

DILLON RESERVOIR RECREATION AREA

Chapter 140

DILLON RESERVOIR RECREATION AREA

ARTICLE I
General Regulations

§ 140-1. Definitions.

Words and phrases used in this chapter 140 shall have the following meanings ascribed to them:

COMMITTEE – shall mean the Dillon Reservoir Recreation Committee, as established pursuant to the DRReC IGA.

COMMERCIAL – shall mean uses or events for profit to benefit a company, organization or corporation.

CLOSURE – shall mean, to restrict or prohibit ingress, egress, and standing on, over, or through any area to the public, or to limit such access to designated groups or individuals, for any reasons deemed appropriate and in accordance with the applicable provisions herein.

DRRA – shall mean the area operated and administered by the Committee, as set forth in the DRReC IGA generally and set forth more specifically in the Dillon Reservoir Recreation Area Plan developed by the Committee.

FIREWORKS – shall mean any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.

LAUNCHING – shall mean the act of loading or unloading a vessel to or from the water surface.

HAZARDOUS MATERIALS – shall mean any waste or other material, alone, mixed with, or in combination with other wastes or materials, which because of its quantity, concentration, or physical or chemical characteristics, as defined in greater detail under the Colorado Criminal Code, CRS §18-13-112(2)(b)(1).

IGA OR DRReC IGA – shall mean the Dillon Reservoir Coordinating Committee Intergovernmental Agreement, dated April 21, 1989, as amended from time to time, which is a contract between the relevant governmental agencies of the DRReC Committee, regarding the collaborative administration of the area within the DRRA jurisdictional boundaries.

MOORING – shall mean the act of rendering any vessel attached to any structure or apparatus besides a designated public dock, or leaving a vessel beached or shored or otherwise unattended in any manner under any circumstances.

MOTOR VEHICLES – shall mean any self-propelled vehicle, which includes, but may not be limited to automobile, truck, motor bus, motorcycles, all terrain vehicles, mopeds and

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motorized bicycles. Provided, however, such term shall not include self-propelled wheelchairs and other such similar devices, and expressly excludes snowmobiles from the scope of this definition as well.

PARKING – shall mean stopping, standing, parking, or leaving unattended in any other manner any motor vehicle under any circumstances.

PERSONAL WATERCRAFT – shall mean a motorboat that uses an inboard motor powering a water jet pump as its primary source of motive power and is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel. "Personal watercraft" includes a motorboat known as a "specialty prop-craft", which is similar in appearance to a personal watercraft but powered by an outboard or motor driven propeller.

MOTORIZED TRAILS – shall mean trails for the use of motorized vehicles where designated in the trail plan and as posted on the trail, as may be required by law.

NON-MOTORIZED TRAILS – shall mean riding, hiking, bicycling, and other recreational trails for the use of the public on which motorized vehicles are prohibited except in emergencies.

RECREATIONAL TOWING – shall mean towing of any object by a vessel for the purpose of recreational enjoyment, or activity, including but not limited to water skiing, wakeboarding, paraskiing, paragliding, parasailing. Said definition shall not encompass the towing of any object for purposes of the performance of duties by authorized personnel, or the towing of vessels or other necessary objects for the purposes of retrieval of such objects due to legitimate incidents of emergency retrieval.

RECREATIONAL TRAIL – shall mean a trail which is used for a recreational purpose, such as hiking, horseback riding, snowshoeing, cross-country skiing, bicycling, or the riding of motorized recreational vehicles along routes of scenic, natural, historic, geologic, or water-oriented interest.

ROADWAY – shall mean that portion of a street, road, freeway or highway improved, designed, graded or ordinarily used or maintained for vehicular travel.

SPECIAL EVENT – shall mean an event that includes but is not limited to one or more of the following: races, recreational or casual events, social events and instructional activities and series events.

SPECIAL USE – shall mean a use of the DRRA for an extended duration of time that includes but is not limited to one or more of the following activities: commercial tours, outfitters and guides, and commercial photography and filming.

SNOWMOBILE – shall mean a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

VESSEL – shall mean every watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

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WATER CONTACT ACTIVITIES – shall mean any action which allows bodily contact with the water in any manner, including without limitation swimming, diving, wading, scuba diving, and wading fishing, windsurfing as well as any activities which require wearing a full body wet or dry suit.

WATER POLLUTION/CONTAMINATION – shall mean the point source discharge of any pollutant or contaminant into any waterway or body of water within the DRReC Area, which has the direct or indirect effect of degrading the chemical, physical, biological or radiological integrity of the water.

