

NOTE: Amendments to Sections 12.04.030 and 12.04.110 go into effect on May 2, 2020 (45 days after final publication of Ordinance No, 008-2020 adopted on March 11, 2020 and final adoption published on March 18, 2020)

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TITLE 12: OPEN SPACE AND TRAILS

CHAPTER 12.04: GENERAL REGULATIONS

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12.04.010 ACQUISITION OF OPEN SPACE AND TRAILS PROPERTIES

The trails, trailhead parking lots, open spaces and attendant facilities and structures that are named as Open Space or Trails through Resolution or Ordinance of the Pitkin County Board of Commissioners are declared to be Pitkin County Trails and Open Space Properties; and further, that properties acquired by funds designated for the Open Space and Trails Program are declared to be Pitkin County Open Space and Trails Properties, and further, that properties may be added to or deleted from the inventory of Pitkin

County Trails and Open Space Properties according to applicable statutes, including, but not limited to, Article 13, section 5.3 of the Pitkin County Home Rule Charter and by Ordinance or Resolution of the Board of County Commissioners. *(Ord. 01-04 (part): Ord. 93-25 (part): Ord: 30-05 (repealed and re-enacted) prior code Title IX § 1-1)*

12.04.020: DESIGNATION OF OPEN SPACE AND TRAILS FACILITIES

Open Space and Trails properties and facilities will be identified by specific action of the Board of County Commissioners, through Ordinance or Resolution, identifying open space and trails facilities as such. Such facilities will include, but not be limited to, County owned and maintained trails, trailheads, parking areas, signs, mining claims, open spaces, parks, river access points for boating or fishing purposes, fishing easements, bridges, wildlife areas, and easements obtained for the purposes of wildlife habitat preservation, scenic preservation, agriculture, access to public lands or for other purposes identified by the County. As otherwise set forth in Article 13 of the Pitkin County Home Rule Charter, Section 1.3, Open Space and Trails funds are not available for maintenance or management purposes for those County properties not either purchased with Open Space Funds or designated to the Open Space and Trails program pursuant to this Article. Non-designated properties otherwise owned by Pitkin County shall be managed by the General Fund through the Asset Management Division. *(Ord. 01-04 (part): Ord. 93-25 (part): Ord: 30-05 (repealed and re-enacted) prior code Title IX § 1-2)*

12.04.030: RULES REGARDING PUBLIC USE OF PITKIN COUNTY OPEN SPACE AND TRAILS PROPERTIES.

The following restrictions apply to all open space and trails properties owned in fee simple by Pitkin County. These restrictions also apply where public access is provided in trail and conservation easements, licenses, leases, and any other property interest held by Pitkin County as provided or superseded by the specific terms of the property interest agreement in question. Nothing contained herein limits or otherwise modifies rights reserved to the owner of fee simple property subject to a conservation or trail easement held by Pitkin County.

A. Motorized vehicles.

1. Motorized Vehicles Restricted. Motorized vehicles are restricted to parking areas, driveways and other areas specifically posted for motor vehicle occupancy. No motorized vehicles whatsoever, including automobiles, trucks, farm or agricultural vehicles, motorcycles, motorbikes, motor scooters, go-carts, snowmobiles, mopeds, Class 2 and 3 electric bicycles, other electrically-driven devices or all terrain vehicles

will be allowed on any county trail at any time. The penalties for violation of 12.04.030 (A) are provided in 12.04.110. The following vehicles and uses are exempted from this prohibition:

- a. County maintenance vehicles, ambulance, law enforcement, fire or other emergency vehicles will be allowed to enter onto county open space and trails in the course of carrying out their normal duties.
- b. Snowmobiles or snow cats may be allowed onto county trails to set cross-country ski tracks or to otherwise install or maintain Nordic trails with approval of the Open Space and Trails department.
- c. Construction or maintenance vehicles owned and operated by private contractors may enter onto county trails, subject to specific permission as set forth in the Asset Management Plan Section 6.02, as may be amended from time to time.
- d. Agricultural, ranch or personal vehicles belonging to specific owners, their employees or assigns, may enter onto county trails subject to the terms of easements or agreements between the county and individual landowners.
- e. Class 1 electric bicycles, also known as ebikes, are allowed on hard surface and crusher fine surface trails. Hard surface is defined as asphalt and/or concrete trails. Crusher fine surface is defined as crushed gravel and/or rocks.
- f. Use of mobility devices by persons with mobility impairments as provided in the Other Power Driven Mobility Device Management Plan adopted August 23, 2011, as may be amended from time to time.

