial Use Policy:

Environmental and Science Education
In the interest of furthering the Natural Areas Department’s education mission, as a matter of policy all activities that have education (science or environmental education) as a primary mission shall be exempt of commercial use fees. This includes but is not limited to field courses taught by universities, visits by elementary and secondary education institutions, field trips by daycare institutions and summer (child) daycare camps. Please note however, that in most instances while a commercial use permit is exempted, a general Natural Areas Special-Use Permit is required for any group activity that exceed 15 individuals.

Other Departments within City of Fort Collins
Fee-based programs offered by other departments within the City of Fort Collins may be exempt if they are not charging above and beyond the actual program costs (ie. transportation, guide, equipment), and if the program is providing a service to the community that increases awareness and support for natural areas. These programs are still required to apply for a Special Use Permit (if applicable) and will be considered on the same basis as any Special Use activity request.

Applicability
This CUP is intended to provide an instrument for entities or persons to legally conduct commercial activities within a permit system. This document provides general guidance to describe the types of proposed commercial activities considered to be compatible with the Natural Areas’ mission. Further, the intent of this policy is to:

1. Avoid and/or minimize the impact of the approved activity on natural and cultural resources.
2. Ensure that commercial use operators comply with City Municipal Code, Natural Area Regulations, and other state and federal laws.
3. Avoid the impact of the approved activity on the safety and quality of other visitors’ experience.
4. Direct commercial use to appropriate sites and at appropriate times in the interest of avoiding real or perceived impacts to visitors and resources.
5. Ensure that participants of commercial activities are outfitted/guided by qualified operators with appropriate insurance.
6. Promote practices related Leave-No-Trace ethics, zero waste (recycling) and carbon neutrality ethics to permittees and activity participants.
7. Outline a fee system to recover full costs of permit processing, oversight, and management of commercial uses.

Commercial Use Application and Review Requirements
Applications to conduct commercial activities on natural area lands or at natural area facilities will be administered by the NA Director and must be submitted to the City at least 10 business days prior to the proposed event. Applications will be accepted year-round and processed within 10 business days. If the NA Director has concerns regarding details of the event or approval the
applicant will be contacted within 10 business days and to review the terms of the application. The City will review the application to ensure that the proposed activity is;

- compatible with the natural areas mission,
- that insurance requirements are met, and
- ensure the terms of the commercial use permit meet visitor and resource protection standards (see Natural Areas Permit Conditions Table).

A Commercial Use Permit Application is available either online at http://www.fcgov.com/naturalareas/plans-policies.php or a hard copy of the application is attached at the end of this document.

Permit Conditions

Permit Terms
1. Commercial use permits are issued per event/activity or up to 365 days for reoccurring events.
2. Commercial Use Permits are not transferrable.
3. The Natural Areas Department reserves the right to cancel, modify, or reschedule events due to weather, site, or trail conditions in the interest of public safety or to avoid resource damage.

Fees and Costs
Fees are imposed to recover the costs of permit processing, oversight, and site management. Fee structure is based on the number of visitor days, impact to the site and to other users. The fee structure is a three-tiered structure based on extent of use. For all categories a visitor day is calculated as a one-person per day (any duration) visiting one or several natural areas. (For example, 10 people with one leader for one day counts as 11 total visitor days).

1. **Limited Use Permit**: Limited use permits may be issued to operators who agree to specific conditions of operation on City Natural Areas while not exceeding 50 total visitor days in any one calendar year.

   Limited Use permit conditions list:

   1. Group size will always be 15 or fewer (no exceptions); total number of visitor days will not exceed 50 in any calendar year.
   2. Dogs will always be on leash (if permitted at the area visited).
   3. No signs or markers of any kind will be used.
   4. Structures of any kind will not be used or created.
   5. Activity will not congest or obstruct trails or trailheads.
   6. Activity will not obstruct or restrict parking from other visitors.
   7. Sales of goods or services are not permitted.
   8. Amplified sound or generators are not permitted.
   9. All trash will be packed out.

