



RESOLUTION NO. 2004-43

BOARD OF COUNTY COMMISSIONERS

OF THE

COUNTY OF SUMMIT

STATE OF COLORADO

**A RESOLUTION ADOPTING RESTATED SUMMIT COUNTY
RECREATIONAL PATHWAY REGULATIONS (Open Space and Trails
Department)**

WHEREAS, § C.R.S. 29-7-101 authorizes the Summit County Board of County Commissioners to promulgate rules and regulations to regulate and control public recreation lands and facilities owned or operated by Summit County; and

WHEREAS, Summit County owns and operates a multi-use recreational pathway system within Summit County known as the Summit County Recreational Pathways; and

WHEREAS, the Board of County Commissioners adopted Resolution No. 88-27 on June 13, 1988, which constituted the Summit County Recreational Pathways Regulations; and

WHEREAS, the Board of County Commissioners finds that portions of the existing Summit County Recreational Pathways Regulations are out of date or in need of clarification; and

WHEREAS, the Board of County Commissioners deems it necessary and in the public interest to repeal Resolution No. 88-27 and restate the Summit County Recreational Pathways Regulations for the purposes of bringing the regulations up to date, making necessary changes to the regulations, facilitating more effective administration of the Summit County Recreational Pathways system, and to better protect the health, safety and welfare of the citizens of and visitors to Summit County, Colorado.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO
THAT:**

1. AUTHORITY. Pursuant to the provisions of C.R.S. § 29-7-101 et seq., the Board of County Commissioners has the power, authority and jurisdiction to regulate and control public lands and facilities owned or operated by the county by the promulgation of rules and regulations pursuant to a lawfully adopted resolution.

2. REPEAL. Existing or parts of existing resolutions covering the same matters as embraced in this resolution, including but not limited to Summit County, Colorado Resolution Numbers 88-27 and 03-73, are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this resolution are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or resolution hereby repealed prior to the effective date of this resolution.

3. ADOPTION OF SUMMIT COUNTY RECREATIONAL PATHWAYS REGULATIONS OF 2004. The proposed "Summit County Recreational Pathways Regulations of 2004," attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby approved and adopted to provide for the regulation and control of the Summit County Recreational Pathways.

4. PENALTY ASSESSMENT PROCEDURE. Pursuant to C.R.S. § 29-7-101(2), the Board of County Commissioners hereby authorizes utilization of the penalty assessment procedure provided in C.R.S. § 16-2-201 by any arresting law enforcement officer for any violation of the Summit County Recreational Pathways regulations of 2004.

5. GRADUATED FINE SCHEDULE. Pursuant to C.R.S. § 29-7-101(2), the Board of County Commissioners hereby adopts the graduated fine schedule provided in Section 17 of the Summit County Recreational Pathways Regulations of 2004 for violations of the regulations.

6. SEVERANCE CLAUSE. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 12TH DAY OF APRIL, 2004.

**BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO**

By: 
William C. Wallace, Chairman

ATTEST:


Cheri Brunvand, Clerk & Recorder

SEAL
COLORADO

APR 12 2004
FCM

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND PUBLISHED IN
THE SUMMIT COUNTY JOURNAL ON APRIL 16TH, 2004. ORDERED
PUBLISHED BY TITLE ONLY THIS 10TH DAY OF MAY, 2004.

**COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS**



William C. Wallace, Chairman

FC

ATTEST:
SEAL 
Cheri Brunvand, Clerk & Recorder

EXHIBIT "A"

SUMMIT COUNTY RECREATIONAL PATHWAYS REGULATIONS OF 2004

ADOPTED PURSUANT TO RESOLUTION NO. 2004 -43

ON MAY 10TH, 2004

Section 1. INTENT. It is the intent of the Board of County Commissioners in adopting the "Summit County Recreational Pathways Regulations of 2004" (the "Regulations") pursuant to Resolution No. 2004-43 that the users of the Summit County Recreational Pathways be responsible for their conduct, that they utilize the Summit County Recreational Pathways in a manner which recognizes the rights, health and safety of other pathway 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 **Recpath:** The Summit County Recreational Pathway system under the ownership and operation of Summit County. The current Recpath system is indicated on the attached map, incorporated as part of these regulations as Exhibit "1". Additional sections of Recpath shall be included in the Recpath system as they are constructed and shall be subject to the Regulations herein.