2. Vehicles must be parked only in designated areas, and/or in compliance with all posted parking signs.

3. Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to 42-3-1208 (4), C.R.S., as amended, shall be displayed at all times while vehicle is parked in such a space.

4. It shall be unlawful to park in a manner that impedes access or use of any OST asset or the safe flow of traffic.

5. Any vehicle found in violation of 12.04.030 (A) may be subject to towing or impoundment at the expense of the owner.

B. Allowed Uses. Bicycles, pedestrians, horses, skates, skateboards, skis, snowshoes, non-motorized scooters, wheelchairs, and baby strollers are allowed on designated trails and routes at all times unless specifically prohibited and posted otherwise. All trail users

will travel at safe speeds at all times with a maximum speed limit of 20 miles per hour unless otherwise posted.

C. Equestrian Use. Horse traffic is restricted to walk or trot speeds. Horses must be under control at all times. Buggies, carts, or other horse-drawn vehicles are prohibited from all trails.

D. Right of Way. In areas of mixed use, i.e. horses, bicycles and pedestrians, equestrians have the right of way in all circumstances. All traffic is to yield to equestrians. Bicycle or other wheeled traffic is to yield to pedestrians. Hikers/bikers moving downhill must yield to hikers/bikers moving uphill.

1. **Passing on Natural Surface Trails:** At no less than fifteen (15) feet of approaching other trail users from any direction, slow to a speed comparable to the trail user being passed, communicate and gain their attention. Pass safely, single file and when oncoming traffic is clear. Stop when necessary to allow safe passage.
2. **Passing on Paved Trails:** When passing other trail users from behind, slow to a safe speed, communicate and gain the attention of the user being passed. Pass safely, single file, at a safe distance (no less than 2 feet) and on the left when oncoming traffic is clear. Stop when necessary to allow safe passage.
3. **Attentiveness on Trails.** Trail users must listen for and be aware of other trail users and yield appropriately. Earphones, ear buds or any personal audio device must be kept at an appropriate level to hear approaching trail users.
4. **Stop Required.** Trail users shall stop at all road and driveway crossings and yield to any motorized traffic, except where the trail right of way takes precedence over a driveway crossing, in which case driveway users shall yield to trail users. Trails and roads will be posted with informational signs designating intersections.

E. Trespass Prohibited. It is prohibited to trespass from trails onto adjacent private lands.

F. Closed Areas. Entry onto or use of Open Space lands posted as closed is prohibited. Trails and lands may be subject to seasonal, temporary or emergency closures and the use of such when so posted shall constitute a trespass.

G. Camping Prohibited. Overnight camping is prohibited on Open Space and Trails properties.

H. Dogs. Dogs must be leashed at all times, with a leash extended no greater than 6 feet in length. A single person may walk no more than three dogs. Those persons attending dogs on trails must always carry a receptacle, such as a plastic bag, for removal of excrement. Dog waste must be immediately picked up and either carried until off the Open Space property or disposed of in a trash receptacle by owners or guardians. Leaving the scene of the waste is considered a failure to remove the waste. A pet owner's or guardian's lack of knowledge of the location of the pet's excrement is also considered a failure to remove the waste. Trails will be posted if dogs are prohibited. Trails may be closed to dogs pursuant to a management plan adopted pursuant to Section 12.04.060 or by action of the Open Space and Trails Board.

I. Domestic Animals Other Than Dogs. Domestic animals are prohibited on Open Space properties except Horses and pack animals such as Llamas, Burros and the like, or where specifically permitted pursuant to an agricultural lease, or for land management purposes authorized by the county. Such animals must be under control at all times. It is unlawful to chase or molest any livestock on Open Space properties. All gates, fences and other entry points must be closed in areas where livestock is permitted.