2. **Moderate Use**: Event does not comply with all conditions of a Limited Use permit; and total number of visitor days will be less than 200 in any calendar year.

3. **Heavy Use**: Total number of visitor days will be greater than 200 in any calendar year.
For limited use events or activities complying with the list of conditions stated above for the 
limited use permit a $50 fee will be assessed. For moderate uses, a $250 fee will be assessed. 
For heavy use, large group events involving greater than 200 visitor days, a $500 fee will be 
charged.

***Please note that having a Commercial Use Permit does not guarantee parking.***

**Group Limits**
[Note: If the activity does not meet the definition of commercial use as defined above and is a 
“group event” as defined by the Code at §23-192, the event organizer must comply with the 
Code as described in §23-193 (d) and apply for a natural areas permit for the group event.]

Group size limits for commercial use activities will depend on the particular location and nature 
of the activity. City staff will review the specific circumstances and make a determination on a 
case-by-case basis regarding a proposed event the appropriate size limitation. Generally, a 
guided event (horseback, bicycle, etc…) should have a lower participant level than a sponsored 
event (trail run, bouldering festival, etc…). Guided events will generally be limited to 8 – 10 
clients per guide with a maximum number of 16 to 20 clients depending on the nature of the 
activity. Horseback events must comply with the “twelve heartbeat” rule. Contact staff at 416- 
2815 for more details.

**Additional Review Requirements**
In addition to commercial activities, Section 23-193(d)(14) of Fort Collins Municipal Code (the 
Code) also prohibits specific other activities or uses of Natural Areas. The Commercial Use 
Permit Application serves as an opportunity for identifying and requesting special permission for 
activities in other categories. Examples of other activities requiring special permission are:

- Research
- Collect or deposit material from a Natural Area
- Off-trail use at on-trail site
- Operate motorized equipment within a Natural Area
- Enter a Natural Area from 11p.m. to 5 a.m.
- Requires access beyond a locked gate or closed area

Please refer to the Conditions Table for a comprehensive list activities that may be permitted via 
a Special-Use or Commercial Use Permit.

**Deposits**
A damage deposit in the form of a letter of credit or refundable payment of $500 may be required 
at the discretion of staff to enable the City to repair resource damage attributable to an operator. 
In general this provides a more easily obtained remedy than negotiation or legal action. Where 
warranted due to the location, extent or character of the activity or other related circumstances, 
the City may elect to require a higher damage deposit amount than that referenced above. The 
damage deposit must be submitted to the City prior to the issuance of the permit document.

**Reporting**
Reporting enables the City to better understand visitor use and related issues, to anticipate needs 
and future permit requirements, and to modify/adjust permitting requirements.
Advance notification is required two weeks prior to the event date. Prior reporting includes anticipated date(s), location(s), and expected number of users per day. Post-event reporting should follow the guidelines listed below:

- For limited or single events, report within two weeks from end of event/activity.
- For moderate or large reoccurring events quarterly reporting is required (March 30, June 30, Sept 30, December 31)
- If no activity occurs within a quarter for a recurring event, then the permittee should report “no activity”.

These requirements constitute permit conditions, and failure to report may result in revocation or denial of the permit. In the case of revocation fees will not be refunded. Operators may be required to post contact information and a copy of a signed permit on site during the event or activity in case to address public awareness or direct public concern.

**Insurance**

As a condition of the permit, operators will be required, at their sole cost and expense, to procure and maintain liability insurance during the time that a permitted event or activity occurs on a natural areas property or during such time as an applicant holds a permit to conduct commercial activity, whichever is longer. In some cases, the City reserves the right to require additional comprehensive insurance based on the nature or duration of the event/activity. In those instances the insurance requirements are as follows:

- Commercial general liability (broad form) insurance with combined single limits of $1,000,000 each occurrence and an aggregate limit of at least $2,000,000. Coverage must include coverage for the following:
  - Bodily injury and property damage
  - Personal injury and advertising injury
  - Fire legal liability
  - Products and completed operations
- Business automobile insurance shall contain a combined single limit of $1,000,000 per occurrence when the activity or event takes place at Soapstone Prairie
- Operator’s statutory liability under the workers’ compensation laws of the state of Colorado.
- City may require applicant to list City as co-insured.

