

Title 6

PUBLIC PARKS, RECREATION AREAS AND OPEN SPACE AREAS

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Chapter 6.02

PUBLIC PARKS AND RECREATION AREAS

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6.02.010 Definitions, Applicability and Scope.

A. The provisions of this Chapter shall apply to any park or recreation area owned, leased or operated, or hereafter owned, leased or operated by the Town of Eagle, whether within or without the Town limits. This Chapter applies to all persons entering, using, or visiting any such park, or recreation area.

B. The term “camping equipment,” as the same appears in this Chapter, includes not only a tent or vehicle used to accommodate the camper, but also the vehicles used for transport, and any associated camping paraphernalia.

6.02.020 Sanitation. The following acts are prohibited in any park or recreation area:

A. Failing to dispose of all garbage, including paper, cans, bottles, waste materials and rubbish, by removal from the site or area, or disposal at places provided by the Town for rubbish removal;

B. Draining or dumping refuse or waste from any trailer or other vehicle except in places or receptacles provided for such uses;

C. Cleaning fish or food, or washing clothes or articles of household use at any water faucets, restrooms or water hydrants;

D. Polluting or contaminating water supplies or water used for human consumption, or any creeks or rivers;

E. Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any rest room facility or any other public structure, or depositing any bottles, cans, cloths, rags, metal, wood, stone, or any other damaging substance in any of the fixtures in such stations or structures; and

F. Using refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property.

G. Any person who knowingly violates subsections (A), (B), (C), (E), and (F) of this Section commits a non-criminal municipal offense. Any person who knowingly violates subsection (D) of this Section commits a Class A municipal offense.

6.02.030 Public Behavior and Preservation of Public Property and Resources. The following acts are prohibited within any park or recreation area:

A. Any act forbidden by any section of Title 9 of this Code;

B. Inciting or participating in riots, or indulging in boisterous or abusive, threatening, or indecent conduct;

C. Destroying, defacing, or removing any natural feature or plant;

D. Destroying, injuring, defacing, removing, or disturbing in any manner any public building, sign, equipment, marker, or other structure or property;

E. Selling or offering for sale any merchandise without the prior written consent of the Town Administrator;

F. Distributing any handbills or circulars or posting, placing or erecting any bills, notices, paper, or advertising devices or matter of any kind without the prior written permission of the Town Administrator;

G. Discharging firearms, firecrackers, rockets, or any other fireworks;

H. Operating or using any audio devices, including radios, televisions or musical instruments, or any other noise-producing devices such as an electrical generating plant in such a manner and at such times so as to disturb other persons using the recreation area or park;

I. Operating or using public address systems, whether fixed or portable, except with the prior written permission of the Town Administrator; and

J. Installing aerial or special radio or telephone or television equipment unless previously approved by the Town Administrator in writing.

K. Any person who knowingly violates subsections (E), (F), (H), (I), and (J) of this Section commits a non-criminal municipal offense. Any person who knowingly violates subsections (B) and (C) of this Section commits a Class B municipal offense. Any person who knowingly violates subsections (D) and (G) of this Section commits a Class A municipal offense.

6.02.040 Occupancy of Parks and Recreation Areas. The following acts are prohibited within any park or recreation area:

- A. Occupying a recreation site for other than primarily recreational purposes;
- B. Entering or using a recreation site or recreation area, or a portion of a recreation site or recreation area, which is closed to public use, as established by notices which shall be posted in such locations as will reasonably bring them to the attention of the public;
- C. Occupying a site with camping equipment which is prohibited by the Town Administrator. Notices establishing a limitation on the kind or type of camping equipment shall be posted in such locations as will reasonably bring them to the attention of the public;
- D. Building a fire outside of stoves, grills, fireplaces, or outside of fire rings provided for such purposes, or leaving unattended any fire, or failing to extinguish a fire when leaving the park;
- E. Camping overnight in places restricted to day use only;
- F. Failing to remove camping equipment, or to clean rubbish and trash before departure;
- G. Pitching tents or parking trailers or other camping equipment except in places specifically provided for such purposes;
- H. Camping overnight within a campground for a longer period than fourteen (14) days in any thirty (30) day period;
- I. Leaving a camping unit unoccupied during the first night after camping equipment has been set up, or leaving unattended camping equipment for more than twenty-four (24) hours, without written permission of the Town Administrator. Unattended camping equipment which is not removed within the prescribed time limit is subject to impoundment and removal by Town authorities;
- J. Failing to maintain quiet in campgrounds between the hours of 10:00 p.m. and 6:00 a.m.; and

K. Entering or remaining in campgrounds during darkness, except for those persons who occupy the campground for camping purposes or other person visiting those campers.

