

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 4, SERIES 2020**

**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 Timnath Reservoir is leased from the New Cache La Poudre Irrigation Company and is operated by the Town of Timnath for the enjoyment and recreation of the Timnath residents; and

WHEREAS, the Town Council is familiar with the attached amended Policy and finds it to be in the best interest of the Town, its residents, and the general public.


NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOW:

Section 1. Approval

An amended Timnath Reservoir Use Policy is hereby approved in substantially the form as attached hereto, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants. The Council further authorizes, ratifies, and approves all incidental actions taken on the Town's behalf to date and in the future in connection with the above-referenced Policy.


INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON JANUARY 14, 2020.

TOWN OF TIMNATH, COLORADO



Jill Groseman-Belisle, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A
POLICY



TOWN COUNCIL ADOPTED POLICY

SUBJECT: Timnath Reservoir Use

ISSUE DATE

EFFECTIVE DATE

March 25, 2014

Amended September 24, 2014

Amended May 26, 2015

Amended June 14, 2016

Amended August 9, 2016

Amended May 9, 2017

January 23, 2018

September 25, 2014

May 26, 2015

June 14, 2016

August 9, 2016

May 9, 2017

January 23, 2018

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. **Definitions** – For the purposes of the Timnath Reservoir Use Policy, as used in this Article, the following terms shall have the meanings indicated:
- i. *Timnath resident(s)* shall mean any resident that resides within the current Town of Timnath Municipal boundaries.
 - ii. *GMA resident(s)* shall mean any resident that resides within the current Town of Timnath Growth Management Area (GMA).
 - iii. *Colorado angler(s)* shall mean any non-Timnath resident or non-GMA resident that has a valid/current Colorado Parks & Wildlife Fishing License.
 - iv. *Senior* shall mean any individual 65 years and older.
 - v. *Shore Use* shall include any 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.
 - vi. *Surface Water Use* shall include motorized watercraft, non-motorized watercraft (trolling motors, as defined as 10 Hp motor less, 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, or any jet-propelled personal watercraft. Any interpretation regarding what constitutes appropriate Surface Water Use shall be at the discretion of the Town Manager.

II. Timnath Reservoir Usage

- i. **Timnath residents** – At this time, the Timnath Reservoir shore use and fishing will be for the use and enjoyment for Timnath residents and their guests with no additional fee. The number of guests will be limited to 8 guests per individual Timnath resident.
- ii. **GMA residents and Colorado anglers** – GMA residents and Colorado anglers may pay the respective annual or day-use shore use permit fee to access to the Reservoir. GMA residents and Colorado anglers may not purchase a motorized boat permit at this time.
- iii. **All Permits** – Permits are non-transferable and non-refundable. Sale of all permits will commence in the first week of January or upon adoption of this policy. Permits may be applied for online at the Town of Timnath website or at the Timnath Administration Building at 4800 Goodman Street Town Center, located at 4750 Signal Tree Drive, Timnath, CO 80547.

III. General Regulations

- i. No alcohol may be consumed on premises or on boats.
- ii. Visitors must not enter any private or restricted areas.
- iii. Shore access and non-motorized boating is allowed 6:00 a.m. to sunset.
- iv. No littering.
- v. Dogs on leashes are permitted. Owners must cleanup dog waste.
- vi. No all-terrain vehicles are permitted.
- vii. Playing on or entering irrigation ditches or mechanical buildings is prohibited.
- viii. No motor vehicles are permitted outside of the designated parking area.
- ix. No camping or overnight parking is allowed, but recreational vehicles as defined in Town Code are allowed for day use only.
- x. No fires unless otherwise permitted by the Town.
- xi. Bow fishing and ice fishing are prohibited.
- xii. The Town reserves the right to alter these rules if there are problems, repeat violations or other issues.
- xiii. The Town reserves the right to revoke privileges for individuals or groups at the Reservoir Property for inappropriate behavior, unsafe boating, or prohibited activities.
- xiv. The Town reserves the right to alter hours of operation or other regulations for special events or other reasons.
- xv. A child under the age of 16 is allowed free access to the reservoir when accompanied by a permit holding adult. Children under the age of 16 may not be left unattended at any time at the reservoir, regardless of whether they are Timnath residents.

IV. Shore Use Regulations

- i. **GMA or Colorado Angler Shore Use Permits** – Annual and day-use shore use permits are available for purchase by any GMA resident or any Colorado angler.
 - i. Shore use permit requirements – One of the following items must be presented when purchasing a shore use permit:
 - i. Proof of residency within the Town's GMA.

