

ORDINANCE OF THE PITKIN COUNTY
BOARD OF COMMISSIONERS
CONCERNING
RESTRICTIONS TO VEHICULAR TRAFFIC
IN HUNTER CREEK

Ordinance #96-44

RECITALS

1. The Hunter Creek Valley has experienced a significant increase in vehicular use over the past five years, resulting in destruction of vegetation and general degradation of the area. Hunters have had motor vehicle access on these roads for years and their continued uses of the area is necessary for wildlife management. The impact from vehicular use by hunters has not been as destructive as the impact from general motor vehicle use over the past five years, and the impact from hunters' use is outweighed by the benefit to wildlife management.

2. The County now has primary operational jurisdiction over all public roads in the Hunter Creek Valley under the Memorandum of Understanding for the Development and Operation of the Road System Jointly Operated by the Forest Service and the County, as amended earlier this year. The Forest Service supports the road closure to help implement the White River National Forest Land and Resources Plan direction to emphasize non-motor vehicle recreational activities in that area.

3. The public roads leading into the Hunter Creek Valley, known as the old Hunter Creek Toll Road (north road) and the Smuggler Cut-off Road, provide access to forest service lands, wilderness areas and sparse private inholdings. Overuse of the roads by motor vehicles have caused an increase in conflicts with pedestrians, bikers and equestrians.

4. A fence and a gate have existed at or near the current location of the gate on the Hunter Creek Toll Road at the United States Forest Service/McCloskey boundary at least since 1970 for the purpose of preventing cattle grazing the public lands from entering adjacent private property.

5. Under state statutes, a "motorized vehicle" is defined as any self-propelled vehicle which is designed primarily for travel on the public highways, C.R.S. § 42-1-102 (58). "Vehicle" is further defined in C.R.S. § 42-1-102 (112) as any device which is capable of moving itself or of being moved, from place to place upon wheels or endless tracks. For purposes of this ordinance, "motorized vehicles" shall be given a broad interpretation and shall include but is not limited to, snowmobiles, motorcycles, all terrain vehicles, tractors, three-wheelers and four-wheelers.

6. Under state statutes, a county has the authority to close roads to certain types of traffic, even roads extending to public lands, for good cause.

7. Excessive vehicular use of these roads, which are maintained at low service levels by the County, is contrary to policies adopted regarding remote, primitive access roads and can cause significant environmental damage.

8. As described within the road policies, the County wishes to enhance the pedestrian/biker/equestrian experience in the Hunter Creek Valley with the reduction of motor vehicle usage on the roads, thereby preserving the wilderness-like experience for all users, and continuing public access to the public lands.

9. The Friends of Hunter Creek encourage and recommends the closure of these roads to vehicular use.

10. The County finds that good cause exists to close these roads to motor vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE PITKIN COUNTY BOARD OF COMMISSIONERS that,

a) The Hunter Creek Toll Road eastward from the Boundary between McCloskey and the Forest Service and the Smuggler Cut Off Road are closed to motor vehicle traffic except as provided herein.

b) The Public Works department will close the existing gates located on the Hunter Creek Toll Road at the boundary of the national forest and on Smuggler Cut-off Road near the Benedict property. These public roads will also be signed and posted at that point to prevent motor vehicle access with the exception of inholders, Forest Service permittees, , emergency access vehicles, vehicles required to access the Red Mountain Communication Site, Forest Service, State Of Colorado and County vehicles for administrative or emergency purposes.

c) The County will permit inholders to install an electronic gate at their expense, in accordance with plans and specifications to be submitted to and approved by the County Engineer. Such plans shall include provision for access by all other vehicular uses authorized by this Ordinance.

d) Said road closure will be in effect at all times except for licensed hunters actively scoping, pursuing or retrieving game during the Department of Wildlife big game hunting seasons and the seven days immediately preceding and following those seasons. The signage limiting vehicular traffic will remain in place at all times.

e) The Public Works department shall initiate a citizens task force to discuss access options in the Hunter Creek Valley and report back to the Board with

recommendations prior to the summer of 1997. The Public Works department shall also report back on the effectiveness of the gates and signage to exclude unauthorized motor vehicle access.

f) Enforcement

1. Unlawful activity It shall be unlawful to operate a motor vehicle on the Hunter Creek Toll Road or the Smuggler Cut Off except as provided in this ordinance.

2. Penalty Violation of this ordinance is a Class Two Petty Offense, punishable by a fine of \$600.00 for each separate violation.

3. Criminal Enforcement The County Engineer, the Chief Building Official, Zoning Inspectors, the County Road and Bridge Superintendent, the Public Works Director, the County Road and Bridge Construction Inspector, 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 ordinance, or may enforce the provisions of this ordinance by filing and service of a summons and complaint in accordance with County Court procedures. In the event the penalty assessment procedure is followed, the penalty shall be \$600.00, and such assessment shall also include a \$10.00 surcharge required by C.R.S. § 30-15-402 (2).

4. In addition to or in lieu of the enforcement procedures set forth in sub-section 3 above, this ordinance may be enforced in accordance with the provisions of Colorado Law, and the County may pursue any civil remedies authorized by law in connection with any violation of this ordinance.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON THE 28th DAY OF AUGUST, 1996.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE WEEKEND EDITION OF THE ASPEN TIMES ON 7th DAY OF SEPTEMBER, 1996.

CONTINUED PUBLIC HEARING ON THE 25th DAY OF SEPTEMBER, 1996.

APPROVED UPON SECOND READING AND PUBLIC HEARING ON THE 23RD DAY OF OCTOBER, 1996.

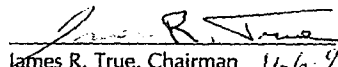
PUBLISHED AFTER ADOPTION IN THE WEEKEND EDITION OF THE ASPEN TIMES ON THE 2nd DAY OF NOVEMBER, 1996.

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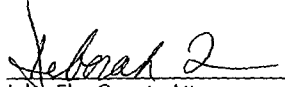
ATTEST:


Jeanette Jones

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO


James R. True, Chairman 11-6-96

APPROVED AS TO FORM


John Ely, County Attorney

MANAGER APPROVAL


Suzanne Konchan, County Manager

RECOMMENDED FOR APPROVAL


Brian Pettet, Road & Bridge Supervisor 11-1-96

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