L. Any person who knowingly violates subsections (A), (B), (C), (E), (F), (G), (H), (I), (J), and (K), of this Section commits a non-criminal municipal offense. Any person who knowingly violates subsection (D) of this Section commits a Class B municipal offense.

6.02.050 Regulation of Vehicles. The provisions of the Model Traffic Code, as adopted by reference by the Town of Eagle, shall apply within the limits of any park or recreation area. In addition, the following acts shall be prohibited within any park or recreation area:

- A. Driving motor vehicles in excess of twenty (20) miles per hour;
- B. Driving or parking any vehicle or trailer except in places developed for that purpose;
- C. Operating motor vehicles, bicycles, motor bikes, motorcycles, or other off-highway vehicles (OHV) off of established roadways or onto trails, unless such trails have been specifically marked for off-road vehicle use;
- D. Operating any motor vehicle or snowmobile in such a manner as will annoy or disturb other users of the park or recreation area;
- E. Operating any motor vehicle, bicycle, motor bike, motorcycle, snowmobile or other off-highway vehicle (OHV) in any park or recreation area when the same has been closed to traffic. The Town Administrator or Police Chief, shall have the authority to close any park or recreation area for health or safety reasons or for the protection of wildlife at any time, and such closing shall become effective when signs giving notice thereof are erected at prominent locations within the park or recreation area.

F. Any person who knowingly violates subsections (A), (B) and (D) of this Section commits a non-criminal municipal offense. Any person who knowingly commits the first violation of subsections (C) and (E) within twelve (12) consecutive months commits a non-criminal municipal offense. The second or subsequent violation of subsections (C) and (E) of this Section within twelve (12) consecutive months shall constitute a Class A municipal offense.

6.02.060 Fees and Charges. The Town may assess fees or user charges for the use of any Town owned or operated public recreation facility. The amount of such fees shall be proposed by the Town Administrator and submitted to the Board of Trustees. The fees shall become effective when approved by resolution of the Board. All fees and charges imposed by the authority granted within this Section shall be paid to the Town Treasurer, in such manner as the Town Treasurer shall prescribe.

Chapter 6.03

OPEN SPACE AREAS

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6.03.130	Trails Map

6.03.010 Applicability and Scope. The provisions of this Chapter shall apply to any open space area owned, leased or operated or hereafter owned, leased or operated by the Town or any interests in land which the Town determines is necessary, suitable or proper for the preservation or conservation of sites, scenes, open space and vistas for recreational, wildlife, historic, aesthetic, or similar public purposes. “Interest in land” means all rights and interests in land less than the full fee interest, including but not limited to future interests, easements, covenants, and contractual rights.

6.03.020 Use of Open Space Areas – General.

A. Access for approved motor vehicles and bicycles shall be restricted to designated roads and trails. See the Map contained in Section 6.04.130 of this Chapter.

B. Signs indicating designated trails and travel routes shall be posted by the Town at the start of the route and along the route in Town open space areas.

C. Generally, pedestrian and equestrian users shall not be restricted to designated trails, but the Town may request that users use designated trails in open space areas.

D. The Spud Cellar property located behind the pool/ice-rink complex has a specific restriction that all users must stay on the designated trail.

E. Designated access points for bicycle riders, equestrians and pedestrians shall be:
(See Map in contained Section 6.04.130 of this Chapter)

1. Horton St. Trail, off Horton Street.

2. Abrams Creek Trail, off Silver Spur.
3. The Arroyo Drive parking area shall provide access to the Third Gulch, Second Gulch, Turniphead and the Bailey Trails.
4. East Haystacker Drive (just southeast of the intersection with Harvester Court) shall provide access for the Mayer Gulch Trail and the Turniphead Trail.
5. East Haystacker Drive (just east of Clover Lane) shall provide access to the Mayer Gulch Trail.
6. Pool/ice-rink complex (behind the northwest corner of the swimming pool) shall provide access to the Spud Cellar Trail.
7. Kill Bill Trail, located off the asphalt path to the northwest of West Dewey Park cul-de-sac.
8. South end of Eagle Ranch Road – trail head that accesses two (2) short bicycle/ pedestrian trails that access Filing No. 25 of the Eagle Ranch PUD. The north trail is referred to as the Wall Trail and the southerly trail is referred to as the Avalanche Trail.
9. Riddle Trail, which accesses off of Avalanche Trail, just northeast of the cul-de-sac on Avalanche Peak Way.
10. East Haystacker Drive, at the locked green gate on the Town's water tank access road, shall provide access to the Riddle Trail.

F. If resource damage is detected on Town of Eagle open space lands, or adjoining BLM land, that was or is being caused by off- route use, the Town may take any or all of the following actions:

1. Close the damaged area;
2. Close the damaged area to specific user group(s);
3. Close the general area to specific user group(s);
4. Close access to the offending user group(s); or
5. Close access to all user groups.

The Town also reserves the right to close any areas showing signs of resource damage whether caused by a particular user group or not.

G. Pedestrian, equestrian or bicycle use in or around the Town's water tanks shall be prohibited.

H. Government agencies, conducting bona fide administrative duties, are permitted access to any open space area and the use of appropriate motor vehicles shall be permitted with the approval of the Town Administrator.

I. All persons using open space areas in any manner whatsoever use such open space areas at their own risk. In accordance with Article 41 of Title 33, C.R.S., the Town does not extend any assurance that any open space area is safe for any purpose, does not confer upon any open space user the legal status of invitee or licensee to whom a duty of care is owed, and does not assume responsibility or incur liability for any injury to person, or property or for the death, of any person caused by an act or omission of a person using open space areas.

6.03.030 Motorized Use in Open Space Areas.

A. Operation of motor vehicles, motor bikes, motorcycles, snowmobiles or off-highway vehicles (OHV) which are less than fifty inches (50”) in width shall be allowed access to the Hardscrabble Road via the trail going up Second Gulch. Access to such trail is obtained by following the Second Gulch Trail signs from the parking area located at the bottom of Arroyo Drive. See Map contained in Section 6.04.130 of this Chapter. The operation of any motor vehicle, motor bike, motorcycle, snowmobile or other off-highway vehicle (OHV) in any other open space area is prohibited.

B. Operators of motor vehicles, motor bikes, motorcycles, snowmobiles, or other off-highway vehicles (OHV) shall stay on designated routes and not travel off them, or create any new or additional roads or trails. See Map contained in Section 6.04.130 of this Chapter.

C. Operators of any motor vehicles, motor bikes, motorcycles, snowmobiles, or other off-highway vehicles (OHV) shall yield to pedestrians, equestrians, and bicyclists.

D. Any person who knowingly violates this Section commits a non-criminal municipal offense.

6.03.040 Mountain Bike Use in Open Space Areas.

A. Bicycle users shall stay on designated routes, trails, roads and/or paths, and not travel off of them or create any new or additional roads or trails. See Map contained in Section 6.03.130 of this Chapter.

B. Bicyclists shall yield to pedestrians and equestrian users.

C. Any person who knowingly violates this Section commits a non-criminal municipal offense.

6.03.050 Equestrian Use in Open Space Areas.

A. A large parking area with room for horse trailers is located at the bottom of Arroyo Drive that accesses the following trails: Third Gulch Trail, Second Gulch Trail, Turniphead Trail and Bailey Trail.

B. The use of horses is prohibited on the crusher fine trail that parallels Brush Creek from Sylvan Lake Road southeast to the end of Eagle Ranch Road due to the damage the horses’ hoofs create in the crusher fine surface. Any person who knowingly violates this subsection commits a non-criminal municipal offense.

6.03.060 Pedestrian Use in Open Space Areas. Pedestrians and hikers in open space areas shall yield to equestrian users. Any person who knowingly violates this subsection commits a non-criminal municipal offense.

