

ORDINANCE NO. 20-01

AN ORDINANCE REGULATING CAMPING IN PARK COUNTY

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. 30-11-101, 30-28-102, 30-28-115, and 30-28-116 to promulgate regulations governing zoning and land use and to promote the health, welfare, and safety of the inhabitants of the County; and

WHEREAS, camping is permitted as a use by right in all Conservation Recreation zones and Agricultural zones on parcels 35 acres and larger; and a temporary use in all Residential and Mining zones; and

WHEREAS, the Board of County Commissioners respects the rights of private property owners to use and enjoy their property, but desires to ensure that camping is conducted in a manner that protects the health and safety of the residents of Park County; and

WHEREAS, Park County Development Services is the appropriate agency to manage camping and camping regulations as identified in this Ordinance; and

WHEREAS, the Park County Sheriff's Office is the appropriate agency for enforcement of this Ordinance if compliance cannot be gained through the Development Services department; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Title and Purpose.

The title of this Ordinance is the Park County Camping Ordinance. The purpose of this Ordinance is to regulate camping in Park County and to provide for enforcement procedures and penalties for violations of this Ordinance because unauthorized camping is a health and safety hazard and a public nuisance.

Section 2. Authority.

This Ordinance is authorized pursuant to Colorado Revised Statutes 30-11-101, 30-28-102, 30-28-115, 30-28-116, 30-28-124, and 30-28-124.5.

Section 3. Scope.

This Ordinance shall apply to all Residential and Mining zone districts in unincorporated Park County; and to all parcels less than 35 acres in the Agricultural zone district.

Section 4. Definitions.

- A. Camping: Establishing temporary, part-time, full-time or permanent occupancy in camping unit, an unpermitted structure, or a structure not permitted as a dwelling unit, whether for recreational or other purposes; and the construction, presence, maintenance, or storage of such camping units and structures.

- B. Camping unit: Any structure that is being or may be used for camping and associated activities, including recreational or other vehicles, motor homes, campers, trailers, and tents.

Section 5. Regulations and Restrictions Pertaining to Camping in Unincorporated Park County.

- A. Camping on Vacant Property. Camping on any vacant property, including but not limited to a vacant lot, parcel, tract or mining claim, is permitted only when the following requirements are met.

- 1. The number of camping units per lot, parcel, tract, or mining claim allowed is as follows.

| Parcel Size (acres) | Number of Camping Units Allowed |
|---------------------|---------------------------------|
| 1 to 5              | 1                               |
| >5 to <20           | 2                               |
| 20 to 35+           | 4                               |
|                     |                                 |

- 2. Recreational and other vehicles, camp trailers, and 5th wheels must have current registration and be in an operable, road-worthy condition.
- 3. Trash must be managed on-site, and removed from the site regularly during camping and upon completion of camping.
- 4. The lot, parcel, tract, or mining claim on which camping occurs must be maintained in a safe, clean and sanitary manner, and must not be a nuisance or create adverse impacts to surrounding property, land or land uses.
- 5. The property access (driveway) must be permitted and final approval granted by Park County. The property address must be visible from the road.
- 6. Compliance with all minimum setbacks for the zone district must be met.
- 7. Sewage must be disposed of at an off-site facility approved by the Park County Environmental & Code Compliance department or State of Colorado, and a dump receipt must be provided upon request; or by means of proper connection to a permitted and properly installed on-site wastewater disposal system. Failure to provide dump receipts upon request may result in revocation of an existing camping permit, or denial of future camping permits.
- 8. Camping on vacant land by persons other than the property owner and/or their invited, non-paying guests is prohibited. All camping by persons other than the property owner must have written proof of permission of the property owner.

- B. Camping Permit

- 1. A camping permit is not required for camping on vacant property for up to fourteen (14) cumulative days in a calendar year. Storage of camping units on vacant property is considered camping, and is included in the 14-day limit.
- 2. Property owners may be granted a permit to camp from May 1 – October 31<sup>st</sup> , with an additional 14 days for winter activity..
- 3. Camping permits must be obtained from the Park County Development Services department. A camping permit must include a narrative detailing the duration of the camping, written permission from the property owner if the camper is not the property owner, the property

address, the method for obtaining potable water supply, wastewater treatment, and trash removal.

4. A camping permit is not required for approved temporary construction dwellings associated with active, permitted construction.
5. Property owners with adjacent parcels cannot relocate to other parcels to circumvent the time limitations described above.
6. By applying for a camping permit, the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.
7. Camping permits shall be posted and visible from the access point at all times.

C. Camping on Improved Properties.

1. Property owners who have improved their property to include a permanent residence with a permanent water supply and wastewater treatment system will be permitted to allow non-paying guests and family members to camp on their property as long as there is no commercial activity associated with the camping.

2. Camping on a lot, parcel, tract or mining claim in the Residential and Mining zones, or on Agricultural parcels less than 35 acres, is allowed without a camping permit only when the following requirements are met.

3. Camping on improved property will be from May 1<sup>st</sup> – October 31<sup>st</sup> with an additional 14 days for winter activity. Storage of camping units on improved lots is not included in the camping time restriction.

4. Compliance with all minimum setbacks for the zone district must be met.

5. The number of camping units per lot, parcel, tract, or mining claim allowed is as listed in Section 5.A.1.

Section 6. Authorized Enforcement Personnel. The following County officers and officials are authorized to enforce this Ordinance:

1. Park County Development Services personnel,
2. Park County Sheriff's Office personnel, and
3. Any other person designated by the Board of County Commissioners of Park County.

Section 7. Violations and Penalties

1. Any violation of this Ordinance may be separately, concurrently or together enforced through this Ordinance and the Land Use Regulations.
2. Each day of a violation of this Ordinance shall be a separate violation. Each camping unit in violation of this Ordinance shall be a separate violation.
3. Persons conducting camping-related activities and the owner of the parcel on which camping is being conducted are equally liable for the penalties established herein.
4. In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Sections 30-28-124 and 30-28-124.5 of the Colorado Revised Statutes.
5. Violation of any provision of this Ordinance shall be a Class 2 petty offense and upon conviction or admission of guilt, shall be punishable as follows:

- a. For the first violation, a fine of not less than \$150.00, or the violation may be enforced by the penalty assessment procedure in Section 7. , 5.d.
  - b. For the second offense by the same person and/or property owner, the person shall be assessed a fine of not less than \$500.00. or the violation may be enforced by the penalty assessment procedure in Section 7. , 5.d.
  - c. For a third or any subsequent offense thereafter by the same person and/or property owner, the person and/or property owner shall be punished by a fine of not less than \$1,000.00 for each separate offense. or the violation may be enforced by the penalty assessment procedure in Section 7. , 5.d.
  - d. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.
6. Any fees or fines assessed for violations of this Ordinance shall be paid to Park County Sheriff's Office.

Section 8. Severability. If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 9. Effective Date. The publication and notice of this Ordinance will be performed in accordance with C.R.S. 30-15-405 and 30-15-406 and shall become effective 30 days after the second publication of the Ordinance.

CERTIFICATION: The foregoing Ordinance was introduced and read on January 9, 2020, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: xxxxxxx.

The foregoing Ordinance was considered on xxxxxxx, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in The Flume.

DATE OF SECOND PUBLICATION: tbd.

EFFECTIVE DATE: tbd.

BOARD OF COUNTY COMMISSIONERS

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