



BOARD OF TRUSTEES
April 18, 2023
6:30 AM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Agenda

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Webinar ID: 848 7116 2393

A. ITEMS

1. Off-Highway Vehicles Discussion

- Presenter: Hallie Sheldon, Senior Management Analyst

2. Enforcement of Irrigation Restrictions

- Presenter: Hallie Sheldon, Senior Management Analyst

3. Marijuana Sales Tax Discussion

- Presenter: Charity Campfield, Finance Director

4. Flock Camera Presentation

- Presenter: Larimer County Sheriff's Office

5. Monthly Utility Report

- Presenter: Bob Gowing, Public Works Director



Board of Trustees Meeting

Date: April 18, 2023
Subject: Off-Highway Vehicles Discussion

- **Presenter:** Hallie Sheldon, Senior Management Analyst

BACKGROUND / DISCUSSION

In the Fall of 2022, several members of the Board of Trustees requested research regarding regulations of golf carts and off-highway vehicles within Town limits. Town staff reviewed regulations from the State of Colorado and peer communities to determine the legality of golf carts and off highway vehicles on roadways in the Town of Wellington. It is important to understand the definition of a golf cart versus an off-highway vehicle, low speed electric vehicle, etc. Please see Attachment A for the definition of each vehicle.

In May 2021, Governor Polis signed into state law that off-highway vehicles (OHV), regardless of the state in which the OHV is registered or titled, will not be allowed on any public streets, roads, or highways owned by the state. These OHVs include ATVs, four wheelers, and side by sides. While the legislation outlines restriction of use on state owned roadways, it expressly allows local authorities, such as the Town of Wellington, to allow or restrict the use of OHVs within Town limits. Please see Attachment B for more information regarding OHV regulation. Golf carts, however, are not included in this legislation and must be defined additionally in any adopted Town ordinances.

There is a common theme among ordinances of peer communities regarding OHVs and golf carts. Those themes include:

1. No OHVs or golf cart may be operated on any state highway (such as Cleveland Ave/Highway 1) within Town limits, except as provided below.
2. Golf carts and OHVs may cross a state highway at a designated intersection.
3. Golf cart and OHV operators must comply with all provisions of the Traffic Code, the municipal code, and C.R.S. Title 42 related to traffic rules and regulations.
4. All golf carts and OHVs shall be properly equipped and registered as provided by law.
5. The speed of any golf cart shall not exceed twenty five (25) miles per hour.
6. Golf carts shall display the emblem slow moving vehicle to be visible from a distance of twenty five (25) yards from the back of the golf cart.
7. No owner or operator of the golf cart shall carry a greater number of persons or a greater load than that specified by the manufacturer. The driver and all passengers must be seated in the seats designed and intended for such purpose.
8. Any person age eighteen (18) or younger must be secured by at least a two point safety harness seat belt at all times while operating or riding in golf cart on Town streets or right of way.
9. No person shall operate a golf cart on a Town owned or maintained trail, except as permitted and posted by the Town.
10. The operator of the golf cart must hold a valid driver's license.

While these regulations outline important measures to ensure the safety of the community, there are many other processes and questions to consider when legalizing the use of golf carts and OHVs in Town limits.

For example, if the golf carts must be registered, who will the registering body? All OHV's must register with the State of Colorado through the State Parks and Wildlife department, however, there is not a standard registration process for golf carts. Some communities do not require golf cart registration, while others take on the responsibility internally. Regardless of the registering body, the Larimer County Sheriff's Office (LCSO) would need to work diligently with the Town to determine proper enforcement and registration records. In terms of the Colorado Parks and Wildlife registration process for off highway vehicles, LCSO is able to access those records, however, it is not something they can look up in a database in real time. It would be a request sent into the agency that would take time to receive back. This could cause additional time needed in the ticketing process of vehicles on the road.

Another consideration is the enforcement and signage of roads that transition from Town jurisdiction to county jurisdiction or state jurisdiction. We have many roadways that fall in Town limits but transition to a County Road with little to no indication, such as County Road 9. The Town cannot authorize golf carts or OHVs to operate on county roads outside of Town limits. Therefore, necessary signage and education will be needed for residents to indicate that the vehicle cannot travel outside Town roadways or they should not be allowed on any roadway that would transition authority. Please see Attachment C for the map of road ownership.

Golf carts and OHVs typically operate under reduced speeds. There must be consideration for the use of golf carts on major collector roadways. These roadways are designed to allow throughput of cars and this would be hampered by allowing 25 mph vehicles. Some communities have restricted golf carts from operating on these designated collector roadways and others have not included this in their regulations. The Town of Parker does not allow the use of golf carts on any roadways however they have a permit system in place for access during special events or other exemption uses. There are many possibilities for special uses permits. This will need to be a discussion between the Board of Trustees with consideration of traffic patterns and safety concerns from the Larimer County Sheriff's Office.

While the State law indicates that OHVs may not operate on State Highways such as Highway 1, the Colorado Department of Transportation has granted a pilot program for the operation of OHVs on State Highway 149 in Hinsdale County. The pilot program is in its third year, and it allows OHVs to operate on the highway between the months of May to September. This highway is a part of the Alpine Scenic Highway and a route is outlined to allow the use of the vehicles in a dedicated location of the highway. OHVs are not allowed to operate outside the defined perimeters set forth in the variance. In order for the Town of Wellington to consider a similar program, the Town would have to compile an argument as to why OHVs should be allowed on Cleveland Avenue/Highway 1 and apply for a permit hearing with the Colorado Department of Transportation Commission. This will require additional collaboration and attendance from the Town, Larimer County Sheriff's Office, Larimer County, and the State. The Transportation Commission may require additional safety measures to be applied to the ordinances and no guarantees are provided to maintain the program after the 3 granted pilot years.

Attachment D includes various examples of ordinances in statutory communities regarding golf carts, off highway vehicles, and other slow-moving vehicles.

STAFF RECOMMENDATION

For the discussion of the Board of Trustees.

ATTACHMENTS

1. Attachment A - Definitions
2. Attachment B - OHV Regulations State of Colorado



3. Attachment C - Ownership of Roads
4. Attachment D - Examples of Local Regulations



Attachment A – Definitions

- **Golf car** - means a self-propelled vehicle not designed primarily for operation on roadways and that has:
 - A design speed of less than twenty miles per hour;
 - At least three wheels in contact with the ground;
 - An empty weight of not more than one thousand three hundred pounds; and
 - A carrying capacity of not more than four persons.
- **Low-speed electric vehicle** - means a vehicle that:
 - Is self-propelled utilizing electricity as its primary propulsion method;
 - Has at least three wheels in contact with the ground;
 - Does not use handlebars to steer; and
 - Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.
- **Off-highway vehicle** - means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:
 - Vehicles designed and used primarily for travel on, over, or in the water;
 - Snowmobiles;
 - Golf carts;
 - Vehicles designed and used to carry individuals with disabilities;
 - Vehicles designed and used specifically for agricultural, logging, or mining purposes;
 - Vehicles registered pursuant to article 3 of title 42;
 - A surplus military vehicle, as defined in section 42-6-102 (20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in section 32-1-103(7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.



Attachment B – OHV Regulations State of Colorado

DEPARTMENT OF NATURAL RESOURCES

Colorado Parks and Wildlife

CHAPTER P-5 - OFF-HIGHWAY VEHICLE REGULATIONS

2 CCR 405-5

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

ARTICLE I - Pursuant to the authority vested in the Parks and Wildlife Commission by Article 14.5 of Title 33, C.R.S., the following regulations concerning required equipment, off-highway use permits, and the registration of off-highway vehicles are hereby adopted:

500 - Registration information required on the application:

- a. Information to be furnished by the applicant:
 - 1. Vehicle make
 - 2. Vehicle model
 - 3. Vehicle identification number
 - 4. Model year
 - 5. Cubic centimeters displacement
 - 6. Date purchased
 - 7. Proof of ownership. Acceptable proof of ownership forms include:
 - (a) Bill of sale that includes both the seller and buyer's printed names and signatures, the vessel/vehicle identification number (if any), the vessel/vehicle make, model and year (if known), and the date of the sale;
 - (b) Previous registration certificate issued by a governmental entity that lists the applicant as registered owner;
 - (c) Manufacturers Certificate of Origin (MCO)/Manufacturer Statement of Origin (MSO);
 - (d) Certificate of Title;
 - (e) Any court issued document proving ownership;
 - (f) A collection of personal property by affidavit form pursuant to 15-12-1201, C.R.S.; or
 - (g) A physical inspection form completed by a CPW agent.

8. Name and address of applicant
 9. Date of birth
 10. How the machine is used
- b. Additional information set forth on the registration certificate:
1. Registration number
 2. Expiration date of registration
 3. Notice to owner of procedure to follow when owner changes address
 4. Notice to owner of procedure to follow when the machine is transferred, destroyed, abandoned or permanently removed from the state
 5. Notice to owner that the operator must carry the certificate of registration while operating the off-highway vehicle
- c. Pending registration of an off-highway vehicle, a temporary registration or a dated bill of sale, in the possession of the operator, permits the operator of the newly purchased off-highway vehicle to operate in the State of Colorado for a period not to exceed thirty (30) days from the date of purchase.

501 - Display of validation decals

- a. Validation decals shall be permanently affixed in a location on the upper forward half of the off-highway vehicle to assure good visibility of the decals.
- b. Dealers and manufacturers may display validation decals on a detachable plate.
- c. Prior to issuing validation decals, the distinctive registration number assigned by the Division shall be permanently marked upon the validation decal.

502 - Display of Off-Highway Use Permits

- A. When owners or operators of vehicles identified in C.R.S. 33-14.5-112 are required to obtain and display off-highway use permits, such permits shall be displayed as follows:
1. For motorcycles and three wheelers: permanently affixed to the outside face of the upper end of the left fork.
 2. For all-terrain vehicles (ATVs): permanently affixed to the upper left fender in an observable location.
 3. For side-by-sides and utility terrain vehicles (UTVs): permanently affixed to the outside face of left roll bar in an observable location.
 4. For plated, full size vehicles: permanently affixed to the front bumper left side of the license plate.
 5. Printed non-sticker permits must be carried in the vehicle or on the operator's person and shall, upon demand of any peace officer authorized to enforce this law, produce the off-highway use permit for inspection.

503 - Safety Equipment

- A. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless:
 - 1. The off-highway vehicle is equipped with a muffler that is properly maintained and in good working order.
 - 2. The muffler must conform to noise abatement standards set forth in 25-12-110, C.R.S. as amended.
- B. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a spark arrester in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrester. A spark arrester is a device which traps or pulverizes exhaust particles as they are expelled from an internal combustion engine exhaust system and is effective in reducing exhaust sparks and protecting against exhaust spark fires.
- C. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of operators in oncoming vehicles when operated on a straight level surface.
- D. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.
- E. Except as provided in section 33-14.5-109 C.R.S., no person shall operate any off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour. The braking system must be adequate to control the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which operated.

504 - Operation of Off-Highway Vehicles

- A. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), or upon public land in this state, no person shall operate an off-highway vehicle while carrying any person riding in any position that will interfere with the operation or control of an off-highway vehicle or the view of the operator.

- B. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), no person under the age of ten years may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road. No person ten years of age or older may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road unless:
1. The person has in his possession a valid driver's license issued by the State of Colorado or another state; or
 2. The person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.

Editor's Notes

Chapters of 2 CCR 405-1 have been recodified effective 05/01/2013. See list below. Versions prior to 05/01/2013 can be found in 2 CCR 405-1. Prior versions can be accessed from the All Versions list on the rule's current version page.

Chapter 1 has been recodified as 2 CCR 405-1, CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS.

Chapter 2 has been recodified as 2 CCR 405-2, CHAPTER P-2 - BOATING.

Chapter 3 has been recodified as 2 CCR 405-3, CHAPTER P-3 - RIVER OUTFITTERS.

Chapter 4 has been recodified as 2 CCR 405-4, CHAPTER P-4 - SNOWMOBILE REGULATIONS.

Chapter 5 has been recodified as 2 CCR 405-5, CHAPTER P-5 - OFF-HIGHWAY VEHICLE REGULATIONS.

Chapter 6 has been recodified as 2 CCR 405-6, CHAPTER P-6 - [Repealed eff. 11/01/2017].

Chapter 7 has been recodified as 2 CCR 405-7, CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS.

Chapter 8 has been recodified as 2 CCR 405-8, CHAPTER P-8 - AQUATIC NUISANCE SPECIES (ANS).

History

Article I, rules # 500 c, # 503 A eff. 01/01/2015.

Rule # 500 a.7 eff. 05/01/2016.

Rule # 504 A eff. 11/01/2017.

