

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 01
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING THE BUENA VISTA MUNICIPAL CODE CONCERNING
CAMPING, PARKING, AND RECREATIONAL OR CAMPING
VEHICLES**

WHEREAS, the Board of Trustees desires to amend the Town of Buena Vista Municipal Code to address camping, parking and recreational/camping vehicles in the Town of Buena Vista.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Section 16.03.3.2.4(C) of the Buena Vista Municipal Code is hereby repealed and replaced with the following:

Temporary Seasonal Camping.

1. **Purpose and Intent.** To allow businesses located in the I-1 zone district with a need for seasonal workers to allow such workers to camp on such businesses' property. Allowing camping subject to the restrictions set forth herein will support important businesses in the Town while protecting the public health, safety, and welfare by limiting the impact of unregulated camping by such seasonal employees in other areas of the Town and Chaffee County.
2. **Permit Required.** Camping in the I-1 zone district is prohibited except as permitted herein.
3. **Duration.** Camping may only occur in the I-1 zone district between April 1 and September 30.
4. **Restrictions and Requirements.** Temporary camping in the I-1 zone district shall comply with the following:
 - a. Screening sufficient to block the camping area from view of neighboring properties and public property at street level.
 - b. Toilet facilities sufficient to serve the number of employees camping on the property.
 - c. Waste facilities sufficient to manage all garbage, including food waste, for the employees camping on the property.
 - d. Potable water sufficient to provide for the needs of all employees camping on the property.

- e. Camping may only occur on the same parcel or adjoining parcel upon which the primary business activity is located. The property upon which the camping occurs must be owned or leased by the same business for which the employees work.
 - f. Site plan. A site plan showing the camping area, allocated camping spots, and all facilities.
 - g. Management/Operations Plan. A written management plan explaining how the camping area will be managed along with all rules for employees utilizing the camping area. The management plan shall include a point of contact for the town that will be available 24 hours per day 7 days per week. The management plan shall include the applicant's rules for its camping area applicable to its employees and shall demonstrate how impacts to the neighboring businesses and surrounding area will be minimized. The management plan shall include, without limitation, information on quiet hours, pets, and how the business will enforce any violations of its policies.
5. **Application.** Applicants shall complete an application on a form provided by the Town. Applications shall be reviewed by the Town Administrator or his/her designee for compliance with the provisions set forth herein. If the Town Administrator or his/her designee determines that the proposed temporary camping can be conducted in compliance with the provisions set forth herein and in a manner that is compatible with the neighboring properties and the I-1 zone district, a permit shall be issued for the time period requested or such other time period as determined reasonable by the Town Administrator. The Town Administrator may impose conditions upon the permit as reasonably necessary to minimize the impact of the camping activity on the neighboring properties.
6. **Suspension and Revocation.** The Town Administrator may suspend or revoke a permit for a violation of any provisions set forth in this Section 3.2.4(C) or for any other violation of the Code, including without limitation the nuisance provisions set forth in Chapter 7 of the Code. The permittee may appeal the suspension or revocation of the permit by filing a written appeal with the Town Clerk within five (5) days of receipt of the revocation notice. The written notice shall set forth the grounds of the appeal and may be granted if the permittee demonstrates by a preponderance of the evidence that there was no violation as determined by the Town Administrator. The appeal shall be heard by the Board of Trustees at its next available meeting. The Board of Trustees may rule solely on the written appeal or allow testimony or evidence from the permittee and the Town Administrator.

Section 2. A new use is hereby added to the Temporary Use section in Table 3.1.4 of Chapter 16.03 as follows:

	R-1	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
Temporary Seasonal Camping								T			3.2.4(C)

Section 3. A new Section 8-44 is hereby added to the Buena Vista Municipal Code to read as follows:

8-44. - Short-Term and/or Long-Term Storage of Recreational/Camping Vehicles and Utility Trailers.

The intent of these regulations is to allow residential owners to store personal recreational/camping vehicles and utility trailers on their property or within approved off-site commercial storage facilities. Further, storage of recreational/camping vehicles and utility trailers shall comply with the following:

1. Recreational/camping vehicles shall be parked on an improved surface such as gravel, asphalt, concrete, or pavers if stored in a front yard.
2. Recreational/camping vehicles and utility trailers may only be parked or stored on public property or in the public right-of-way for a period not to exceed seventy-two (72) hours in any one-week period, regardless of whether the owner of the recreational/camping vehicle or utility trailer is also the owner or occupant of the abutting parcel. The fact that the recreational/camping vehicle or utility trailer is moved along the same right of way, moved for the primary purpose of avoiding the seventy-two (72) hour limitation, or moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a recreational/camping vehicle or utility trailer has remained parked for seventy-two (72) hours or more. This Subsection 2 shall not be interpreted to permit the occupation of Recreational/camping vehicles or utility trailers for dwelling or residential purposes on public property or in the public right-of-way for any period of time, which is hereby prohibited.
3. Notwithstanding any other provision of this Section, a recreational/camping vehicle or utility trailer may not be parked or stored in any manner that constitutes a public safety issue, including without limitation by blocking vehicular sight lines or creating unsanitary conditions.
4. Recreational/camping vehicles and utility trailers may not be parked or stored in the railroad right-of-way, except that a recreational/camping vehicle may be parked in any designated public parking lot subject to the same restrictions on any other vehicle.
5. Any recreational/camping vehicle or utility trailer parked or stored on a public right-of-way for longer than seventy-two (72) hours pursuant to this subsection or

parked or stored in the railroad right-of-way in violation of this Section shall be considered abandoned pursuant to this Code.

6. A parked or stored recreational/camping or utility trailer vehicle may not be used for business operations, except as permitted through a temporary use or temporary vendor permit.

7. A parked or stored recreational/camping or utility trailer vehicle may not be used for the storage of waste materials.

8. The parked recreational/camping vehicle or utility trailer must be operable and maintained as not to create a nuisance.

9. Except as provided in this subsection, recreational/camping vehicles shall not be used for dwelling or residential purposes unless within an approved recreational vehicle park.

a. A recreational/camping vehicle may be occupied in residential and mixed-use zoning districts on a private parcel for no more than twenty-one (21) user days in any quarter of a calendar year (January-March, April-June, July-September, October-December). If more than one recreational/camping vehicle is occupied, each recreational/camping vehicle shall be counted separately for purposes of determining user days (for example, if three recreational/camping vehicles are occupied, it shall count as 3 user days for each day they are all occupied, which would allow for a total of maximum of 7 days during a calendar quarter). Occupation of a recreational/camping vehicle shall be subject to the following:

1. A permit from the Town must be obtained after completing an application on a form provided by the Town Clerk.

2. The permit may be revoked by the Town Administrator for a violation of this Section or any section of the Code, including without limitation Chapter 7 of the Code governing nuisances.

b. A recreational/camping vehicle shall be deemed to be used for dwelling or residential purposes if any of the following are evident:

1. Pop-outs and/or side canopies are employed.

2. The vehicle is connected to utilities, including water or electricity.

3. Inside lights, television, radio, or other electrical components are on.

The list set forth above shall not be deemed to be exclusive and any other evidence relating to the use of the vehicle for camping or residential purposes may be considered.

Section 4. The following uses in the Temporary Use section in Table 3.1.4 of Chapter 16.03 are hereby amended as follows:

	R-1	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
Short-term parking of recreational camping vehicles	P	P	P					P			8-44
Long-term parking of recreational /camping vehicles	P	P	P					P			8-44

Section 5. A new Article IX is hereby added to Chapter 7 to read as follows:

ARTICLE IX – Camping

7-200. – Definitions.

“Camping” means to reside or dwell temporarily or permanently in a place with or without shelter, but does not include sleeping during the day or picnicking. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, vehicles, or any form of cover or protection from the elements other than clothing.

“Private property” means any real property that is not public property.

“Public property” means any real property, public right-of-way, public park, recreation area or other area owned, leased or under the control of the Town or other public entity.

"Reside or dwell" means to conduct daily life activities, including without limitation, eating, sleeping, bathing, or storing personal possessions.

7-201. – Camping on private property.

It shall be unlawful for any person to camp on any private property or to set up a tent, shack or any other shelter upon such property for such purpose within the town, except that it shall not be unlawful if such activity is conducted:

1. Pursuant to an approved special use permit;
2. By residents of the subject property and their invitees no more than two (2) nights in any calendar month; or
3. Pursuant to an approved permit issued by the Town Administrator upon application of the resident of the property on a form provided by the Town, provided that such

camping shall not exceed a total of twenty-one (21) days in any quarter of a calendar year (January-March, April-June, July-September, October-December), subject to the following:

a. A permit from the Town must be obtained after completing an application on a form provided by the Town Clerk.

b. The permit may be revoked by the Town Administrator for a violation of this Section or any section of the Code, including without limitation Chapter 7 of the Code governing nuisances.

Sec. 7-202. - Camping on public property.

It shall be unlawful for any person to camp in any public park or recreation area or upon any public property, or to set up a tent, shack, recreational/camping vehicle, camping vehicle, or any other shelter upon such property for such purpose within the town, except that it shall not be unlawful if such activity is conducted pursuant to an approved special use permit.

Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 25th day of February, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Mayor, Duff Lacy

ATTEST:


Paula Barnett, Town Clerk

