

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 34, SERIES 2015**

**A RESOLUTION APPROVING AMENDMENTS TO A TIMNATH TOWN POLICY
REGARDING TIMNATH RESERVOIR**

WHEREAS, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, pursuant to that power, the Town Council finds it necessary to adopt policies; and

WHEREAS, the Town Council has determined that the attached policy regarding the use of Timnath Reservoir is critical to the proper management of the Town’s affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO as follows:

Section 1. Approval

The Town Council here approves the attached policy and directs the Town Manager to place it into effect immediately.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON MAY 26, 2015.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk



EXHIBIT A

Timnath Reservoir Policy



TOWN COUNCIL ADOPTED POLICY

SUBJECT: Timnath Reservoir Use

ISSUE DATE

EFFECTIVE DATE¹

March 25, 2014

Amended September 24, 2014

Amended May 26, 2015

September 25, 2014

May 26, 2015

INTENT

The Town leases Timnath Reservoir for the enjoyment of Timnath residents. The purpose of this policy is to outline the rules for Timnath Reservoir's use.

POLICY

- I. **For Timnath Residents** – At this time, Timnath Reservoir will be restricted to the use and enjoyment for Timnath Residents and their guests.
- II. **Shore Use** – Shore use is defined as activities such as swimming from the designated beach area as it is developed, fishing from the shore or piers, picnicking and general recreation on the shore and adjacent Reservoir property. Any interpretation regarding what constitutes appropriate Shore Use shall be at the discretion of the Town Manager.
- III. **Surface Water Use** - Surface Water Use shall include motorized watercraft, non-motorized watercraft (trolling motors shall be considered non-motorized watercraft for the purposes of this policy), fishing from a boat, water skiing, swimming from a boat. Surface Water Use does **not** include jet skis or inboard hydroplanes. Any

¹ This policy is valid for the 2014 season only as it relates to motorized boating and must be re-affirmed by the Town Council.

interpretation regarding what constitutes appropriate Surface Water Use shall be at the discretion of the Town Manager.

IV. **Boating Regulations**

a. Permits

- i. **Annual permits** are available for any non-motorized (including trolling motored fishing boats) and motorized boats that require State of Colorado registration online or at Timnath Administration Building 4800 Goodman Street, Timnath, CO 80457. A Town of Timnath boating permit is required to launch any boat and must be affixed to the right side of the boat. Permits are non-transferable and non-refundable. Non-resident family members of the permit holder may use the permit holder's boat but the permit holder is accountable for the actions of the boat driver.
 1. The Town will issue one hundred (100) non-motorized and fifty (50) motorized boat permits per year on a first come first serve basis. Non-motorized permits will be \$25 and motorized will be \$250 per year. Limit one permit type per household.
 2. Sale of permits will commence in the first week of January or upon adoption of this policy.
 3. Permit fees are for one year period ending December 31 of each year, regardless of when the permit is purchased. There will be no pro-rata discount for partial year permit purchases.
 4. All permit holders must be Timnath residents.
- ii. **Late Season Pass.** After Labor Day, season passes will be made available at a reduced rate of \$50 for motorized boats and \$20 for non-motorized boats. Late Season Passes are valid through December 31.
- iii. **Permit Requirements.** The following items must be presented when purchasing a permit.
 1. Signed Timnath Reservoir Boating Permit Application (available online and attached to this policy).
 2. Signed Timnath Reservoir Permit Agreement and Waiver (available online and attached to this policy).
 3. Proof of residency in Timnath.
 4. Driver's license (the number must be recorded on the permit application).
 5. Current boat registration.
 6. Proof of insurance for motorized boats that include liability insurance in the minimum amount of \$300,000 per accident and \$100,000 per individual, including bodily damage. Binders, application, or receipts are not acceptable. A copy of the insurance certificate will be kept on file.

b. General Regulations

- i. No alcohol may be consumed on premises or on boats.
- ii. Visitors must not enter any private or restricted areas.
- iii. Motorized boat operations are limited to Thursday through Saturday and the first and third Sunday of the Month from 7:00 a.m. to 7:30 p.m. or sunset, whichever is earliest. No boating, however, is allowed before dawn or after sunset. Motorized boating is allowed on Mondays that are designated national holidays.
- iv. Shore access is allowed 6:00 a.m. to sunset.
- v. No littering.
- vi. Dogs on leashes are permitted. Owners must cleanup dog waste.
- vii. No all terrain vehicles are permitted.
- viii. Playing on or entering irrigation ditches or mechanical buildings is prohibited.
- ix. No motor vehicles are permitted outside of the designated parking area.
- x. No camping or overnight parking is allowed, but recreational vehicles as defined in Town Code are allowed for day use only.
- xi. No fires unless otherwise permitted by the Town.
- xii. The Town reserves the right to alter these rules if there are problems, repeat violations or other issues. The Town reserves the right to ban individuals or groups or revoke privileges for the Reservoir Property for inappropriate behavior, unsafe boating, or prohibited activities.
- xiii. The Town reserves the right to alter hours of operation or other regulations for special events or other reasons.

c. General Boating Regulations

- i. All crafts requiring a permit must have:
 - 1. Coast Guard approved lifejackets for every person onboard.
 - 2. A paddling device and at least one buoyant cushion or life ring.
 - 3. An efficient whistle or other mechanical sound producing device.
 - 4. At least one two pound (or higher) "B-1" extinguisher.
- ii. Boats may not exceed one motor or 24 feet in length. The speed limit for Timnath Reservoir is 40 mph.
- iii. All motorized boats must remain outside designated markers/buoys and 200 feet from shoreline with homes unless docking.
- iv. No motorized boat shall launch from any point other than the boat dock.
- v. Trailer parking is limited to the parking lot only.
- vi. While a boat is moving, passengers must be seated and off gunwales and bows.
- vii. No person under sixteen years of age shall operate a motorboat in this state unless they hold and have in their possession a boating safety certificate approved by the Colorado Division of Parks and Outdoor Recreation. An inspection of your boat by any Colorado Division of Parks and Recreation staff member or police officer or sheriff deputy may be conducted at any time during the boating season.
- viii. Low water levels should be checked before launching vessels.