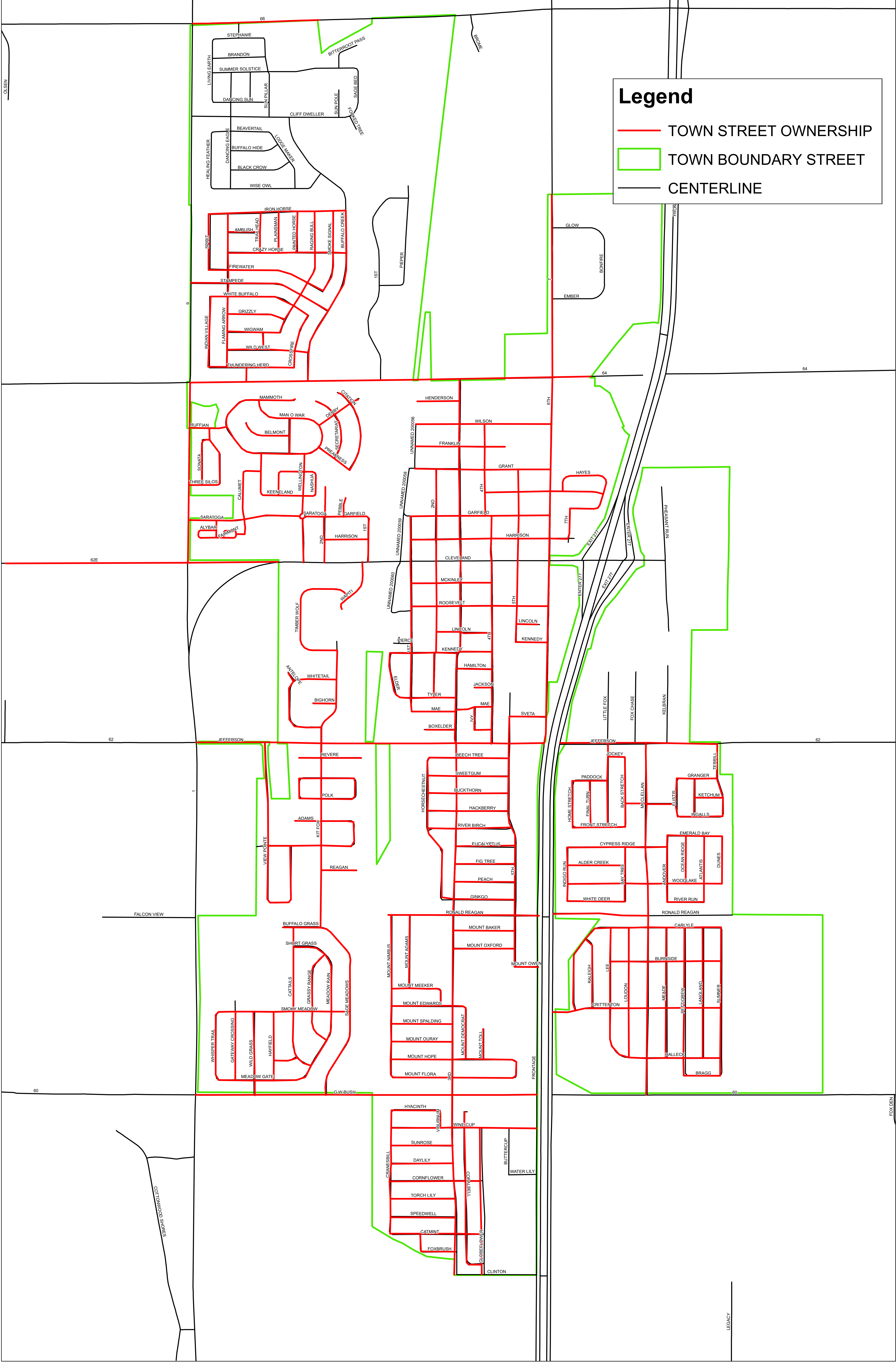
Rule # 502 eff. 11/01/2018.

Rule # 505 emer. rule eff. 03/31/2020.

Rule # 505 emer. rule eff. 04/29/2020; expired 08/27/2020.



Attachment C – Ownership of Roads



Legend

TOWN STREET OWNERSHIP

TOWN BOUNDARY STREET

CENTERLINE



Attachment D – Examples of Local Regulations

ORDINANCE NO. 658

AN ORDINANCE AMENDING THE TOWN OF HAYDEN MUNICIPAL CODE, CHAPTER 10.05 “SNOWMOBILES” FOR THE PURPOSE OF REGULATING SNOWMOBILES, GOLF CARTS, ALL TERRAIN VEHICLES, UTILITY TYPE VEHICLES AND OFF HIGHWAY VEHICLES OPERATING WITHIN THE TOWN LIMITS IN A SIMILAR MANNER; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATION THEREOF

RECITALS

1. Snowmobiles, Golf Carts, All Terrain Vehicles (ATV), Utility Type Vehicles (UTV) and Off Highway Vehicles (OHV) are operated in a similar manner; and
2. The Town Council has previously made changes to the Hayden Town Code, Title 10 Vehicles and Traffic, Chapter 10.05 Snowmobiles through Ordinances 342 and 504; and
3. The Town Council believes that Town regulations regarding snowmobiles, golf carts, ATV’s, UTV’s and OHV’s should be applied when possible in a similar manner; and
4. The Town Council states that this Ordinance is in the best interest of the citizens of Hayden, Colorado; and
5. Article 3, Section 3-1 of the Hayden Home Rule Charter requires that action must be taken by ordinance when repealing a prior ordinance; and
6. These changes have been reviewed and discussed during public meetings and hearings.

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

SECTION 1. REPEAL

Chapter 10.05 Snowmobiles of the Hayden Town Code is repealed in its entirety.

SECTION 2. ADOPTION

Chapter 10.05 Use of Snowmobiles, Golf Carts, All Terrain Vehicles, Utility Type Vehicles and Off Highway Vehicles is adopted as stated herein below.

Sections:

10.05.010	Definitions
10.05.020	Permitted Use
10.05.030	Registration
10.05.040	Requirements
10.05.050	Responsibilities and Safety

10.05.060	Restrictions
10.05.070	Hours of Operation
10.05.080	Yield Right-of-Way
10.05.090	Lighting
10.05.100	Penalties, Violations and Fines
10.05.110	Limitation of Liability

10.05.010 Definitions.

As used in this chapter:

All-terrain vehicle type I (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Golf Cart means any recreational vehicle primarily designed to carry one or more people and may carry golf equipment: traveling on four (4) or more low pressure tires, whose top speed is not greater than 25 miles per hour, and having side by side seating with a steering wheel for control.

Insured means the same insurance requirements needed to operate a street legal motorcycle on highways in the state of Colorado.

Registration means the process by which appointed officials of the Town of Hayden Colorado, can inspect, establish clear ownership, identify the vehicle, confirm that a vehicle conforms to all requirements set forth herein and upon the satisfactory completion of all requirements: the issuance and acquisition of official documents and identifying insignia (herein stickers).

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated.

Utility type vehicle (UTV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

Off-highway vehicle (OHV) refers specifically to the vehicles described herein as an ATV, UTV, Golf Cart and/or Snowmobile that has not been otherwise modified from another specific form in order to conform to one of the aforementioned descriptions.

Operator means the person who is in actual physical control of a vehicle.

Valid driver's license means any current, legal license not subject to revocation or suspension.

Town traffic laws mean any traffic codes adopted by the Town.

10.05.020 Permitted Use.

A properly registered and operated OHV may be operated on all public streets and alleys within the limits of the Town except Jefferson Avenue (Hwy 40). .

10.05.030 Registration.

- A. Owners wishing to register their vehicle with the Town may do so at the police department.
- B. Registration with the Town will be completed only when the vehicle being registered meets the criteria set forth by the Town in accordance with Chapter 10.05 of the Town Code and the appropriate registration fee has been paid.
- C. Owners must provide the following:
 - 1. Bill of sale, title of vehicle or proof of ownership;
 - 2. Proof of current insurance (which must meet requirements of motorcycles licensed by the state of Colorado to travel on state highways); and
 - 3. Valid drivers license (a valid drivers license will be required to operate an OHV on the public streets and alleys of the Town).
- D. Owners must display a valid annual Town registration sticker in a prominent and visible place on registered OHV to operate on the public streets and alleys of the Town.

10.05.040 Requirements.

- A. Any OHV that operates on any public street within the limits of the Town must have the following listed equipment installed and such equipment must be operable:
 - 1. Headlamp;
 - 2. Tail lamp and reflector;
 - 3. Stop lamps on the rear;
 - 4. A horn or other audible warning device;

5. A muffler and emissions system;
 6. Rear view mirror;
 7. A windshield or eye protection for the operator;
 8. For side-by-side vehicles, a seat belt is required for each occupant;
 9. Anyone under the age of sixteen (16) who is riding as a passenger on an OHV must wear a helmet; and
 10. A footrest and hand hold for each passenger.
- B. Any operator of an OHV, operating on any public street within the limits of the Town must have in their possession:
1. A valid driver's license; and
 2. Proof of current insurance for the OHV in operation (the operator must maintain a minimum of liability insurance coverage); and
 3. Documentation of registration as described in section 10.05.030.D. of this chapter.

10.05.050 Responsibilities and Safety.

- A. All OHV's, operators thereof and passengers there in, shall accept and comply with all of the following responsibilities:
1. The registered owner of the OHV shall be responsible for the operation of that vehicle; and
 2. OHV operators shall obey all state and Town traffic laws; and
 3. The operator of any OHV must obey with all Town, County and State laws; and
 4. The operator of any OHV may not exceed the posted speed limit.
- B. All OHV's, operators thereof and passengers there in, shall accept and comply with all of the following safety requirements:
1. Use of an OHV is limited to one (1) person unless the vehicle is designed for two (2) or more riders and there are foot rests and hand holds for each

rider, in which event more than one (1) person may use the OHV at the same time; and

2. Side-by-side or specifically designed, multiple passenger *Utility Type Vehicles* (UTV's) must be equipped with seatbelts for each occupant; and
3. All safety equipment on any OHV currently or originally installed by the manufacturer must be in use during operation; and

10.05.060 Restrictions.

- A. No three-wheel ATV and/or OHV type vehicles are allowed on any public street within the limits of the Town.
- B. Motor vehicles that have been modified to be used as ATV's, Golf Carts, Snowmobiles or UTV's are not permitted.

10.05.070 Hours of Operation.

An OHV may be operated within the Limits of the Town between the hours of four (4:00) a.m. and ten-thirty (10:30) p.m.

10.05.080 Yield Right-of-Way.

OHV's shall yield right-of-way to all other vehicular and pedestrian traffic when operated on any public streets within the limits of the Town.

10.05.090 Lighting.

A minimum of one headlight and one tail light shall be on at all times while OHV's are being operated on any public streets within the limits of the Town.

10.05.100 Penalties, Violations and Fines.

- A. The Penalty for violation of this chapter shall be in accordance with the Penalty Assessment and Schedule as specified in Ordinance Number 642 as found in Title 10 of the Town Code, as may be amended.
- B. Any persons in violation of any Town or State traffic laws will be cited and assessed fines that are applicable to said violations. The police department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.
- C. The Town shall revoke the registration of any OHV whose registered owner is convicted of three (3) or more violations of any Town or state traffic laws within one (1) year.

10.05.110 Limitation of Liability.

Nothing in this chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for any injuries to persons or property which may result from the operation of an ATV, Golf Cart, Snowmobile, UTV, otherwise referred to as an OHV on the streets within the Town limits.

Section 3. EFFECTIVE DATE.

This Ordinance, immediately on final passing and adoption, shall be published by the Town Clerk in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and upon its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

Section 4. PUBLIC HEARING.

A public hearing on this Ordinance will be held on the 15th day of August, 2013, at or about 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 1st DAY OF AUGUST, 2013.

James M. Haskins, Mayor

ATTEST

Melisa Owens, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 15th DAY OF AUGUST, 2013.

Lorraine M. Johnson, Mayor Pro-Tem

ATTEST

Melisa Owens, Town Clerk

Chapter 2 of Title 6 of the Hot Sulphur Springs Town Code Off Highway Vehicles (OHV's)

6.2.1 Definitions. As used in this Chapter the following terms shall have the assigned meaning:

All-terrain vehicle type I (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Neighborhood Electric Vehicles (NEV's including Golf carts) means any electric propelled vehicle that has not been modified from its original purpose primarily designed to carry one or more people traveling on four (4) or more low pressure tires. It shall be registered according to the applicable laws and regulations of the State of Colorado as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

Normal Transportation means having one or more specific destinations as if operating a normal motor vehicle and using the most direct route possible.

Off-highway vehicle (OHV) refers specifically to the vehicles described herein as an ATV, UTV, NEV, and Snowmobile that has not been otherwise modified from another specific form in order to conform to one of the aforementioned descriptions.

Operator means the person who is in actual physical control of the vehicle.

Recreational use means operating an OHV without a specific destination or not using the most direct route. This would include but not limited to; speed contests, excessive acceleration, riding around the block, and stunts.

Registration means the process by which the State of Colorado provides a valid Colorado registration for an OHV through the State Division of Parks and Wildlife or any successor agency.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated.

Utility type vehicle (UTV) means any recreational or commercial vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches.

Valid driver's license means any regular and current legal license not subject to revocation or suspension.

6.2.2 Permitted Use.

A. It shall be a violation of this Code and is prohibited to operate any OHV on Town public streets or alleys except in accordance with this Chapter.

B. Properly registered, operated and insured OHV's may be operated on all public streets and alleys within the limits of the Town except Highway 40 in accordance with the requirements of this Chapter. This Chapter does not authorize or designate the operation of OHV's on Highway 40 or on any other roads, lands, or trails outside or inside the Town limits under the jurisdiction of any County, State, or Federal agency.

C. Properly registered, operated, and insured OHV's may cross Colorado Highway 40 only at its intersection with the following Town streets: 1. First Street, 2. Aspen Street, 3. Hemlock Street

D. All OHV's operated in accordance within this Chapter shall be used solely for the purpose of normal transportation having a specific destination using the most direct route.

E. All provisions of the Model Traffic code as adopted by the Town and all traffic laws of the State of Colorado governing operation and parking of motor vehicles on Town streets shall apply to the operation and parking of OHV's hereunder, including, without limitation, laws prohibiting the operation of vehicles while intoxicated or under the influence of alcohol or drugs. The provisions of the Model Traffic code and state law governing motor vehicle required equipment shall not apply and shall be replaced with the equipment requirements set forth in this Chapter. It shall be unlawful for any person operating an OHV on Town public streets and alleys to violate any such applicable traffic laws and such person shall be prosecuted either in the municipal court or in the state courts if the violation would be prosecuted in the state courts had the operator been operating a motor vehicle.

6.2.3 Registration. The owner of any OHV driven within the Town shall obtain either a State Department of Motor Vehicle registration as an NEV or, if other than and NEV, an annual OHV Registration or Non-Resident Permit through Colorado State Parks and Wildlife Division or its successor agency. Such registration or permit must be clearly displayed on the OHV on in the presence of the driver at all times while operating an OHV on Town streets pursuant to this Chapter.

6.2.4 Requirements.

A. Any OHV that operates on any Town public street or alley must have all the following listed equipment installed and such equipment must be operable:

1. Headlamp, which is or are in use at all times before and at dawn and at and after dusk;
2. Tail lamp, which is or are in use at all times before and at dawn and at and after dusk, and reflector;
3. Stop or brake lamps on the rear;
4. A horn or other audible warning device;
5. A muffler and emissions system as required by the state;
6. Rear view mirror;
7. A windshield or eye protection for and worn by the operator;
8. For UTV's and NEV's a seat belt for and to be worn by each occupant;
9. For other than UTV's and NEV's a footrest and hand hold for each passenger.