**Where warranted, the City may elect to require more extensive insurance coverage than the minimum amount described above** due to the location, extent or character of the activity or other related circumstances. **As stated above in some cases the City may require that the City be named as co-insured.**

Operators must provide certificates of insurance consistent with City requirements to the NAD administrator prior to issuance of the permit by the City.

**Certifications**

Guide certification allows for greater protection of the clients in the event of an emergency. Sponsored events will be handled on a case by case basis to determine the appropriate level protection for participants, based on the location, extent or character of the activity or other related circumstances. Guides licensed or certified by an accredited authority may be required to provide proof.

**Municipal Code Violations & Revocations**
Violations of Natural Areas rules or regulations will be subject to enforcement at the natural area ranger’s discretion either as a Natural Areas violation or a violation of the permit terms or conditions or both. Code Violations may result in revocation of permit for a two year period.

**Permit Limitations**
Permits do not allow exclusive use of site. Permitted activities must co-exist with and not impair normal public use of the natural area. “Leave no Trace” awareness workshop is strongly recommended for all permit applicants as it provides for a nationally recognized consistent message for resource protection. Conflicts and issues should be reported to Natural Areas Ranger staff (416-2147) that are available 7 days a week excluding Thanksgiving and Christmas holidays.
## Policy Summary

<table>
<thead>
<tr>
<th>Application Fees and Costs (2011)</th>
<th>Permit category</th>
<th>2010 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>rates may be adjusted annually</td>
<td>Limited Use</td>
<td>$ 50</td>
</tr>
<tr>
<td></td>
<td>Moderate Use</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>Large Groups</td>
<td>$500</td>
</tr>
</tbody>
</table>

- Additional charges for specific support activities may be required to assist or monitor activity. This fee is billed at the rate of $75 per hour.
- Fees are waived for legitimate environmental education activities and may be waived if event/activity results in volunteer work accomplished on behalf of City.

<table>
<thead>
<tr>
<th>Group Limits</th>
<th>Set by NA staff and determined in permit by type of activity.</th>
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<tr>
<th>Deposits</th>
<th>A minimum $500 damage deposit or letter of credit may be required. (Deposits may be higher than listed based on the nature of the request as appropriate).</th>
</tr>
</thead>
</table>

| Reporting    | • For limited or single events, report within two weeks from end of event/activity.  
|--------------|• For moderate or large reoccurring events quarterly reporting is required.  
|--------------|• In either case event dates, locations and # of single users need to be reported. |

| Insurance Requirements | Minimum requirement: Proof of professional practice/liability insurance.  
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------|

- Comprehensive Insurance (may be required depending nature and duration of activity/event)
  - $1,000,000 per occurrence
  - $2,000,000 aggregate insurance
  - $1,000,000 Automobile insurance for driving on a NA property (Soapstone Prairie)
  - Must meet all State of Colorado requirement for Workman’s Compensation  
  - City may require applicant to list City as co-insured.

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<th>Certifications</th>
<th>First Aid and CPR certifications are strongly recommended. May be required if activities occur in backcountry areas.</th>
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<th>Municipal Code Violations &amp; Revocations</th>
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<th>Permits do not grant exclusive use of site. Permitted activities must co-exist with and not impair normal public use of the natural area.</th>
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</table>
Organization name ("Applicant"): ________________________________________________________________

Applicant Contact Person Name: __________________________________________________________________

Applicant or business Address/city/state/zip:
______________________________________________________________________________________________
______________________________________________________________________________________________

Business phone: ___________________ Cell Phone: ___________________

E-mail address: _____________________________________________________________

Is the organization/business incorporated in Colorado or licensed to do business in Colorado? ____ yes ____ no

If yes, please provide a certificate of good standing with your application.