- ii. Current Colorado Parks & Wildlife Fishing License.
- ii. **Annual shore use permits**
 - i. The Town will issue 25 Colorado angler annual shore use permits per year on a first come first serve basis. There will be no limit on GMA resident annual shore use permits.
 - ii. GMA resident and Colorado angler annual shore use permit:
 - i. Annual shore use permits will be \$65.
 - ii. Senior shore use annual permits will be \$30.
 - iii. Annual permit fees are for a 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 annual permit purchases.
- iii. **Day-use shore use permits**
 - i. The Town will issue 10 Colorado angler day-use shore permits daily on a first come first serve basis. There will be no limit on GMA resident day-use shore permits.
 - ii. GMA resident and Colorado angler day-use permit:
 - i. Shore use permit will be \$10 per day.
 - ii. Senior shore use permit will be \$8 per day.
 - iii. Day-use permits may be picked up at the Town of Timnath Administration Building during regular business hours or purchased online at the Timnath website, a copy of the receipt will serve as the day-use permit.

V. **General Boating Regulations**

- i. A Town of Timnath boating permit is required to launch any boat and must be affixed to the right side (starboard) of the boat.
- ii. Motorized boat operations are limited to Thursday through Saturday and the first, third, and fifth 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.**
- iii. All boats must be off the water by the posted time for motorized boats or sunset for non-motorized boats: not in the process of returning to the dock.
- iii-iv. All crafts requiring a permit must have:
 - i. Coast Guard approved lifejackets for every person onboard.
 - ii. A paddling device and at least one buoyant cushion or life ring.
 - iii. An efficient whistle or other mechanical sound producing device.
 - iii. At least one two pound (or higher) "B-1" extinguisher for motorized boats.
- iv-v. Boats may not exceed one motor or 24 feet in length. The speed limit for motorized boats is 40 mph.
- v-vi. All motorized boats must remain outside designated markers/buoys and 200 feet from shoreline with homes unless docking.
- vi-vii. No motorized boat shall launch from any point other than the boat dock located at the Town of Timnath Reservoir Park.

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- viii. Hand launched, non-trailerred, Non-Motorized Boats with valid Timnath Reservoir permits and permission from the adjacent property owner may launch from locations other than the boat dock.
- ~~vii~~-ix. Trailer parking is limited to the parking lot only and in a designated, numbered trailer parking space.
- ~~viii~~-x. While a boat is moving, passengers must be seated and off gunwales and bows.
- ~~ix~~-xi. 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 Colorado Parks and Wildlife.
- ~~x~~-xii. An inspection of your boat by any Colorado Parks and Wildlife staff member, police officer, sheriff deputy, or Town employee may be conducted at any time during the boating season.
- ~~xi~~-xiii. Low water levels should be checked before launching vessels.
- ~~xii~~-xiv. Due to water level fluctuations, please watch for debris. The Town is not responsible for damages.
- ~~xiii~~-xv. When lightening is at a thirty (30) second count distance away, the reservoir water access 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.
- ~~xiv~~-xvi. All boat travel for motorized boats will be in a counterclockwise rotation.
- ~~xv~~-xvii. 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.
- ~~xvi~~-xviii. 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.
- ~~xvii~~-xix. There is a limit of ten (10) motorized boats on the reservoir at any one time.
- ~~xviii~~-xx. No motorized boats shall operate without mufflers or with through hull exhaust.
- ~~xix~~-xxi. No ~~loud speakers~~loudspeakers shall be used on the boat to communicate with water sport participants.

VI. Water Sports on Motorized Boats Regulations

- 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 handling 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 immediately give the "okay" hand signal.
- v. Water sports participants will respect non-motorized boats and will stay a safe distance from other boaters.
- vi. All motorized watercraft must stay 150 feet from other boats or shore anglers, unless in distress and in need of assistance.
- ~~vi~~-vii. Boats will travel at "wakeless" speeds in and out of loading areas.

~~vii-viii~~ Participants must wear a lifejacket or a barefoot suit with a built-in floatation device.

~~viii-ix~~ Tow ropes will be no longer than 100 feet.

VII. Motorized and Non-Motorized Boating Regulations

i. **All Permits** – Permits are non-transferable and non-refundable. Sale of all permits will commence in the first week of January or upon adoption of this policy. Permits may be applied for online at the Town of Timnath website or at the Timnath Administration Building at 4800 Goodman Street, Town Center, 4750 Signal Tree Drive, Timnath, CO 80547.

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ii. **Motorized Boating Permits** – Annual and day-use motorized permits are available for any Timnath resident that possess a motorized boat that requires State of Colorado registration. 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.

All motorized boats must have a valid green Aquatic and Nuisance Species (ANS) inspection seal, affixed to their watercraft, issued at time of registration with the State of Colorado and white receipt to launch in the Timnath Reservoir. If an attendant is not available upon arrival at the reservoir to inspect the watercraft and remove the previously installed inspection tag, residents meeting the permit requirements may remove their inspection tag and place it along with their receipt in the designated container located near the boat launch. They are to also review any additional instructions posted and complete the necessary paperwork prior to launching their watercraft. Failure to do so will result in loss of permit.