B. Any operator of an OHV operating on any Town public street or alley must have in their possession while operating the OHV:

1. A valid driver's license except otherwise as set forth in Section 6.2.5; and
2. Proof of current policy of insurance for the OHV in operation in at least minimum policy coverage amounts as required for motor vehicles pursuant to Part 6, Article 4, Title 10, Colorado Revised Statutes, as may be amended, or any successor statute; and
3. Documentation of current registration or permit as required by Section 6.2.3 of this Chapter.

C. The Town Board of Trustees shall suspend or revoke the privilege of any person to operate an OHV on Town public streets and alleys hereunder if such person has been convicted of two (2) or more violations of any traffic laws within one (1) **year while operating an OHV. If such privilege is suspended or revoked, it shall be unlawful for such person to operate an OHV** on Town public streets or alleys during such period of such suspension or revocation.

6.2.5 Licensed Operator Exceptions.

A. Persons age ten (10) or under may only operate a snowmobile when accompanied on board by a person at least sixteen (16) years who has in possession a valid driver's license in such persons name.

B. Persons age eleven (11) to fifteen (15) may only operate a snowmobile with a Snowmobile Operator's safety certificate issued by the Colorado Division of Parks and Wildlife and under the direct and immediate supervision by a person in

possession of a valid driver's license in such persons name who remains in direct sight within 200 feet of the under aged operator.

C. Persons age eleven (11) and older may operate an OHV without a valid driver's license strictly for the purposes of snow removal while under the direct and immediate supervision by a person in possession of a valid driver's license in such person's name who remains in direct sight within 50 feet of the unlicensed operator.

6.2.6 Responsibilities and Safety.

A. All OHV's owners, operators thereof and passengers there in, shall comply with all of the following responsibilities:

1. The registered owner of the OHV shall be responsible for the operation at all times of that vehicle; and
2. The operator of any OHV must obey all Town, County, State, and Federal laws; and
3. The operator of any OHV on Town streets or alleys may not exceed the posted speed limit at any time; and
4. That use of an OHV is limited to one (1) person unless the vehicle is designed for two (2) or more riders and there

are foot rests and hand holds for each rider, in which event more than one (1) person may use the OHV at the same time.

B. OHV's traveling together must be driven in single file.

C. The safety or deadman throttle on snowmobiles which causes the motor to be disengaged from the driving track when pressure is removed from the engine accelerator or throttle will be maintained and kept in proper working order and at all times functional when the snowmobile is in operation on the town public streets and alleys.

6.2.7 Restrictions.

A. It shall be unlawful to operate any three-wheel OHV on any Town public street or alley.

B. It shall be unlawful to operate any OHV that has been modified from its original form or use on any Town public streets or alleys.

C. In order to prevent degradation of the paved surfaces, it shall be unlawful to operate any snowmobile on or across dry pavement areas. Snowmobiles must be operated only across areas of streets covered wholly with snowpack.

D. It shall be unlawful to operate any OHV on Town public streets or alleys in any recreational, careless, reckless, or negligent manner.

E. It shall be unlawful to operate any OHV on Town public streets or alleys which is towing by any means another OHV, motor vehicle, or any person or object. Any disabled OHV must be trailered or pushed to a safe and legal place.

F. It shall be unlawful to operate any OHV on Town sidewalks, public parks, pedestrian bridges, designated pedestrian trails, or any other area posted as prohibited. This subsection does not apply to any Town vehicle or OHV or authorized contractors and other designees performing maintenance on behalf of the Town.

G. It shall be unlawful to operate any OHV in Town upon the right-of-way of any operating railroad except for crossing the tracks at the intersection of a public street or alley.

H. The restrictions herein may be waived by the Town to permit use of OHV's in prohibited areas for special events upon approval by the Town of a Special Use Permit and the payment of any appropriate fees and bonds.

6.2.8 Hours of Operation. No OHV may be operated within the Town except between the hours of 8:00 a.m. and 10:00 p.m. with the only exception being for snow removal purposes.

6.2.9 Yield Right-of-Way. OHV's shall yield the right-of-way at all times to all vehicular traffic and pedestrians.

6.2.10 Excessive Noise Prohibited. It shall be unlawful to operate any OHV that produces excessive noise. All motorized OHV's in Town shall be operated with a conventional exhaust system in working order. Tuned exhausts are not permitted unless used in connection with an operable muffler.

6.2.11 Liability Imposed on Parent. It shall be unlawful for the parent or guardian of any juvenile to authorize or permit any such juvenile to violate any provision of this Chapter.

6.2.12 Liability Imposed on Owner. It shall be unlawful for the owner of any OHV to authorize or permit any person to operate the OHV in violation of any provision in this Chapter.

6.2.13 Declared Emergency. Under a declaration of emergency issued by the Mayor in accordance with Section 1-6-3 of the Town Code, this Chapter shall be automatically suspended during such emergency unless the mayor declares otherwise.

6.2.14 Accident Reporting. It shall be unlawful for any person involved in an accident involving an OHV in the Town to fail to report the same in the same manner as if the accident involved a motor vehicle, as set forth in Part 16 of Article 4 of title 42, as may be amended, or any successor statute.

6.2.15 Penalties, Violations and Fines. A. Any person in violation of any provision in this Chapter shall be punished in accordance with Section 1.4.1(B) of this Code upon conviction.

6.2.16 Limitation of Liability. Nothing in this chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for any injuries to persons or property which may result from the operation of an OHV on the public streets and alleys within the Town limits. Nothing herein shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Town, its officials, employees, contractors, or agents or any other person acting on behalf of the Town, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10 of the Colorado Revised Statutes.

Sec. 20-76. - General.

- (a) As used in this section, the term "off-highway vehicle" shall have the meaning given in C.R.S. § 33-14.5-101, as amended from time to time.
- (b) As used in this section, the term "public road" means and includes any road, street, alley, avenue, thoroughfare, public way, or other public property within the town.
- (c) It shall be lawful to operate off-highway vehicles on all public roads within the town, except public roads that are part of the state highway system, provided that:
 - (1) The operator of the off-highway vehicle has in his possession a valid motor vehicle driver's license or operator's license; and
 - (2) The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of C.R.S. § 10-4-601 et seq., covering such off-highway vehicle.
 - (3) Safety belts, as defined by C.R.S. § 42-4-236(1)(b), as amended, are required if safety belts are installed on an off-highway vehicle. In the event an off-highway vehicle installs an attachment mechanism that would support a child restraint system, as defined by C.R.S. § 42-4-236(1)(a.5), as amended, the use of the child restraint system is required.
 - (4) Eye protection, in the form of goggles or eye glasses with lenses made of safety glass or plastic, is required for all off-highway operators and passengers, except if a person is wearing a helmet containing eye protection made of safety glass or plastic, or the off-highway vehicle has a windshield installed.
 - (5) Off-highway vehicles shall contain no more occupants than the number of occupants that the off-highway vehicle was designed to carry, except when an off-highway vehicle has a roll protection device that is designed to safely allow more occupants.
 - (6) Helmet use, as defined in C.R.S. § 42-4-1502, as amended, is required for off-highway vehicle operators and passengers under the age of 18 years old, unless a passenger is properly contained in a child restraint system and the off-highway vehicle is designed to support a child restraint system.
- (d) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of C.R.S. title 42 pertaining to the movement of traffic on roadways within the town.
- (e) It shall be unlawful for any person to operate an off-highway vehicle on any public road at a speed greater than 15 miles per hour.
- (f) It shall be unlawful for any person to allow, authorize, suffer or permit an off-highway vehicle owned or belonging to him, or that is under his control, to be operated by any other person in violation of this section.
- (g) Any person convicted of a violation of this section shall be subject to a fine not to exceed \$300.00, for each separate violation.
- (h) This section shall be enforced by any law enforcement or peace officer, including the county sheriff or a person designated by the sheriff as the county off-highway vehicle enforcement officer.
- (i) Any fines collected by the town for violations of this section shall be deposited to the street and alley fund.

(Ord. No. 2016-02, § 2, 5-18-2016; Ord. No. 2017-02, § 1, 4-5-2017)

violation of any of the terms and conditions of the permit itself or of this section or the laws pursuant to which this section has been adopted; and also for any material change in the handicapped status of permit applicants. Such violations shall not be treated as criminal offenses.

- (i) The board of trustees further reserves the right, from time to time, to review the provisions of this section, and to add, amend, or delete such provisions and/or the specific restrictions and/or conditions separately stated on individual permits, all as the board may deem to be in the interest of the public health, safety and welfare.
- (j) This section is not intended to authorize use of OHVs and/or electric carts on public roads or streets by members of the general public, or to otherwise contravene the provisions of C.R.S. § 33-14.5-101 et seq., or 42-4-101 et seq.

(Res. No. 2008-4, 10-15-2008)

10.14 Off-Highway Vehicles

10.14.010 Definitions

As defined in this chapter, unless the context otherwise requires, the following terms, phrases, words, and their derivation shall have the meaning given herein.

1. "Off-highway vehicle" as set forth in 33.14.5.101(3) C.R.S. shall mean any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes "Off-highway vehicle" shall not include the following: (a) vehicles designed and used primarily for travel on, over, or in the water; (b) snowmobiles; (c) military vehicles; (d) golf carts; (e) vehicles designed to and used to carry disabled persons; (f) vehicles designed and used specifically for agricultural, logging, or mining purposes; (g) vehicles registered pursuant to article 3 of title 42 C.R.S., (h) low speed electric vehicles 42-1-102(48.6), (i) toy vehicles as defined in C.R.S. 42-4-103.5 (a)(b)(c), or (j) kit vehicles as defined in C.R.S. 42-1-102(45.5)

10.14.020 Designated Off-highway Vehicle Routes

In accordance with C.R.S. §33-14.5-108(1), all Town streets, roads or alleys, or trails except any road or roadway that is part of the state highway system (Main Street/Highway 64) within the Town, are hereby designated as off-highway vehicle routes.

10.14.030 Operation of Off-Highway Vehicles

1. No person under the age of ten (10) years may operate an off-highway vehicle on such public street, road, or alley of the Town as designated in Section 10.14.020 above, unless the person is accompanied by and under the immediate supervision of a guardian who is 16 years of age or older. The phrase "under immediate supervision" shall mean that, at a minimum, the minor operator is within close proximity of the guardian.
2. Minor operators under the age of 16 years who operates an off-highway vehicle designated in section 10.14.020 above shall meet the following requirements.
 - a. Be physically able to place both feet firmly on the footrests and
 - b. Be physically able to reach fingers comfortably around the handlebars and brake levers even when the handlebars are turned and
 - c. Be physically able to stand with knees bent with a couple of inches space between their seat and the OHV seat and
 - d. Be physically able to easily reach the foot controls
3. Minor operators under the age of 16 years who operates an off-highway vehicle designated in section 10.14.010 above shall have sufficient strength and familiarity to operate controls and meet the following requirements.
 - a. Squeeze the hand controls and
 - b. Operate the shift lever and
 - c. Operate the parking brake and
 - d. Press the brake lever with sufficient pressure on a decline and

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Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

events held on private lands with the permission of the landowner, lessee, or custodian of the land, on public lands and waters under the jurisdiction of the division with its permission, or on other public lands with the consent of the public agency owning the land.

- e. A red or orange “whip flag” must be attached to OHVs when being operated by a minor operator on any street or roadway within the Town of Rangely.

10.14.050 Notice of Accident

1. The operator of an off-highway vehicle involved in an accident within the Town limits resulting in property damage, injuries or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident shall immediately, by the quickest available means of communication, notify the office of the Town police department. If an accident occurs outside of the Town limits, the operator or some person acting for the operator shall immediately notify the Rio Blanco County Sheriff's Office.

2. The Town Police Department upon receiving a report of accident under this section shall forward a copy thereof to the Colorado Division of Parks and Outdoor Recreation.

3. Within forty-eight (48) hours after an accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Colorado Division of Parks and Outdoor Recreation. The report shall be made on forms furnished by such Division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator.

10.14.051 Limitation of Liability

To the maximum extent permitted by law, nothing in this chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads, roadways, or alleys within the Town limits.

10.14.052 Enforcement, Violations and Fines.

1. Every peace officer of the Town is hereby authorized to enforce the provisions of this chapter as provided by the applicable provisions of the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Rangely. Notwithstanding the provisions of the Model Traffic Code for Colorado, as adopted by the Town of Rangely, Article II Definitions, subsection (121), an “off-highway vehicle” as defined herein shall be considered a “vehicle” for purposes of the application or enforcement of the Model Traffic Code, as adopted by the Town of Rangely, except for Part 2, Equipment thereof.

2. Any person who violates the provisions of this chapter shall be guilty of a municipal ordinance offense and, upon conviction thereof shall be punished by a minimum fine of fifty (\$50.00) dollars, and a maximum fine of not more than three hundred (\$300.00) dollars. Pursuant to the Colorado Municipal Court Rules of Procedure, 210(b)(4), the Municipal Court may by order,

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

**TOWN OF SILT
ORDINANCE NO. 8
SERIES 2019**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO ADDING CHAPTER 10.14
TO THE SILT MUNICIPAL CODE TO ADOPT THE USE OF AND REGULATE THE
OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN OF SILT**

WHEREAS, C.R.S. § 33-14.5-110 authorizes the Board to regulate the operation of off-highway vehicles on streets and highways within its boundaries by resolution or ordinance;

WHEREAS, State of Colorado House Bill 16-1030, adopted into law on April 12, 2016, authorizes counties to require drivers of OHV's to carry liability insurance and have a driver's license;

WHEREAS, regulating the operation of OHV's in the Town of Silt, Colorado is necessary for the health, safety, and welfare of the citizens of Silt Colorado; and,

WHEREAS, authorizing the operation of OHV's on the Town of Silt streets promotes economic development within the Town of Silt and ensures the operation of OHV's on such streets is undertaken in a safe and prudent manner.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Silt, Garfield County State of Colorado as follows:

Section 1

10.14.010 Definition.

The Town of Silt Colorado hereby adopts the statutory definition of OHV from C.R.S. § 33-14.5-101(3) as any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Military vehicles;
- (d) Golf carts;
- (e) Vehicles designed and used to carry individuals with disabilities;

- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- (g) Vehicles registered pursuant to article 3 of title 42, C.R.S.

Section 2

10.014.020 Designation of Routes.

Subject to regulations and restrictions hereinafter set forth, the Town of Silt hereby authorizes and allows OHV's to operate on the Town of Silt streets. Town of Silt streets do not include streets and highways owned by the Colorado Department of Transportation which include Highway 6&24 (Main Street), the Interstate 70 overpass, Interstate 70, and River Frontage Road.

Section 3

10.14.030 Restrictions and Prohibited Acts

1. Any person operating an OHV in the Town of Silt shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including but not limited to Article 14.5 of Title 33, C.R.S.
2. It shall be a violation of this Ordinance for any person to operate an OHV in the Town of Silt on or in right-of-ways not designated in Section 2 for OHV use.
3. On the Town of Silt streets, OHV's shall not exceed 35 miles per hour or the posted speed limit, whichever is less.
4. OHV's operating on Town of Silt streets shall be equipped with one lighted head lamp and one lighted tail light, each having the minimum candlepower prescribed by regulations of the Colorado Division of Parks and Wildlife while being operated between the hours of sunset and sunrise.
5. Any person operating an OHV in the Town Of Silt, pursuant to this Ordinance must have in their possession a valid state issued driver's license and be at least 16 years of age.
6. The OHV operating on designated Town of Silt streets must be registered with the Colorado Division of Parks and Wildlife and the Town of Silt.
7. Any person operating an OHV in the Town Of Silt shall carry liability insurance pursuant to Title 33, Article 7, C.R.S. where the minimum coverage limits, according to C.R.S. § 10-4-620, are \$25,000 to any one person in any one accident, and \$50,000 to all persons in one accident, and property damage a

minimum of \$15,000 in one accident.

Section 4

10.14.040 Required Safety Protection and OHV Equipment Standards

1. **Eye Protection.** A person shall not drive an off-highway vehicle on a designated Town of Silt City street unless the person and any passenger are wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that a driver or passenger need not wear safety glass or plastic if the person is wearing a helmet containing eye protection made of safety glass or plastic or driving an off-highway vehicle with a windshield.
2. **Protective Helmets.** (1) **Requirements for People Under Eighteen.** To drive or be a passenger on an off-highway vehicle on a street, a person under eighteen years of age shall wear a protective helmet that conforms to subsection (2) of this section and that is secured properly on the person's head with a chin strap. (2) **Helmet Standards.** A protective helmet required by this section must:
 - (a) Be designed to reduce injuries to the user resulting from head impacts and protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;
 - (b) Have a lining, padding, and chin strap; and
 - (c) Meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard no. 218, 49 cfr 571.218, for motorcycle helmets.
3. **OHV Equipment Requirements.** A person shall not drive an off-highway vehicle on a Town of Silt street unless the vehicle is equipped with the following in good working order:
 - (a) **Brakes.** Brakes that enable the operator to make the wheels skid on dry, level, and clean pavement;
 - (b) A functioning spark arrester;
 - (c) If driven at night:
 - (i) A head lamp aimed and sufficiently intense to reveal persons and vehicles at a distance of one hundred feet ahead on a straight, level street; and
 - (ii) A tail light that emits a red light when the head lamp is lighted and that is:
 - (a) Visible from a distance of five hundred feet to the rear;

- (b) Mounted on the rear of the vehicle; and
 - (c) Located at a height of not more than seventy-two inches above the ground nor less than twenty inches above the ground.
- (iii) High Beam. If an off-highway vehicle has a head lamp with a higher and lower beam, the driver shall not operate the higher beam or the head lamp to strike the eyes of the driver of an approaching vehicle.

Section 5

10.14.070 Penalties.

The Board of Trustees shall set the fees by resolution annually, or as more often as necessary.

1. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, rule, order or regulation.
2. Pursuant to C.R.S. § 30-15-409, all suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged offense.

Section 6

10.14.100 Safety.

The adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to the Town of Silt.

Section 7

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing,
this 15th day of October 2019, at 7:00 p.m. in the Municipal Building of the Town of Silt
Colorado.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 28th day of October 2019.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

ARTICLE III. OFF-HIGHWAY VEHICLES

Sec. 22-58. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle. The term "all-terrain vehicle" means the same as the meaning set forth for that term in C.R.S. § 42-6-102.

Dealer means a person engaged in the business of selling off-highway vehicles (OHV) at wholesale or retail in the state.

Direct services includes, but is not limited to, the activities and expenses associated with law enforcement, capital equipment, rescue and first aid equipment, off-highway vehicle (OHV) facilities, and division and contract services related to clearing parking lots and providing trail maintenance.

Off-highway vehicle (OHV) means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. The term "off-highway vehicle (OHV)" does not include the following:

- (1) Vehicles designed and used primarily for travel on, over, or in the water;
- (2) Snowmobiles;
- (3) Military vehicles;
- (4) Golf carts;
- (5) Vehicles designed and used to carry individuals with disabilities;
- (6) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- (7) Vehicles registered pursuant to C.R.S. title 42, art. 3 (registration, taxation and license plates, for motor vehicles).

Off-highway vehicle (OHV) route, means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle (OHV) travel.

Owner means any person, other than a lienholder, having a property interest in an off-highway vehicle (OHV) and entitled to the use and possession thereof.

Possession means physical custody of an off-highway vehicle (OHV) by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle (OHV) is placed for the purpose of transport.

Staging area means any parking lot, trail head, or other location to or from which any off-highway vehicle (OHV) is transported by truck, trailer, or other motor vehicle so that it may be placed into operation or removed from operation. The term "staging area" does not include any location to which an off-highway vehicle is transported primarily for the purpose of service, maintenance, repair, storage, or sale.

(Ord. No. 216(Series 2019), art. I, 8-15-2019; Ord. No. 218(Series 2020), art. I, 8-20-2020)

Sec. 22-62. Required equipment for off-highway vehicles.

No off-highway vehicle (OHV) shall be operated in the Town on streets, roads, alleys and highways unless it is equipped with the following:

- (1) At least one lighted headlamp and one lighted taillamp, each having the minimum candlepower prescribed by regulation of the division of parks and wildlife while being operated between the hours of sunset and sunrise.
- (2) Brakes, mufflers and spark arresters which conform to the standards prescribed by regulation of the division of parks and wildlife, which shall be applicable in all cases except for off-highway vehicles (OHVs), being operated in organized competitive events held on private lands with the permission of the landowner, lessee, or custodian of the land, on public lands and waters under the jurisdiction of the division with its permission, or on other public lands with the consent of the public agency having jurisdiction over the land.
- (3) Rearview mirrors.

(Ord. No. 216(Series 2019), art. V, 8-15-2019; Ord. No. 218(Series 2020), art. V, 8-20-2020)

Sec. 22-63. Other regulations.

- (a) All drivers shall possess a valid driver's license from the state or other state or country subject to any license restrictions as set forth in the state municipal traffic code at C.R.S. § 42-4-116, restrictions for minor drivers.
- (b) All drivers and owners of off-highway vehicles (OHVs), shall carry liability insurance in an amount as set forth in C.R.S. § 10-4-620, required coverage.
- (c) All occupants shall wear a safety belt system if the manufacturer installed a safety belt system in the off-highway vehicle (OHV).
- (d) All drivers and owners who transport children in/on an off-highway vehicle (OHV) shall use a child restraint system in accordance with C.R.S. § 42-4-236 if the off-highway vehicle (OHV) was designed by the manufacturer to be used with a child restraint system.
- (e) All operators and passengers in/on an OHV shall use eye protection, which eye protection must conform to C.R.S. § 42-4-232(1) unless the eye protection is a windshield.
- (f) All passengers shall use a helmet if a passenger is under 18 years of age, in accordance with C.R.S. § 42-4-1502(4.5).
- (g) The number of occupants is limited to the greater of the number of occupants that the off-highway vehicle (OHV) was designed by the manufacturer to hold or the number of occupants that the vehicle was designed to hold plus one occupant in an aftermarket seat if the aftermarket seat is installed in accordance with the instructions of the aftermarket seat manufacturer and does not extend outside the roll cage; but if the off-highway vehicle (OHV) is an all-terrain vehicle or motorcycle, the number of occupants is limited to two.
- (h) All off-highway vehicles (OHV) shall be operated in compliance with the state model traffic code, 2010 edition, or such other version as the Town may adopt from time to time, and state revised statutes and regulations for vehicles and traffic found at C.R.S. title 42, art. 4 as applicable.

(Ord. No. 216(Series 2019), art. VI, 8-15-2019; Ord. No. 218(Series 2020), art. VI, 8-20-2020)

ORDINANCE NO. 728-16_____

AN ORDINANCE PROVIDING FOR THE REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF FOWLER, COLORADO

WHEREAS, Colorado House Bill 16-1030 amending C.R.S. §33-14.5-101 et seq. has been passed by the Colorado legislature and signed by the governor; and

WHEREAS, the Board of Trustees previously adopted Fowler Municipal Code Chapter 10.20 which provides for use of off-highway vehicles in the town of Fowler; and

WHEREAS, it is necessary to significantly amend Fowler Municipal Code Chapter 10.20 in order to conform with the amendments to C.R.S. §33-14.5.101 et Seq. and allow off-highway vehicles in the Town of Fowler to cross state highways.

BE IT ORDAINED by the Town of Fowler Board of Trustees as follows.

1. **Definitions**
2. As used in this ordinance, unless the context otherwise requires:
 - a. "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:
 - i. vehicles designed and used primarily for travel on, over, or in the water;
 - ii. snowmobiles;
 - iii. military vehicles;
 - iv. golf carts;
 - v. vehicles designed and used to carry individuals with disabilities;
 - vi. vehicles designed and used specifically for agricultural, logging, or mining purposes; or
 - vii. Vehicles registered pursuant to article 3 of title 42, C.R.S.
3. Repeal. Upon the effective date of this Ordinance, Fowler Municipal Code Chapter 10.20 is repealed.
4. The operation of off-highway vehicles is authorized on all streets and public rights-of-ways within the municipal boundaries of the town of Fowler.

town of Fowler as “open” under C.R.S. Section 33-14.5-108 and such designation is in full force and effect on the date the off-highway vehicle is operated;

- ii. when crossing a state highway or railroad tracks;
- iii. when traversing a bridge or culvert;
- iv. during special off-highway vehicle events lawfully approved by the Town of Fowler;
- v. during emergency conditions declared by the State of Colorado, Otero County or the Town of Fowler;
- vi. when using an off-highway vehicle for agricultural purposes;
- vii. when a public utility or a cooperative electric association, or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

8. Safety Equipment Required.

- a. No off-highway vehicle shall be operated within the town of Fowler unless it is equipped with the following:
 - i. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife while being operated between the hours of sunset and sunrise;
 - ii. Brakes and a muffler and spark arrester.
9. The town of Fowler shall not require any municipal permit for an off-highway vehicle.
10. It is the intent of the Board of Trustees of the Town of Fowler that this Ordinance be consistent with C.R.S. 33-14.5-101 *et seq.*
11. **Penalty.** Any person convicted of violating this ordinance may be fined an amount not to exceed two thousand six hundred fifty dollars.
12. **Effective Date.** Upon adoption, the Town Clerk shall submit this Ordinance to the regional office of the Colorado Department of Transportation with a cover letter requesting approval of the Ordinance. Pursuant to C.R.S. §33-14.5-110 (2016), This ordinance shall be effective as of July 1, 2016 unless an objection is received from the Colorado Department of Transportation on or before 5 p.m. June 30, 2016.
13. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.



PERMIT FOR
TRAIL ACCESS OF MOTORIZED VEHICLE(S)

Parker Town Hall
20120 E. Mainstreet
Parker, Colorado 80138
Main 303-841-0353
Parks Division 303-805-3244

Motorized Vehicle Trail Access Permit requirements:

- Applicants/Permittees must obtain a permit prior to accessing Town trails.
- Depending on the scope of the event/job, a Community Events Permit might also be required.
- Specific dates/times of trail access are required at time of Permit application/issuance, even if only summarized.

