

TOWN OF BLUE RIVER, COLORADO

MEMORANDUM

TO: Board of Trustees
FROM: Michelle Eddy, Town Manager
Bob Widner, Town Attorney
DATE: June 6, 2024
SUBJECT: Amendments to Article Concerning Use of Goose Pasture Tarn

The attached is a redline version of a draft proposed amendment to the current Article III of Chapter 11 concerning the use of the Goose Pasture Tarn.

Changes are needed to update Article III and to clarify what uses are permitted at the Tarn.

Please review the changes as the Board will be asked at the June 13 meeting to discuss the possible revision and the following issues:

1. What uses does the Board of Trustees wish to authorize for the Tarn?
2. Is the Board of Trustees committed to enforcement of the restrictions desired at the Tarn?

ARTICLE III Goose Pasture Tarn and the Town Park

Sec. 11-3-10. Defined.

- (a) Goose Pasture Tarn, hereinafter referred to as "the Tarn," located within the Town, is a ~~private privately owned~~ lake ~~and private land surrounding the lake owned for which by the Town is legally authorized to manage, control, and regulate the use and available for use only to property owners of the Town. Use of the Tarn shall be limited to such uses and subject to such restrictions as further set forth below.~~
- (b) The Blue River Town Park (Theobald Park), hereinafter referred to as "the Park," located within the Town, is a park owned by the Town. ~~Use of the Park shall be limited to such uses and subject to such restrictions as further set forth below.~~

(Prior code 4-3-1; Ord. 11-08 §§1, 2, 2011)

Sec. 11-3-20. State laws adopted.

All state laws and rules and regulations of the Colorado Department of Fish, Game and Parks shall apply to fishing, boating and sailing on the Tarn, and the same are hereby adopted into this Chapter by reference as they are presently enacted and hereafter amended. For these purposes, a violation of any such state law shall be deemed a violation of this Chapter and subject to enforcement by any person authorized to enforce this Chapter. Any conflict between this Chapter and any state law or regulation shall be resolved in favor of that provision or law which is more restrictive of the conduct to be controlled.

Sec. 11-3-30. Use restrictions; identification.

- (a) ~~Use by property owners~~ Use by Tarn Limited. ~~The occupancy and use~~ Use of the Tarn shall be limited to:
- (1) ~~Owners of real property within the Town as such ownership is evidenced by the records of the Summit County Clerk and Recorder's Office (an "Owner"). To prove ownership, an Owner shall provide a copy of a Town permit issued to the Owner upon request while present at the Tarn. It shall be a defense for any charge of unlawful occupancy or use of the Tarn to provide a certified copy of a deed proving ownership which predates the date of issuance of a summons or citation for unlawful occupancy or use; and~~
 - (2) ~~Only when accompanied by an Owner, owners with proper identification, except for persons related to an Owner by blood, marriage, adoption, or foster care; and~~
 - (3) ~~Only when accompanied by an Owner, persons identified by an Owner as a guest of the Owner; and~~
 - (4) ~~A long-term tenant of an Owner's property where such tenant has: (i) executed a lease for use of the Owner's property for a term greater than 60 consecutive days which lease expressly assigns the Owner's right to use the Tarn; and (ii) the Owner has completed and filed with the Town a notice of assignment of the right to use the Tarn in a form approved by the Town Manager; and~~

~~(5) Only when accompanied by a long-term tenant as defined by (4) above, persons identified by a long-term tenant as a guest of the tenant.~~

~~(b) Other than persons identified in (a) above, no other person shall occupy, be present at, or use the Tarn, including specifically without limitation, a short-term (less than 60 days) tenant of property. It shall be unlawful and a violation of the Municipal Code to be present upon, occupy, or use the Tarn unless permitted by this Article.~~

~~duly authorized guests or tenants as further outlined below. Parents and/or children and their respective spouses and/or grandchildren of property owners residing full time on the property shall enjoy the same Tarn recreational rights as owners, excluding guest privileges.~~

~~(b) Use by guests:~~

~~(1) Guests of owners may use the Tarn only when accompanied by the owner.~~

~~(2) Owners shall be held responsible for all actions of their guests and for any violations of this Chapter as if such violation had actually been committed by the owner himself or herself.~~

~~(c) Use by long-term rental tenants:~~

~~(1) Long term rental Tenants of owners shall generally have no privileges on the Tarn, except as otherwise provided herein.~~

~~(2) Tenant is defined as a party leasing a Town property for a period of sixty (60) consecutive days or longer. A tenant may have recreational rights on the Tarn, provided that the property owner assigns the rights at the time the lease is executed. The Town shall provide appropriate forms for registration of such assignments and will maintain a file of tenants with assigned rights for enforcement purposes.~~

~~(cd) Boat and Watercraft useUse.~~

~~(1) Owners of Boatsboats without identification decals shall not be permittedare required to obtain a Town-issued permit for use of the boat on the Tarn. Applications for a Town permit shall be submitted to the Town in the form required by the Town Manager together with payment of the required permit fee. It shall be unlawful and a violation of the Municipal Code for any person to possess, hold, use, or control a boat within the Tarn without a Town-issued permit for such boat.~~

~~(2) To ascertain that boats used on the Tarn belong to an Ownerproperty owners, identification decalspermits will be issued only upon receipt of an adequate description of the boat and a statement of its size and power. Owners are required to havepresent a Town-issued permit for the boat upon demand while on the Tarn property. permits on hand. The boat registration fees charged to bona fide residents of the Town for use of the Tarn are hereby set at twenty dollars (\$20.00) per year.~~

~~(3) All boats shall be subject to an annual personal safety inspection and shall be approved by the Lake Patrol Officer or Chief of Police before any boat shall receive its decal or be placed upon the Tarn. A fee will be charged for said decal.~~

