

San Miguel County

Down Valley Park

Use Policies

And

Fee Structure

AS APPROVED AND ADOPTED BY THE SAN MIGUEL COUNTY

BOARD OF COUNTY COMMISSIONERS

BY RESOLUTION 2004- 21

Park address 22855, Colorado Highway 145, Mile Marker 82

San Miguel County Open Space and Recreation Program, PO Box 1170

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Table of Contents

General Park Rules and Regulations

1. Presence in the Park	Page 3
2. Vehicular Use in the Park	Page 3
3. Overnight Camping	Page 3
4. Fires	Page 3
5. Alcohol and Drug Free Zone	Page 3
6. Loud Noise and Disturbances	Page 4
7. Firearms	Page 4
8. Swimming, Wading, and Boating	Page 4
9. Animals	Page 4
10. Garbage and Trash	Page 4
11. Sales and Advertising	Page 4
12. Golfing	Page 5
13. Public Meetings	Page 5
14. Friends of the Park	Page 5

Rules and Regulations for Athletic Fields

1. Priority Preference for Use of Athletic Facilities	Page 5
2. Reservation Process for Athletic Facilities	Page 6
3. Conditions and Rules Governing Field Use	Page 7

Park and Facility Use Permits

1. Permits	Page 8 & 10
2. Reservation Process	Page 8
3. Damage and Cleanup Deposit	Page 8
4. Cancellations	Page 9
5. Special Use Regulations	Page 9
6. Indemnification	Page 9
7. Hours of Use	Page 9
8. Refunds	Page 11
9. Fees Established	Page 12
10. Penalty	Page 13

Pond and River Bank Conservation Easement

Fishing

Boat Ramp River Access

Appendix

Attachment B	Page 16
Priority Uses and Fee Structure	Page 17
Reservation Form	Page 18

Enacted by Resolution of the San Miguel County Board of Commissioners pursuant to Colorado Revised Statutes Title 29, Article 7, Part 1, Title 30, Article 11, Part 1, and §18-9-117, C.R.S., effective as of _____, 2004.

General Rules and Regulations

1. Presence of Members of the Public in the Park

The Park is open to the public daily from 6:00 AM to 9:00 PM during the spring, summer and fall of each year, with opening and closing dates to be determined by the County Open Space and Recreation Coordinator dependent upon weather conditions and Notice of such Park opening and closing dates shall be posted at the Park Entrance, at the County Offices in Telluride and disseminated to the local news media. Park quiet hours are from 9:00 PM to 8:00 AM. Loitering (as defined at §18-9-112, C.R.S.) in the park, parking lot, or in and around the bathrooms between the hours of 9:00 PM and 6:00 AM, or during winter months when the Park is closed to Public use, is prohibited. (§18-9-112, C.R.S.)

2. Motor Vehicle Use in the Park

Motor Vehicle use in the Park, including, but not limited to licensed and/or unlicensed motor vehicles, including motorcycles and off highway vehicles, is limited to the designated vehicular access road to the boat ramp and the designated parking lot area. Under no circumstances shall any such motorized vehicles be operated in or upon the ball fields, pond, or any other area of the Park not specifically designated for Motor Vehicle use. Vehicular access to the boat ramp is possible only during boating season. Boating season is when the Park is open and when the river level is 250 cubic feet per second or higher as determined by the most readings obtained from the gauge station on the San Miguel River located downstream from the Park. When using the boat ramp, boaters are to unload river gear at the ramp, and then park their vehicle in the parking lot. Be considerate of the neighboring properties and other boaters by unloading as quickly and quietly as possible. (§18-9-117, C.R.S.)

3. Overnight Camping

Any form of camping or temporary residence, including any and all forms of car camping and tent camping, using any form of recreational vehicle, camper trailer, or other motorized vehicle, are prohibited in the Park and the parking lot from 9:00 p.m. to 6:00 a.m. the following day, during the Spring, Summer, and Fall months when the Park is open to public daytime use, and at

all time during the Winter months when the Park is closed to public use. (§18-9-117, C.R.S.)