Event/Job Description:

Applicant/Permittee: {Name & Contact Info}

Organization/Company: {Name & Contact Info}

Name:

Name:

Address:

Address:

City/ST/Zip:

City/ST/Zip:

Email:

Email:

Phone:

Phone:

Event or Organization Status: {501(c)3, etc.}

Trail Access Starting, including setup: {Date/Time}

Trail Access Ending, including tear down/cleanup: {Date/Time}

Multiple Trail Access Dates, if applicable:

Location(s) of Trail Access Points:

Location(s) of Actual Event/Job Activity:

Maximum Number of Motorized Vehicles:

Type(s) of Motorized Vehicles Involved:

Projected Trail Traffic Impact:

Temporary Signage/Banners: {Y/N}

Anticipated Trail Blockage(s): {Y/N}

Trail Detour(s)? {If a trail segment is to be closed or blocked, clear, signed detours are required of the **Applicant/Permittee**, for Trail Users' safe passage through the work area.}

Misc. Info/Requests from Applicant/Permittee to the Town:

CONDITIONS OF APPROVAL - TO BE COMPLETED BY TOWN STAFF:

**THIS PERMIT SHALL BE AVAILABLE FOR INSPECTION
ON-SITE AT ALL TIMES DURING TRAIL USE OR ACCESS**

The Applicant/Permittee Agrees:

1. To use the Trail Access granted herein for only the agreed upon dates, times and locations. Transfer of this agreement is not allowed.
2. To use the Trail Access granted herein for only the agreed upon purpose.
3. To notify the Town of Parker (Town) of any activities that would be outside of the agreed upon access or usage.
4. The Town reserves the right to adjust Trail Access in order to accommodate the greatest number and safety of Trail Users reasonably possible.
5. To be responsible for the behavior of all participants in the Event/Job. Activities deemed unsafe or behavior deemed inappropriate by the Town will be discontinued immediately, and the Applicant/Permittee will surrender said access and the related premise upon demand by the Town.
6. To collect and remove all trash, litter, debris, etc. from the trail areas covered by this permit following each use.
7. All non-involved areas surrounding the permitted areas of the trail shall be kept unobstructed by the Applicant/Permittee and will not be used for any purpose other than ingress/egress to/from the permitted event/work site.
8. Not to access any trail surface or trail shoulder if there is a danger that it will be damaged by that access during or after bad weather, or other conditions have affected the area. **REMOVAL OF SNOW IS PROHIBITED.**
9. The organization/company will be responsible for the repair and/or cost to repair any damage caused to the permitted trails, shoulders, fences or other surrounding areas while making the requested accesses.
10. Equipment and furnishings in the permitted areas shall not be removed from the premises for any reason.
11. The Town of Parker reserves the right to employ security measures as the Town deems appropriate for the permitted access or trail-related worksite, at the Applicant's/Permittee's expense. Parker Police officers are available to contract for your event/work, through the Parker Police Department, and can be reached at (303) 841-9800.
12. The Town reserves the right to require additional staff to be on duty when the Applicant/Permittee is on/near Town trails. There will be a fee assessed if extra staff is required.
13. The Town of Parker is not responsible for any belongings of persons using the trails or access thereof. Any property left in/near the permitted areas by the Applicant/Permittee shall, after a period of fourteen (14) days, be deemed abandoned and become the property of the Town of Parker. The Town shall not be liable for any loss or damage to such property.
14. To follow proper procedures and licensing ordinance if Event concessions of any kind will be sold. Sale of food or concession items without proper written consent of the Town is prohibited.
15. That during the permitted access to the trails, Applicant/Permittee will not exclude anyone from participation in, deny anyone the benefits thereof, or otherwise subject anyone to discrimination because of the person's race, color or national origin.
16. To obey all Town of Parker Municipal Codes (not limited to): 12.02.200 Unlawful consumption of alcohol beverages; 12.02.040-12.02.060 Vandalism, litter and glass containers prohibited; 12.02.190 Speed limit on all trails is **fifteen (15) m.p.h.**

NOTE: by the Town granting this temporary permit, and for only the period(s) listed and approved herein, Municipal Codes 12.02.030 No trespassing in enclosed or restricted areas, 12.02.100 Motor vehicles prohibited on park lands, and 12.02.110 Illegal parking are temporarily waived for the Applicant/Permittee and their associates/participants.

17. To adhere to the following Trail Etiquette and Safety requirements when on the Town's trail system:
 - **Motor vehicles yield to ALL other users.**
 - **Motor vehicles pull off the trail wherever possible to allow other users to pass.**
 - **Announce or alert when you are planning to pass. However, when approaching an equestrian, use a calm voice to warn them, as bells or horns might frighten horses.**
18. For ongoing or multiple use Trail Access, Applicant/Permittee must identify all dates and times or contact a designated Town representative via email prior to access, whenever feasible. If not feasible due to an emergency situation, the Applicant/Permittee must contact the Town via email no later than one day following trail use.

Any material misrepresentation, as determined by the Town of Parker, whether written or oral, by the Applicant/Permittee, where the Town relied on such misrepresentation in granting the permit, shall be grounds for the Town's immediate denial, termination or revocation of this permit,

Failure to comply with any of the guidelines set forth on this page may result in being prohibited from accessing any Town of Parker trail via Motorized Vehicle in the future.

Cancellations:

- The Town reserves the right to cancel this agreement and withdraw the permission hereby granted for just cause, or failure to comply with the Town's policies or guidelines.
- The Town reserves the right to cancel this agreement upon a 48-hour notice to the Applicant/Permittee, or with as much notice as possible in case of an emergency.
- *Limited Use Permits* : Cancellation of permit must be made seven (7) business days prior to the scheduled Trail Access.
- *Ongoing access permission* : Once an Applicant/Permittee has received permission for Motorized Vehicle Access to the Town's Trail System and a permit has been issued by the Town, cancellation notification should still be given to the Town if that access will not be needed for the duration of the originally permitted time period (so we know your organization/company is no longer accessing our trails with your vehicles).

* I have read, understand, and will communicate to the individual participants, all Parker Recreation Parks and Field Use Policies, including the Park Rules and Regulations.

* I have read, fully agree with and accept all responsibility for the terms and conditions of this agreement.

* I hereby release and agree to hold harmless the Town and its representatives from all claims of liability for damages and/or injuries incurred in connection with any event or activity.

* Acceptance of the permit, and conducting the referenced Motorized Vehicle Trail Access, denotes your acceptance of the terms and conditions of this agreement in lieu of a signed document.

Authorized Signature

Date

ACCEPTANCE OF MOTORIZED VEHICLE TRAIL ACCESS PERMIT

I certify that I have read and understand all of the conditions and procedures that are required in order to obtain this permit, and I agree to comply with each of those conditions and procedures.

I acknowledge that in issuing this permit, the Town does not assume any liability for damages or injuries caused by a third party. I agree to indemnify and hold harmless the Town of Parker, and all Town of Parker officers, employees, agents and representatives, from any claims (including costs of defending such claims) or damages that may arise from the occurrence of Motorized Vehicle Trail Access or from related events.

I understand that this access permit does not authorize violation of Town or State laws, except to the limited extent that it allows a trail to be temporarily accessed in conformity with permit conditions. I also understand that this permit does not excuse failure to comply with orders of law enforcement personnel, firefighters or other emergency workers, and that it does not provide immunity from civil claims of third parties that are based upon damages occurring at, or in conjunction with, such permitted trail access.

In the event that Town trails are accessed for the event/job that is the subject of this access permit (and no alcohol is served or sold, if it is an event), then during that event/job this access permit shall serve as a license to use the Town-owned property described in this permit for the dates and times specified in herein, but only for the uses specified in this permit.

Applicant

Authorized Signature

Date

Town of Parker Approval:

Recreation Department Director

Date

Board of Trustees Meeting

Date: April 18, 2023
Subject: Enforcement of Irrigation Restrictions

- **Presenter:** Hallie Sheldon, Senior Management Analyst

BACKGROUND / DISCUSSION

At the Board of Trustees Work Session on March 21, 2023, the Board of Trustees agreed to explore watering restrictions for the Town of Wellington to protect and maintain the current Water Treatment infrastructure. A request from the Board was to outline an enforcement plan to ensure that these restrictions are followed, and the consumption of outdoor water use remains controlled.

The Town Municipal Code outlines the current enforcement of watering restrictions in Chapter 13, Article 1, Division 1, Section 13. 13-1-160. This section reads that *"The Board of Trustees shall have the authority to establish such rules and regulations so as to limit the days and hours of outdoor watering or sprinkling or to limit the use of water in such manner as the Town Board shall deem necessary. Such regulations may be adopted by resolution and shall become effective immediately upon passage. Enforcement shall be by summons issued in accordance with [Section 2-4-140](#) of this Code. And the property of any User violating this provision shall be subject to utility service termination. Each day that such violation continues to exist shall be considered a separate offense."* This information is also located in the draft resolution attached to this memo and has been included in the past 3 adopted watering restriction resolutions.

If the Board of Trustees wishes to alter this enforcement approach, this would require a change to the Municipal Code. Such alterations could include a designated fine structure that would be designed for watering violations staged offenses. For example, the first violation would be a warning, the second violation would be a fine of \$100, and any subsequent violations would be \$250 for each instance.

While looking at peer communities, it became apparent that a majority of communities take an education approach and do not institute enforcement of mandatory restrictions unless there is a significant drought factor at play. Communities such as Windsor institute mandatory restrictions on a yearly basis but do not have a current enforcement plan in place. During this peer community analysis, it was determined that some communities with enforcement plans took the watering violation approach through their municipal court system and others adopted a fine structure that removed the court process altogether.

STAFF RECOMMENDATION

For the discussion for the Board of Trustees.

ATTACHMENTS

1. Draft_Resolution 2023_Outdoor Watering Restrictions
2. Municipal Code Section 13-1-160. - Outdoor Watering
3. Municipal Code Section 2-4-140. - Summons

TOWN OF WELLINGTON

RESOLUTION NO. XX-2023

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON,
COLORADO ESTABLISHING HOURS OF OUTDOOR WATERING

WHEREAS, Section 13-1-160(a) of the Wellington Municipal Code concerning sprinkling and water scarcity states the Town Board shall have the authority to establish such rules and regulations so as to limit the days of outdoor watering or sprinkling or to limit the use of water in such manner as it shall deem necessary. Such regulations may be adopted by Resolution and shall become effective immediately upon passage; and

WHEREAS, up to 75% of water is lost through evaporation when watering is done during the heat of the day; and

WHEREAS, the Town has maintained in place outdoor watering restrictions since 2013 as adopted by Resolution 8-2013; and

WHEREAS, water use has become a more pervasive problem for the Town and water delivery costs have risen dramatically and supply capacity has become more limited as a result of increased burdens on the Town's water treatment plant.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

SECTION 1: Mandatory Restrictions

Effective immediately upon passage, outdoor watering within the Town of Wellington using treated water supplies from the Town's Water Utility shall be limited as follows:

1. Upon adoption of this Resolution through October 15, 2023, outdoor watering shall be restricted to the hours between 7:00 p.m. and 8:00 a.m. the next morning.
2. Addresses with odd street numbers shall only water on Tuesdays and Saturdays.
3. Addresses with even street numbers shall only water on Wednesdays and Sundays.
4. Runoff from irrigation shall be kept to an insignificant minimum.
5. Irrigation overspray onto non-vegetated areas is prohibited.
6. Washing of outside paved or concrete areas is prohibited.

Notwithstanding the foregoing, the following are allowed any day during the hours of 7:00 p.m. and 8:00 a.m.

1. watering of gardens and plants, including vegetable gardens and containers; and
2. watering of new grass seed, sod and landscape vegetation if the landowner/occupant establishes vegetation is not more than 30 days from planting.

If water production falls below levels required to provide water demand or the Town Administrator and Town Engineer determine that water supplies are in jeopardy of not

being able to meet demands, the Town Administrator and Town Engineer may order that outside watering with domestic water supplies be reduced to one day a week and such order may provide for established watering days based on addresses.

SECTION 2.: Water Wells

If outdoor watering using adjudicated water wells ("Non-Utility Watering") occurs, the well owner shall at all times when water is being applied conspicuously post the property as being watered using "well water" or "non-potable water."

SECTION 3: Voluntary Restrictions

Residents applying utility and non-utility water are encouraged to follow the following voluntary restrictions to conserve water and reduce the potential for more stringent mandatory restrictions.

1. Non-utility users limit outdoor watering to no more than 2 days a week.
2. After rainstorms, turn off automatic watering systems until lawns start to get dry again.
3. Watering should be limited to only that which is necessary to keep lawns and other landscape plants alive and healthy.
4. Non-utility sprinkler systems should be maintained and adjusted to prevent water running off the lawn and into the street gutter.
5. If cars are washed outdoors at home, washing should be done with buckets and rinsed by hose with a spray nozzle. Avoid letting water run.

SECTION 4: VIOLATIONS:

As provided by the Wellington Municipal Code at 13-1-160(a), Enforcement shall be by summons issued in accordance with Section 2-4-140 of the Code. The property of any User violating this provision shall be subject to utility service termination. Penalties may be enforced against the occupant or owner of any property or any person responsible for violating watering restrictions. Each day that such violation continues to exist shall be considered a separate offense. Violation of watering restrictions as provided for by this resolution shall be a non-criminal violation and pursuant to Wellington Municipal Code Section 1-4-20, any person convicted of a noncriminal violation may be fined by an amount not to exceed one thousand dollars (\$1,000.00). In addition, such person shall pay all costs and expenses in the case, including attorney fees.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted by the Board of Trustees this day of April, 2023.

TOWN OF WELLINGTON, Colorado

ATTEST:

DRAFT

- (a) *Sprinkling, water scarcity.* The Board of Trustees shall have the authority to establish such rules and regulations so as to limit the days and hours of outdoor watering or sprinkling or to limit the use of water in such manner as the Town Board shall deem necessary. Such regulations may be adopted by resolution and shall become effective immediately upon passage. Enforcement shall be by summons issued in accordance with Section 2-4-140 of this Code. And the property of any User violating this provision shall be subject to utility service termination. Each day that such violation continues to exist shall be considered a separate offense.
- (b) *Water supply emergencies.* If the water system experiences an emergency due to a water main break, treatment plant or storage system malfunctions, fire, flood or other natural disaster, the Director of Public Works or any authorized law enforcement officer or fire official may direct and require that residents of the Town restrict all usage of water during such time of emergency. Any Person who fails to obey such lawful order of the Public Works Director, law enforcement officer or fire official commits a civil infraction under this Code.

(Ord. No. 15-2020, § 1, 7-28-20)

A summons is issued by the Municipal Court Clerk following the filing of a sworn complaint when it appears from the complaint that there is probable cause to believe that a violation has been committed and that the defendant committed it. The summons need only contain the name of the defendant and the date, time and place of appearance of the defendant. A copy of the complaint shall be served therewith, and a copy of the summons and the complaint shall be supplied to the prosecutor. (Ord. 18-1994 §1-202)



Board of Trustees Meeting

Date: April 18, 2023
Subject: Marijuana Sales Tax Discussion

- **Presenter: Charity Campfield, Finance Director**

BACKGROUND / DISCUSSION

The voters of the Town of Wellington passed legislation in 2021 to allow the sale of recreational marijuana within the town's limits. The town has approved a new recreational marijuana shop that will be opening later this year.