- i. Motorized Boating Permit Requirements – The following items must be presented when purchasing a motorized boating permit:
 - i. Signed Timnath Reservoir Boating Permit Application (available online and attached to this policy).
 - ii. Signed Timnath Reservoir Permit Agreement and Waiver (available online and attached to this policy).
 - iii. Proof of residency in Timnath.
 - iv. Driver's license (the number must be recorded on the permit application).
 - v. Current boat registration must be in Resident's name, except in cases of a day use permit, but a Timnath resident must be the permit holder in all cases.
 - vi. Proof of insurance (listing the Timnath resident) 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.

vii. Photographs of both the stern and starboard side of the boat.

iii. Annual Motorized Permit

- i. The Town will issue fifty (50) motorized boat permits per year on a first come first serve basis.
- ii. — Timnath resident annual motorized boating permit:
 - i. Annual motorized permits will be \$300 per year. Limit one motorized permit per household.
- iii. Annual motorized 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 for annual permit purchases.
- iv. All annual motorized permit holders must be a Timnath resident.
- v. Late season motorized permits are available after Labor Day, late season permits will be made available at a reduced rate of \$100 for motorized boats for Timnath Residents. Late Season Passes are valid through December 31.

iv. Day-Use Motorized Permits

- i. The Town will issue five (5) day-use motorized permits daily, granted there is a limit of ten (10) motorized boats on the reservoir at any one time.
- ii. Timnath resident day-use motorized boating permit:
 - i. Day-use motorized permits will be \$75 per day.
- iii. All day-use motorized permits must be applied for by Timnath residents and must be present on the boat.
- iv. Motorized day-use permits may be picked up at the Town of Timnath Administration Building during regular business hours.

v. Non-Motorized Boating Permits - Annual and day-use non-motorized permits are available for any Timnath resident, GMA resident or Colorado angler that possess a non-motorized boat(s) (including trolling motored fishing boats, as defined as 10 Hp or less).

- i. Non-motorized Boating Permit Requirements – The following items must be presented when purchasing a non-motorized boating permit.
 - i. Signed Timnath Reservoir Boating Permit Application (available online and attached to this policy).
 - ii. Signed Timnath Reservoir Permit Agreement and Waiver (available online and attached to this policy).
 - iii. Proof of residency in Timnath, proof of residency in the Timnath GMA or a valid/current Colorado Parks & Wildlife Fishing License.
 - iv. Driver's license (the number must be recorded on the permit application).
- ii. If the non-motorized boat is a trolling motored fishing boat or a sailing boat, the following items must be presented in addition to the requirements above:
 - i. Current boat registration must be in the name of either a Timnath resident, a Timnath GMA resident or a Colorado angler, except in cases

of a day use permit, but a Timnath resident, a Timnath GMA resident or a Colorado angler must be the permit holder in all cases.

- ii. Proof of insurance (listing the Timnath resident, Timnath GMA resident or Colorado angler) for non-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.

vi. Annual Non-Motorized Permits

- i. The Town will issue one hundred and fifty (150) annual non-motorized boat permits per year for Timnath residents and GMA residents, this includes all annual non-motorized permit types. The Town will issue twenty-five (25) annual non-motorized boat permits per year for Colorado anglers, this includes all annual non-motorized boat types. All permits will be issued on a first come first serve basis. Household boating permits will have no limit on the number of non-motorized boats. Each non-motorized boat must have a permit sticker.
 - i. Timnath resident annual non-motorized boating permit:
 - i. Annual non-motorized single boat permits will be \$30.
 - ii. Annual non-motorized household boat permits will be \$60 for a household.
 - iii. Late season non-motorized boating permits are available after Labor Day, late season permits will be made available at a reduced rate of \$20 for all non-motorized boats/boat permits for Timnath Residents. Late Season Passes are valid through December 31.
 - ii. GMA resident or Colorado angler annual non-motorized permit:
 - i. Single boat and household annual permit will be \$100.
 - ii. Senior non-motorized single boat and household annual permit will be \$70.
 - iii. Annual permit fees are for a 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 for Annual permit purchases. However, there is the opportunity to purchase a late season pass for Timnath residents.

vii. Day-Use Non-Motorized Permits

- i. The Town will issue ten (10) day-use non-motorized boat permits per day for Timnath residents and GMA residents, this includes both single and household boat permits. The Town will issue ten (10) day-use non-motorized boat permits per day for Colorado anglers, this includes all annual non-motorized boat types. All permits will be issued on a first come first serve

basis. Household boating permits will have no limit on the number of non-motorized boats.

