



RESOLUTION 12-30

RESOLUTION ADOPTING RULES FOR THE PROTECTION, USE AND MANAGEMENT OF CLEAR CREEK COUNTY OPEN SPACE LANDS

WHEREAS, Clear Creek County has within its jurisdiction lands that have been designated as open space, hereinafter described and known as the Clear Creek County Open Space Lands, that are to be managed for public open space and public recreation purposes; and

WHEREAS, the Open Space Lands are a “recreational facility” within the meaning of §29-7-107, CRS; and

WHEREAS, the Open Space Lands are under the management of the Clear Creek County Open Space Commission whose mission is to preserve and maintain the County’s unique character and natural environment by protecting our streams, woodlands, meadows, wildlife habitat, recreational opportunities, prominent vistas, geologic features, and cultural resources to enhance the quality of life for residents and the enjoyment of the out-of-doors for residents and visitors; and

WHEREAS, the Clear Creek County Board of County Commissioners acknowledges the need for rules to ensure the proper protection, use and management of these Open Space Lands; and

WHEREAS, these rules 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 with regard to the protection, use and management of Open Space Lands; and

WHEREAS, pursuant to §29-7-101, CRS, Clear Creek County has the authority to enact such rules respecting the protection, use, and management of Open Space 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

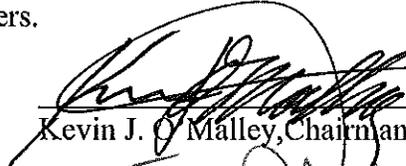
WHEREAS, the impacts of use of Open Space Lands need to be minimized in order to preserve and maintain the quality of the open space recreational experience in Clear Creek County.

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners of the County of Clear Creek, Colorado that the Open Space Lands Rules attached hereto as Exhibit A are adopted.



BE IT FURTHER RESOLVED that the foregoing Open Space Lands Rules shall be in force and effect beginning Feb 21, 2012.

ADOPTED this 21st day of February, 2012, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.


Kevin J. Malley, Chairman


Timothy J. Mauck, Commissioner

Absent
Joan Drury, Commissioner

ATTEST:


Deputy Clerk and Recorder

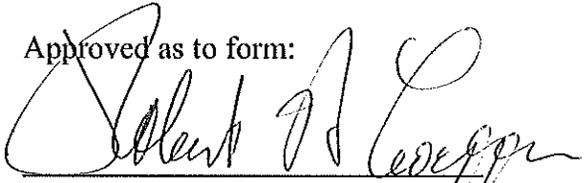
Approved as to form:

Robert W. Loeffler, County Attorney



EXHIBIT A TO RESOLUTION 12-30

RULES FOR THE PROTECTION, USE AND MANAGEMENT OF CLEAR CREEK COUNTY OPEN SPACE LANDS

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.

Open Space Lands means all land owned and managed by Clear Creek County as open space.

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.

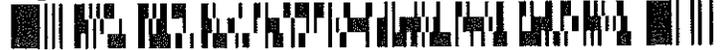
Camping means the temporary use, not to exceed 14 days, of Open Space Lands for the purpose of overnight occupancy without a permanently fixed structure.

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

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.

Wheelchair means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Other power-driven mobility device (OPDMD) Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2). A person using an other power-driven mobility device may be asked to provide a credible assurance that the mobility device is required because



of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

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 Open Space Lands for any event or activity that may require special planning or scheduling or may significantly impact departmental values, norms, liabilities, and visitor expectations

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.

Trail(s) means any trail which lies either wholly or partly within the Open Space Lands which exists at the time these rules and regulations are enacted or is hereafter constructed.

Section 2: Application to Open Space Lands; Other Rules

2.1 Where These Rules Apply

These rules apply to all lands administered by the Open Space Commission except those lands for which special rules have been adopted, expressly in lieu of these rules and not in addition to these rules.

2.2 Where These Rules Do Not Apply

As of the date these rules first are adopted, Rules and Regulations for the Protection Use and Management of Beaver Brook Watershed Lands (Resolution 05-106) and of the Lawson Whitewater Park (Resolution 10-70), respectively, have been adopted. These rules do not apply to the Beaver Brook Watershed lands or to the Lawson Whitewater Park lands administered by the Open Space Commission.



2.3 Other Rules Also Apply

All lands administered by the Open Space Commission are subject to the rules for the Use of County lands by Commercial River Outfitters, most recently set forth in Resolution R-09-39.

Section 3: Permitted Activities; Prohibited Activities

3.1 Permitted Activities

The following recreational activities are permitted on Open Space Lands:

- a. Hiking.
- b. Biking, but on trails only.
- c. Snowshoeing.
- d. Cross country skiing.
- e. Camping (with a permit required for groups larger than 12, and for no longer than 14 consecutive days in the approximately same location).
- f. Hunting and fishing subject to Colorado Parks & Wildlife regulations.
- g. Horseback riding.
- h. Dogs, but on leash only.
- i. Use of ADA compliant electric vehicles (OPDMD).
- j. Recreational gold panning.

The list is not exhaustive.