The marijuana sales tax will be imposed as follows based on the ballot question approved by the voters:
Imposition of Tax

A. In addition to the sales tax imposed by Article 4, Chapter 4 of the Code, there is imposed upon all sales of Retail Marijuana and Retail Marijuana Products to a Consumer by a Retail Marijuana Store a tax at the rate of three and one-half percent (3.5%) of the amount of the sale

B. The maximum tax rate that may be imposed pursuant to this Section is five percent (5%). At any time on or after January 1, 2022, the Town may, by ordinance:

1. Establish another tax rate to be imposed pursuant to this Chapter that is equal to or less than the maximum five percent (5%) tax rate provided in this subsection; or

2. After establishing a tax rate that is lower than five percent (5%), increase or decrease the tax rate to be imposed pursuant to this Chapter; except that in no event shall the Town increase the tax rate above five percent (5%) of the amount of the sale of Retail Marijuana or Retail Marijuana Products.

There are several types of marijuana tax revenues:

- State of Colorado Marijuana Excise Tax - currently at 15% and Wellington will receive about 5%
- State of Colorado Marijuana Sales Tax - currently at 15% and Wellington will receive about 5%
- Town of Wellington voter approved sales tax - sales tax rate is set at 3.5% but can be increased to 5%

The designated uses included on the ballot question are for raising funds for construction of a new Community Recreation Center and/or other general operating expenses as may be designated instead by the Town on an annual basis.

The 2021 Municipal Election ballot content is attached to this packet. For reference, the results were as follows:

Question 2A (1% sales tax) - For - 2,310; Against - 1,001

Question 2B (retail and medical marijuana) - For - 1,678; Against - 1,677

Ballot issue 300 (sales tax on marijuana) For - 1,820; Against - 1,477

Staff would like to enlist the help of the Finance Committee for recommended options related to the Wellington sales tax rate and how the funds should be allocated.

STAFF RECOMMENDATION



For discussion by the Board of Trustees.

ATTACHMENTS

1. 04_18_23_Marijuana Sales Tax Presentation
2. 2021 Ballot Content

MARIJUANA SALES TAX





Types of Marijuana Tax Revenues

- Town of Wellington Sales Tax
 - The Town's sales tax rate is currently at 3%
- Town of Wellington Local Marijuana Tax
 - Set by ordinance at 3.5%, can be increased to up to 5%
 - Board to provide staff direction as to what the sales tax rate should be



Types of Marijuana Tax Revenues

- State of Colorado Marijuana Excise Tax
 - The State excise sales tax rate is currently at 15%, the Town will see about 5% of this revenue.
- State of Colorado Marijuana Sales Tax
 - The State marijuana sales tax rate is currently at 15%, the Town will see about 5% of this revenue.



Voter Approved Uses for Marijuana Sales Tax Revenue

- The Town of Wellington's voters passed the sale of recreational marijuana.
- The sales tax rate was set at 3.5% and can be increased up to 5% after January 2022.
- The designated uses were as follows:
 - To fund a future Community Recreation Center
 - To offset general fund expenditures within the Town of Wellington

Alignment of Marijuana Tax Funds with Strategic Plan Goals



PLANNING AND DEVELOPMENT

- Identify and promote development of community gathering spaces.

Options to meet the intent of the voters could include:

- Create a Community Center fund and allocate all the local, state and excise marijuana tax to this fund.
- Allocate the 3% sales tax that is collected by the state to go into the general fund. This will allow to provide an alternate funding source for the general fund expenses and aligns with the strategic plan goals.



FISCAL RESPONSIBILITY

- Ensure financial viability of town infrastructure and services by retaining and attracting business.
- Maintain financial transparency and increase operational efficiency.
- Pursue funding sources for the positive direction of the community.



Vision for the Town's Marijuana Funds

- The goal is to be fiscally responsible with the Marijuana revenue.
- Due to the new market and unreliable projections of sales and overall uncertainty the proposal of setting aside the Marijuana funds for future community center development is the most fiscally conservative use of these funds.
- The designation of these funds can change year to year and staff can address other budgetary needs once there is a better idea of what the revenue stream will look like.



Finance Committee – Next Steps

- Review options related to the local marijuana sales tax rate (currently set at 3.5% but can be increased up to 5% by voter approval).
- Provide a recommendation to the Board of Trustees on any changes to the tax rate and how the marijuana funds should be allocated such as a Community Center Fund and General Fund.
- Staff will monitor the revenue of this fund until January 2025 and provide quarterly reports to Finance Committee.
- Staff will bring to the Finance Committee the revenue statistics in order to re-evaluate how the different tax revenues can be allocated in future budgets.



Board of Trustees – Future Actions

- Through staff, receive a recommendation from the Finance Committee on a local marijuana sales tax rate and proposed allocation of revenues.
- If any changes are recommended to the local sales tax rate of 3%, an ordinance will need to be presented for adoption.
- Receipt of staff reports of Marijuana revenues until January 2025.
- Use revenue statistics to help guide on how the different tax revenues can be allocated for the 2024 budget.

MARIJUANA SALES TAX

Questions



2021 Coordinated Election Ballot Content

May previously approved sales and use tax revenues continue to be applied to pay costs of Parks, Trails and Open Spaces as well as Streets?

May the 1% Sales and Use Tax previously approved by the electors of the Town of Wellington for the construction and reconstruction of Wellington streets be used at the discretion of the Wellington Town Board of Trustees, for the continued purpose of development and maintenance of Wellington Parks, Trails and Open Spaces within the Town for the periods between January 1, 2022 through December 31, 2031?

YES/FOR

NO/AGAINST

Allowing the sale of Medical and Retail Marijuana in the Town of Wellington.

Shall the sale of Retail and Medical Marijuana be lawful in the Town of Wellington and shall the Town be authorized to issue licenses for the sale of Retail Marijuana and Medical Marijuana in the C-3 zoning district in accordance with the referral ordinance submitted to the Town Board by the Town Clerk on May 11, 2021 and published on the Town's website?

YES/FOR

NO/AGAINST

ORDINANCE CONCERNING RETAIL MARIJUANA SALES TAX IN THE TOWN OF WELLINGTON, COLORADO

SHALL THE TOWN OF WELLINGTON TAXES BE INCREASED BY \$400,000.00 IN THE FIRST FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 3.5% ON THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AS DEFINED IN THE COLORADO RETAIL MARIJUANA CODE, CONDITIONED ON THE VOTERS OF THE TOWN ALLOWING THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS BY SEPARATE ACTION, WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED ON OR AFTER JANUARY 1, 2022, WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 5%, WITH THE REVENUES DERIVED FROM SUCH TAX TO BE COLLECTED AND SPENT FOR CONSTRUCTION OF A RECREATIONAL CENTER OR GENERAL OPERATING EXPENSES AS DESIGNATED BY THE TOWN ON AN ANNUAL BASIS NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, ARTICLE 1 OF TITLE 29, COLORADO REVISED STATUTES, OR ANY OTHER LAW?

YES/FOR

NO/AGAINST



Board of Trustees Meeting

Date: April 18, 2023
Subject: Flock Camera Presentation

- **Presenter: Larimer County Sheriff's Office**

BACKGROUND / DISCUSSION

Deputy Zachary Anderson, representing the Larimer County Sheriff's Office, will present the capabilities and implementation of Flock Cameras to the Board of Trustees.

STAFF RECOMMENDATION

Retain presentation product and discuss relevant issues.

ATTACHMENTS

1. Flock ALPR Town Board Slides (1)



Flock Safety ALPR

*Community Impact Deputy
Zachery Anderson*

What is Flock Safety:

- License Plate Reader Company
- Sells to LE and private sales (HOA, Businesses, Sub-divisions)
- Since 2017 they have seen a 70% reduction in crime
- 2,000+ LE partners
- 1B+ vehicles captured per month



- 42 states and 1,500+ cities
- 120 Hot Tag alerts per hour

Larimer County Demo:

- 54 total cameras county wide
- \$2,500 per camera per year
- 3 Currently in Wellington
- First cameras were installed in Berthoud currently 11. 4 are in neighborhoods as part of the demo.



Wellington Cameras

- 6th Street & Cleveland Avenue - NB
- 6th Street & Cleveland Avenue - SB
- 6th Street & Washington Avenue - SB



Public Transparency

- Reads are only store for 30 days and then deleted
- Only reads the rear of vehicle
- Cannot be used for facial recognition
- Deputies receive training in case law, and best practices around ALPR use and follow dept. policy.
- Must provide a case number or incident number to search the system.



LCSO Success Cases (November 2022 - March 2023)

- Felony Warrant Arrest - 6
- Misdemeanor Warrant Arrest - 20
- Stolen Vehicle Recovery- 7
 - \$100k + in recovered stolen vehicles
- Stolen Plate Recoveries - 3



Berthoud Success Cases (November 2022 - March 2023)

- Felony Warrant Arrest - 4
- Misdemeanor Warrant Arrest - 8
- Stolen Vehicle Recovery- 5
- Stolen Plate Recoveries - 2



Success Cases Continued

Berthoud - Dec 2022 - 28 YO Male arrested in a stolen vehicle. Led Deputies on a pursuit which was ended safely near the Love's Travel Center. Other charges included obstruction, two warrants (one felony & one misdemeanor), Revoked License (highest state level), DUI.



Success Cases Continued

In February of 2023 two 29 YO males and one 18 YO female were contacted in a stolen vehicle in Johnstown. They were involved in a shoplifting case as well. Charges included - Vehicle theft, possession of drugs (meth), unlawfully carrying a concealed weapon, theft, and five warrants.



Success Cases Continued

In February of 2023 Fort Collins Police took a report of a vehicle theft in the city. They were able to use the Flock ALPR to see that the vehicle had traveled to Orange County Florida and they coordinated with local police to locate the vehicle and recover it.



Success Cases Continued

- December - Berthoud - Used to ID suspect of vehicle theft and trailer theft.
- Used to assist with two homicide investigations
- April - Berthoud - Used to solve a drive by shooting
- April - Berthoud - Used to ID suspect vehicle in a home burglary of a home under construction
- Used to locate an AMBER alert vehicle out of Loveland - December 2022
- April - Fort Collins (LCSO) - Used to locate a missing 3 YO female who was taken. Suspect was arrested.



Success Cases Continued

- Wellington - Used to identify a suspect vehicle from a store burglary. Did not catch the temp tag but using a photo a Deputy was able to locate the vehicle which identified a possible suspect.
- Deputies have attempted to contact multiple wanted people and stolen vehicles which led them on pursuits.
- Berthoud - Used to contact a stolen vehicle. Suspect was involved in a motor vehicle theft ring which was operating around the state.



Other Agency Successes



Castle Rock Police Department

March 16, 2022 · 🌐

It's been a busy week of stolen license plates and cars – and it's only Wednesday! The Castle Rock Police Department has been working hard to keep this community safe. On Monday afternoon, officers located a pickup truck with a stolen temp tag. Their investigation found three of the four occupants had active warrants – 27 combined, to be exact!

#WeWorkForYou #OneByOne

👍👀❤️ 514

75 comments 15 shares

👍 Like

💬 Comment

Most relevant ▼



💎 Top fan

Patty Vido Brooks
Great job!



43w



Cathy Brady
Post the 4 criminals photos and their names. The people in this court case to know who is

Other Agency Successes



Castle Rock Police Department ✓

Apr 4 · 🌐

DID YOU KNOW... Our automatic license plate readers can detect more than just stolen vehicles and license plates? Last week, Castle Rock Police Officers were alerted to a car that was associated with a number of robberies in another jurisdiction. CRPD's Community Action Team, patrol officers and dispatchers worked together to find the vehicle which eventually led to the arrest of two armed suspects. Additionally, the investigation revealed the gun from one suspect was stolen.

Later that same day, CRPD was notified of a stolen vehicle entering Town. Again, CAT, patrol and dispatch were able to locate it. A search of the car revealed almost 10 pounds of methamphetamine, 37 grams of fentanyl, cash and a handgun. Two more suspects were arrested in this case.

Another positive LPR hit Monday led to yet another recovery of a stolen vehicle, the arrest of an individual with a warrant and nearly five pounds of meth.

Great job to all of our team members who worked together to take criminals, drugs and stolen guns off our streets. None of the suspects were Castle Rock residents; rather, all were stopping off in Town. The estimated street value of the recovered drugs was around \$400,000.

#WeWorkForYou #OneByOne

Other Agency Successes



Question and Answer Session



Board of Trustees Meeting

Date: April 18, 2023
Subject: Monthly Utility Report

- **Presenter: Bob Gowing, Public Works Director**

BACKGROUND / DISCUSSION

This report is generally in the Board of Trustee Regular Meeting packet under staff reports. The Monthly Utility Report is being provided in the work session packet to provide an opportunity for staff to present the information and respond to any questions from the Trustees.

STAFF RECOMMENDATION

Discuss report.

ATTACHMENTS

1. 2023-04-01 Monthly Utility Report



Wellington Water and Wastewater Utilities Monthly Production and Operational Summary Report As of April 1, 2023

March Production Summary

- Water
 - Total March monthly volumetric production to meet demand was 19 million gallons (MG), which is below average for the last 5 years.
 - The Conventional Plant produced 18 MG.
 - The Nanofiltration Plant produced 1 MG. The Nanofiltration plant was offline the majority of the month as necessary repairs and maintenance were completed. The Nanofiltration Plant was brought back online the last week in March.
 - Please see the attached charts for various additional data related to drinking water production.
- Wastewater
 - March Summary
 - The total influent volume for the month of March was 17 MG, which is about average for the last 5 years.
 - Hydraulic loading was at 0.55 million gallons per day (MGD). This hydraulic loading represents 61% of the maximum permitted hydraulic capacity.
 - Organic loading was 2,102 pounds of BOD, which is above average for the last 5 years. This represents 80% of the maximum permitted organic capacity.
 - Please see the attached charts for various additional data related to water reclamation production

March Operational Summary

- Water Treatment Plants
 - Conventional Plant
 - Operators continue to coordinate with the expansion project contractor daily. Numerous sequencing and coordination issues are resolved on a daily or hourly basis.
 - The 40HP influent pump was brought online after being off the majority of the Winter due to low demand.
 - Nanofiltration Plant
 - Nanofiltration plant was taken out of service in March for necessary repairs and maintenance. Work was completed the last week in March and the plant was returned to service
 - Microfiltration Plant
 - Although operational, the Microfiltration Plant remains inactive due to poor taste and odor treatment performance.
- Water Reclamation Plant
 - Operators continue to coordinate with the expansion project contractor daily. Numerous sequencing and coordination issues are resolved on a daily or hourly basis. See attached Plant Expansion Project summary reports for additional information.