6.03.070 Hernage Gulch Recreational Uses. Pedestrian or foot travel is the only allowable public use in Hernage Gulch (including on the existing Hernage Creek Trail), with the exception of the trail connecting Third Gulch to Abrams Gulch which is open to pedestrian and bicycle use. No motor vehicle, motor bikes, motorcycles, snowmobiles, or other off-highway vehicles (OHV) or equestrian use is permitted in Hernage Gulch, with the exception of governmental agencies conducting bona fide administrative duties. Any person who knowingly violates this Section commits a non-criminal municipal offense.(Ord. 14-2017 §1)

6.03.080 Emergency Access in Open Space Areas.

A. Emergency access by motor vehicles is permitted by emergency response authorities, including, but not limited to, the Eagle Police Department, the Eagle County Sheriff, and the Greater Eagle Fire Protection District. The existing two track roads accessing Third Gulch will remain and may be used for emergency access purposes only.

6.03.090 Seasonal Use Restrictions in Open Space Areas.

A. In accordance with the Eagle Ranch Annexation and Development Agreement between the Town and West Eagle Ranch LLC (January 12, 1999) and the Eagle Ranch PUD Wildlife Mitigation and Enhancement Plan (January 8, 1999) which was incorporated into the Agreement and the PUD zoning for Eagle Ranch, open space parcels OS1 and OS2 shall have a season use restriction in place from December 15 to April 15 of each year. These parcels are shown on the Eagle Ranch PUD Development Plan Map dated December 18, 1998 (reception number 692229) contained in Section 6.03.140 of this Chapter. These parcels encompass the Horton Street Trail, Kill Bill Trail, Abrams Trail, and Hernage Creek Trail. Recreational and general maintenance activities parcels OS1 and OS2 which contain native habitats will be prohibited during the winter closure in order to protect wintering wildlife and to avoid damage to roads or trails caused by use in wet conditions. Governmental agencies conducting bona fide duties shall be allowed access during such periods with the approval of the Town Administrator.

Trails located on other open space parcels, including parcels OS3, OS4, OS-A, OS-B, OS-C, OS-D, OS-E, and OS-F, are not subject to the restrictions defined in the Eagle Ranch Annexation and Development Agreement (January 12, 1999). These parcels are shown on the Eagle Ranch PUD Development Plan Map dated February 10, 2003 (reception number 832911) contained in Section 6.03.150 of this Chapter and the PUD zoning of Eagle Ranch. These parcels encompass the Third Gulch Trail, Bailey Trail, Second Gulch Trail, Mayer Gulch Trail, Riddle Trail, Wall Trail, and Turniphead Trail. Seasonal use restrictions on these parcels and trails shall be determined by the Town Board of Trustees. Any changes in seasonal use restrictions shall be amended by resolution following a public hearing.

The Pool and Ice Rink Trail and trail on the Spud Cellar Parcel are not part of the Eagle Ranch development. Seasonal use restrictions on these parcels and trails shall also be determined by the Town Board of Trustees. Any changes in seasonal use restrictions shall be amended by resolution following a public hearing.

B. The Town Administrator, after consulting with the Colorado Parks and Wildlife Division, may open the critical wildlife areas described in subsection (A) above earlier if the areas have dried out and the majority of the deer and elk population have moved to higher elevations. Physical damage to roads or trails caused by use in wet conditions shall be given consideration by the Town Administrator when contemplating an early opening of restricted areas.

C. It shall be unlawful for any person to enter an area closed because of a seasonal use restriction on foot, on horseback, in any motor vehicle, on a bicycle, motorbike, motorcycle, snowmobile or other off-highway vehicle (OHV) when the same has been closed to traffic. Any person who knowingly violates this subsection for the first time within twelve (12) consecutive months commits a non-criminal municipal offense. The second or subsequent violation of this subsection within twelve (12) consecutive months shall constitute a Class A municipal offense.

6.03.100 Closure of Abrams Creek Road Pedestrian Easement. The fifteen foot (15') wide non-motorized, pedestrian easement located at the end of Abrams Creek Road shall be closed to all public use until such time that a legal access is obtained to travel on the private land such easement accesses.