- i. Timnath resident day-use non-motorized boating permit:
 - i. Non-motorized single boat day permits will be \$10 per day.
- ii. GMA Resident or Colorado angler day-use non-motorized boating permit:
 - i. Non-motorized single boat and family day-use permit will be \$30 per day.
 - ii. Senior non-motorized single boat and family day-use permit will be \$15 per day.
- iii. All day-use permits must be applied for by Timnath residents, GMA residents or Colorado anglers and must be present with the non-motorized boat(s).
- iv. Day-use permits may be picked up at the ~~Town of~~ Timnath ~~Administration Building~~ Town Center during regular business hours or purchased online at the Timnath website, a copy of the receipt will serve as the day-use permit.

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- MOTORIZED DAY USE PERMIT
 NON-MOTORIZED ANNUAL USE PERMIT

Permit Number(s)

Shore Use Permit Number

Timnath Reservoir Boating Permit

Today's Date: _____

Name of Boat Owner: _____

Phone Number: _____

Email: _____

Mailing Address: _____

Driver's License#/State: _____

Vehicle License #/State: _____

Type of boat(s) (include Horsepower if applicable): _____ # of boats (All boats must have a permit sticker): _____

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.

Applicant	Annual Shore Use	Day-Use Shore Use	Annual Motorized Boating	Late Season Motorized**	Day-Use Motorized	Annual Single Boat Non-Motorized***	Annual Household Non-Motorized**	Late Season Non-Motorized*	Day-Use Single Boat Non-Motorized***
Timnath Resident	Free	Free	\$300 Annually	\$100 Annually	\$75 Daily	\$30 Annually	\$60 Annually	\$20	\$10 Daily
GMA/Angler	\$65 Annually	\$10 Daily	N/A	N/A	N/A	\$100		N/A	\$30 Daily
Senior GMA/Angler	\$30 Annually	\$8 Daily	N/A	N/A	N/A	\$70		N/A	\$15 Daily
Permit Limits	GMA/ 25 Angler Annual Permits	GMA/ 10 Angler Daily Permits	50 Annual Permits	N/A	5 Daily Permits	150 Annual Permits (includes GMA and Timnath Resident Permits)/25 Angler Annual Permits		N/A	10 Daily Permits/10 Angler Daily Permits
Permit Requirements	Proof of Residency within the current Timnath Municipal boundaries OR Proof of Residency within the current Town of Timnath GMA OR Valid/current Colorado Parks & Wildlife Fishing License		Proof of Residency within the current Timnath Municipal boundaries AND Signed Timnath Reservoir Boating Permit Application Signed Timnath Reservoir Permit Agreement and Waiver Driver's License Current Boat Registration Proof of Insurance			Proof of Residency within the current Timnath Municipal boundaries OR Proof of Residency within the Current Town of Timnath GMA OR Valid/current Colorado Parks & Wildlife Fishing License AND Signed Timnath Reservoir Boating Permit Application Signed Timnath Reservoir Permit Agreement and Waiver In the case of a trolling motor/boat or a sailboat, you must also present: Current Boat Registration Proof of Insurance			

*Late Season permits are available after Labor Day and are valid through December 31
 **Permit includes Shore Use at the Timnath Reservoir
 ** Any individual 65 years or older

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FOR TOWN OF TIMNATH ADMINISTRATION USE ONLY

Payment Type: _____ Driver's License/ID# : _____
Amount Received: _____ Payment Received By: _____

Timnath Residents/Timnath GMA Residents/Colorado Anglers

Shore Use Requirements (Complete Checklist):

- _____ Proof of Residency in Timnath, Proof of Residency in the Timnath Growth Management Area (GMA) or Current Colorado Parks and Wildlife Fishing License
- _____ Driver's License (the number must be recorded on the permit application)
- _____ 65 years and older (If applying for a senior shore use permit)

Timnath Residents/Timnath GMA Residents/Colorado Anglers

Non-Motorized Requirements (Complete Checklist):

- _____ Timnath Reservoir Boating Permit Application
- _____ Timnath Reservoir Permit Agreement and Waiver
- _____ Proof of Residency in Timnath, Proof of Residency in the Timnath Growth Management Area (GMA) or Current Colorado Parks and Wildlife Fishing License
- _____ Driver's License (the number must be recorded on the permit application)
- _____ 65 years and older (if applying for a senior non-motorized permit)
- _____ Current Boat Registration (boats with trolling motors and sailboats only)
- _____ Proof of Insurance (boats with trolling motors only)

Timnath Residents ONLY

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)
- _____ Photographs of the stern and starboard side of boat to be permitted.

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 until December 31, of the current 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

Email Address