Wellington Water Treatment Plant Expansion Project

Project Status Summary Report

As of April 1, 2023

Schedule Update

- The contractor has requested ten (10) rain/weather days to date, although the Contractor has made up three (3) of those days already. Material and equipment procurement continues to be the biggest threat to project schedule. Milestone dates are as follows:
 - Notice to Proceed May 11, 2022
 - Substantial Completion May 6, 2024
 - Final Completion July 29, 2024
 - Days remaining to Final Completion 330 days

Construction Update

- Work completed or in progress listed under each structure.
 - Site Work
 - Maintained SWMP BMPs
 - Began installation of yard piping and manholes
 - Treatment Building
 - Floc/Sed basins were prepped for leak testing which will occur in April.
 - Floc/Sed suspended deck was completed.
 - Work continued on various under-slab pipes, encasements and risers.
 - Under-slab sanitary sewer for floor drains was installed within the Filter gallery.
 - Ozonated water stainless steel pipe was prepped for welding.
 - Ozone Building
 - No work
 - Chemical Building
 - Slab on grade was completed.
 - Forms and rebar for the first of two wall placements were installed.
 - Wall placement #1 was completed.
 - Construction team continues to work through design and material submittals requiring approval from the design engineer and Town Project Managers prior to construction.
 - Concrete, backfill, and compaction testing by CTL Thompson as needed.
 - Safebuilt has been performing construction inspection on electrical and plumbing components as needed.
- Issues
 - The project team is monitoring the availability of materials and equipment. Supply chain issues and material availability continue to impact the project schedule and adjustments are being made to maintain the final completion date.
 - Availability of materials/equipment is continuing to affect the project schedule and the Contractor and design team have been actively looking for alternative materials and modifying the schedule, especially the critical path, in order to maintain the Final Completion date.

Contingency Update

- Contractor Contingency Actions
 - Due to abnormal winter weather conditions, along with several untimely storms that have occurred just before, during or after concrete placements the Contractor had encountered higher equipment and labor costs than expected. The Contractor requested an additional \$49,486.00 be moved from Contingency to the Winter Conditions line item in the schedule of values.
 - Due to delays in procuring AIS compliant manholes and risers the Contractor was required to keep rented trench boxes on-site longer than planned, resulting in a Contractor Contingency cost of \$65,816.00.
- Town Contingency Actions
 - The Contractor identified a sanitary sewer manhole that could be eliminated from the project and replaced with a standard cleanout. The Town agreed to eliminate the manhole for an Owner Contingency credit of \$4,092.00.
 - The Contractor identified two walls underneath the stair landing within the Ozone Building that could be eliminated and replaced with a cantilevered stair design. The Town agreed to have Jacobs re-design the stair landing at minimal cost to the project, in favor of additional floor space. The Town received a credit of \$2,140.00 to the Owner Contingency.
 - It was identified early during construction that bed rock conditions as identified in the geo-technical report and on the design plans differed from actual field conditions. The team worked through the required design revisions to address the differing field conditions at each structure. Addressing the bed rock conditions at the Chemical Building resulted in a total cost to the Town's Contingency of \$18,365.00.



Wellington Water Reclamation Facility Expansion Project

Project Status Summary Report

As of April 1, 2023

Schedule Update

- Project is currently on schedule for Final Completion of October 30, 2024. There have been six (6) weather days tracked to date. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
 - Notice to Proceed April 19, 2022
 - Substantial Completion August 1, 2024
 - Final Completion October 30, 2024
 - Days remaining to Final Completion 394 days

Construction Update

- Work completed or in progress listed under each structure:
 - Site Work
 - Dust control with water truck used as needed.
 - Step Feed Aeration Basin
 - All walkways were poured and completed.
 - All concrete/structural work at the A-Basin was completed.
 - Prep work for leak testing was completed.
 - Started filling the basin for leak testing.
 - Influent Pump Station
 - No work
 - Secondary Clarifiers
 - Launder troughs in both Clarifiers were poured and completed.
 - Clarifier 6 was filled for leak testing and passed.
 - Clarifier 5 was prepped for leak testing.
 - Step Feed Process Building
 - Continued backfilling
 - Installed rebar and forms for pilasters and grade beams.
 - Placed first pour of pilasters and grade beams.
 - Set forms and rebar for first slab on grade placement
 - Orbal Reactor
 - Prepped for leak testings
 - Filled for leak testing and passed.
 - UV Digester 5 & 6
 - Prepped for leak testing.
 - Began filling for leak testing (in progress)
 - UV Digester Blower Building
 - Excavate for lower slab placement 1 and 2
 - Fine grade and formed lower slabs.
 - Administration Building
 - Began excavation for pilaster footings.
 - Headworks Building
 - Formed and placed wall sections 1-6
 - Formed wall section 7 and installed rebar. Three sections remaining.

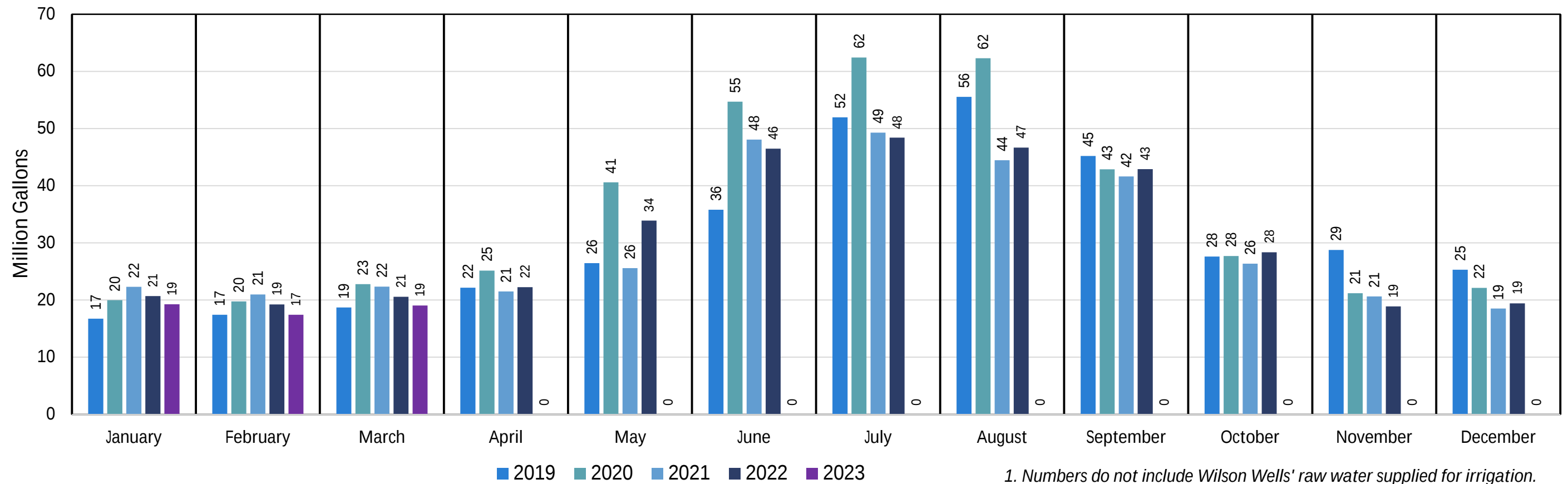
- Construction team continues to work through design and material submittals requiring approval from the design engineer prior to construction.
- Materials Testing by CTL Thompson as needed.
- Electrical and plumbing inspections by Safebuilt as needed.
- **Issues**
 - Project team met with Xcel to discuss the addition of secondary metering to the Project/Contractors scope and the expectation of additional costs being added to the project as part of this scope of work.

Contingency Update

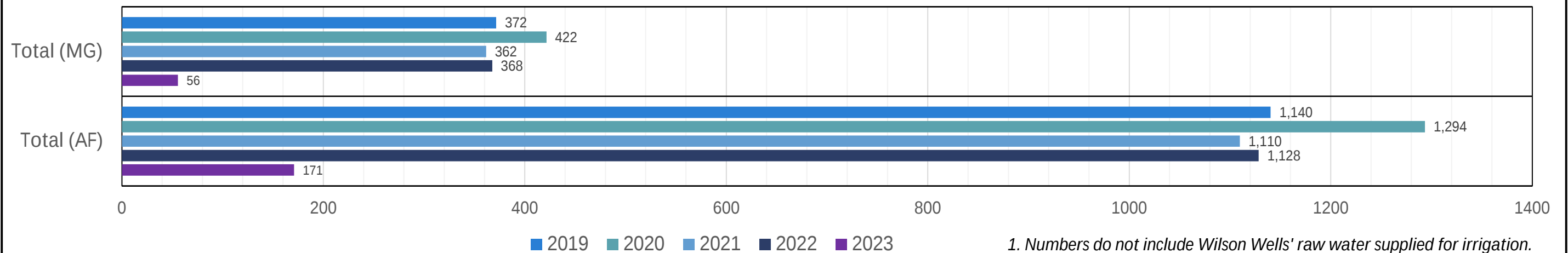
- **Contractor Contingency**
 - Several motorized louvres were removed from the project scope since equipment was equipped with backdraft dampers. Ductwork within the Headworks Building was relocated to eliminate ductwork penetrations through geo-foam filled void spaced between the upper and ground level. All changes resulted in a net cost to the Contractors Contingency of \$16,441.00.
- **Town Contingency**
 - Secondary metering was added to the Project/Contractor scope by Xcel requiring additional work and equipment. Total cost to the Owner Contingency is \$108,942.00.
 - Aeration Basin walkways over the weir openings were redesigned replacing the cantilevered concrete walkways with aluminum grating and beams. Total cost to the Owners Contingency is \$29,344.00

Town of Wellington Water Treatment

Total Monthly Production: Main WTP (Conventional & Microfiltration), Nano Plant₁ and RO
(Through March 2023)



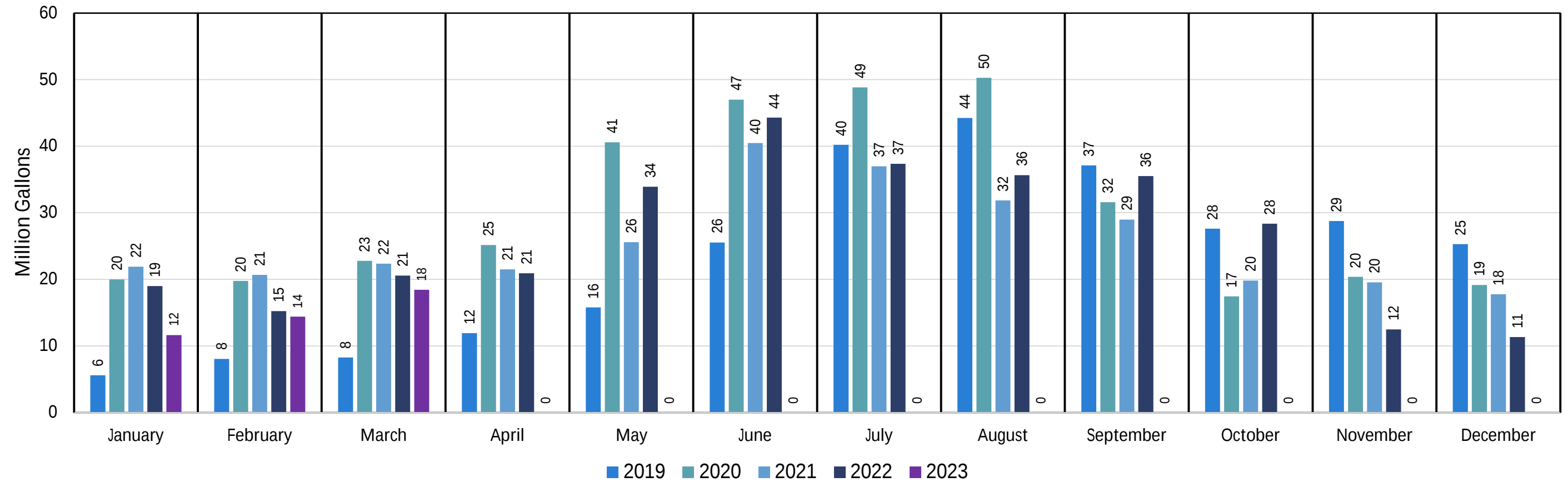
Annual Production Volumes₁
(Through March 2023)



Town of Wellington Water Treatment

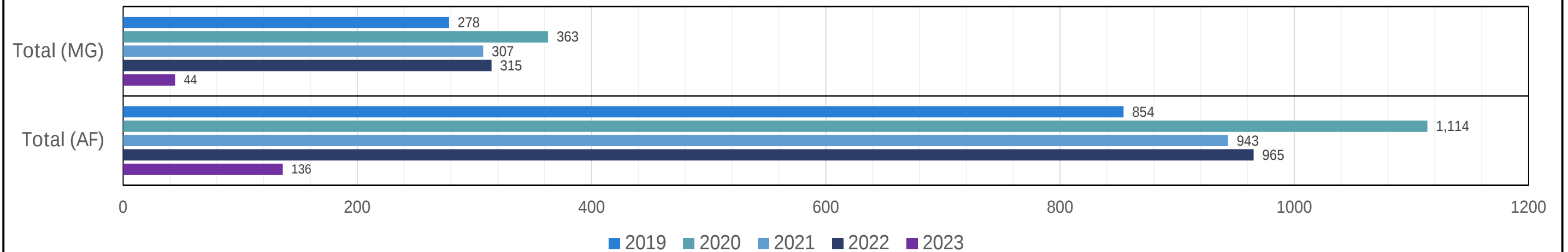
Monthly Production: Main WTP (Conventional & Microfiltration)

(Through March 2023)



