

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1125**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
CHAPTER 10, ARTICLE XII, OF THE TOWN OF FREDERICK MUNICIPAL
CODE, REPEALING SECTION 10-250, WITH REGARD TO FISHING
LICENSES AND BELLY BOATS PASSES, IN ITS ENTIRETY, AND
AMENDING SECTION 10-254 WITH REGARD TO FISHING AND WATER
CRAFT USED ON MILAVEC LAKE.**

WHEREAS, the Town of Frederick has in place certain regulations regarding fishing and boating on Milavec Lake; and

WHEREAS, the Board of Trustees has determined it to be necessary to amend the Town of Frederick Municipal Code, to make amendments to Section 10-254 to improve public safety and clarify public understanding of Town procedure with regard to the operation of Milavec Lake.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Section 10-250 of the *Frederick Municipal Code* is hereby repealed in its entirety.

Section 2. Section 10-254 of the *Frederick Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 10-254. Fishing license required; regulations; violations.

(a) Definitions:

(1) “Nonmotorized watercraft” means those floating devices which are designed to support or help support a person or persons in water, and which may or may not be propelled by the use of oars, paddles or sails.

(2) Nonmotorized watercraft may not exceed sixteen (16) feet in length.

(b) Any person who fishes at Milavec Lake in the Town must first obtain a state fishing license.

(c) Only nonmotorized watercraft may be placed on Milavec Lake. A belly boat, or like floating device, designed to be fished from, shall not be considered a watercraft under this section.

(d) Any person who places a nonmotorized watercraft in Milavec Lake in the Town must comply with the following boating and safety regulations:

(1) All watercraft must have Coast Guard-approved lifejackets for every person on board, a paddling device, at least one (1) buoyant cushion or life ring and an efficient whistle or other mechanical sound-producing device.

(2) Coast Guard-approved lifejackets must be worn by all occupants of the watercraft at all times awhile boating on Milavec Lake.

(3) While a watercraft is moving, passengers must be seated and off gunwales and bows.

(4) Swimming or diving from any watercraft is prohibited.

(5) No boating is allowed before daylight or after dark.

(6) All watercraft must remain outside designated markers/buoys.

(7) No person shall operate a watercraft, if the person is under the influence of alcohol, a controlled substance or any other drug, or any combination of alcohol, controlled substance or drug.

(8) Trailer parking is limited to the main parking lot only, when not loading or un-loading watercraft.

(9) No person under sixteen (16) years of age shall operate a watercraft on Milavec Lake unless they hold and have in their possession a boating safety certificate approved by the Division of Parks and Outdoor Recreation.

(e) Violations. Violation of any portion of this Section shall be noncriminal and subject to the penalties set forth in Subsection 10-9(a) of this Chapter.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

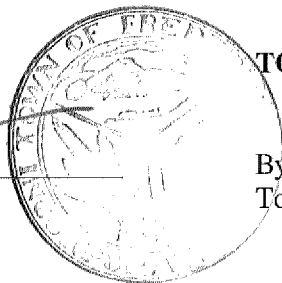
Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 5. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 12th
DAY OF February, 2013.

ATTEST:

By Meghan Martinez
Meghan Martinez, Town Clerk



TOWN OF FREDERICK

By Tony Carey
Tony Carey, Mayor