6.03.110 Prohibited Acts in Open Space Areas. The following acts are prohibited in any Town of Eagle open space area:

A. Failing to dispose of all garbage, including paper, cans, bottles, waste materials and rubbish by removal from the open space area, or disposal at places provided by the Town for rubbish disposal;

B. Polluting or contaminating any creeks or rivers;

C. Any act forbidden by Title 9 of this Code;

D. Inciting or indulging in boisterous or abusive, threatening or indecent conduct;

E. Destroying, defacing or removing any natural feature or plant;

F. Destroying, injuring, defacing, removing, or disturbing in any manner any public sign or marker;

G. Selling or offering for sale any merchandise without the prior written consent of the Town Administrator;

H. Distributing any handbills or circulars or posting, placing or erecting any bills, notices, paper or advertising devices or any kind without the prior written permission of the Town Administrator;

I. Discharging firearms, firecrackers, rockets or any other fireworks or building a fire;

J. Operating or using any audio devices or musical instruments in such a manner and at such times so as to disturb other persons using the open space area;

K. Entering or using an open space area, or a portion thereof, which is closed to public use, as established by notices which shall be posted in such locations as will reasonably bring them to the attention of the public;

L. Camping overnight or pitching tents or parking trailers or other camping equipment;

M. Hiking, bicycling, or horseback riding within an open space area, or part thereof, which is closed for such specific use, as established by notices which shall be posted in such locations as will reasonably bring the closure to the attention of the public;

N. Operating motor vehicles, bicycles, motorbikes, motorcycles, or other off-highway vehicles (OHV) off of established roadways or onto trails, unless such trails have been specifically marked for such uses;

O. Operating any motor vehicle, bicycle, motorbike, motorcycle, snowmobile or other off-highway vehicle (OHV) in an open space area or part thereof when the same has been closed to such traffic;

P. Operating any motor vehicle, motorbike, motorcycle, or snowmobile in such a manner as will annoy or disturb other users of the open space area; and

Q. Operating or parking any motor vehicle, off-highway vehicle (OHV) or snowmobile in any open space area that does not have a current vehicle registration displayed. The registration shall either be in the form of license plates issued by a State Department of Motor Vehicles or an off-highway vehicle (OHV) registration from an appropriate State agency.

R. Any person who knowingly violates subsections (D), (E), (K), (M) and (O) of this Section commits a Class B municipal offense. Any person who knowingly violates subsections (F) and (I) of this Section commits a Class A municipal offense. Any person who knowingly violates any other subsection of this Section commits a non-criminal municipal offense.

6.03.120 Seizure of Vehicles. In the event a person is issued a summons and complaint alleging a violation of subsection (N), (O) or (Q) of Section 6.04.110, the officer issuing such summons and complaint may seize and impound the vehicle involved in the alleged violation which shall be held as evidence pending trial or other disposition of the charges. In the event such person is found guilty of such offense, the defendant shall be assessed the Town's costs for towing or otherwise removing such vehicle, together with applicable charges for storage. No vehicle seized or impounded pursuant to this Section shall be released to the owner until such charges have been paid.

6.03.130 Trails Map. The following map shows all approved soft path trails in the Town of Eagle Open Space Areas.

Chapter 6.04

PROCEDURE FOR PROPOSING NEW TRAILS OR TRAIL USES ON TOWN OPEN SPACE

Section:

6.04.010 Proposal Procedure

6.04.010 Proposal Procedure. Members of the public and recreation user groups who wish to propose a new trail or change the allowed uses on a trail shall request a pre-application meeting with the Town's Open Space Coordinator. The Open Space Coordinator shall determine the extent of the information and application materials needed based on the nature of the proposal. The Open Space Coordinator will then schedule a public hearing with the Town Board of Trustees to review the proposal. The Town Board of Trustees shall review the proposal at a public hearing which shall be advertised for a minimum of fifteen (15) days prior to the date of the hearing. In addition, property owners within two hundred feet (250') of any new trail segment (if applicable) or trail with a proposed change in use shall be sent notice of such hearing by first class mail. Notice of the hearing shall be published in the Town's newspaper of record. At the said hearing the Board of Trustees shall have the authority to take final action on the proposed construction of a new trail or change in existing trails allowed uses.