J. Commercial Activities and Special Events Limited. Commercial activities and Special Events are those for which a fee is charged for any person to undertake an activity, including but not limited to guiding, training, instructing, or outfitting, where the entity charging the fee also provides personnel during the activity itself. Commercial activities and Special Events are prohibited on any Open Space land except when specifically authorized pursuant to applicable laws, as noted herein; commercial activities and Special Events that occur entirely within an Open Space property may be approved by the Open Space director or his/her designee pursuant to Section 12.04.080. Commercial activities and Special Events that occur on both Open Space properties and other county-owned property or roads require a special review use approval from the county, subject to Pitkin County Land Use Code section 4-30-40(q). Special Events or Special Event shall have the same meaning as provided in Pitkin County Code, Title 8, Chapter 11.

K. Hunting. All Open Space and Trails properties are closed to hunting unless authorized pursuant to a management plan adopted pursuant to Section 12.04.060 in accordance with other applicable laws.

L. Fishing Restricted. Fishing is permitted according to the regulations of Colorado Parks and Wildlife, except where otherwise posted and prohibited in a management plan enacted pursuant to Section 12.04.060. A valid fishing license is required.

M. Firearms. It is forbidden to discharge firearms or projectile weapons on any Open Space or Trails property unless hunting is specifically authorized by the Open Space and Trails Board in a management plan and in accordance with other applicable laws. The intent is not to supersede Colorado Revised Statutes Article 12 of Title 18.

N. Disorderly Conduct Prohibited. Disorderly conduct of any kind is prohibited on Open Space and Trails properties. Disorderly conduct includes, but is not limited to, making any coarse, annoying, derisive or obviously offensive utterance, gesture or display which tends to incite an immediate breach of the peace. Also fighting, littering or abandonment of private property, making excessive or amplified noise that would tend to disturb the peace and quiet of adjacent residents or occupants, or any other activity that deliberately infringes on the ability of others to use or enjoy open space or trails facilities. No person shall remain in any pedestrian underpass, or at or within 200 feet of the entrance for a period longer than is reasonably necessary to move through the underpass.

O. Fires Prohibited. Fires are prohibited at any location and at all times, except where explicitly allowed in a Management Plan, or for management purposes as authorized by the director of Open Space and Trails, and/or for irrigation ditch maintenance, and in accordance with all other applicable laws. Gas grills may be permitted by special use permit only. Charcoal grills are prohibited due to the fire hazard and difficulty of disposal. It shall be unlawful to violate the conditions of any imposed fire restrictions or fire ban.

P. Specified Hazardous Activities Prohibited. Hazardous activities which might constitute or contribute to a hazard to the safety of any person are prohibited on Open Space and Trails properties except where allowed in a management plan. Prohibited activities include, but are not limited to, use of fireworks or other explosives, use of remote-controlled craft or drones, and launching of missiles. Exceptions or additions to these restrictions may be made in specific locations or circumstances pursuant to a management plan or special use review under Section 12.04.070 and posted accordingly.

Q. Non-motorized Aircraft Restricted. Hang-gliding or operation of any motorized or non-motorized aircraft, glider, parachute, paraglider or balloon for landing or take-off is prohibited except pursuant to an adopted management plan and/or valid special use permit pursuant applicable sections of the Pitkin County Code.

R. Boating Restricted. Boat launching is limited to sites designated for that purpose. Man-made structures for boating such as access ramps, docks, kayak courses or buoys are prohibited except in locations specifically authorized by a management plan enacted pursuant to Article 4.5, or pursuant to a special use review under Section 12.04.070.

S. Resource Protection. Vandalism, property damage or removal of resources or facilities is prohibited on any Open Space or Trails property. It is unlawful to alter, move, remove, damage, deface, mutilate or destroy any structure, poster, sign, marker, fence, gate, furniture, vegetation, rock, or any object of scientific or historic value or interest. It shall be unlawful to install or replace rock bolts or other fixtures, plant trees or any other type of landscape material, or alter nordic trails, or establish or construct trails or other facilities for public or private use without written approval from the Pitkin County Open Space and Trails Department. Geocaching shall be unlawful unless the person placing or searching the cache first registers the cache with the Open Space and Trails Department to ensure compliance with existing regulations, closures, and management plans. Travel off designated trails by bicycle or other mechanized means is prohibited at all times.