4. Fires

Campfires are prohibited in the Park. No open fires or burning are allowed in the Park except in those areas duly designated with signage by the County allowing such fires. (§18-9-117, C.R.S., when park closed to public; §29-7-101, C.R.S., when park opened to public)

5. Alcohol and Drug Free Zone

The use and/or possession of alcoholic beverages and controlled substances within the Park by members of the Public is prohibited, except to the extent specifically authorized by the Board of County Commissioners or its designee. The Park is posted as an alcohol and drug free zone due to its affiliation with the regional school districts. The athletic field is home of the Telluride High School Soccer Club. The Parklands under conservation easement constitute one of the San Miguel watershed's Living Classroom sites, which are utilized by all school districts in this river basin. The Board of County Commissioners, or its designee, may permit consumption of alcohol for authorized reserved uses or permitted special events, subject to compliance with specified terms and conditions. (§18-9-117, C.R.S., when park closed to public; §29-7-101, C.R.S., when park opened to public)

6. Loud Noise and Disturbances

Park users shall be considerate of other users and residents of neighboring properties by avoiding the use of any radio, tape player, band or musical instrument, television, phonograph, or any device capable of reproducing sound at such high volume so as to disturb the peace and quiet of another Park user or resident of a neighboring property. In no event shall Park users engage in any activities, which violate Colorado's statutory noise standards for residential areas (55 db (A) from 7:00 am to the next 7:00 p.m., and 50 db (A) from 7:00 p.m. to the next 7:00 a.m., See: §25-12-103, C.R.S.). (§18-9-117, C.R.S., when park closed to public; §29-7-101, C.R.S., when park opened to public)

7. Firearms

Pursuant to §29-11.7-104, C.R.S., the open carrying of Firearms is prohibited in the Park. (§18-9-117, C.R.S.)

8. Swimming, Wading, and Boating

There is no lifeguard or other designated emergency services or rescue personnel assigned to or present at the Park. Accordingly any swimming, wading, and/or boating by members of the Public in the Park is at the sole risk of the party involved. Park personnel have no responsibility for supervising adults or children playing in the pond, along the beach area, or anywhere else in the Park. The pond is a drainage basin and receives storm water and runoff from the Park and Colorado Highway 145. San Miguel County makes no representations or assurances that the quality of the water in the pond is safe for swimming, drinking, or any other purpose. No area in the park, including, but not limited to, the pond and that portion of the San Miguel River adjacent to the Park, has been designated or approved for use by the County as public swimming facilities. Since the pond and the portion of the San Miguel River located adjacent to the Park are specifically not designated as recreational swimming facilities, San Miguel County is not liable for accidents occurring in the waters within and/or surrounding the Park in accordance with the Colorado Governmental Immunity Act. (§29-7-101, C.R.S.)

9. Animals

Dogs and cats must be on a leash, and under the control of their owner or other responsible person, at all times except when participating in obedience classes or training or other authorized park activities. San Miguel County requires that pet owners help keep the Park free of animal feces and disease by using the pet pickup stations provided. The Park Coordinator will allow other domestic animals on the Park grounds by permit only. (§29-7-101, C.R.S.)

10. Garbage and Trash

Park users shall keep the Park trash free by depositing all waste (garbage) (including cigarettes) in identified trash receptacles. (§29-7-101, C.R.S.)

11. Sales and Advertising

(a). Sales, Displays Prohibited. It is unlawful for any person in the park to expose or offer for sale any article, substances, or object, legal or illegal, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article, substances, or object.

(b). Advertising Prohibited. It is unlawful for any person in the park or recreation area to announce, advertise, or call the public's attention in any way to an article or service for sale or hire. (§29-7-101, C.R.S.)

12. Golfing

In order to insure the safety of all Park users, golfing, or making use of any golf club or golf ball in the Park is prohibited, except at a time reserved through the Park Coordinator specifically for this purpose. (§29-7-101, C.R.S.)

13. Public Meetings

Meetings, gatherings, or any scheduled event, public or private, which the sponsor reasonably anticipates will be attended by twenty-five or more persons, require reservations and issuance of a use permit. (§29-7-101, C.R.S.)

14. Friends of the Park

If you are interested in becoming a member of the Friends of the Park, please contact the Park Coordinator. Friends of the Park help to maintain the park through volunteer stewardship programs.

15. Penalty

Any person or persons guilty of violating any of the provisions contained in these Park Use Policies, General Rules and Regulations, may be deemed guilty of a misdemeanor and subject to the penalties set forth in §18-9-112, C.R.S., Loitering, §18-9-117, C.R.S., Unlawful Conduct on Public Property; or guilty of a petty offense and subject to the penalties set forth in §29-7-101,

C.R.S., as indicated in the parenthetical statutory citation(s) appended to each such rule and/or regulation.

