

SUMMIT COUNTY OPEN SPACE REGULATIONS

ADOPTED PURSUANT TO RESOLUTION NO. 2007 -59 ON AUGUST 14, 2007

Section 1. Intent

The Summit County Open Space Program was created with the goal to actively protect and preserve lands that maintain the County's rural mountain character for present and future generations. Summit County owns and operates property interests, public recreational access easements, and natural surface trails ("Open Space ") to protect Summit County's open space character and provide for public access to natural areas and trails. Open Space is acquired and managed to protect buffers between communities, prominent view corridors, significant agricultural lands, undeveloped shorelines and riparian corridors, trails and recreation access points, and lands of unique ecological value. It is the intent of the BOCC in adopting the "Summit County Open Space Regulations of 2007" (the "Regulations") pursuant to Resolution No. 2007-59 that the users of Open Space be responsible for their conduct, that they utilize the Open Space in a manner which protects these properties, recognizes the rights, health and safety of other users, and that they be held strictly liable for conduct which violates the provisions of these Regulations.

Section 2. Definitions

For purposes of these Regulations, the following definitions shall apply:

- 2.1 **Motorized Vehicle:** Every vehicle that is self-propelled by an internal combustion engine or electric power, including but not limited to, automobiles, motorcycles, snowmobiles, mopeds, electric bicycles, motorized bicycles, motorized scooters and motorized skateboards. However, such term shall not include self-propelled wheelchairs used for the transportation of physically handicapped individuals.
- 2.2 **Mechanized Vehicle:** Every vehicle that is human powered, including but not limited to, bicycles, skateboards, and scooters.
- 2.3 **User:** Any person using Open Space in any manner permitted by these Regulations including, but not limited to, operating a motorized vehicle, bicycling, jogging, walking, and skiing.

Section 3. Camping

- a. Camping is strictly prohibited, except in areas officially designated for camping, in accordance with designated and posted restrictions for each area. No camping areas have been designated at the time of adoption of these regulations.

Section 4. Closed Areas

- a. The Open Space Director ("the Director") and/or the Board of County Commissioners of Summit County ("the BOCC") may, in the exercise of sound discretion, determine at any time that a portion or all of any Open Space property shall be closed to the public and/or certain domestic animals based upon, but not limited to, any of the following grounds:
 - i. Wildlife, natural resource, historic resource, or vegetation protection concerns warrant such closing;
 - ii. Management actions warrant such closing;
 - iii. Contractual agreements call for the closing of such areas;
 - iv. Closure is necessary to protect the public health, safety, and welfare;
 - v. Closure is necessary to protect the proprietary interests of the County
 - vi. Natural disasters warrant such closing; and/or

- vii. Law enforcement officers direct closure to protect the health, safety and welfare of citizens or to protect a crime scene or law enforcement work area.
- b. The Director may activate temporary or seasonal closures for any of the above reasons.
- c. The BOCC, in its sound discretion, may designate property closures of a temporary, permanent, or indefinite nature.

Section 5. Commercial Use and Special Events

- a. Commercial use or operations, without the prior, express written consent or permit from the Director, is strictly prohibited. Commercial use is defined as providing any service, product, or event for which a fee is charged.
- b. It shall be unlawful to hold any special events or conduct any special uses except when such activity has been authorized by the Director and a permit duly issued by Summit County Government in accordance with such authorization.

Section 6. Destruction of Public Property

- a. It is unlawful to remove, destroy, collect, deface, or alter in any manner any natural or man-made condition of any Open Space, without the express, prior written consent of the Director. Such objects include, but are not limited to, the following: wildlife, trees, down timber or branches, shrubbery, plants, flowers, rocks and minerals, fences, signs, kiosks, bulletin boards, restrooms, tables, benches, cultural resources and trash containers.
- b. It is unlawful to place rock bolts or pitons, install gates, plant trees or any other type of landscape material, establish or construct trails or other facilities for public or private use, or implement improvements of any other kind without the prior, express written consent of the Director.
- c. Firewood collection, without the prior, written consent of a duly authorized agent of Summit County, is strictly prohibited.