T. Wildlife Protected. Wildlife is protected on all Open Space and Trails properties. Hunting, trapping, chasing, molesting, harming, removing, killing or otherwise disturbing wildlife on Open Space and Trails properties is prohibited at all times and under all circumstances, with the exception of hunting authorized by the Open Space and Trails Board in a management plan and in accordance with other applicable laws, and fishing (See paragraphs K-L, above). Damaging or destroying the habitat of any species of wildlife is prohibited. Removing or destroying, native plants, bird or reptile eggs is prohibited. Nothing in this section shall prohibit trapping for research, management and monitoring purposes as authorized by the director of Open Space and Trails.

U. Littering and Waste Disposal Prohibited. Any disposal, depositing or abandonment of trash, garbage, litter, waste paper, waste food products, human or animal wastes, garden waste, landscape waste, toxic materials, oil and other mechanical waste products, animal parts, fire ash or other combustion byproducts, or other waste products on Open Space or Trails properties other than in designated containers and locations is prohibited.

V. Structures, Storage of Materials, and Notices Prohibited. Construction of any kind not specifically authorized by Pitkin County Open Space and Trails is prohibited. Activities prohibited include, but are not limited to, excavations, ground clearing or grading, erection of permanent or temporary structures, erection of signs, posting of bills, notices or posters, storage of items, fencing or clearing of vegetation.

W. Interference Prohibited. It shall be unlawful to interfere or attempt to interfere with any Pitkin County Ranger or other Open Space employee who is acting in the performance of his or her duties on Open Space or to give false or misleading information with the intent to mislead said person in the performance of his or her duties.

X. Glass Containers. It shall be unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Pitkin County Open and Trails area, except as might be required for prescribed medical treatment.

(Ord. 01-04 (part); Ord. 93-25 (part); Ord: 30-05 (repealed and re-enacted) prior code Title IX § 2-1) Section 12.04.030 Repealed and Reenacted Ord. 016-2015, 4-22-15) Amended (part) Ord. 027-2018, 05-23-18) Amended (part) Ord. 008-2020

12.04.040: Repealed Ord. 016-2015, 4-22-2015

(Ord. 004-2001 (part); Ord. 025-1993; Ord: 030-2005 . Ord. 007-2014 (part) (repealed and re-enacted) prior code Title IX § 2-3; Repealed Ord. 016-2015, 04-22-2015)

12.04.050: Repealed Ord. 016-2015, 4-22-2015

(Ord. 004-2001 (part); Ord. 025-1993; (part) Ord: 030-2005 (repealed and re-enacted) prior code Title IX § 2-3; Repealed Ord. 016-2015, 04-22-2015)

12.04.060: MANAGEMENT PLANS

The Board of Open Space Trustees may adopt individualized management plans for specific Open Space and Trails Properties, to set forth management policies and objectives. If a management plan imposes restrictions that are different from those set forth in this Title, and are to be enforced under Article 6 below, the management plan must be adopted by the Board of County Commissioners pursuant to an Ordinance. In that event, the Ordinance adopting a management plan shall include a provision that it is governed by Title 12 of the Pitkin County Code and that violation of its terms and conditions shall be enforced under the provisions of this regulation as if they were set forth herein. (Ord. 004-2001 (part); Ord. 025-1993 (part); Ord: 030-2005 (repealed and reenacted) prior code Title IX § 2-4)

12.04.070 SPECIAL USE OF OPEN SPACE AND TRAILS

This Section establishes review standards for Uses of Open Space Properties allowed only by Special Use permits pursuant to Section 4-30-50(i) of the Pitkin County Land Use Code. The County may approve, approve with conditions, or deny applications for special uses of Open Space Properties pursuant to section 4-30-50(i) of the Pitkin County Land Use Code.

