



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 lands and facilities managed by the Natural Areas Department (NAD); it 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, violation of NAD Regulation, or policies as outlined herein. A commercial use permit is a revocable license. The issuance of a permit does not in any way 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 Service Area Director or the Director's designee:

(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 the 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, educational field trips/courses and bicycle riding), and commercial filming.

Commercial use permits are revocable licenses for the use of NA lands 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.

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 (i.e. transportation, guide, equipment), and if the program is providing a service to the community that increases awareness and support for natural areas. An application is required and will be considered on the same basis as any special use permit request.

Applicability

This commercial use permit is intended to provide an instrument for entities or persons to legally conduct commercial activities within natural areas. This document provides general guidance to describe the types of proposed commercial activities considered to be compatible with the Natural Areas Department's mission. Further, the intent of this policy is to:

1. Avoid and/or minimize the impact of any approved commercial activity on natural and cultural resources
2. Ensure that commercial use operators comply with City Municipal Code, NAD Regulations, and other state and federal laws.
3. Avoid the impact of the approved activity on the safety and quality of other visitors' experiences.
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 and business licenses.
6. Promote practices related to 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 or at NA lands or facilities will be administered by the Natural Areas Director and must be submitted to the City at least 5 business days prior to the proposed event. Applications will be accepted year-round and processed within **5 business days**. If the Natural Areas Director has concerns regarding details of the event or approval the applicant will be contacted within 5 business days to review the terms of the application.

Commercial Use Permit Conditions

Permit Terms

1. Commercial use permits are issued per event/activity or up to one calendar year 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, without obligation to refund or return any fees collected from permittee.

Fees and Reporting

Fees are imposed to recover the costs of permit processing, oversight, and site management. The fee structure is three-tiered based on extent of use, considering number of visitor days, and impact to the site and to other users. For all categories, a visitor day is calculated as 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).

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Permit Level	Group Size	Cost	Prior Reporting (due at time of application)	Post Reporting
Limited Use	1-15 people Visitor days not to exceed 25 in calendar year. Total group size includes guide or leader. A visitor is one customer visiting one natural area property in one day.	\$50.00 \$25.00 Non-profit	Due at time of application Prior reporting is required for ALL permit levels, (see below)	report within two weeks from end of event/activity.
Moderate Use	16-50 people Visitor days not to exceed 50 in calendar year. A visitor is one customer visiting one natural area property in one day.	\$250.00 \$125.00 Non-profit	_____	quarterly reporting is required (March 30, June 30, Sept 30, December 31)
Heavy Use	200 people or more Visitor days will be greater than 200 in calendar year	\$500.00	_____	quarterly reporting is required (March 30, June 30, Sept 30, December 31)

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. No Structures of any kind will be used or created.
5. Activity will not unreasonably congest or obstruct trails or trailheads.
6. Activity will not unreasonably obstruct or restrict parking from other visitors.
8. No Amplified sound or generators are permitted.
9. All trash will be packed out.

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 of permit activity is required 15 days prior to the event date. Prior reporting includes anticipated date(s), location(s), and expected number of users per day. Post reporting

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 to address public awareness or direct public concern.
*Please see the above chart for reporting responsibilities.

Group Limits

Group size limits for commercial use activities will depend on the location and nature of the activity. NAD staff will review the specific circumstances and make a determination on a case-by-case basis regarding a proposed event and the appropriate size limitation, considering the frequency, daily duration, ages of participants, and total number of activities proposed.

Generally, a guided event (horseback, bicycle, etc.) should have a lower participant level than a sponsored event (trail run, bouldering festival, etc.). Guided events are 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 may not exceed six riders, i.e. the “twelve heartbeat” rule.

Additional Review Requirements

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. If required, the damage deposit must be submitted to the City prior to the issuance of the permit document.

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 NAD property or during such time as an applicant holds a permit to conduct commercial activity. Permittees must maintain certificates evidencing such coverage with the City throughout the permit term. In some cases, the City reserves the right to require additional comprehensive insurance based on the nature or duration of the event/activity and naming the City as an additional insured. 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 falls under the workers’ compensation laws of the state of Colorado.

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 or additionally insured party.

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

Certifications

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 and may prohibit future permits.