§ 140-2. Closed Areas.

- A. It shall be unlawful for any person to enter, traverse, or utilize, for any purposes not expressly authorized by the Committee, any recreational land or water area located within the DRRA boundaries that is either:
 - (1) Designated as a no trespass area by the appropriate signage, notice, designation, or otherwise; or
 - (2) Designated as a temporary or permanent closure area, for the purposes of maintenance, hazardous conditions, law enforcement closure, or any other closure deemed necessary by the appropriate authorities, by the appropriate signage, notice, designation, or otherwise.
- B. Any area within the DRRA boundaries may be unilaterally closed, restricted, or limited to any or all users or to a limited number of users by any or all of the following entities, under the following circumstances:
 - (1) The Committee, upon majority vote of the Committee; or
 - (2) The Summit County Sheriff, the Dillon Police Department, the Frisco Police Department, and the United States Forest Service, within the appropriate jurisdiction of each such entity, when such entity deems such closure to be necessary for the protection of the public health, safety, or welfare.

§ 140-3. Fires and Fireworks.

- A. It shall be unlawful to build or light any fire of any nature on any lands in the DRRA, including without limitation all shoreline areas of the Dillon Reservoir, except where fireplace grills or fire rings have been provided, or by express permit.
- B. When fire bans are in effect by resolution of the Board of County Commissioners of Summit County, US Forest Service Supervisor Order, or any other appropriate authority, it shall be unlawful to build or light a fire on any DRRA lands violation of the fire ban, regardless of whether such area contains fireplace grills, fire rings, or typically permits fires.
- C. It shall be unlawful to use, light, or ignite fireworks or explosives of any type, except by express permit of the Committee.
- D. All fires permitted under the scope of this chapter 140 shall remain attended to at all times, and all fires must be completely extinguished prior to leaving the location of the fire unattended.

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- E. Careless burning or other combustion of any materials, at any location including but not limited to burning at the location of a fire ring or fire grill shall be unlawful.

§ 140-4. Motorized Vehicles and Snowmobiles.

- A. It shall be unlawful to operate any motorized vehicle, within the DRRA, except on roadways expressly designated as open to public use with the exception of authorized vehicles. All motorized vehicles operated on designated roadways must be properly licensed.
- B. It shall be unlawful to operate any motorized vehicle or snowmobile in the shore areas of the reservoir, below the high water mark.
- C. Snowmobiles may only be operated in the DRRA on routes expressly designated for such snowmobile use, and all such use in said areas must be in accordance with all applicable state and local law or ordinance regulating the use of snowmobiles.

§ 140-5. Parking.

- A. It shall be unlawful to park any motor vehicles or trailers within the boundaries of the DRRA except where expressly permitted and designated by the appropriate signage, notice, designation, or otherwise.
- B. It shall be unlawful to park any motor vehicle, snowmobile or trailer in such a manner as to create an obstruction or a potential hazard to vehicular, pedestrian, equestrian or bicycle traffic.
- C. It shall be unlawful to park a vehicle on any public boat ramp. Vehicles are subject to removal at the owner's expense.

§ 140-6. Firearms.

- A. Shotguns used exclusively for waterfowl hunting, in areas expressly designated, are exempt from the prohibition in subsection B of this section.
- B. It shall be unlawful to discharge, use, or allow the use of firearms or weapons within the DRRA boundaries.

§ 140-7. Hunting and Wildlife.

- A. It shall be unlawful to feed, hunt, pursue, trap, molest, harass or kill any wildlife within the DRRA boundaries at any time with the exception of fishing and waterfowl hunting.
- B. It shall be unlawful to disturb any wildlife habitat within the DRRA boundaries at any time.

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- C. Fishing is allowed in the DRRRA boundaries strictly in accordance with all applicable federal, state and local regulations.
- D. Waterfowl hunting is allowed in the DRRRA boundaries strictly in accordance with all applicable federal, state, and local regulations.

§ 140-8. Camping.

It shall be unlawful to camp overnight or park a trailer or camper for overnight camping purposes, within the jurisdictional boundaries of the DRRRA, except in areas expressly designated for camping by appropriate signage, notice, designation, or otherwise, or if allowed by special use permit issued by the Committee.

§ 140-9. Sanitation.