Type of Commercial Use Permit sought:
Limited Use____  Moderate Use ______ Large Group ______

Please note that all permits are revocable by the City at any time, in its sole discretion.

Requested Date(s) of activity: ______________________________
Requested Time(s)* of activity: ______________________________

*Most natural areas are open from 5am through 11pm, with the exception of Gateway, Bobcat Ridge and Soapstone Prairie which are open sunrise to sunset.

I (we) are a:  For-profit business _____  Tax ID#: ______________________
A non-profit _____  Tax exempt #: ______________________

I (we) are aware that if our application is approved, I (we) may be required to submit to the Natural Areas Program either one or both of the following as permit conditions:

1. damage deposit in the amount of $ _______
   OR irrevocable letter of credit in the amount of $ _______
   AND
2. Proof of insurance

Brief narrative of commercial activity (please send additional description of event as a separate attached document if necessary):
______________________________________________________________________________________________
______________________________________________________________________________________________
______________________________________________________________________________________________
______________________________________________________________________________________________

(include number of trips, group sizes per trip, fees charged, services provided and other pertinent information)
Estimated total number of participants/spectators: _________________

Natural Area(s) in which activity will occur (check all that apply):

- Arapaho Bend
- Bobcat Ridge
- Butterfly Woods
- Cathy Fromme Prairie
- Cattail Chorus
- Colina Mariposa
- Cottonwood Hollow
- Coyote Ridge
- Eagle View
- Fischer
- Fossil Creek Reservoir
- Fossil Creek Wetlands
- Gateway
- Gustav Swanson
- Hazaleus
- Kingfisher Point
- Magpie Meander
- Mallard's Nest
- Maxwell
- McMurry
- Nix
- North Shields Pond
- Pineridge
- Prairie Dog Meadow
- Prospect Ponds
- Red Fox Meadows
- Redtail Grove
- Redwing Marsh
- Reservoir Ridge
- River's Edge
- Riverbend Ponds
- Ross
- Running Deer
- Salyer
- Soapstone Prairie
- Springer
- Sterling
- The Coterie
- Two Creeks
- Udall
- Williams

Questions or comments for staff regarding Natural Area location:

Additional Review Categories applicable to your Commercial Activity(s). Please refer to the Natural Areas Permit Conditions table found at http://fcgov.com/naturalareas/pdf/permit-conditions.pdf for a comprehensive list of activities that require additional review in this permit. Please check all that apply:

- Research
- Collect or deposit material from/into a Natural Area
- Off-trail use at on-trail site
- Operate motorized equipment within a Natural Area
- Enter a Natural Area from 11pm – 5 am
- Requires access beyond a locked gate or closed area
- Other, please describe: ________________________________________________________

Contact Information for Day of Event:

Responsible contact person on day of event: ______________________________

Email address of person in charge on day of event: ______________________________

Cell phone number of person in charge on day of event: ___________________________

Alternate phone number of person in charge on day of event: _______________________


Additional Logistical Needs/Information:

___ number of vehicles anticipated for this event (including horse and other types of trailers).

***Please note that having a Commercial Use Permit does not guarantee parking.***

Do you plan to use sound amplification equipment for your event? ___ yes ___ no  If yes, what is the maximum decibel level? ____  (*note that amplification is generally not approved)

Describe:

Medical aid stations? ___yes ___ no

Describe:

Sale of food or beverages? ___ yes ___ no  (Contact the City Sales Tax Office or County Sales Tax Office, whichever is applicable, for information.)

Sale of merchandise? ___ yes ___ no  (Contact the City Sales Tax Office or County Sales Tax Office, whichever is applicable, for information.)

