



**Ordinance #18-01**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN**

**AN ORDINANCE REGARDING GILPIN COUNTY EMERGENCY AND  
EVACUATION ROUTES OVER PRIVATE PROPERTY**

- A. In the interest of the public health, safety, and welfare of Gilpin County residents, the Gilpin County Board of County Commissioners ("Board") is working with property owners in an effort to create emergency and evacuation routes ("Emergency Routes") for specific areas and subdivision in Gilpin County to be used in the event of any emergency or evacuation of the property owners in that area or subdivision.
- B. The Board's goal is to create a program ("Program") that gives property owners who agree to allow a portion of their property to be used for an Emergency Route the ability to enter into a legal relationship or understanding with Gilpin County including without limitation via an easement agreement or other legal mechanism that protects both the property owners and Gilpin County.
- C. This Ordinance is intended to benefit those property owners that participate in the Program by providing them with additional protections under the law as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN AS FOLLOWS:**

1. An Emergency Route established through the Program on private property shall only be for fire and other emergency access including without limitation emergency vehicle access pursuant to C.R.S. § 30-15-401(1)(h). This includes without limitation the use of the Emergency Route for evacuation in the event of an emergency.
2. Emergency Routes shall not be available for public use except in the event of the following: (1) the Gilpin County Sheriff's Office expressly declares an Emergency Route open to the public due to an emergency or disaster; (2) the Board of County Commissioners declares the Emergency Route open to the public due to an emergency or disaster pursuant to C.R.S. § 24-33.5-709 or under the Gilpin County Emergency Operations Plan; or (3) the Gilpin County Emergency Operations Manager declares an Emergency Route open to the public prior to an official emergency or disaster declaration by the Board of County Commissioners if deemed necessary by the Gilpin County Emergency Manager acting under authority of the Gilpin County Emergency Operations Plan ("Gilpin County Emergency").
3. Use of any Emergency Route by any person, other than the private property owner or law enforcement or other emergency services personnel, at any time other than a Gilpin County Emergency is a crime pursuant to this ordinance that Gilpin County and the Gilpin County Sheriff's Office shall pursue aggressively. The crime shall be punishable under the provisions of C.R.S. § 30-15-402.
4. Penalties. Any person who violates this Ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of not more than \$1000.00 for each separate violation, provided however that in the enforcement of this Ordinance, an arresting officer shall follow the penalty assessment procedure set forth in C.R.S. § 16-2-201. Each day after the issuance of the order of the county court during which such unlawful activity continues shall be deemed a separate violation and shall, in accordance with the subsequent provisions of this section, be the subject of a continuing penalty.





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- 5. Enforcement. The issuance of a summons and complaint for violation of this Ordinance may be by the Gilpin County Sheriff or other County designee, who are hereby granted such authorization pursuant to C.R.S. § 30-15-402.5. This Ordinance does not otherwise limit the authority of the Gilpin County Sheriff to pursue other appropriate criminal charges under C.R.S. § 18-4-503 and C.R.S. § 18-4-504 for criminal trespass, pursuant to C.R.S. § 18-8-104 for obstructing the emergency assistance of a volunteer, and pursuant to C.R.S. § 18-8-102 for obstructing government operations.
- 6. Nothing in this Ordinance prevents the private property owner from pursuing any civil or criminal action or relief available against a person using an Emergency Route at a time other than a Gilpin County Emergency.
- 7. Emergency Services Personnel. Nothing in this Ordinance diminishes the legal rights and protections afforded the County, State, and federal law enforcement or emergency service personnel including without limitation the Sheriff's Office, fire fighters, and paramedics from accessing private property in the event of an emergency or for any other lawful reason.
- 8. Emergency Routes. The Emergency Routes may be revised from time to time without requiring amendment of this Ordinance.
- 9. Severability. In the event any portion of this Ordinance shall be declared null and void or unenforceable by any court of competent jurisdiction, such offending provision shall be deemed to be deleted from this Ordinance, provided however that the remaining portions of this Ordinance shall remain in full force and effect and fully enforceable as written; subject, however, to the Board of County Commissioners exercise of discretion to determine that such severed provision is too important, material or fundamental to the Ordinance that the entire Ordinance must be invalidated.
- 10. Emergency Clause. The Board of County Commissioners finds and determines that the provisions of this Ordinance are essential to the immediate protection of the public health, safety, and welfare of the residents of Gilpin County. This Ordinance shall therefore take effect on the date of adoption of this Ordinance by the Board of County Commissioners.

Introduced and first read the 11<sup>th</sup> day of September, 2018, and a revised draft was heard on the 23<sup>rd</sup> day of October, 2018, and ordered published in full in a newspaper of general circulation published in Gilpin County at least 10 days prior to final adoption.

**NOTICE OF SECOND AND FINAL READING:** The second and final reading of Ordinance #18-01 shall take place at the Gilpin County Courthouse, 203 Eureka St., Central City, Colorado 80427 on November 20, 2018, at 9:30 a.m. MST by the Gilpin County Board of County Commissioners at a regularly scheduled meeting of the Board for the purposes of adoption of Ordinance #18-01.

Attest:

Sharon E. Cate  
Sharon E. Cate, Deputy Clerk to the Board

Linda Isenhart  
Linda Isenhart, Chair Pro-Tem



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ADOPTED ON SECOND AND FINAL READING THIS 20 DAY OF NOVEMBER,  
2018, by a vote of 3 to 0.

*[Signature]*  
 \_\_\_\_\_  
 Ron Engels, Chair

Attest:  
*[Signature: Vicki Nemeec]*  
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~~Sharon E. Cate~~, Deputy Clerk to the Board  
 Vicki Nemeec

**CERTIFICATION OF THE COUNTY CLERK**

Colleen Stewart, Gilpin County Clerk, hereby certifies that the foregoing Ordinance was adopted by the Board of County Commissioners on the 20<sup>th</sup> day of November, 2018, at a regularly scheduled meeting of the Board of the County Commissioners, after a first reading on the 11<sup>th</sup> day of September, 2018, at a regularly scheduled meeting of the Board of County Commissioners in Central City, Colorado and that said Ordinance was published in full in the *Weekly Register-Call* at least ten (10) days prior to final adoption.

*[Signature: Colleen Stewart]*  
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 Colleen Stewart, Gilpin County Clerk

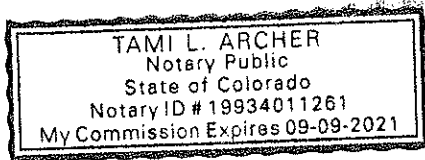
**ACKNOWLEDGMENT**

STATE OF COLORADO )  
 )ss.  
 COUNTY OF GILPIN )

The foregoing Ordinance was acknowledged before me this 20 day of NOVEMBER,  
2018, by Ron Engels, Chair, and ~~Sharon E. Cate~~ <sup>Vicki Nemeec</sup>, Deputy Clerk, County of Gilpin.

My commission expires: 09-09-2021  
 Witness my hand and official seal.

*[Signature: Tami L. Archer]*  
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 Notary Public



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