

ORDINANCE 4

AN ORDINANCE FOR THE USE AND CONTROL OF LAND OPEN FOR RECREATIONAL USES

WHEREAS, Clear Creek County has the power to make such orders respecting the use of property as may be deemed by the board of county commissioners to be in the best interests of the county and its inhabitants; and

WHEREAS, recreational use of lands is an important aspect to the quality of life of the residents of and visitors to Clear Creek County; and

WHEREAS, the impacts on such lands need to be minimized in order to preserve and maintain the quality of the experience in Clear Creek County.

NOW, THEREFORE, BE IT ORDAINED BY The Board of County Commissioners of the County of Clear Creek:

Section 1: Definitions.

Archaeological resource means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

Campfire means a fire, not within any building, mobile home, or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial or esthetic purposes. Fire includes campfire.

Camping means the temporary use, not to exceed 14 days, of the Historic District Public Lands for the purpose of overnight occupancy without a permanently-fixed structure.

Damaging means to injure, mutilate, deface, destroy, remove, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

HDPL trail means a trail wholly or partly within the Historic District Public Lands which has been included in the HDPL Trails system plan.

Historical Resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location and context in which they are found.

Motorized equipment means any machine except small battery powered hand carried devices such as flashlights, shavers, Geiger counters, and cameras.

Motor vehicle means any vehicle which is self propelled or any vehicle which is propelled by electric power obtained from batteries but not operated on rails.

Historic District Public Lands means all lands patented to the Town of Georgetown, Town of Silver Plume, Clear Creek County and State of Colorado by Public Law 103-253 which lie outside the patent boundary of Georgetown and the municipal boundary of Silver Plume; the Railroad Operations Area of the Georgetown Loop Historic Mining Area; patented mining claims owned by Historic Georgetown Inc. for recreation and public purposes, which are owned or under the control of Clear Creek County through intergovernmental agreement or other property interest. Property held in private ownership is excluded unless specifically included by agreement or other property interest.

Person means natural person, corporation, company, partnership, trust, firm, or association of persons.

Prehistoric resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site location or context in which they are found.



Special use authorization means a permit, lease or easement which allows occupancy or use rights or privileges on Historic District Public Lands.

Stove fire means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space heating device.

Section 2: Historic District Public Lands Regulations

2.1 Permitted Activities

The following recreational activities are permitted on Historic District Public Lands:

- a. Hiking
- b. Mountain biking on trails
- c. Snowshoeing
- d. Cross country skiing
- e. Picnicking
- f. Motorized vehicles on Saxon Mountain Road
- g. Hunting and fishing under DOW regulations
- h. Camping (with a permit required for groups of more than 12 persons)
- i. All other legal activities are permitted.

2.2 Prohibited Activities

2.2.1 Disorderly Conduct: If a person intentionally, knowingly, or recklessly:

- a. Makes a coarse and obviously offensive utterance, gesture, or display and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
- b. Abuses or threatens a person in an obviously offensive manner; or
- c. Fights with another except in an amateur or professional contest of athletic skill; or
- d. Not being a peace officer, displays a deadly weapon in a manner calculated to alarm.
- e. It is an affirmative defense to prosecution under previous paragraphs that the actor had significant provocation for his abusive or threatening conduct.
- f. Defacing, damaging or destroying natural or man made features.

2.2.2 Fire:

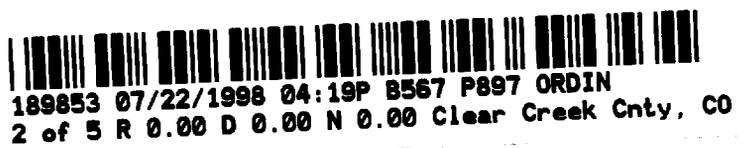
- a. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
- b. Causing timber, trees slash, grass or brush to burn except if authorized by permit or for approved management purposes.
- c. Leaving a fire without completely extinguishing it.
- d. Allowing a fire to escape control.
- f. Building, attending, maintaining a campfire without removing all flammable material from around the campfire adequately to prevent its escape.
- g. Building, maintaining or using fire or campfire in posted fire safety areas.