3.2 Prohibited Activities

3.2.1 Fire:

- a. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire is prohibited.
- b. Causing timber, trees, slash, grass or brush to burn is prohibited except if done pursuant to Special Activity Permit or for approved management purposes.
- c. Leaving a fire without completely extinguishing it is prohibited.
- d. Allowing a fire to escape control is prohibited.
- e. Building, attending, maintaining a campfire without removing all flammable material from around the campfire adequately to prevent the campfire's escape is prohibited.
- f. Building, maintaining or using fire or campfire in posted fire safety areas is prohibited.
- g. 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 or Board of County Commissioners 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 appropriate.

- h. Campfires, stove fires, and all other fires, including smoking, may be eliminated, curtailed, or otherwise further regulated by the Open Space Commission.

3.2.2 Natural and Cultural Resources:

- a. Damaging any natural feature or other property of the Open Space Lands is prohibited.
- b. Removing any natural feature or other property of the Open Space 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 any other relevant laws or restrictions (e.g. conservation easements).
- c. Damaging any plant that is classified as threatened, endangered, sensitive, rare, or unique species.
- d. Removing any plant materials without a written permit is prohibited.
- e. Using any pesticide except for personal use or as provided by Special Activity Permit 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. Mining activities except recreational gold panning or as allowed by law.

3.2.3 Timber and other forest plants:

- a. Cutting or otherwise damaging any timber, tree, or other forest plants without a Special Activity Permit is prohibited.
- b. Removing any timber, tree or other forest plants is prohibited, except as authorized by a Special Activity Permit.

3.2.4 Uses:

- a. Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment or other improvement on Open Space Lands without a Special Activity Permit is prohibited.



- b. Selling or offering for sale, bartering or trading any merchandise or conducting any business activity or service which uses Open Space Lands or resources without a Special Activity Permit is prohibited.
- c. Abandoning any personal property on Open Space Lands is prohibited.
- d. Disseminating, posting, placing or erecting any paper, notice, advertising material, sign, handbill, petition or similar written and/or graphic matter on Open Space Lands without a Special Activity Permit is prohibited.
- e. Operating or using, without a permit or license, any devices on Open Space Lands which produce noise in such a manner and at such a time so as to unreasonably disturb any person is prohibited.
- f. The possession and/or use of fireworks or explosive devices on Open Space Lands is prohibited.

3.2.5 Trails:

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

3.2.6 Vehicles:

- a. Use of any motorized vehicle within the Open Space Lands resulting in damage to the natural and/or cultural resources is prohibited.
- b. Use of any motorized vehicle within the Open Space Lands may be prohibited to protect natural habitats, wildlife, the outdoor experience for users, and users' safety.

3.2.7 Temporary Closures:

All Open Space Lands are subject to being closed to all public use temporarily when in the judgment of the Open Space Commission temporary closure is necessary or appropriate for the preservation of the lands or their values. Notice of closure will be posted on those lands and on the County website.

3.3. Regulations Subject to Amendment:

The Board of County Commissioners may amend these rules or adopt additional rules from time to time in a public meeting without further notice.



Section 4.0: Special Activity Permits:

When in its judgment such authorization is in the best interest of preserving Open Space Lands, the Clear Creek County Open Space Commission may authorize -- by written Special Activity Permit -- uses otherwise prohibited in these rules and regulations. Special Activity Permits must be in writing and may only be issued by the Clear Creek County Open Space Commission.

Uses of Open Space Lands for events involving 50 or more people, including all participants, attendees and spectators, require obtaining a Special Events Permit through the Clear Creek County Land Use Division. Events requiring a Special Event Permit do not require a Special Activity Permit from the Clear Creek County Open Space Commission. The Special Event Permit process will address the criteria listed in Section 4.1, below.

4.1: Criteria used by staff to evaluate special event or activity permit applications:

- Consistency of activity with mission of Clear Creek Open Space
- Impact of activity on natural environment (natural and cultural resources, riparian areas, wetlands, and sensitive species) – season, time, intensity and duration
- Impacts on adjacent public and private lands (e.g., noise, trash, parking, traffic)
- Impacts on other users/uses of Clear Creek County Open Space lands (e.g., safety, potential conflicts, trailheads)
- Compliance with appropriate regulations and ordinances
- Staff and equipment requirements (enforcement, monitoring, education)
- Alternatives available; appropriate uses/activities sited in designated areas
- Impacts on specific site improvements.

4.2 Other Conditions and Requirements

4.2.1 If it is unclear whether a specific use requires a Special Activity Permit, it is the responsibility of the applicant to contact the Clear Creek County Open Space Commission (OSC) to determine if a Special Activity Permit is needed.

4.2.2 All Special Activity Permits are revocable at will by the Open Space Commission.

4.2.3 Specific conditions may be attached to the Permit.

4.2.4 Authorizations for commercial activities may require a user fee.



- 4.2.5 An applicant must submit application in sufficient time for a decision. A minimum of two weeks is required for a decision on the approval/denial of a Special Activity Permit.

Section 5.0: Enforcement

5.1 Penalty Assessment:

More restrictive statutes and County ordinances may apply to activities in and to the use of the Open Space Lands, notwithstanding anything to the contrary contained in these rules. 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, any person who violates any provision of these rules 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.

5.2 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.

END