In addition to any criminal penalties that may be authorized by law for violation of these Park Use Policies, General Rules and Regulations, officials and employees of the San Miguel County Open Space and Recreation Program, as well as sworn peace officers of the State of Colorado, are hereby authorized and empowered to order any person or persons whom they find and determine to be violating these Park Use Policies, General Rules and Regulations, to immediately remove themselves from the Park premises, should such person(s) fail and/or refuse to comply with a warning to immediately cease and desist from conduct that is in violation of Park Use Policies, General Rules and Regulations. Should such person(s) fail or refuse to comply with an order to remove themselves from the Park premises, authorized county officials and employees are hereby authorized and empowered to take such actions as they determine to be reasonably necessary and appropriate to physically remove such person(s) from the park premises. Person(s) removed from the Park premises pursuant to these Park Use Policies, General Rules and Regulations, are barred from reentering the Park for no less than twenty-four hours from the time of their removal from the Park, or for such longer time period as may be specified by the authorized county official or employee at the time of such person(s) removal from the Park, not to exceed thirty days.

Rules and Regulations – Down Valley Park Athletic Fields

See Appendix for Athletic Field Reservation Form

1. Priority Preference for Use of Athletic Facilities

The Telluride R-1 School District has priority use of the athletic fields at all times when the Park is open for use. Community groups, school programs, sports clubs, non-profits and for-profits may request the use of the Park fields when there are no other Telluride R-1 School District

Athletic Programs or San Miguel County Parks and Recreation programs or special events scheduled. Requests for Field reservations will be considered after the master field schedule for the season, (specifying usage that has been reserved by the Telluride R-1 School District Athletic Programs and/or the County Parks and Recreation programs or county special events), is complete. At noon each Monday during the athletic fields use season, the field schedule will be set for the next week (Monday-Sunday). After the field schedule for the next week has been set, all field reservations will be made on a first come, first served basis.

2. Priority preference for the use of the athletic facilities shall be as follows:
 1. Telluride R-1 School District
 2. San Miguel County Open Space and Recreation Department youth and adult sponsored programs. The category may defined as including Town of Norwood and Town of Telluride Parks and Recreation program groups displaced by events in Telluride Town Park.
 3. San Miguel County Board of County Commissioner approved special events.
 4. San Miguel County non-profit organizations, youth sport clubs and camps.
 5. San Miguel County resident family functions.
 6. Non-profit organizations based outside San Miguel County
 7. Private non-local non-commercial uses.
 8. Private Commercial

3. Reservation Process

Reserved use of Athletic fields has priority over non-reserved use. Athletic fields may be reserved for tournaments. Tournaments held on a continuing basis are given preference over new tournaments. Existing tournaments must file a tournament request form with the Park Coordinator prior to March 1 of each year in order to reserve their tournament date. Tournament requests forms filed after this March 1 date shall be given a tournament date on a first come, first served basis. All tournaments must file a tournament request form along with a reservation fee.

Groups may call the Park Coordinator Monday through Friday 9AM -5PM (at least the day before) to reserve a field. Staff will check the master field schedule for available times.

Coordinator will mail or fax the reservations form upon request.

4. Conditions and Rules Governing Field Use

A. During the park open season, the Athletic fields will be open for public use daily, between the hours of 8 A.M. and 9:00 P.M., weather and lighting conditions permitting, unless athletic fields have been reserved and a permit issued for the reservation.

B. None of the designated groups or person/s are to use Park fields on rainy days in which there is standing water on or around the playing area or when soggy soil conditions exists. **No Field Use on Rainy Days!**

C. It is the responsibility of the field user to provide and manage their own equipment. The County will not be responsible for missing, damaged or misplaced items left on the fields.

D. The Parks Coordinator shall not loan or rent county tools or machinery to members of the public.

E. Fees for tournaments and athletic field use shall be set annually by the San Miguel County Board of Commissioners.

F. The Park is posted as an alcohol and drug free zone.

G. Glass beverage containers are prohibited in the Park.

H. The Board of Commissioners shall promulgate rules and regulations regarding the athletic leagues and play. Individuals or teams who violate these regulations may be subject to appropriate civil and/or criminal sanction/penalties and/or evicted from the Park.

Park and Facility Use Permits

See Appendix for Use Permit Forms

1. Permits

An approved County Park use permit shall be obtained from the Park Coordinator whenever any person or group desires to reserve any portion of the park for any activity. The Coordinator shall administer and interpret these policies and may act in any case not specifically covered by these policies. Any request for a use not contemplated or which is prohibited in these policies may be forwarded to the county administrator who may take the matter before the San Miguel County Board of Commissioners for its consideration.

2. Reservation Process

An application for permission to reserve the park or portion thereof (excluding athletic fields) by persons or groups not officially a part of the Telluride R-1 School District (See Priority List) shall be initiated at least two weeks prior to the requested date, and shall have written approval of the Coordinator; provided, however, that in extraordinary cases, the Coordinator may waive or shorten the two week time period as set forth above.