~~(4) Boats placed in the within the Tarn shall be limited in power to the use of an electric motor to be used solely for the purpose of trolling. No internalInternal combustion engines are prohibited. shall be allowed in order to limit boat size, speed of crafts and environmental damage to the Tarn by such engines.~~

~~(5) Boats shall not be stored overnight at the Tarn.~~

~~(56) Non-motorized Personal-personal watercraft of all kindsany kind, including inflatable boats, innertubes, sailboards and paddle boards, are permitted on the Tarn only with a Town-issued, provided that identification decals have been affixed to them that a permit has been obtained. Applications for a Town permit shall be submitted to the Town in the form required by the Town Manager together with payment of the required permit fee. It shall be unlawful and a violation of the Municipal Code for any person to possess, hold, use, or control a watercraft within the Tarn without a Town-issued permit.~~

~~(65) Boats and watercraft shall not be stored overnight at the Tarn.~~

~~A fee of \$20 per watercraft will be assessed annually. five dollars (\$5.00) per day, not to exceed twenty dollars (\$20.00) per year, shall be charged.~~

~~(e) Issuance of boat decalspermits. The issuance of boat decals andpermits and any other identification required by this Chapter shall be by the Lake Patrol Officer or the Town Clerk Office, who have been authorized and so designated by the Board of Trustees.~~

~~(Prior code 4-3-3; Ord. 07-03 §1, 2007; Ord. 11-05 §1, 2011; Ord. 13-07 §1, 2013; Ord. No. 19-01, §§ 2, 5, 6-18-2019)~~

Sec. 11-3-40. Rules and regulations for the Tarn.

(a) Spillway area. Fishing or trespassing within forty-five (45) feet of the improved concrete portion of the spillway of the Tarn is ~~absolutely~~ prohibited and unlawful. Violation of this Subsection shall be punishable upon conviction by a fine of up to one thousand dollars (\$1,000.00) for each offense.

~~(b) Ice fishing. Ice fishing by owners, guests and tenants shall be permitted on the Tarn as provided in Subsections 11-3-30(a), (b) and (c).~~

~~(c) Other than motorized boats as authorized by this Article, any other form of motorized vehicle or machine (e.g., motorcycle, snowmobile, all-terrain vehicle) is prohibited. Snowmobiles or other snow or all-terrain vehicles and cross-country skiing are strictly forbidden on the Tarn.~~

(d) Open fires¹. Open fires are prohibited at all times and in all areas adjacent to the Tarn.

(e) Animals. Dogs and all other pets and animals ~~the regulations established in Chapter 7 Article VI of the Blue River Municipal Code. shall not be required to be under control by a tether or leash but shall be under voice control in all areas on and adjacent to the Tarn.~~

(f) Hunting prohibited. Hunting of any kind is prohibited on the Tarn and any surrounding lands owned by the Town or the Town of Breckenridge.

~~(g) Swimming and bathing is prohibited. Water recreation. Bathing is prohibited on the Tarn.~~

- (h) ~~Commercial use.~~ Any use of the Tarn for commercial purposes is prohibited.
- (i) Limit on fish. The daily bag limit is three (3) fish, of which only one (1) may exceed twenty (20) inches in length. The daily possession limit is three (3) fish.
- (j) Limit on fishing hooks. Only single-bait hooks, single-hook flies and single-hook lures may be used for fishing in the Tarn.
- (k) Overnight parking, between one-half (½) hour after sunset and one-half (½) hour before sunrise, is prohibited.
- (l) Glass containers in the Tarn area are prohibited.
- (m) Littering of the Tarn area by the depositing of paper or plastic products, wood, leftover food, clothing, fishing gear, fish, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.
- (n) Boat docks. Licensing of the construction of boat docks shall be permitted by a licensing agreement which shall incorporate the Rules and Regulations for Boat Docks established by Resolution No. 13-05, adopted July 16, 2013, as from time to time amended.

(Prior code 4-3-4; Ord. 05-07 §1, 2005; Ord. 05-10 §1; Ord. 11-08 §§3, 4, 2011; Ord. 13-06 §§1, 2, 2013; Ord. 13-07 §2, 2013)

Sec. 11-3-45. Rules and regulations for the Park.

- (a) Use of the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (b) Parking of motor vehicles at the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (c) Parking of motor vehicles at the Park shall be "head-in parking" only.
- (d) Open fires¹, including fires in grills, in the Park are prohibited.
- (e) Dogs are prohibited in the Park.
- (f) Glass containers are prohibited in the Park.
- (g) Littering in the Park by the depositing of paper or plastic products, wood, leftover food, clothing, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.

(Ord. 11-08 §5, 2011)

Sec. 11-3-50. Enforcement.

This Chapter shall be enforced by the ~~Chief of Police, the designated and authorized Lake Patrol Officer~~ Blue River Police Department and any duly commissioned law enforcement officer of the State, which enforcement authority includes the power to do the following:

¹ See Chapter 7, Article VII of this Code.

- (1) At any time, in the sole discretion of the enforcement officers, the Tarn becomes unsafe for the use and activities described herein, the Tarn may be declared "Closed." It shall be a violation of this Chapter for any person to use the Tarn after it has been declared "Closed."
- (2) Request the offending party to cease his or her illegal activity and to remove the offending party from the Tarn area.
- (3) Issue a summons or citations for violations of this Chapter ~~requiring the offending party to appear before the Municipal Court to answer the charges set forth in such citation.~~

Sec. 11-3-60. Violations; penalties.

Any person who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction for any such offense, shall be punished by a fine as provided in Section 1-4-20 of this Code.