2.2 **User:** Any person using the Recpath in any manner permitted by these Regulations including, but not limited to, bicycling, jogging, walking, in-line skating, and skiing.

2.3 **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.

Section 3. MOTORIZED USE. No person shall operate a Motorized Vehicle on the Recpath except as specifically provided herein. Motorized Vehicles shall be permitted on sections of the Recpath as follows:

3.1 On Miner's Creek Road from Peak One Boulevard (CR 1004) to the Rainbow Lake Road Intersection, as indicated on Exhibit "2-B", for the sole purpose of providing vehicular access to the National Forest immediately adjacent thereto;

3.2 On Temple Trail (County Road 1001) between gates, bollards or other barriers installed as indicated on Exhibit "2-B" within the Bill's Ranch Subdivision for the sole purpose of providing vehicular access to and from Bill's Ranch area properties by Bill's Ranch area homeowners and their guests;

3.3 On the Recpath from the western Frisco town limits to the Copper Mountain Trailhead/ Wheeler Flats Parking area, as these locations are indicated on the attached map incorporated herein as Exhibit "2-A", for the sole purpose of providing vehicular access to and from private property and public utilities within the Tenmile Canyon corridor by public utilities and Ten Mile Canyon property owners and their guests; and,

3.4 Motorized Vehicles shall be permitted on any Recpath segment pursuant to a County granted permit, license agreement or other recorded document that specifically authorizes such use.

3.5 This section shall not prohibit the use of official emergency, law enforcement or County authorized maintenance vehicles on the Recpath.

Section 4. DOGS. Dogs are permitted on the Recpath system in accordance with the Summit County Animal Control and Licensing Regulations of 2003 ("Animal Control Regulations"), which provide that the Recpath system is an area where pet animals must be under "Physical Control" as that term is defined in section 6.7 of the Animal Control Regulations. All other pet animals and livestock are prohibited from being present upon the Recpath system except: (a) On those areas of the Recpath indicated on the attached Exhibits "2-A" and "2-B", (b) on the portion of the Recpath between Revette Drive (County Road 317) and Gateway Drive (County Road 950), where the Recpath is designated as a section of the Colorado Trail, and (c) for purposes of making a perpendicular crossing of the Recpath.

Section 5. RIGHT-OF-WAY.

5.1 All Users of the Recpath shall travel upon the right half of the Recpath at all times except as follows:

- (a) When overtaking and passing another User proceeding in the same direction, when the left side of the Recpath is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the use of the Recpath by any User approaching from the opposite direction.
- (b) When an obstruction exists making it necessary to move to the left of center of the Recpath provided that any person so doing shall yield the right-of-way to all Users traveling on the left side in the opposite direction.

5.2 In no event shall any User pass on the left half of the Recpath where such movement is prohibited by signs.

5.3 Any User turning left upon the Recpath shall yield the right-of-way to any User approaching from the opposite direction in the left hand lane.

5.4 Recpath Users may travel two abreast on the Recpath only where:

- (a) Such Users view of the Recpath is unobstructed for two hundred feet (200') in either direction, and
- (b) When such use may be made without obstructing use of the Recpath by others.

5.5 Prior to overtaking other Users on the Recpath, Users must signal their presence vocally or with an appropriate bell or horn.

Section 6. SPEED. Users of the Recpath shall abide by all officially posted speed limits. Users shall further limit their speed on the Recpath to that which is reasonable and prudent under the then existing conditions. In no event shall a User's speed on the Recpath exceed twenty-five (25) miles per hour.

Section 7. CARELESS USE. All Users of the Recpath shall use such Recpath in the prudent manner with due regard for the width, grade, curves, corners, traffic and use of the Recpath and all other attendant circumstances.

Section 8. STOPPING. Stopping on, or otherwise obstructing travel by leaving personal property on, the paved portion of the Recpath is prohibited. Stopping is permitted off of the paved portion of the Recpath only.

Section 9. TRAFFIC CONTROL DEVICES. All Users shall comply with all official signs, markings and signals displayed or placed on the Recpath by Summit County.

Section 10. SPECIAL EVENTS. Special events on the Recpath shall be conducted in accordance with the Special Event Permit Regulations for Conducting Special Events on Summit County Roads, Property and Property Interests, Summit County, Colorado Resolution No. 2003-108, as amended.

Section 11. COMMERCIAL USES.

11.1 No person shall offer for sale any goods or services on the Recpath unless specifically permitted in advance in writing by the County's Open Space and Trails Department, Planning Department or Manager's Office.

11.2 The Recpath shall not be utilized as an essential component of any commercial activity, including but not limited to bicycle shuttle operations, unless specifically permitted in advance in writing by the County's Open Space and Trails Department, Planning Department or Manager's Office.

Section 12. ENCROACHMENT. Placement of any personal property, including but not limited to a Motor Vehicle, real estate signs, construction equipment, construction materials or construction debris within the applicable easement or right-of-way for the Recpath is prohibited, unless specifically permitted by the County's Open Space and Trails or Planning Departments.

Section 13. LITTERING. No person shall place garbage or waste material on the Recpath.

Section 14. VANDALISM. No person shall cut, remove or damage any tree, natural element or feature on within a Recpath easement or right-of-way, except with official written permission, nor shall any person deface or alter any structure, sign, or other public property or improvements on or along the Recpath.

Section 15. ENFORCEMENT. Enforcement of these Regulations shall be by peace officers employed by the Summit County Sheriff's Office. Nothing herein is intended to vest authority in any person to enforce any resolution or statute other than these Regulations.

Section 16. PENALTIES. Any person violating any of the Regulations set forth herein, or in amendments thereto, commits a Class 2 petty offense as defined in section 18-1.3-503, C.R.S., as amended, and shall be assessed a fine of not more than \$300.00 for each violation. If any of the Regulations set forth herein shall conflict with any other applicable law or regulation, the more stringent requirement shall control.

Section 17. GRADUATED FINE SCHEDULE. Any person violating any of the Regulations set forth herein, or in amendments thereto, commits a Class 2 petty offense as defined in section 18-1.3-503, C.R.S., as amended, and shall be assessed a fine of \$50.00 for each violation. If the same individual violates the same Regulation within one year of the date of his/her initial violation, then the fine for such first subsequent violation shall be \$100.00. If the same individual violates the same Regulation two or more times within one year of the date of the initial violation, then the fine for each such repeated violation shall be \$300.00. If any of the Regulations set forth herein shall conflict with any other applicable law or regulation, the more stringent requirement or penalty shall control.

Section 18. DISPOSITION OF FINES AND FORFEITURES. All fines and forfeitures for violation of any provisions of these Regulations and all moneys collected by the Court for licenses, restitution, or other related costs shall be deposited in accordance with procedures as approved by the County Treasurer upon receipt.

Section 19. CAPTIONS. The captions and paragraph headings used throughout these Regulations are for the convenience of reference only, and the words contained herein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision to or the scope of these Regulations.

Section 20. TERMS. For convenience, defined terms usually have been capitalized within these Regulations. Words used herein shall have their natural meaning, their statutory meaning if applicable, or the meaning set forth in the definitions, according to the context in which they appear, regardless of capitalization.

Section 21. SEVERABILITY. If any provisions of these Regulations or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of these Regulations and the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of these Regulations shall be valid and be forced to the fullest extent permitted by law.

Section 22. TITLE. These Regulations shall be known as the “Summit County Recreational Pathway Regulations of 2004.”

Section 23. EFFECTIVE DATE. All provisions of these Regulations shall be effective on the 10th day of May, 2004.

Exhibit 2-A

Legend



Limited Motorized Vehicles Permitted



Motor Vehicles Prohibited

Frisco

See Exhibit 2-B

Tenmile Canyon

Copper Mountain






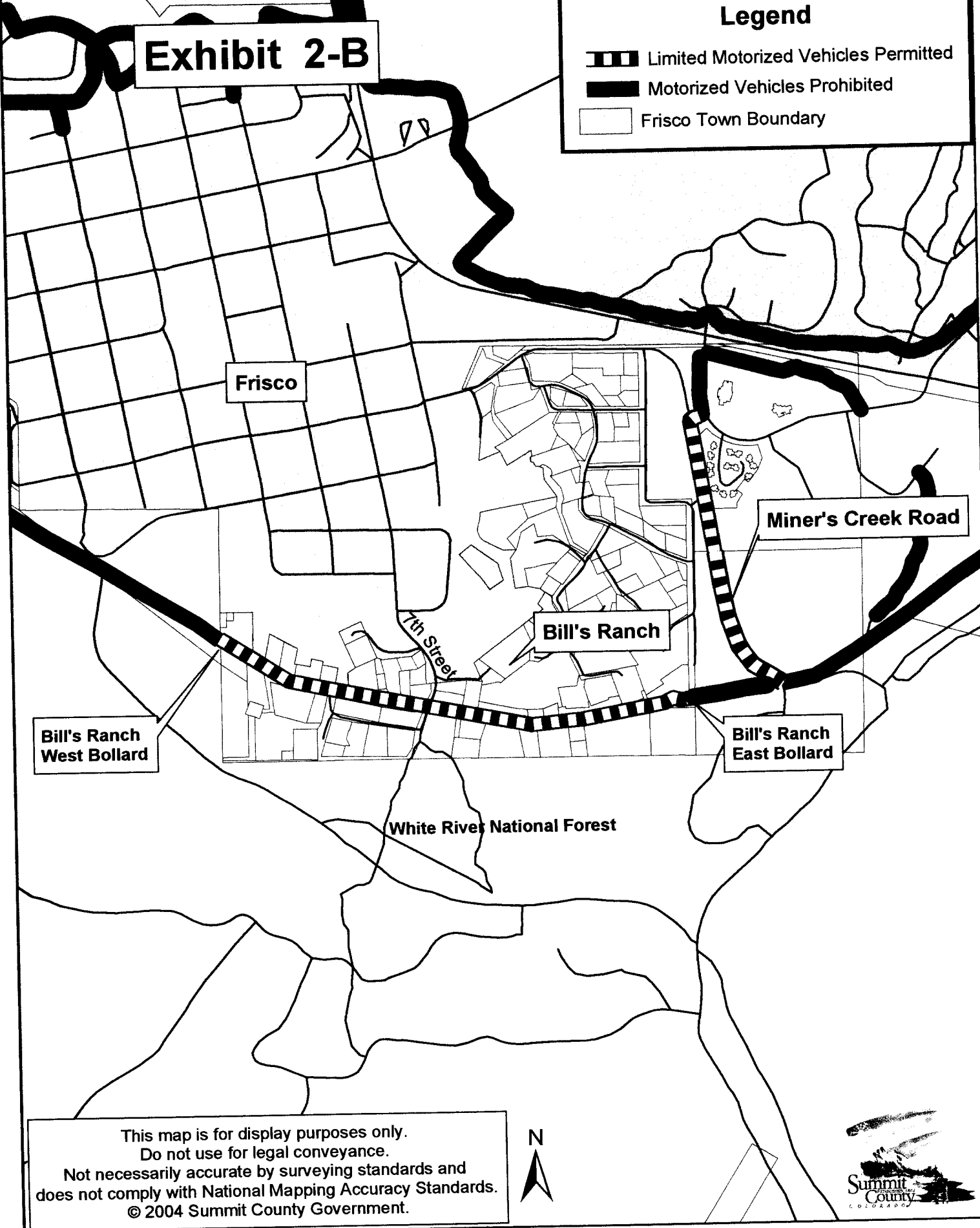
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does not comply with National Mapping Accuracy Standards.
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Summit
County
COLORADO

Exhibit 2-B

Legend

-  Limited Motorized Vehicles Permitted
-  Motorized Vehicles Prohibited
-  Frisco Town Boundary



Bill's Ranch West Bollard

Frisco

7th Street

Bill's Ranch

Miner's Creek Road

Bill's Ranch East Bollard

White River National Forest

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