- A. Prior to submitting an application for a Special Use pursuant to section 3-210 {Now recodified to 4-30-50(i)} of the Pitkin County Land Use Code, the applicant shall obtain a written certification from the Director of Open Space and Trails regarding the consistency of the proposed use with the following.

1. The Management Plan for the open space property in question, if available.
 2. The provisions of Title IX, Article 2, of the Pitkin County Land Use Code
 3. The protection of the conservation values of the Open Space Property on which the use is proposed.
- B. In responding to requests pursuant to this Article, the Open Space Director shall consult with the County Wildlife Biologist and/or other persons with requisite expertise to evaluate the impact of the proposed use on the conservation values of the Open Space Property.
- C. The Open Space Director may condition a certification of consistency on the applicant agreeing to provide a surety bond in favor of the County in the event that a Special Use Permit is granted, in the amount of at least two thousand dollars (\$2000.00), or other amount to be determined by the Open Space Director, or his/her designee. All Financial Security will be held for the duration of any special use permit. The bond will be conditioned upon:
1. Faithful compliance with the terms of a special use permit, regulations, and codes of Pitkin County.
 2. The restoration and cleanup of any site affected by the special use. Any revegetation needed to restore the site shall conform to the adopted Pitkin County Landscape Guidelines
- D. The Open Space Director may condition certification on the applicant's agreement to pay a use impact fee which is commensurate with the additional maintenance costs associated with the proposed use.
- E. The Open Space Director shall make a written response either certifying the consistency of the proposed special use with or without conditions, or determining the proposed special use is not consistent, within 45 days of receiving a written request for certification. An applicant may appeal the determination of the Open Space Director to the Board of County Commissioners within 15 days of receipt of the determination. The Board of County Commissioners must issue a final determination within 30 days of hearing an appeal pursuant to this section.

- F. Notwithstanding Section 3-1.1, non-commercial organized recreational users, as called out in the 2000 North Star Management Plan, and other management plans as may be adopted pursuant to section 2-4, may obtain a special use permit directly from the Open Space and Trails Department based on a finding of consistency made pursuant to this Article without applying under section 3-210. (*Ord. 01-04 (part): Ord. 93-25 (part): prior code Title IX § 3-1) (Ord. 007-2014 (part)*)

12.04.080: COMMERCIAL USE OF OPEN SPACE AND TRAILS

This section establishes review standards for Commercial uses of Open Space Properties. The Open Space Director or his/her designee may approve commercial uses on Open Space Properties based on the following standards:

1. The use is consistent with the Management Plan for the open space property in question, if available.
2. The use is consistent with the provisions of Title XII, Article 2, of the Pitkin County Land Use.
3. The activity will not materially harm the conservation values of the open space property on which the use is proposed.

The Open Space Director or his/her designee may place reasonable conditions on commercial use permits as deemed necessary to protect the conservation values of the Open Space Property on which the use is proposed, to recoup the Open Space Departments expenses associated with the use, and to protect the access of the general public to the subject property. Such conditions may include, but are not limited to:

- A. The applicant agreeing to provide a surety bond in favor of the County in the event that a Commercial Use Permit is granted, in the amount of at least two-thousand dollars (\$2,000), or other amount to be determined by the Open Space Director, or his/her designee,. All financial security will be held for the duration of any commercial use permit. The bond will be conditioned upon:

1. Faithful compliance with the terms of a Commercial Use Permit, regulations, and codes of Pitkin County.
2. The restorations and cleanup of any site affected by the commercial use. Any revegetation needed to restore the site shall conform to the adopted Pitkin County Landscape Guidelines.

3. The applicant(s)' agreement to pay a use impact fee, which is commensurate with the additional maintenance costs associated with the proposed use. (*Section 12-075-Added: Ord. 007-14 04-23-140*) (*Ord. 007-2014 (part)*)

12.04.090: EASEMENTS AND AGREEMENTS

The terms and conditions of Conservation or Trail Easements or other approved agreements between the County and private property owners are incorporated into these regulations by reference. To the extent of any conflict between these regulations and the terms of conservation easements or trail easements, the terms of such easements will control. Those terms and conditions shall be enforced under the provisions of this regulation as if they were set forth herein. (*Ord. 01-4 (part): Ord. 93-25 (part): Ord: 30-05 (repealed and re-enacted): prior code Title IX Art. 4*)