3. Damage and Cleanup Deposit

All activities shall be under competent, adult supervision, and the organization using the facility shall assume full responsibility for any damage to the facility or the equipment. There shall be a one hundred dollar (\$100) deposit for groups that involve fewer than twenty-five persons and a deposit ranging between two hundred and fifty dollars and five hundred dollars (\$250-\$500) for groups with more than twenty-five persons. The Coordinator may, in their discretion, require that Damage and Cleanup Deposit, or any other payment, be made in case or certified funds. The department employee on duty shall exercise authority over the organization or its activities.

Cleanup of the contracted area shall be the responsibility of the user. The user shall be charged on an hourly basis at fifty (\$30) per hour to pay for cleanup if it is necessary for the county to provide additional cleanup services. Other County authorized fees may apply.

4. Permit Revocations/Cancellations

All permits shall be revocable for cause by the Board of Commissioners upon finding of a violation of any applicable County rule, regulation, these Park Use Policies, or any other applicable county ordinance or state statute, following notice to the permittee/renter of the alleged violation(s), and a reasonable opportunity to be heard before the Board of Commissioners. If notice of cancellation of a request is not received at the office of the Park Coordinator at least forty-eight (48) hours prior to the date of the event, the permit holder may be held responsible for all charges.

5. Special Use Regulations

No apparatus (scenery, etc.) or furniture, tents or equipment shall be moved into a park facility unless special permission is granted in advance and, so stated in the permit. Such apparatus, furniture or equipment (provided by the holder of the permit) shall be removed from the Park area promptly after use and before 8:30 A.M. the following morning so that there shall not be any interference with normal park and recreation programs. Failure to comply shall prohibit such groups from using facilities at a later date and/or the withholding of deposit.

6. Indemnification

The organization or other permittee(s) using park facilities shall indemnify the county, and its officials and employees, for any and all damage to the park facilities caused by any person or persons attending a permitted event, and for all liabilities and damages to any persons or property for injuries or damage, including death arising from use of the park facilities. Proof of adequate liability insurance coverage, as determined by the County Attorney's Office, must be provided by each organization using park facilities to cover such liability exposure, listing the county as an "Additional Insured." Responsibility for loss, breakage or need for repair of any piece of furniture, equipment or portion of the facility or area, shall rest solely with the person in charge, the individual signing the agreement, who shall report same to the Park Coordinator. Neither

this indemnification obligation of a permittee to the County, nor a permittee's providing proof of adequate liability insurance coverage for permitted uses shall waive any defense, immunity, or right that the County may have under the Colorado Governmental Immunity Act.

7. Hours of Use

Building facilities and areas shall be vacated by 9 PM unless permission is otherwise granted specifically in the permit. It is the responsibility of the permit holder to assure that this policy is administered. Programs shall be concluded in time to provide for cleanup and clearance of the facility as stated in the permit.

8. Permitting Requirements

The following specific rules must be observed while using any facility and the permittee will be held responsible for any loss or damage growing out of such violation:

- A. The use of tobacco in any facility in any form must be carefully controlled. No smoking is allowed unless proper and adequate waste containers are provided. Use of tobacco is prohibited during school events.
- B. Functions shall be confined to the specific part of the facility assigned to the permitted.
- C. The possession, sale, and/or distribution of illegal substances is prohibited. The sale, distribution and/or use of intoxicating beverages is prohibited, except by special permit.
- D. The following activities must be permitted by the Park Coordinator. (i). weddings and wedding receptions. (ii). religious ceremonies. (iii). the continuous use of park and recreation facilities for religious services or political purposes.
- E. Parking space is limited. Use of public or mass transportation to and from activities in the Park is encouraged to alleviate limited parking. To avoid exceeding the parking capacity of the Park, the total number of people admitted for any usage and their method of transportation may be considered when the permit is issued.

F. All applicable statutes, rules, regulations, and/or ordinances of the federal, state, county, and city shall be complied with by the permittee and members of the public using the park.

G. The use of special equipment is permitted only when operated by County employees or other persons specifically authorized in the permit. When used by other than County employees, and so stated in the permit, the special equipment shall be returned in condition it was found (with the exception of normal wear) or the user shall be responsible for repair or replacement charges.

H. No material of any kind shall be attached to any part of the facility or area without express written approval from the Park Coordinator.

I. If control personnel, parking attendant, etc., are necessary, the applicant shall supply such personnel. The Park Coordinator, sheriff, fire marshal or others as determined by the county administrator, shall specify when control personnel are necessary.