Section 7. Firearms and Fireworks

- a. No person shall discharge, use, or allow the use of firearms or weapons at any time.
- b. The possession or discharge of any type of fireworks is strictly prohibited.

Section 8. Fires

- a. No open fires are allowed, except as authorized in writing by the Director.
- b. It shall be unlawful to burn any material in a careless manner.

Section 9. Horses and Livestock

- a. All horses and livestock must be directly attended to, and under constant physical control of the appropriate owner, guardian, or caretaker of the animal, except for those animals permitted to be under a lesser degree of control by the prior express consent of the Director.
- b. Domestic animals or livestock shall not be tied or left unattended in any manner that damages vegetation or structures, or interferes with public use.
- c. All feed brought onto Open Space shall be certified "weed free" as defined by the Colorado Department of Agriculture.

Section 10. Litter

- a. No person shall deposit or leave any refuse, trash, litter, or organic or non-organic waste of any type, except in designated receptacles.
- b. It shall be unlawful to deposit any refuse, trash, or litter generated or located outside of Open Space into receptacles located on any Open Space property.

- c. Under no circumstances may hazardous materials be transported into, or utilized or deposited within any Open Space
- d. It shall be unlawful to clean vehicles and/or livestock trailers.

Section 11. Nuisance

- a. No person shall engage in any activity which interferes with the health, safety, or welfare of the users or neighbors of any Open Space or which creates a hazard or nuisance to the use and/or safety of others.
- b. No person shall engage in any activity that may be deemed a public nuisance, pursuant to Title 16, Article 13, Part 3, Colorado Revised Statutes, as amended, including but not limited to unauthorized congregation or conduct such as to annoy or disturb the peace and enjoyment of other persons lawfully utilizing Open Space. Fines provided herein for such nuisance actions shall be in addition to, and not in lieu of, all applicable Colorado law.
- c. All disorderly conduct (including disruptive amplified sound) shall be prohibited.

Section 12. Parking

Vehicles, boats, campers, trailers or other items must park in designated areas, in accordance with designated and posted restrictions for each area, and may under no circumstances be left unattended for more than 72 hours, unless expressly authorized by the Director.

Section 13. Pets

- a. All pets shall be under “Immediate Control” as defined by Section 2.16 of the Summit County Animal Control and Licensing Regulations, as amended, or on a leash
- b. No person shall allow their pets to harass wildlife, other pets, and/or other people, regardless of whether such wildlife, pets, and/or people are actually harmed as a result of such harassment.

Section 14. Road and Trail Uses

- a. Users of roads and trails must yield to other users in the following manner while on Open Space, unless otherwise posted:
 - i. All users yield to equestrians.
 - ii. Motorized users yield to mechanized users and pedestrians.
 - iii. Mechanized users yield to pedestrians.
- b. For the purposes of these regulations, yielding shall be strictly defined to be constituted of the following steps: slowing to a safe speed, being prepared to stop at all times, establishing communication, moving to the edge of the road or trail if necessary, and then passing safely.
- c. Users shall comply with posted signage, including one-way travel designations, and all applicable Colorado Motor Vehicle laws (Title 42 Colorado Revised Statutes) and regulations for Off-Highway Vehicles and snowmobiles (Title 33, Colorado Revised Statutes).
- d. The BOCC and/or the Director may adopt use restrictions on specific Open Space properties and/or specific routes on Open Space properties when such restrictions are necessary for resource protection, protection of the public health, safety or welfare, or protection of the County’s proprietary interests.
- e. Traveling off the designated route between sections (“short-cutting”) is strictly prohibited at all times, except in the event of a bona-fide medical emergency.

Section 15. Vehicles, Mechanized Uses, and Equestrian Activity

- a. No person shall operate or park a motorized vehicle or mechanized vehicle within any Open Space except on routes, and/or parking areas that are officially designated and posted to permit operation of such vehicle(s).
- b. Equestrian activity is permitted only on those routes officially designated to permit such use.