12.04.100: AMENDMENT OF RULES AND REGULATIONS

These rules and regulations may be amended from time to time by the Pitkin County Board of County Commissioners in consultation with the Open Space and Trails Board. These rules shall apply to existing Open Space and Trails Properties and to such trails and open space properties as may be acquired by the Pitkin County Open Space and Trails Program from time to time or designated by the County as being subject to these rules. (*Ord. 01-4 (part): Ord. 93-25 (part): Ord. 30-05 (repealed and re-enacted) prior code Title IX Art. 5*)

12.04.110: VIOLATIONS, ENFORCEMENT AND PENALTIES

- A. Unlawful Activity. It shall be unlawful to engage in any activity that is in violation of the Article 2 or Article 3 of this code.

Penalty. Violation of this code is a class 2 petty offense, punishable by a fine of \$100.00 for the first offense, \$500.00 for the second offense, and \$1000.00 for the third and subsequent offenses except as provided below:

Dog-related assessments:

- First Offense: \$100.00
- Second Offense: \$250.00
- Third Offense: \$500.00
- Subsequent Offenses: \$1,000.00

Firearms, interference, littering, and fire-related assessments:

First Offense: \$250.00
Second Offense: \$500.00
Subsequent Offenses: \$1,000.00

Parking assessments for violation of subsection (A) of 12.04.030, Rule 2 and 4:

First Offense: \$50.00
Subsequent Offense: \$100.00

Parking assessments for violation of subsection (A) of 12.04.030, Rule 3:

First Offense: \$250.00
Second Offense: \$500.00
Subsequent Offenses: \$1,000.00

Assessments for violation of any provision of a special use permit, commercial use permit, or right of way permit, issued by any Pitkin County department for use of any Open Space and Trails property, or the failure to obtain such permits when required:

First and Subsequent Offense: Up to \$1,000.00

Hunting and resource damage-related assessments:

First and Subsequent offenses: Up to \$1,000.00

B. Criminal Enforcement The Director of Pitkin County Open Space and Trails, Open Space and Trails Land Steward, Open Space and Trails Ranger, the Pitkin County Wildlife Biologist, Pitkin County Zoning Officer, the Pitkin County Community Development Director, Pitkin County Engineer, or any law enforcement officer may follow the penalty assessment procedure provided in Section 16-2-201, C.R.S. for any violation of this code, or may enforce the provisions of this code by filing and service of summons and complaint in accordance with county court procedures. In the event the penalty assessment procedure is followed, the penalty shall be the as set forth in 3B, and such assessment shall also include a surcharge required by C.R.S. Section 30-15-402(2). A person who violates this code three (3) or more times in the space of one (1) year shall be subject to imprisonment for no more than ninety days per offense pursuant to C.R.S. 30-35-201 C.R.S. and Article 12 of the Pitkin County Home Rule Charter. Each day a violation of this code continues shall constitute a separate offense.

- C. Civil Enforcement – In the event of any activity in violation of this Code, the County Attorney, in addition to other remedies provided by law or specified herein, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, or abate any unlawful activity, or to remove any improvements on construction resulting from such unlawful activity. In the event that such unlawful activity has damaged any county property, the violator shall be liable for any damage to county property resulting from any such unlawful activity, including, but not limited to, compensation for staff time and for use of county equipment to repair such damage. Any civil action or proceeding can include a claim to recover all such money damages. (*Ord. 01-4 (part): Ord. 93-25 (part): Ord. 30-05 (repealed and re-enacted) prior code Title IX Art. 6*) Amended (part) [Ord. 008-2020](#)

12.04.120: POSTING

These regulations, or a summary thereof, will be posted at visible locations on Open Space and Trails Properties. Full text of these regulations shall be available for public inspection at the offices of the County Open Space and Trails Director, Land Steward and the Pitkin County Open Space and Trails Program. (*Ord. 01-4 (part): Ord. 93-25 (part), Ord: 30-05 (repealed and re-enacted): prior code Title IX Art. 7*)