J. Concession rights shall be reserved to San Miguel unless specifically stated otherwise in the permit.

K. Walkways, roadways, trail, and parking facilities shall be those specifically surfaced areas within the park property constructed for that purpose.

L. Continuous use of facilities by clubs or enterprises shall be permitted only through signed agreements authorizing such specific use, which shall be reissued as necessary in the discretion of the Park Coordinator. No such permit agreement shall exceed a period of time of one year. Permits may be reissued each year with the approval of the Park Coordinator.

M. The Park Coordinator reserves the right to cancel the use of the Park, if Coordinator deems that damage may occur to the facility during inclement weather.

N. Refunds

The Park Coordinator shall issue refunds for the use of facilities and recreation programs (when charged) on the following basis:

(1). Athletic Leagues

- If the department cancels the league, a full refund shall be issued.
- If a participant, team, or sponsor wants a refund before schedules are completed, a \$10.00 handling fee shall be deducted from the original fee charged.
- After schedules are completed, 25% of the requested refund shall be deducted from the original fee charged.
- After leagues have started playing and before 20% of the league schedule has been completed, 50% of the requested refund shall be deducted from the original fee charged.
- No refund shall be issued once 50% of the league schedule has been completed.

(2). Recreation Programs

- If the department cancels the program, a full refund shall be issued.
- If a refund is requested prior to the 1st class meeting, a \$10.00 handling fee shall be deducted from the original fee charged.
- Once the first class or practice meets, no refunds shall be issued.

All refunds authorized by this section shall be issued in the regular course of the business of the County.

9. Fees Established

The Board of Commissioners shall establish fees for county recreation facilities and programs annually.

Pond and River Bank Conservation Easement

Execution of a conservation easement at the Park was a requirement of the restoration funding received from the Idarado Natural Resource Damages Fund and Colorado Department of Public Health and the Environment. Park properties under easement are indicated in red in Exhibit B in Appendix. Park construction activities covered by the conservation easement included the following; reshaping the perimeter of the pond/gravel pit, constructing wetland benches, planting wetland benches with 3, 012 hard stem bulrushes, planting bench fringes with 1,877 Carex sp, planting 1,121 riparian shrubs and trees along the San Miguel River and around the fringes of the old gravel pit, and lowering and regrading the berm along the San Miguel River to increase the capacity for flood flows in the river.

The County agreed, by conveying the deed of conservation easement, to preserve and maintain the conservation values (identified above in the project construction activities) in perpetuity.

According to Section 5 of the Conservation Easement, Reserved Rights and Consistent Uses, commercial uses of the property for kayaking, fly fishing and ice skating are allowed, provided that (i) such use is at de minimis levels, and (ii) prior to granting approval of such commercial use, the County shall give the land trust fifteen days prior written notice of such proposed use

with a thorough description of the proposed use. The land trust shall have the right to disapprove of such use if it finds that such use will substantially impair or diminish the Conservation Values.

Fishing

The pond will be stocked and designated a Kid's Pond only. Catch and Release fishing is encouraged along the river bank in an attempt to protect the viable fishery, which currently exists at this location, and to promote the ethic of Catch and Release as a more sustainable method of recreation. Colorado law pertaining to possession of valid fishing licenses shall apply to persons engaged in fishing activities within the park.

Boat Ramp River Access

Vehicular access to the boat ramp is possible only during boating season. Boating season is when the Park is open and when the river level is 250 cubic feet per second or higher, as determined by the gauge located on the San Miguel River downstream from the Park.

The boat ramp is located on US Bureau of Land Management lands; however, relevant park rules apply to public use of the boat ramp, including hours of use, loud noise and disturbances, prohibition against overnight camping, building of fires, and use of firearms. Parking is allowed only in the parking lot.

Boaters are to unload river gear at the ramp, and then park their vehicle(s) in the parking lot. Boaters are to be considerate of the neighboring properties and other boaters by unloading as quickly and quietly as possible.

Park staff, for the purposes of day-to-day park operations, will monitor vehicular traffic to and from the boat ramp, parking at the boat ramp, loud noise and disturbances, camping, camp fires and prohibition of firearms. Park staff will endeavor to keep the boat ramp free of trash. Park staff will monitor and promote re-vegetation of surrounding area per the landscape plan and the

conservation easement.

Park staff will play no role in permitting or monitoring commercial or private boating.

Appendix

Attachment B: Site Map showing conservation easement is red cross hatching

Matrix: Priority Use and Fee Structure

Reservation Form