2.2.3 Fish and Wildlife:

- a. Hunting, trapping, fishing, catching, molesting, taking, harassing, killing or having in possession any kind of wild animal, bird or fish, or part thereof, or taking eggs of any bird unless allowed by the Division of Wildlife or permitted by other state or federal regulations.
- b. To minimize wildlife conflicts and safety concerns, possessing a dog not on a leash except for small game hunting purposes.

2.2.4 Natural and Cultural Resources:

- a. Damaging any natural feature or other property of the Historic District.
- b. Removing any natural feature or other property of the Historic District except as approved by the Historic District Public Lands commission and subject to the state permitting process in C.R.S. §24-80-401(ff).
- c. Damaging any plant that is classified as a threatened, endangered, sensitive,



rare or unique species.

- d. Removing any plant materials for commercial use without a permit.
- e. Using any pesticide except for personal use or as provided by special use authorization
- f. Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.
- g. Removing any prehistoric, historic or archaeological resource, structure, site, artifact or property.

2.2.5 Timber and other forest products:

- a. Cutting or otherwise damaging any timber, tree, or other forest product.
- b. Cutting any live standing tree or any dead standing tree with a diameter of 6 inches or more.
- c. Removing any timber, tree or other forest product, except as authorized by a special-use authorization.
- d. All timber prohibition may be allowed by special use authorization or for management purposes.

2.2.6 Uses:

- a. Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment or other improvement on Historic District Public Lands without a special use authorization or except as allowed by an approved operating plan.
- b. Overnight use of any fixed structure and/or historic ruin unless specifically permitted.
- c. Group camping, (12 or more persons), on Historic District Public Lands without a special use authorization.
- d. Group camping within fifty yards of the road.
- e. Selling or offering for sale, bartering or trading any merchandise or conducting any business activity or service which uses HDPLC lands or resources without a special use authorization.
- f. Discharge of a firearm except during established hunting seasons for the purposes of hunting . "Firearm" means any pistol, revolver, rifle, or other weapon of any description from which any shot, projectile, or bullet may be discharged.
- g. Abandoning any personal property.
- h. Disseminating, posting, placing or erecting any paper, notice, advertising material, sign, handbill, petition or similar written and/or graphic matter without a special use authorization.
- i. Operating or using, without a permit or license, any devices which produces noise in such a manner and at such a time so as to unreasonably disturb any person.

2.2.7 Sanitation:

- a. Possessing or leaving refuse, debris, or litter in an unexposed or unsanitary condition.
- b. Placing in or near a stream, lake or other water, any substance which does or may pollute a stream, lake or other water.
- c. Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish by removal from and Historic District Public Lands.
- d. Dumping of any refuse, debris, trash or litter onto any Historic District Public Lands.

2.2.8 Trails:

- a. Damaging and leaving in damaged condition any designated road, trail, or segment thereof.
- b. Blocking or restricting or otherwise interfering with the use of a road, trail or gate except for administrative or management purposes by HDPL member

agencies.

2.2.9 Vehicles:

a. Possessing or using any motorized vehicle on any trail or property of the Historic District Public Lands unless specifically designated and posted for vehicular use or under special use authorization or for management purposes by member agencies.

b. This section 2.2.9 shall not apply to persons utilizing existing roads and easements for access to private property interests.

2.2.10 Temporary Regulations. The Board of County Commissioners reserve the right to adopt additional regulations and use closures as necessary to be posted for specific areas.

3.0 Special Use authorizations and Permits

The Board of County Commissioners may authorize, with the advice of the Historic District Public Lands Commission, by written permit, uses otherwise prohibited in general prohibitions.

4.0 Penalty.

Any person who violates any provision of this ordinance commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than six hundred dollars for each separate violation.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 2nd DAY OF June, 1998.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY, COLORADO

Robert J. Poirat
Robert J. Poirat, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabian Watrous
Fabian Watrous, Commissioner

ATTEST:

Cherie Hawkes
County Clerk & Recorder, Deputy

June 2, 1998
Date

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED
PUBLISHED BY TITLE ONLY THIS 21st DAY OF July, 1998.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY, COLORADO

Robert J. Poirot
Robert J. Poirot, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabyan Watrous
Fabyan Watrous, Commissioner

ATTEST:

Michelle Hawkes
County Clerk & Recorder, Deputy

July 21st 1998
Date