Section 16. Wildlife and Fishing

- a. No person shall feed, hunt, pursue, trap, molest, harass or kill any wildlife at any time, with the exception of fishing and the activities of personnel authorized by the Director.
- b. No person shall disturb any wildlife habitat at any time, with the exception of the activities of personnel authorized by the Director.
- c. Fishing is allowed strictly in accordance with all applicable State and local regulations.
- d. The Director, in consultation with the Colorado Division of Wildlife, may close specific areas to fishing in order to protect aquatic resources.

Section 17. Miscellaneous

- a. Posting of advertisements or placement of brochures, of any type or content is prohibited, with the exception of brochures specifically authorized by the Director.
- b. It shall be unlawful to take off or land with any motorized or non-motorized aircraft, except for emergency landings. Aircraft includes, without limitation, the following types of devices: airplanes, helicopters, ultralights, gliders/sailplanes, and hot air balloons.
- c. Golfing, Frisbee golfing, paintball, hangliding, paragliding, parapenting, parachuting, parasailing, and the use of remote controlled land, water, or air-borne devices are prohibited.
- d. All research projects must comply with these regulations, and receive written authorization in advance from the Director.
- e. It shall be unlawful to directly pollute land, water, or air within any Open Space.
- f. No person shall interfere with employees or designated agents of the County or Town of Breckenridge while in the performance of their official duties.

Section 18. Enforcement

- a. The Office of the Summit County Sheriff has the authority to enforce any and all laws, rules, and regulations on Open Space, including but not limited to all applicable state laws, and all regulations adopted by the BOCC regarding the use and protection of Open Space.
- b. The Summit County Sheriff may appoint or deputize, as applicable, other persons to enforce such Open Space regulations, as it deems reasonable and necessary.

Section 19. Schedule of Fines

Violation of Sections 5, 7, 8, 10, or 15: \$150.

Other violations:

First offense:	\$50
Second offense:	\$150
Third or further offenses:	\$300 plus a mandatory court appearance

Rules and regulations outlined in this resolution are enforceable as class 2 petty offenses pursuant to 29-7-101(2) CRS, as amended.

Property damage shall be assessed at full replacement value or full costs for restoration. If property damage due to violation of any of these regulations exceeds the amount of the fine, a court appearance is required. The court shall have the discretion to impose a greater fine, as well as other remedies in addition to the fines provided for herein. As set forth herein, the County expressly reserves all rights as property owner to request the court to order reparation for damages to property or to pursue other potential criminal and civil charges.

Section 20. Incorporation and Severability

- a. These rules and regulations are promulgated to be consistent with and in addition to, not in lieu of, any applicable Federal, State, or County rules and regulations. Moreover, the County reserves all proprietary and administrative rights and interests in the effected property, subject to applicable law.
- b. These regulations shall not preclude administrative or maintenance activities by County employees, agents, or persons under contractual agreement as deemed appropriate by the BOCC or the Director, nor shall they preclude the activities of persons exercising rights pursuant to proprietary rights, existing easements or agreements.
- c. If any of these provisions are deemed to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this ordinance in its entirety, and to this end the provisions of this ordinance are declared to be severable.
- d. These rules and regulations shall take effect immediately upon adoption, and are necessary for the preservation of the public health and safety due to the inherent dangers of unregulated use of public open space lands.

EXHIBIT "B"

SUMMIT COUNTY OPEN SPACE REGULATIONS OF 2007

EXEMPTED PROPERTIES

The following properties owned or managed by Summit County are specifically exempted from the SUMMIT COUNTY OPEN SPACE REGULATIONS OF 2007 adopted by the Summit County Board of County Commissioners as Resolution # 2007-59 on August 14, 2007

- 1) County properties or facilities not administered by the Summit County's Open Space Program including, but not limited to:
 - a) Summit County Landfill property
 - b) Green Mountain Camp

- 2) Privately owned properties on which Summit County holds a conservation easement, but is not the land management agency.