- A. It shall be unlawful to leave fish, fish entrails, human excrement, wastewater, cans, bottles, plastic or paper cartons, or other litter or free particulate matter of any type on lands or in water within the DRRRA.
- B. It shall be unlawful to discharge water closets or to discharge any form of human waste into the waters of Dillon Reservoir.
- C. It shall be unlawful to use refuse containers provided for public use for dumping of any household or commercial refuse generated or transported outside the DRRRA.

§ 140-10. Hazardous Materials.

- A. It shall be unlawful to introduce, transport, generate, create, or extract any hazardous materials into the DRRRA for any purposes.
- B. Any such unlawful treatment, use, or disposition of hazardous materials may result in referral for prosecution under any applicable federal, state or local law.

ARTICLE II Boating Rules and Regulations

§ 140-11. Adoption of Colorado (Watercraft) Vessel Code.

In accordance with C.R.S. §33-13-113, the Town hereby adopts, by reference, the Colorado (Watercraft) Vessel Code, as codified at Title 33, Article 13, Part 1, sections 101 through 116, Colorado Revised Statutes, as amended from time to time, in its entirety, as if fully set forth herein, as regulations applicable to the DRRRA and to be adopted and enforced by the Committee, the Summit County Sheriff, and all other authorized law enforcement agencies as regulations hereunder.

§ 140-12. Adoption of Colorado Boating Regulations.

In accordance with C.R.S. §33-13-113, the Town hereby adopts, by reference, the Colorado Boating Regulations, as codified at Colorado Code of Regulations, promulgated and published as such by the Colorado Department of Natural Resources, Division of Parks and Outdoor Recreation, as amended from time to time, in its entirety, as if fully set forth herein, as regulations applicable to the DRRRA and to be adopted and enforced by

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the Committee, the Summit County Sheriff, and all other authorized law enforcement agencies as regulations hereunder.

§ 140-13. Motorboat Exhaust.

Except in the case of a motorboat competing in a permitted race or regatta, it shall be unlawful to have a vessel on the water surface of Dillon Reservoir within the DRRA that is equipped with an above transom exhaust. An above transom exhaust is defined as a boat exhaust above the planking forming the stern of a square-ended boat. Said restrictions on exhaust are intended to be equal to or greater than those restrictions set forth by the State of Colorado. Under no means shall such restrictions be interpreted to permit exhaust levels that are more permissive than the maximum levels established by the State of Colorado at any time.

§ 140.14. Safe Speed.

- A. All vessels must operate at a speed level which may be deemed objectively safe and prudent given all circumstances and conditions on the water surrounding such operations at all times.
- B. It is unlawful for any vehicle to travel at speeds in excess of thirty miles per hour (30 MPH) at any time under any circumstances, excluding law enforcement and emergency response operations.
- C. The Committee by express authorization, may allow exceptions to the speed limit regulations as described in subsections A and B of this section 140-14.

ARTICLE III Reservoir Use – Rules And Regulations

§ 140-15. Water Contact Activities.

It shall be unlawful to engage in water contact activities on the reservoir, except for those activities approved in advance by the Committee.

§ 140-16. Night Activity.

It shall be unlawful to use boats for overnight sleeping quarters on Dillon Reservoir, except in specifically approved and designated areas within the DRRA. Coast Guard regulations for potable water and waste disposal shall be followed.

It shall be unlawful to camp outside designated camping areas as posted.

§ 140-17. Fishing.

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- A. It shall be unlawful to fish at the end of a boat ramp in a manner obstructing any access through such ramp.
- B. It shall be unlawful to fish on the upstream side of the dam structure, or from the abutments and spillways.

§ 140-18. Prohibited Water Craft.

- A. It shall be unlawful to operate a hovercraft, seaplanes or amphibious craft on Dillon Reservoir, except by express authorization by the Committee.
- B. It shall be unlawful to operate personal watercraft, except specialty propcraft, on Dillon Reservoir, except by express authorization by the Committee.
- C. It shall be unlawful to waterski, wakeboard, paraski, paraglide, parasail, or perform other forms of recreational towing on Dillon Reservoir, except by express authorization by the Committee.

§ 140-19. Boat Launches.

It shall be unlawful to launch any vessel in any area not expressly designated for such launching activities. Notwithstanding the foregoing, inflatable rafts, canvas boats and other portable craft not operated through the use of any motorized propulsion may be launched from the reservoir's shoreline.

§ 140-20. Docking and Mooring Regulations.

- A. It shall be unlawful to tie any vessel to a public dock for longer than the posted allowable docking time.
- B. It shall be unlawful to tie any vessel to any marina dock without authorization from the appropriate marina.
- C. It shall be unlawful to moor or attach any vessel to a buoy or navigational aid at any time.
- D. It shall be unlawful to moor or attach any vessel to a marina mooring without authorization from the appropriate marina.
- E. Night mooring shall only be permissible by permitted campground campers, at the following areas, and only at specified locations within those areas:
 - (1) Heaton Bay Area;
 - (2) Peak One Area;
 - (3) Pine Cove Area; and
 - (4) Windy Point Area.
- F. Overnight storage at the campgrounds shall not violate sections 140-8 and 140-16 of this chapter 140.

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**ARTICLE IV
Recreation Use Permits And Commercial Activity**

§ 140-21. Special Event Permits.

- A. Special events within the jurisdictional boundaries of the DRRA may only be conducted as authorized in advance pursuant to a DRRA special event permit issued by the Committee in accordance with the procedure and standards set forth herein.
- B. All special events must be appropriate for the proposed location, compatible with adjacent land uses, provide or arrange all necessary facilities, amenities and support services (such as parking, sanitary, and traffic control), secure adequate liability insurance, and preserve the public health, safety and welfare, including reasonable public use and enjoyment of the DRRA.
- C. Permit applications must be received by DRReC staff at least 90 days and not more than 18 months prior to the use. Dates will not be reserved until the completed permit application is received. Event sponsors are encouraged to submit applications as early as possible.

§ 140-22. Special Use Permits.

- A. Special uses within the jurisdictional boundaries of the DRRA may only be conducted as authorized in advance pursuant to a DRRA special event permit issued by the Committee in accordance with the procedure and standards set forth herein.
- B. All special uses must be appropriate for the proposed location, compatible with adjacent land uses, provide or arrange all necessary facilities, amenities and support services (such as parking, sanitary, and traffic control), secure adequate liability insurance, and preserve the public health, safety and welfare. Moreover, such special uses shall not be of such a duration or extent as to interfere with other reasonable uses of the DRRA.
- C. All special uses shall be conducted in accordance with this chapter 140, and all policies and procedures also adopted by the Committee. The Committee reserves the right to exercise its discretion in determining what proposed special uses are appropriate in the DRRA.
- D. Permit applications must be received by DRReC staff at least 90 days and not more than 18 months prior to the use. Dates will not be reserved until the completed permit application is received. Use sponsors are encouraged to submit applications as early as possible.

§ 140-23. Permit Fee Schedule.

All permit fees provided for herein shall be set forth in the permit fee schedule adopted and maintained by the Committee, subject to Committee modification from time to time, which permit fee schedule is referenced as if incorporated herein. A copy of the permit fee schedule shall be available for review at the office of the Town Clerk.

§ 140-24. Application Fees for Permits.

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- A. All applications for special event permits shall be submitted with an application fee as set forth in the permit fee to cover the costs of review and processing of the application. Such fees are non-refundable, regardless of the ultimate determination on the granting of the permit.
- B. All applications for special use permits shall be submitted with an application fee as set forth in the permit fee schedule, to cover the costs of review and processing of the application. Such fees are non-refundable, regardless of the ultimate determination on the granting of the permit.
- C. Special event and special use applications will be processed in a timely manner only upon submittal of a complete application and the full application fee.

§ 140-25. Performance Bonds for Approved Permits.

- A. All permits for special events may be subject to express conditions of approval as to assurances for maintenance, safety, support services, or any other necessary arrangement for the orderly and safe holding of such event.
- B. All permits for special uses may be subject to express conditions of approval as to assurances for maintenance, safety, support services, or any other necessary arrangement for the orderly and safe holding of such event. Moreover, such conditions of approval may address measures designed to ameliorate the continued effects of such a special use over the duration of such use.
- C. The Committee may, in the exercise of its discretion, require a performance bond to ensure the conditions established in the permit are fulfilled by the permittee.
- D. The performance bond amount is either a base amount or a percentage calculation depending upon the complexity of the event or the use or the complexity of the conditions specified in the permit.
- E. The performance bond shall be due prior to the issuance of the permit.
- F. The performance bond may be submitted by means of a cash deposit, a certificate of deposit, a letter of credit, or any other means deemed acceptable by the Committee given the circumstances directly surrounding the particular event or use.

§ 140-26. Special Event Permit Fees.

- A. All approved special event permits shall be subject to a special event fee which is based upon the type of event to be held, the number of participants, the duration of the event, and all other relevant considerations pertaining to such event, as follows:
 - (1) Race events are charged a base permit fee of plus a per entry fee, as set forth in the permit fee schedule, for each entry after the 25th registration.
 - (2) Entertainment events including but not limited to fireworks shows, fishing events, and festival events are charged a base permit fee plus a percentage of the gross revenue collected, as set forth in the permit fee

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schedule. An estimated total charge based on the permit fee and the projected gross revenue is required to be paid prior to the issuance of a permit. Any remaining balance is required to be paid with one week after the conclusion of the event.

- (3) Social events and instructional activities including but not limited to group picnics, group camping, weddings, receptions, workshops, and instructional classes are charged a base permit fee as set forth in the permit fee schedule, which is required to be paid prior to the issuance of a permit.
 - (4) Series events are charged a base permit fee plus a per entry fee for each entry after the 25th registration for the first event, as set forth in the permit fee schedule. For each additional event an additional permit fee, plus a per entry fee for each entry after the 25th registration will be charged. A special event divided into such a series of activities extending over several weeks or weekends will be charged specific special event fees for each separate set of events in the series. An estimated total charge based on the permit fees and the estimated total of entries for each event in the series is required to be paid prior to the issuance of a permit.
- B. All amounts due shall be paid in full no later than one week after the conclusion of the special event.

§ 140-27. Special Use Permit Fees.

- A. All approved special use permits shall be subject to a special use fee which is based upon the type of use to be held, the number of participants, the duration of the use, and all other relevant considerations pertaining to such use.
- B. Special use fees include a base permit fee, plus a percentage of the permittee's gross revenues for such use, as follows:
- (1) Commercial tours, outfitters and guides or any similar uses are charged a base permit fee plus a percentage of the gross revenues, as set forth in the permit fee schedule.
 - (2) Commercial photography or filming is charged a base permit fee as set forth in the permit fee schedule for each day reserved for filming. The total fee for all days reserved must be paid prior to the issuance of a permit.
 - (3) All other special uses shall be subject to a base fee in consideration of the particular parameters of such approved use, and may be subject to remission of a certain percentage of gross revenues as well, based upon the same considerations.
- C. All special use permittees will be required to follow the payment plan fee as set forth in the permit fee schedule.

§ 140-28. Minor Permit Modifications.

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Requests for minor modifications to outstanding permits may be processed by DRReC Staff on an administrative basis, in accordance with the operations guidelines established by the Committee, provided that staff shall update the Committee of the modifications so approved on an administrative basis at the next regularly scheduled Committee meeting.

§ 140-29. Hold Harmless Provision.

- A. Every permit shall require, as a condition of approval, that the event sponsor indemnifies and holds DRReC harmless from all loss, cost, damage or other claims arising out of the issuance of the permit.
- B. All event sponsors must provide proof of adequate insurance coverage for all injuries to person and property directly or indirectly arising out of the event.

ARTICLE V

Violations and Penalties; Enforcement

§ 140-30. Violations and Penalties.

- A. Any person violating provisions stated or adopted within this chapter 140 commits a Class 2 Petty offense and, upon conviction thereof, shall be punished by a fine of not more than \$300. At the time any person is arrested for a violation of this chapter 140 the arresting officer may give a penalty assessment notice to the violator. Such penalty assessment notice and associated procedures shall be governed by and in conformance with the provisions of C.R.S. § 16-2-201. The following graduated fine schedule shall be imposed for violations of this chapter 140 prosecuted under the penalty assessment procedures.
- B. Persons convicted of a first violation under this chapter 140 pursuant to sections 140-1 through 140-26, except sections as noted in subsection C of this section 140-30, shall be punished by a fine of not less than fifty dollars (\$50.00).
- C. Persons convicted of a first violation under this chapter 140 pursuant to sections 140-3, 140-6, 140-7 and 140-10 shall be punished by a fine of not less than one hundred dollars (\$100.00).
- D. A second violation by any person of a rule or regulation contained in this chapter 140 shall result in a summons to appear in municipal court, or county court as provided in section 140-31.

§ 140-31. Enforcement.

- A. The Summit County Sheriff is hereby authorized to enforce the provisions of this chapter 140 within the boundaries of the Town.
- B. The Summit County Court shall have jurisdiction in the prosecution of any violation enforced by the Summit County sheriff pursuant to paragraph A of this section 140-31.

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- C. Such enforcement shall not supersede the jurisdiction of the Town Police Department to enforce any Town ordinance.