- ix. Due to water level fluctuations, please watch for debris. The Town is not responsible for damages associated with low water use.
- x. When lightening is at a thirty (30) second count distance away, the reservoir will be closed. It is strongly recommended that you find shelter in your car. Thirty minutes after the last audible thunder the reservoir will reopen.
- xi. All boat travel will be in a counterclockwise rotation.
- xii. The reservoir is used for recreation purposes and agricultural irrigation supply. As in any natural body of water, microorganisms are present which may cause illness if ingested.
- xiii. No private docks are allowed on the reservoir. No overnight storage on the reservoir property is allowed without the explicit consent of the Town Council.
- xiv. There is a limit of ten (10) motorized boats on the reservoir at any one time.
- xv. No motorized boats shall operate without mufflers or with through hull exhaust.
- xvi. No loud speakers shall be used on the boat to communicate with water sport participants.

d. Water Sports on Motorized Boats

- i. All water sports will abide by appropriate State of Colorado boating statutes and regulations.
- ii. Boats towing water sport participants have right of way over other boats.
- iii. Boats towing water sport participants must have a driver and an observer in the boat at all times. The observer must be at least 12 years of age and capable of handing the tow rope, flag and relaying water sport participant's signals to the driver.
- iv. The observer must clearly display an orange or red flag at least 12 inches square when a skier/wake boarder is down. If a water sport participant falls, they should immediate give the "okay" hand signal.
- v. Water sports participants will respect non-motorized boats and will stay a safe distance from other boaters.
- vi. Boats will travel at "wakeless" speeds in and out of loading areas.
- vii. Participants must wear a lifejacket or a barefoot suit with a built-in floatation device.
- viii. Tow ropes will be no longer than 100 feet.

Permit Number

Timnath Reservoir Boating Permit

Today's Date: _____

Name of Boat Owner: _____

Mailing Address: _____

Phone Number: _____

Type of boat: Motorized: _____

Non-Motorized: _____

Driver's License #/State: _____

Motorboats Only: Please list any person(s) residing at the address listed above, that may legally operate the boat. At least one person listed on this permit must be, present with the boat when on Timnath Reservoir.

FOR MOTORIZED/NON-MOTORIZED with ENGINE and SAILBOATS:

Copy of insurance: _____ Colorado'-License (CL) #: _____

Horsepower: _____ On File (staff initial): _____

FEES FOR 2014 SEASON PERMIT:

Non-Motorized (annual): \$25

Motorized Boats (annual): \$250

FOR TOWN OF TIMNATH ADMINISTRATION USE ONLY

Payment Type: _____ Driver's License/ID# : _____

Amount Received: _____ Payment Received By: _____

Motorized Requirements (Complete Checklist):

- _____ Timnath Reservoir Boating Permit Application
- _____ Timnath Reservoir Permit Agreement and Waiver
- _____ Proof of Residency in Timnath
- _____ Driver's License (the number must be recorded on the permit application)
- _____ Current Boat Registration (motorized and sailboats only)
- _____ Proof of Insurance (motorized only)

Timnath Reservoir Permit Agreement and Waiver

I/we hereby agree to obey the rules and regulations of the Town of Timnath and the State of Colorado applicable to boating and the use of Timnath Reservoir. A copy of these rules and regulations is made part hereof, of reference thereto with the same force and effect set forth herein, in every particular.

I/we agree to indemnify, defend, hold harmless the Town of Timnath, its officers, agents and employees from all claims and demands of every kind of nature for injury or damage, either to myself, my guests, or made by a third party, arising from injury to the undersigned, or damage to my property or the property of others, arising out of or in connection with the use and operation of my boat or boats on Timnath Reservoir.

The undersigned verifies that, as of the date of this application, they have, in full force and effect, through an insurance company licensed to do business in the State of Colorado, third party liability and property damage insurance upon the boat for which application is being made, in coverage amount of no less than \$100,000 individually and \$300,000 per accident. The undersigned agrees to supply verification of said insurance to the Town.

In applying for this boating permit, I understand that:

- I have received and read a copy of the Boat Rules & Regulations.
- The permit allows me to operate my boat on the Lake, for the period (time) _____ until _____ on this _____ day of _____
(Start time) (End time) (Date) (Month and year)
- The Town of Timnath is not responsible for the safekeeping of my boat or other property at the Lake, or for damage to the boat or property by reason of debris, fire, flood, storm, wind, water, theft, vandalism, or otherwise.
- It is my responsibility, and not the Town of Timnath's, to take changes in water level into account when operating my boat on the Reservoir, launching or retrieving it from the Reservoir.
- The Town will not refund permit fees under any circumstance.
- The Town or a Timnath Police Officer may limit or revoke a permit for violation of any rule of conduct, policy, or county/town ordinance. If a permit is revoked at any time due to a violation, that boat, its owner and family members will not be allowed to purchase another permit until the subsequent boating season.

Signature of Owner

Date

Witness

Date