



## RESOLUTION 14-61

### ADOPTING RULES AND REGULATIONS FOR THE PROTECTION, USE AND MANAGEMENT OF THE PHILADELPHIA MILL SITE

**WHEREAS**, Clear Creek County has recently improved certain real property, hereinafter described and known as the Philadelphia Mill Site (more specifically identified below), for public open space and public recreation purposes; and

**WHEREAS**, the Philadelphia Mill Site is a “recreational facility” within the meaning of §29-7-107, CRS; and

**WHEREAS**, the Philadelphia Mill Site is 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 Philadelphia Mill Site; 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 Philadelphia Mill Site; 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 Philadelphia Mill Site 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 Philadelphia Mill Site Rules and Regulations are adopted:



## Section 1: Definitions.

*Philadelphia Mill Site* means that land owned by Clear Creek County and described in that certain Deed, recorded in the real estate records of Clear Creek County, Colorado, and designated for management by Open Space Commission by Resolution 14-62.

Philadelphia Mills Site is (USMS: 3005B) (Acres 2.34) DESC: EMP 29-3-73  
LS PT HWY 261/179/317/187 UND 1/3 INT each 412/672-675.

*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.

*Camping* means the temporary use of the Philadelphia Mill Site for the purpose of overnight occupancy without a permanently fixed structure.

*County* means Clear Creek County government.

*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.

*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, but excludes wheelchairs.

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

*Special Activity Permit* means a written permit which allows occupancy or use rights or privileges on Philadelphia Mill Site.

*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: Philadelphia Mill Site Rules and Regulations

### 2.1.1 *Permitted Activities*



The following recreational activities are permitted on Philadelphia Mill Site:

- a. Fishing and creek access.
- b. Walking, biking.
- c. Picnicking.
- d. Dogs are permitted on leash only.

This list of activities is not exclusive.

### 2.1.2 Hours of Use

All permitted or otherwise legal activities are permitted only between the period one hour before sunrise and one hour after sunset, daily. Any use outside that period of time is prohibited and a trespass.

## 2.2 Prohibited Activities

The following activities by any person are prohibited on the Philadelphia Mill Site:

### 2.2.1 Fire:

- a. The construction, ignition, or use of any fires, including, without limitation, campfires or stove fires, 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
- d. 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 Philadelphia Mill Site is prohibited.
- b. Removing any natural feature or other property of the Philadelphia Mill Site is prohibited, except as approved by the Clear Creek County Board of County Commissions and/or Open Space Commission.
- c. Cutting or otherwise damaging or removing any plant materials without a Special Activity Permit is prohibited.



d. Using any pesticide is prohibited, except for personal use or as provided by Special Activity Permit or for administrative or management purposes by members of any Clear Creek County agency and/or County designees.

f. Digging in, excavating, disturbing, injuring, destroying, removing or in any way damaging any property, without a Special Activity Permit, is prohibited.

#### 2.2.3 Uses:

a. Constructing, placing, or maintaining any kind of trail, structure or other improvement on Philadelphia Mill Site without a Special Activity Permit is prohibited.

b. Overnight use is prohibited.

c. Camping on Philadelphia Mill Site is prohibited.

d. Selling or offering for sale, bartering or trading any merchandise or conducting any business activity or service which uses Philadelphia Mill Site land or resources without a Special Activity Permit is prohibited.

e. Discharge of a firearm is prohibited.

f. Abandoning any personal property on Philadelphia Mill Site is prohibited.

g. Disseminating, posting, placing or erecting any paper, notice, advertising material, sign, handbill, petition or similar written and/or graphic matter on Philadelphia Mill Site without a Special Activity Permit is prohibited.

h. Operating or using, without a permit or license, any devices on Philadelphia Mill Site 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 Philadelphia Mill Site is prohibited.

j. The use of Philadelphia Mill Site to access I-70 is prohibited.

k. Overnight parking on Philadelphia Mill Site is prohibited.

#### 2.2.4 Trails:

Damaging and leaving in damaged condition, or blocking, restricting or otherwise interfering with the use of a road, trail, parking area or creek access or gate within the Philadelphia Mill Site is prohibited, except for administrative or management purposes by members of any Clear Creek County agency and/or County designees.

#### 2.2.5 Motor Vehicles:



Possessing or using any motorized vehicle on any road, trail or property located within the Philadelphia Mill Site is prohibited, unless within an area specifically designated and posted for vehicular use or under Special Activity Permit or for management purposes by County agencies and/or County designees.

#### 2.2.6 Special Events:

No gatherings of more than twenty (20) person (in attendance or expected) shall be permitted within the Philadelphia Mill Site without a Special Activity Permit from the Open Space Commission.

### Section 3.0: Special Activity Permits:

When in its judgment such authorization is in the best interest of preserving the Philadelphia Mill Site, the Clear Creek County Open Space Commission may authorize by written Special Activity Permit uses otherwise prohibited in these rules and regulations. Said Special Activity Permit 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 Philadelphia Mill Site, 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.

### Section 5.0: Amendment:



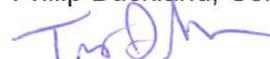
The Board of County Commissioners reserves the right to amend or adopt additional rules and regulations and/or use closures as it deems necessary, from time to time.

**BE IT FURTHER RESOLVED** that the foregoing Rules and Regulations shall be in force and effect beginning May 2014.

**ADOPTED** this 10<sup>th</sup> day of June, 2014, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.

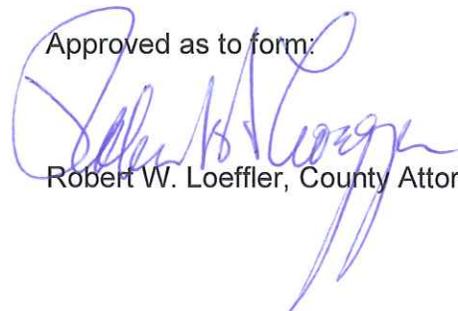
  
Tom Hayden, Chairman

  
Philip Buckland, Commissioner

  
Tim Mauck, Commissioner

ATTEST:

  
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Deputy Clerk and Recorder

Approved as to form:  
  
Robert W. Loeffler, County Attorney