

RESOLUTION 05-106

**ADOPTING RULES AND REGULATIONS FOR THE PROTECTION, USE AND
MANAGEMENT OF THE BEAVER BROOK WATERSHED LANDS**

WHEREAS, Clear Creek County has recently acquired certain real property, hereinafter described and known as the Beaver Brook Watershed Lands, for public open space and public recreation purposes; and

WHEREAS, the Beaver Brook Watershed Lands are a "recreational facility" within the meaning of §29-7-107, CRS; and

WHEREAS, the Beaver Brook Watershed Lands are under the management of the Clear Creek County Open Space Commission; and

WHEREAS, the Clear Creek County Board of County Commissioners acknowledges the need for rules and regulations to ensure the proper protection, use and management of the Beaver Brook Watershed Lands; and

WHEREAS, these rules and regulations have been recommended by the Clear Creek County Open Space Commission to the Clear Creek County Board of County Commissioners, which acknowledges that community input is both necessary and appreciated in formulating rules and regulations with regard to the protection, use and management of the Beaver Brook Watershed Lands; and

WHEREAS, pursuant to §29-7-101, CRS, Clear Creek County has the power, authority and jurisdiction to enact such rules and regulations respecting the protection, use, and management of the Beaver Brook Watershed Lands 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 RESOLVED BY The Board of County Commissioners of the County of Clear Creek, Colorado that the following Beaver Brook Watershed Lands Rules and Regulations are adopted:

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.

Beaver Brook Watershed Lands means all land acquired by Clear Creek County and described in that certain Deed, recorded in the real estate records of Clear Creek County, Colorado, on April 11, 2005, at reception number 232580, Book 727, and Page 205.

Beaver Brook Watershed Lands trails means any trail which lies either wholly or partly within the Beaver Brook Watershed Lands and which is currently in existence at the time these rules and regulations are enacted and/or any trail which is hereafter constructed, or which has been included in the Beaver Brook Watershed Lands Trails system plan.

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 campfires.

Camping means the temporary use, not to exceed 14 days, of the Beaver Brook Watershed 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.

Firearm means any pistol, revolver, rifle, or other weapon of any description from which any shot, projectile, or bullet may be discharged.

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 held devices such as, without limitation, cell phones, flashlights, shavers, Geiger counters, and cameras.

Motor vehicle includes any self-propelled device by which persons or property may be moved, carried, or transported from one place to another by land, water, or air, except devices operated on rails, tracks, or cables fixed to the ground or supported by pylons, towers, or other structures

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

Special use authorization means a written permit which allows occupancy or use rights or privileges on Beaver Brook Watershed 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: Beaver Brook Watershed Lands Rules and Regulations

2.1.1 *Permitted Activities*

The following recreational activities are permitted on Beaver Brook Watershed Lands:

- a. Hiking.
- b. Mountain biking on trails.
- c. Snowshoeing.
- d. Cross country skiing.
- e. Picnicking.
- f. Hunting and fishing under DOW regulations and as otherwise described herein.
- g. Horseback riding.
- h. Dogs are permitted on leash only.

2.1.2 *Hours*

All legal activities are permitted only between the hours of four a.m. and midnight.

2.2 Prohibited Activities

2.2.1 Fire:

- a. The construction, ignition, or use of any fires, including, without limitation, campfires or stove fires without first obtaining a Special Use Authorization is prohibited.
- b. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire is prohibited.
- c. Causing timber, trees, slash, grass or brush to burn is prohibited except if done pursuant to Special Use Authorization or for approved management purposes.
- d. Leaving a fire without completely extinguishing it is prohibited.
- e. Allowing a fire to escape control is prohibited.

- f. Building, attending, maintaining a campfire without removing all flammable material from around the campfire adequately to prevent its escape is prohibited.
- g. Building, maintaining or using fire or campfire in posted fire safety areas is prohibited.
- h. Campfires, stove fires, and all other fires, including smoking, may be eliminated, curtailed, or otherwise further regulated by order of the Clear Creek County Sheriff, Fire Chief, or other responsible County official in the event it is determined, in conformance with any fire ban ordinance promulgated by Clear Creek County, that a fire hazard restriction or closure is necessary and/or warranted.

2.2.2 Natural and Cultural Resources:

- a. Damaging any natural feature or other property of the Beaver Brook Watershed Lands is prohibited.
- b. Removing any natural feature or other property of the Beaver Brook Watershed Lands is prohibited, except as approved by the Clear Creek County Board of County Commissions and/or Open Space Commission, and subject to both the state permitting process in C.R.S. §24-80-401(ff) and the conservation easement recorded in the real estate records of Clear Creek County, Colorado, on March 11, 2005, at Reception Number 232582, Book 727, and Page 212.
- c. [left intentionally blank]
- d. Removing any plant materials without a written permit is prohibited.
- e. Using any pesticide except for personal use or as provided by Special Use Authorization is prohibited.
- f. Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property is prohibited.
- g. Removing any prehistoric, historic or archaeological resource, structure, site, artifact or property is prohibited.
- h. [left intentionally blank]

2.2.3 Timber and other forest plants:

- a. Cutting or otherwise damaging any timber, tree, or other forest plants without a Special Use Authorization is prohibited.
- b. Removing any timber, tree or other forest plants is prohibited, except as authorized by a Special Use Authorization.
- c. All timber, tree, or other forest plant prohibitions may be waived and permitted by Special Use Authorization or for those management purposes which have been approved by the Clear Creek County Open Space Commission.

