



## RESOLUTION 10-70

### ADOPTING RULES AND REGULATIONS FOR THE PROTECTION, USE AND MANAGEMENT OF THE LAWSON WHITEWATER PARK

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

**WHEREAS**, the Lawson Whitewater Park is a "recreational facility" within the meaning of §29-7-107, CRS; and

**WHEREAS**, the Lawson Whitewater Park is owned by Clear Creek County and 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 Lawson Whitewater Park; 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 Lawson Whitewater Park; and

**WHEREAS**, pursuant to §§18-9-117, 29-7-101, and 30-11-107(1)(a) CRS, Clear Creek County has the power, authority and jurisdiction to enact such rules and regulations respecting the protection, use, and management of the Lawson Whitewater Park 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 Lawson Whitewater Park Rules and Regulations are adopted:



Section 1: Definitions.

*Lawson Whitewater Park* means that land owned by Clear Creek County and designated for management by Open Space Commission by Resolution 05-35, and more fully described as follows:

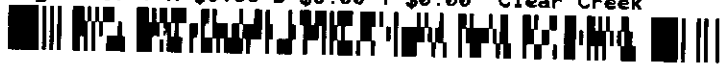
A portion of Government Survey Lot 24, beginning at a point of intersection of the southern right-of-way line of Interstate 70, as shown on the Colorado Department of Transportation Right-of-Way Sheets 19 and 20, recorded in Book 623, Page 958, Reception No. 208726, with Clear Creek County Clerk and Recorder, with line 1-2 of the Anson P. Stephens Millsite, M.S. No. 724 (also known as Stephens Millsite, M.S. No. 724); thence northwesterly along line 1-2 of said millsite a distance of 125 feet; then northeasterly along a straight line to a point on line 3-4 of the Havens Lode, M.S. No. 12261A, that bears a distance of 90 feet from the intersection of line 3-4 of said lode with the southern right-of-way line of Interstate 70; thence southeasterly along line 3-4 of said lode to the point of intersection with the centerline of Alvarado Road, as it currently exists on the property; thence westerly along the centerline of said road to a point which is the intersection of the centerline of said road with an extension of line 1-2 of the Anson P. Stephens Millsite, M.S. No. 724 (also known as Stephens Millsite, M.S. No. 724); thence northwesterly along a straight line to Corner 1 of said millsite, thence northwesterly along line 1-2 of said millsite to the point of intersection with the southern right-of-way line of Interstate 70, the point of beginning.

*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 Lawson Whitewater Park for the purpose of overnight occupancy without a permanently fixed structure.

*County* means Clear Creek County, Colorado 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 Use Authorization* means a written permit which allows occupancy or use rights or privileges on Lawson Whitewater Park.

*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: Lawson Whitewater Park Rules and Regulations

### 2.1.1 *Permitted Activities*

The following activities are permitted on Lawson Whitewater Park:

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

### 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 Lawson Whitewater Park:

### 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 Board of County Commissioners, Clear Creek County Sheriff, or other responsible County official in the event it is determined, in conformance with any fire ban promulgated by the 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 Lawson Whitewater Park is prohibited.
- b. Removing any natural feature or other property of the Lawson Whitewater Park is prohibited, except as approved by the Board of County Commissions and/or Open Space Commission.
- c. Cutting or otherwise damaging or removing any plant materials without a special use authorization 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, removing or in any way damaging any property, without a Special Use Authorization, is prohibited.

#### 2.2.3 Uses:

- a. Constructing, placing, or maintaining any kind of trail, structure or other improvement on Lawson Whitewater Park without a Special Use Authorization is prohibited.
- b. Overnight use is prohibited.
- c. Camping on Lawson Whitewater Park is prohibited.
- d. Selling or offering for sale, bartering or trading any merchandise or conducting any business activity or service which uses Lawson Whitewater Park land or resources without a Special Use Authorization is prohibited.
- e. Discharge of a firearm is prohibited.
- f. Abandoning any personal property on Lawson Whitewater Park is prohibited.
- g. Disseminating, posting, placing or erecting any paper, notice, advertising material, sign, handbill, petition or similar written and/or graphic matter on Lawson Whitewater Park without a Special Use Authorization is prohibited.



- h. Operating or using, without a permit or license, any devices on Lawson Whitewater Park 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 Lawson Whitewater Park is prohibited.
- j. The use of Lawson Whitewater Park to access I-70 is prohibited.
- k. Overnight parking on Lawson Whitewater Park 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 Lawson Whitewater Park is prohibited, except for administrative or management purposes by members of any County agency and/or County designees.

#### 2.2.5 Motor Vehicles:

Possessing or using any motor vehicle within the Lawson Whitewater Park 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.

#### 2.2.6 Special Events:

No gatherings of more than twenty (20) persons (in attendance or expected) shall be permitted within the Lawson Whitewater Park without a Special Use Authorization.

### Section 3.0: Special Use Authorizations:

When in its judgment such authorization is in the best interest of preserving the Lawson Whitewater Park, 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 Lawson Whitewater Park, notwithstanding anything to the contrary contained in these rules and regulations. Unless a penalty is otherwise established in the Colorado Criminal Code, 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 §16-2-201, CRS 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 January , 2010.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.

\_\_\_\_\_  
Harry Dale, Chairman

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Kevin J. O'Malley, Commissioner

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Joan Drury, Commissioner

ATTEST:

Approved as to form:

\_\_\_\_\_  
Deputy Clerk and Recorder

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Robert W. Loeffler, County Attorney



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**ADOPTED** this 14th day of July, 2010, at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.

  
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Kevin J. O'Malley, Chairman

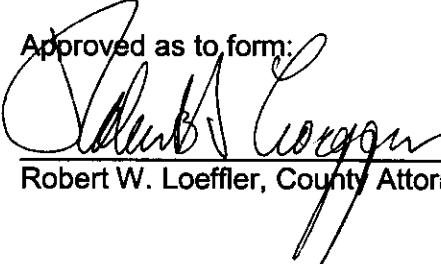
  
\_\_\_\_\_  
Joan Drury, Commissioner

  
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Absent  
Harry Dale, Commissioner

ATTEST:

  
\_\_\_\_\_  
Deputy Clerk and Recorder

Approved as to form:

  
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Robert W. Loeffler, County Attorney