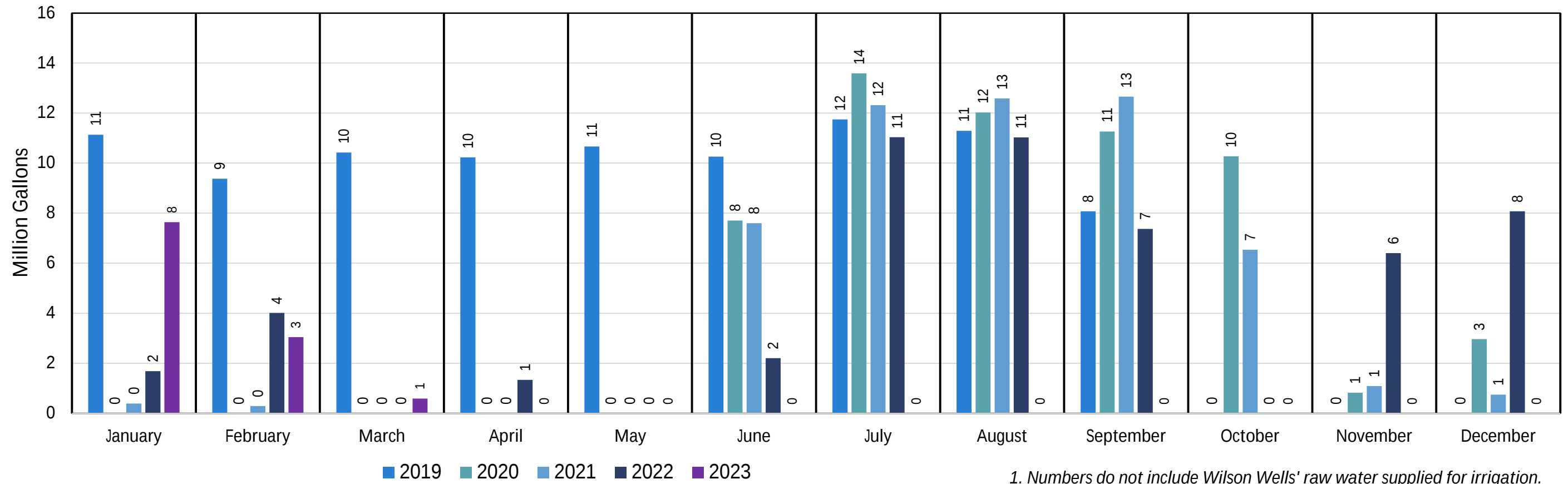
Annual Production Volumes

(Through March 2023)

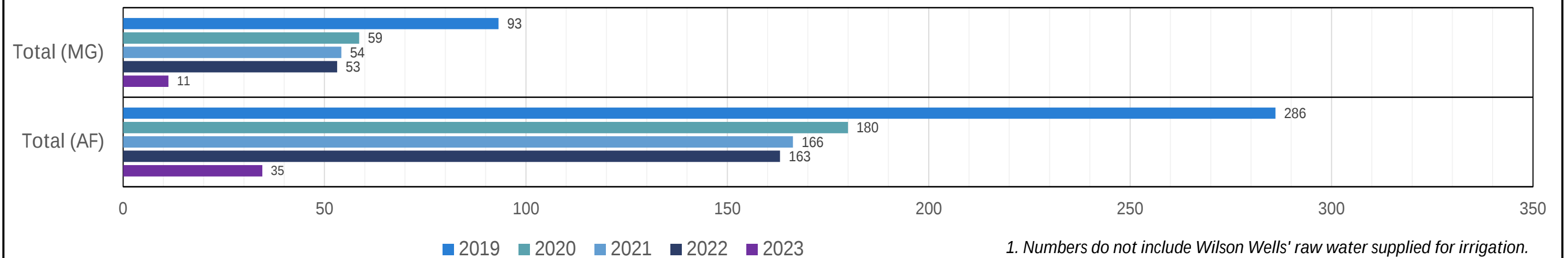


Town of Wellington Water Treatment

Monthly Production: Nano Plant₁ (Through March 2023)

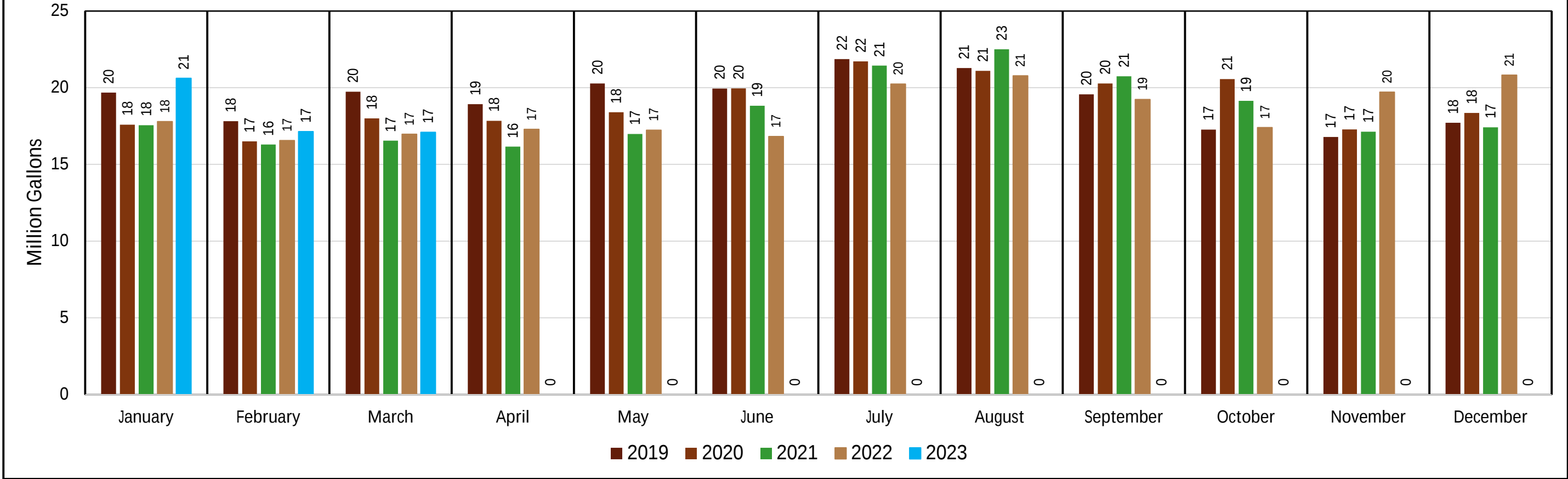


Annual Production Volumes₁ (Through March 2023)

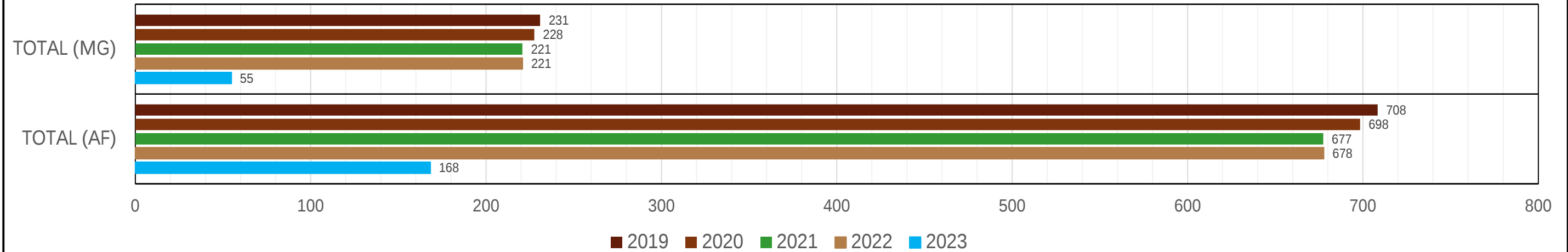


Town of Wellington
Water Reclamation Facility Treatment

Monthly Production: Monthly Volume of Influent
(Through March 2023)

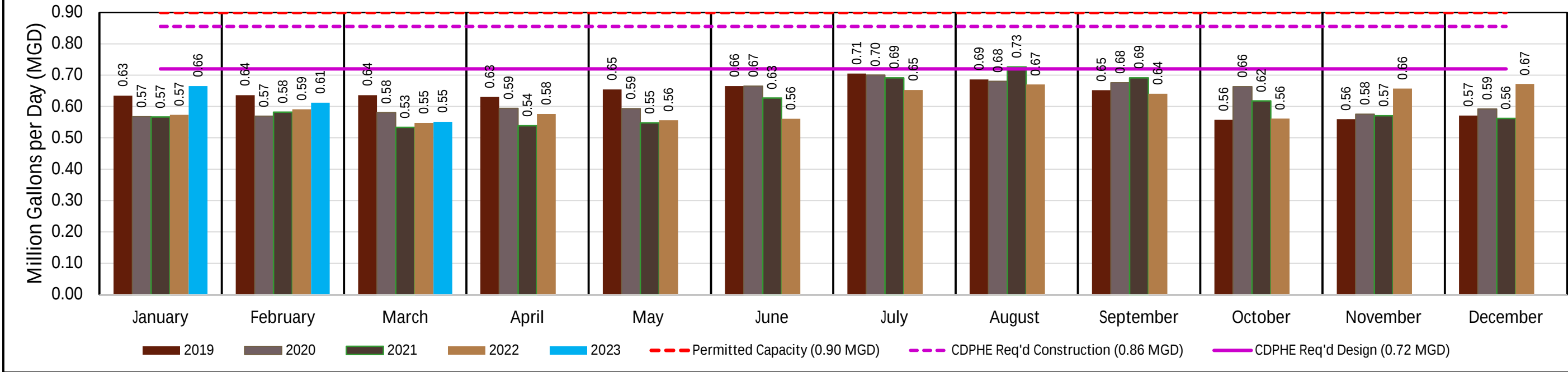


Annual Volume of Influent
(Through March 2023)

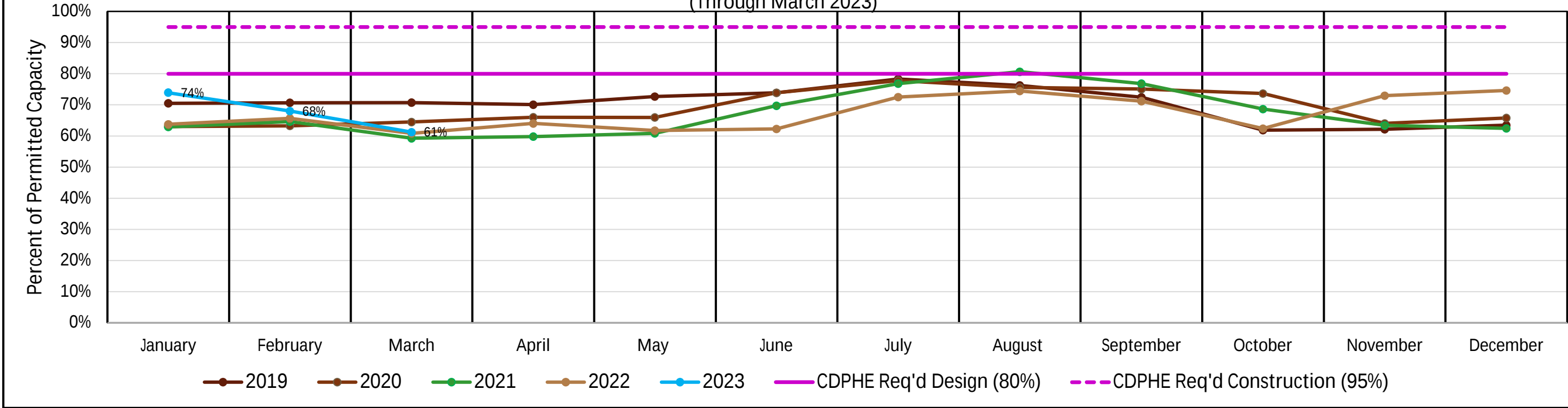


Town of Wellington
Water Reclamation Facility

Monthly Production: Hydraulic Loading
(Through March 2023)



Monthly Production: Percent of Permitted Hydraulic Capacity
(Through March 2023)

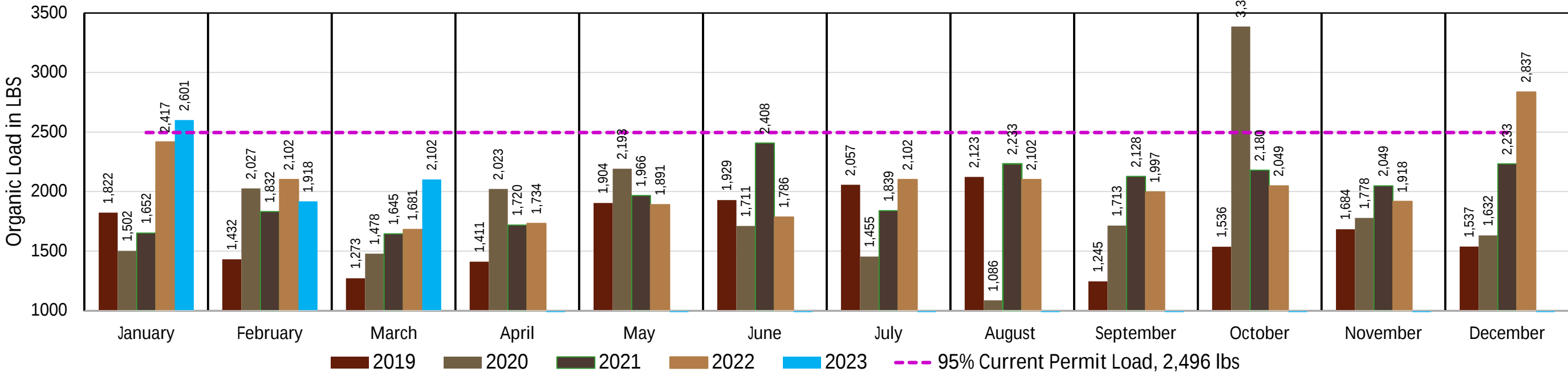


Town of Wellington
Water Reclamation Facility

Monthly Production: Organic Loading

(Through March 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.



Monthly Production: Percent of Permitted Organic Capacity

(Through March 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.

