

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 338**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
AMENDING CHAPTER 16, ARTICLE I, SECTION 16-12 OF THE BOW MAR
MUNICIPAL CODE CONCERNING OUTDOOR PARKING AND STORAGE OF
RECREATIONAL VEHICLES**

WHEREAS, the Town of Bow Mar (the “Town”) is a municipal corporation authorized under Title 31, Article 23 of the Colorado Revised Statutes to regulate the development of land within the Town for the purposes of promoting the public health, safety, and welfare of the community;

WHEREAS, the Board of Trustees of the Town (the “Board”) has the power to adopt ordinances and to amend zoning regulations pursuant to §§ 31-15-203 and 31-23-301, *et seq.*;

WHEREAS, the Town has adopted zoning regulations codified in Chapter 16 of the Bow Mar Municipal Code (the “Code”) that, in relevant part, prohibit, with exceptions, any parking or storage of recreational or inoperable vehicles within the Town unless out of sight to passing traffic and contiguous property owners;

WHEREAS, the Board has requested amendments to the provisions of Section 16-12 covering the storage of recreational and inoperable vehicles to unify the time limits for parking or storing recreational vehicles within the Town;

WHEREAS, the Town Board of Trustees, sitting as the *ex officio* Planning and Zoning Commission considered the proposed zoning changes as set forth in this ordinance at a duly noticed joint public hearing in accordance with the requirements of Sections 16-19 and 2-121 of the Municipal Code and Section 31-23-304, C.R.S.; and

WHEREAS, the Board now desires to amend Chapter 16, Article I, Section 16-12 of the Code as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1 Repeal and Reenact Section 16-12. Chapter 16, Article I, Section 16-12 of the Bow Mar Municipal Code is hereby repealed and reenacted in full to read as follows:

Sec. 16-12. – Outdoor storage of vehicles

- (a) Definitions. For the purposes of this Section, the following terms shall have the following meanings:

(1) “*Recreational vehicle*” means any vehicle or trailer constructed in whole or in part for recreational purposes, including without limitation campers, camper trailers, motor homes, mobile homes, house trailers, horse trailers, buses, boats, rafts, barges, and boat and utility trailers. Automobiles, four-wheel-drive passenger vehicles, and passenger vans of three-quarter ton rating or less with covers over the box not exceeding the height of the cab or width of the box shall not be considered recreational vehicles for the purposes of this Section.

(2) “*Inoperable vehicle*” means any vehicle that is not roadworthy, as defined at C.R.S. § 42-6-102(15), as amended.

(b) **Recreational Vehicles.** It is unlawful to park or store, or allow to be parked or stored, a recreational vehicle on a public street, highway, road, alley, or other right-of-way, public or private driveway, or on public or private property, unless the recreational vehicle is parked or stored:

- (1) Behind a conforming garage, fence, or evergreen shrubs so as to be completely screened and out of sight of passing traffic and contiguous property owners;
- (2) In compliance with the direction of a police officer or Town signage;
- (3) In a permanent structure that is fully enclosed and fully contains the recreational vehicle so as to be completely screened and out of sight of passing traffic and contiguous property owners; or
- (4) For the purpose of temporarily visiting a permanent occupant of the property on which the recreational vehicle is parked or stored, performance of emergency repairs as a result of a mechanical breakdown, or for the purpose of temporarily loading or unloading the recreational vehicle, for a period of time not to exceed forty-eight (48) hours.

(c) **Inoperable Vehicles.** The outdoor parking or storage of any inoperative motor vehicles or storage of any inoperable vehicle or any motor vehicle not bearing a current license plate is prohibited except where such vehicle is stored in or behind a conforming

garage, fence, or evergreen shrubs so as to be out of sight of passing traffic and contiguous property owners.

- (d) Permits. The Town Police Department may issue a permit to allow the stopping and parking of any vehicles on a public street, highway, road, alley, or other right-of-way, public or private driveway, or on public or private property for a specific period of time not to exceed seven (7) days in any calendar year. This permit shall be issued for a specific vehicle and shall be affixed to such vehicles for the applicable time period. The permit shall describe the effective dates thereof and the location in which the vehicle shall be permitted to be parked. Permits may be granted to an additional time period by the Board of Trustees, or if requested between Board of Trustees meetings, by the Mayor.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED this ____ day of December, 2023.

DocuSigned by:
ATTEST:
Sue Blair
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DocuSigned by:
TOWN OF BOW MAR:
Bryan L. Sperry
2255D7DBF43342F...

By: _____

By: _____

Sue Blair, Town Clerk

Bryan Sperry, Mayor

Compliance with Section 1-46 of the Bow Mar Municipal Code:

INTRODUCED BY TRUSTEE RAMSDEN

SECONDED BY TRUSTEE PETERSON