2.2.4 Uses:

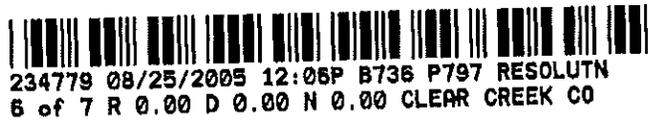
- a. Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment or other improvement on Beaver Brook Watershed Lands without a Special Use Authorization or except as allowed by an approved operating plan is prohibited.
- b. Overnight use of any fixed structure and/or historic ruin unless permitted pursuant to Special Use Authorization is prohibited.
- c. Camping on Beaver Brook Watershed Lands without a Special Use Authorization is prohibited.
- d. Selling or offering for sale, bartering or trading any merchandise or conducting any business activity or service which uses Beaver Brook Watershed Lands or resources without a Special Use Authorization is prohibited.
- e. Discharge of a firearm except during established hunting seasons for the purposes of hunting is prohibited.
- f. Abandoning any personal property on Beaver Brook Watershed Lands is prohibited.
- g. Disseminating, posting, placing or erecting any paper, notice, advertising material, sign, handbill, petition or similar written and/or graphic matter on Beaver Brook Watershed Lands without a Special Use Authorization is prohibited.
- h. Operating or using, without a permit or license, any devices on Beaver Brook Watershed Lands which produce noise in such a manner and at such a time so as to unreasonably disturb any person is prohibited.
- i. The possession and/or use of fireworks on Beaver Brook Watershed Lands is prohibited.

2.2.5 Trails:

- a. Damaging and leaving in damaged condition any designated road, trail, or segment thereof within the Beaver Brook Watershed Lands is prohibited.
- b. Blocking, restricting or otherwise interfering with the use of a road, trail or gate within the Beaver Brook Watershed Lands is prohibited, except for administrative or management purposes by members of any Clear Creek County agency and/or County designees.

2.2.6 Vehicles:

- a. Possessing or using any motorized vehicle on any road, trail or property located within the Beaver Brook Watershed Lands is prohibited, unless within an area specifically designated and posted for vehicular use or under Special Use Authorization or for management purposes by County agencies and/or County designees.
- b. This section 2.2.9 shall not apply to persons utilizing existing roads and easements for access to private property interests, disabled



persons using mechanized conveyances such as wheelchairs, and law enforcement and emergency personnel.

2.2.7 Regulations Subject to Amendment:

The Board of County Commissioners reserves the right to amend or adopt additional rules and regulations and/or use closures as it deems necessary, from time to time.

Section 3.0: Special Use Authorizations:

When in its judgment such authorization is in the best interest of preserving the Beaver Brook Watershed, the Clear Creek County Open Space Commission may authorize by written Special Use Authorization uses otherwise prohibited in these rules and regulations. Said Special Use Authorizations must be in writing and may only be issued by the Clear Creek County Open Space Commission.

Section 4.0: Enforcement

4.1 Penalty Assessment:

More restrictive statutes and County ordinances may apply to activities in and to the use of the Beaver Brook Watershed Lands, notwithstanding anything to the contrary contained in these rules and regulations. Unless a penalty is otherwise established in the Colorado Criminal Code, Clear Creek County Ordinances, or other laws, for the violation of conduct which is also prohibited by these rules and regulations, any person who violates any provision of these rules and regulations commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation.

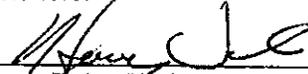
4.2 Procedure:

The penalty assessment procedure provided in C.R.S. Section 16-2-201 may be followed by any arresting law enforcement officer for any violation of these rules and regulations.

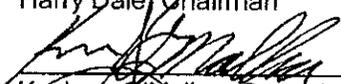
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BE IT FURTHER RESOLVED that the foregoing Rules and Regulations shall be in force and effect beginning August 25, 2005.

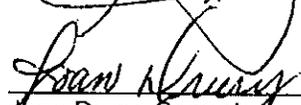
ADOPTED this 24th day of August, 2005, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.



Harry Dale, Chairman



Kevin J. O'Malley, Commissioner

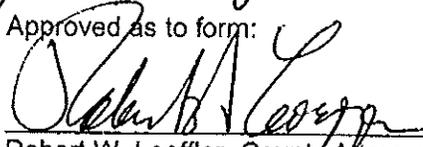


Joan Drury, Commissioner

ATTEST:



Deputy Clerk and Recorder

Approved as to form:


Robert W. Loeffler, County Attorney