

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 22-15**

AN ORDINANCE AMENDING CHAPTER 140 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING THE DILLON RESERVOIR RECREATION AREA, BY AMENDING SECTIONS 140-1, CONCERNING DEFINITIONS; 140-3, CONCERNING FIRES AND FIREWORKS; 140-4, CONCERNING MOTORIZED VEHICLES AND SNOWMOBILES; 140-15, CONCERNING WATER CONTACT ACTIVITIES; 140-18, CONCERNING PROHIBITED WATER CRAFT; 140-19, CONCERNING BOAT LAUNCHES; 140-21, CONCERNING SPECIAL EVENT PERMITS; AND 140-30, CONCERNING VIOLATIONS AND PENALTIES.

WHEREAS, the Town of Frisco, Colorado (“Town”) is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, pursuant to intergovernmental agreement, the Town is a member of the Dillon Reservoir Recreation Committee (“DRReC”); and

WHEREAS, DRReC manages the use of the Dillon Reservoir Recreation Area (the “DRRA”), including but not limited to the adoption of various recreational use and permitting regulations; and

WHEREAS, because different parts of the DRRA are subject to the jurisdiction of different legal authorities (which authorities collectively constitute the membership of DRReC), the members of DRReC are encouraged to adopt as local law the various recreational use and permitting restrictions that are established by DRReC regulations from time to time; and

WHEREAS, to that end, the Town has previously adopted Chapter 140 of the Code of Ordinances of the Town of Frisco, concerning the Dillon Reservoir Recreation Area, and now desires to amend that Chapter to reflect recent regulatory amendments made by DRReC to its own regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 140-1 of the Code of Ordinances of the Town of Frisco (“Code”), concerning definitions, of Chapter 140 of the Code, concerning the Dillon Reservoir Recreation Area, is hereby amended to add, amend or delete, respectively, the following definitions of terms in their appropriate alphabetic order to read as follows:

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

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 and subject to modification from time to time.

SPECIAL EVENT – shall mean ~~an event that includes but is not limited to one or more of the following:~~ a planned, organized, or publicized activity of short duration not involving construction of permanent structures, buildings, physical improvements, or material alterations of property. Special events are events engaged in usually by a total of ten or more participants and include but are not limited to one or more of the following activities: races, recreational or casual events, social events and instructional activities and series events.

SWIMMING – shall mean to propel the body through the water using the limbs to include treading water. Any use or activity during which the body is not in contact with the lake bed or otherwise supported on top of the water’s surface by means of an allowed vessel will be considered “swimming.”

VESSEL – shall mean every description of 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, including all types of stand-up paddleboards.~~ Vessel does not include:

- (I) Any single-chambered, air-inflated devices that are not stand-up paddleboards; or
- (II) Seaplanes

~~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 wade fishing, windsurfing as well as any activities which require wearing a full body wet or dry suit.~~

Section 2. Subsection 140-3.A. of the Code, concerning fires and fireworks, is hereby amended to read as follows:

- 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.~~

Section 3. Section 140-4 of the Code, concerning motorized vehicles and snowmobiles, is hereby amended to read as follows:

§ 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~~ are prohibited within the DRRA unless authorized by a special use permit on routes expressly designated therein.
- D. Electric powered transportation devices not explicitly allowed under applicable local, state, and federal regulations are otherwise prohibited within the DRRA.

Section 4. Section 140-15 of the Code, concerning water contact activities, is hereby amended to read as follows:

§ 140-15. Water Contact Activities.

It shall be unlawful to ~~engage in water contact activities on~~ swim in the Dillon Reservoir, including scuba diving, except for those activities approved in advance by the Committee.

Section 5. Section 140-18 of the Code, concerning prohibited water craft, is hereby amended to read as follows:

§ 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 a personal watercraft on Dillon Reservoir, except specialty prop-craft which shall not exceed 5 mph and shall be operated at a wake-less speed 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.

- D. It shall be unlawful to operate any device on the Dillon Reservoir that does not conform to the definition of a “vessel” set forth in Section 140-1 above.

Section 6. Section 140-19 of the Code, concerning boat launches, is hereby amended to read as follows:

§ 140-19. Boat Launches.

It shall be unlawful to launch any motorized or trailered vessel in any area ~~not expressly designated for such launching activities other than marina boat ramps.~~ Notwithstanding the foregoing, inflatable rafts, canvas boats and other portable craft not operated through the use of any motorized propulsion Non-motorized, hand-carried vessels may be launched from the reservoir’s shoreline.

Section 7. Section 140-21 of the Code, concerning special event permits, is hereby amended to read as follows:

§ 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 690 days and not more than 18 months prior to the use. Dates will not be reserved until the completed permit application is received. Small events may be provided an exception from this rule at the Committee’s discretion. Event sponsors are encouraged to submit applications as early as possible.
- D. Events occurring at locations pre-approved by the Committee are exempt from DRRA special event permit requirements and may be carried out through the permitting process of the local jurisdiction, if the event does not cross jurisdictional boundaries or use the surface of Dillon Reservoir.

Pre-approved locations include Windy Point and Sapphire Point, and Town of Dillon and Town of Frisco owned properties.

Section 8. Section 140-30 of the Code, concerning violations and penalties, is hereby amended to read as follows:

§ 140-30. Violations and Penalties.

- A. Any person violating provisions stated or adopted within this Chapter commits a Class 2 Petty offense and, upon conviction thereof, shall be punished by a fine of not more than ~~\$300~~ the maximum amount set forth in section 1-14.A.1. of this Code. 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 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~~ one hundred dollars (~~\$50.00~~ \$100.00).
- 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 ~~fifty~~ fifty dollars (~~\$1050.00~~).
- D. A second violation by any person of any provision of this Chapter 140 shall result in a summons to appear in municipal court, or county court as provided on section 140-31.

Section 9. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND
POSTING ORDERED ON THE ____ DAY OF _____, 2022.

ADOPTED ON SECOND READING AND PUBLICATION BY TITLE
ORDERED ON THE ____ DAY OF _____, 2022.

Town of Frisco, Colorado:

Mayor Hunter Mortensen

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk