

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 331**

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

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

WHEREAS, the Board of Trustees of the Town has the power to adopt and amend zoning regulations pursuant to Section 31-23-301, *et seq.*, C.R.S., and the general ordinance powers conferred by Section 31-15-103, C.R.S.; and

WHEREAS, the Town has adopted zoning regulations codified in Chapter 16 of the Municipal Code that, in relevant part, prohibit any parking or storage of recreational vehicles within the Town unless out of sight to passing traffic and contiguous property owners, without exception; and

WHEREAS, the Board of Trustees requested a text amendment to Chapter 16 to modify the regulations concerning the parking and storing of recreational vehicles; and

WHEREAS, the Town Board of Trustees, sitting as the *ex officio* Planning and Zoning Commission in accordance with Section 2-122 of the Municipal Code, 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 of Trustees for the Town of Bow Mar desires to amend Section 16-12 to clarify terminology, provide reasonable exceptions to the prohibition on parking and storing recreational vehicles in sight of passing traffic and contiguous property owners, and permit additional exceptions.

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

Section 1. Repeal and Replacement of Section 16-12. Section 16-12 of the Bow Mar Municipal Code is hereby repealed and replaced to read in full as follows:

Sec. 16-12. – Outdoor storage of recreational and inoperative vehicles.

- (a) 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 closed and fully contains the recreational vehicle so as to be completely screened and out of sight of passing traffic and contiguous property owners;
- (4) For the purpose of temporarily visiting a permanent occupant of the property on which the recreational vehicle is parked or stored, for a period of time not to exceed forty-eight (48) consecutive hours, provided that any recreational vehicle parked in accordance with this subsection shall not be occupied or used as a sleeping quarters or for other housekeeping purposes;
- (5) For the purpose of performance of emergency repairs on a recreational vehicle as a result of a mechanical breakdown, as long as the recreational vehicle is left standing or parked for no longer than seventy-two (72) hours;
- (6) For the purpose of temporary loading or unloading, for a period of time not to exceed twenty-four (24) consecutive hours; or
- (7) In compliance with subsection (b) of this Section.

(b) Permits. The Town Police Department may issue a permit to allow the stopping and parking of any vehicle on a public street, highway, road, alley, or other right of way, public or private driveway, or on public or private property for a specified 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 vehicle 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 for an additional time period by the Board of Trustees, or between Board of Trustees meetings, the Mayor.

(c) The term “recreational vehicle” refers to all vehicles and trailers constructed in whole or in part for recreational purposes, including, but not limited to, 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 the width of the box shall not be considered recreational vehicles for purposes of this Section.

(d) Inoperative Vehicles. The outdoor parking or storage of any inoperative motor 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.

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 19th day of October, 2020.

ATTEST:

By: 

Angie Kelly, Town Clerk

TOWN OF BOW MAR:

By: 

Thomas Feldkamp, Mayor

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

INTRODUCED BY TRUSTEE SWANSON

SECONDED BY TRUSTEE DENNIS