Alcoholic beverages are not permitted in the City’s natural areas.
Terms of Permit

I (we) acknowledge that the information contained in this application is true and complete to the best of my knowledge.

I (we) acknowledge that there are risks inherent in the activities pursuant to this permit, and that those activities may result in predictable or unforeseeable injury or property damage to participants or others. In consideration of permitting those activities, on behalf of myself, my heirs, executors, administrators and assigns, and the organization on behalf of which I have obtained this permit (if any), I hereby waive and release any and all rights and claims for damages that I or the permitted organization may have against the City of Fort Collins, its officers, employees, contractors, or volunteers (the City), or any other person connected with the event, for any and all injuries or damage resulting from the permitted activities. I represent and warrant that I am authorized to sign this waiver and indemnity on behalf of the permitted organization or group, and I agree, and such organization or group (if any) agrees, to indemnify the City for any claims made against the City or damages incurred by the City as a result of authorizing the proposed activities.

I (we) have read the Natural Areas Regulations
I, and if applicable, my business, agree to abide by all conditions required for the requested activity. I understand that violation of these conditions or of any laws not exempted in this permit may result in revocation of this commercial use permit at any time. I understand that granting of a commercial use permit does not constitute exclusive use of a site. I (we) acknowledge and agree that it is my (our) sole responsibility to obtain any and all applicable licenses or approvals necessary and related to the planned event, including but not limited to any license from the Larimer County health department.

In consideration of the granting of a commercial use permit by the City of Fort Collins (the “City”) for an event that is to occur on (date) _____________, 20__ from (time) _______ at (location) _____________ (the “Event”), and pursuant to Section 23-193 (d) (14) of the Fort Collins Municipal Code, the undersigned, as an individual application or as a sponsoring organization applying for a commercial use permit from the City for the Event, does hereby agree to reimburse the City for any costs incurred by the City in repairing damage or injury due to the actions of the undersigned, and/or by the undersigned’s officers, employees or agents, or any person under the undersigned’s control, including Event participants. Further the undersigned hereby agrees to defend the City against and indemnify and hold harmless from any liability to any person or entity resulting from any damage or injury occurring in connection with the Event proximately caused by the actions of the undersigned and/or by the undersigned’s officers, employees or agents, or any person who is under the undersigned’s control, including Event participants.

Individual Applicant:
Print name:  ______________________________________ _____________________________
Signature:  _______________________________________ _____________________________
Address:  _________________________________________ ____________________________
Telephone number:  ________________________________ ____________________________

Sponsoring Organization: (if applicable)
Print organization name:  ________________________________________________________
Signature:  _______________________________________ _____________________________
Print Authorized Officer’s name and title:  __________________________________________
Address:  _________________________________________ ____________________________
Telephone number:  ________________________________ ____________________________
Natural Areas Commercial Use Permit

For department use only:
Date application was received by Natural Resources: __________
Date of reply to applicant: ___________
Commercial Use Permit # ___________
Deposit/Fee Paid? ___________
(Letter of credit or other refundable deposit)
Correct proof of insurance provided? ___________
Approved: _____ Type of Commercial Activity: __________________________

A full copy of this Commercial Use Permit must be in possession of applicant at the time of event and must be shown to any citizen or law enforcement officer inquiring as to the applicant's activities on the natural area.

Permit Conditions:
1. Applicant must maintain a damage deposit or irrevocable letter of credit in the amount of $________ as security with the Natural Areas Program throughout the period that commercial activity will occur.
2. Applicant must provide proof of insurance that meets the requirements established by the Natural Areas Program prior to issuance of this permit and maintain such insurance throughout the period that commercial activity will occur.
3. The size limit of the commercial activity is: __________________________
4. Applicant must report the following:

___________________________________________________
___________________________________________________
___________________________________________________

Reasons for Denial:

___________________________________________________
___________________________________________________
___________________________________________________
___________________________________________________

Authorized Signature: _____________________________ Date: ________________