

TOWN OF BASALT, COLORADO
ORDINANCE NO. 10
Series of 2014

AN ORDINANCE AMENDING TITLE 11, STREETS, SIDEWALKS AND PUBLIC PROPERTY, OF THE BASALT TOWN CODE FOR THE REGULATION OF CAMPING AND LODGING WITHIN THE TOWN OF BASALT

WHEREAS, the Town of Basalt, in the Counties of Eagle and Pitkin and the State of Colorado (hereinafter the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (hereinafter the "Charter"); and

WHEREAS, the members of the Town Council of the Town (hereinafter the "Council") have been duly elected and qualified;

WHEREAS, The Town, acting by and through the Council, has the power to amend the Municipal Code of the Town of Basalt ("hereinafter the "Code") pursuant to the Charter and Section 1-58 of the Code, and all such amendments shall become a part of the Code; and

WHEREAS the Council finds that regulation of camping and lodging on property without consent within the Town is of public concern and efficient police regulation of camping and lodging on property without consent within the Town would preserve the general welfare of the citizens and guests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT;

Section 1. Chapter 11, Article V: Use Restrictions, Basalt Town Code, is hereby amended to include the additional provision set forth below:

11-115 Camping or Lodging on Property Without Consent.

(a) No person shall camp within any park, parkway, recreation area, open space or other Town property without prior authorization of the Town.

(b) No person shall camp within any public property other than Town property or any private property without first having obtained:

- (1) Permission of the authorized officer of such public property; or
- (2) Permission of the owner of private property.

(c) This section does not apply to any dwelling in the Town, as defined Section 16-4 of the Code.

(d) For purposes of this section "camp" means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. But the term does not include napping during the day or picnicking. The term "shelter" includes, without limitation, any cover or protection from the elements other than clothing. The phrase "during the day" means from one hour after sunrise until sunset.

(e) Testimony by an agent of the persons specified in subsection (b) of this section that such agent is the person who grants permission to camp or lodge upon such property, or that in the course of such agent's duties such agent would be aware of permission and that no such permission was given, is prima facie evidence of that fact.

(f) Any person who fails to comply with any provision of this Section shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine as specified in Chapter 1, Article IV of this Code.

11-116 Unlawful Use of Vehicles as Residence.

No person shall occupy a vehicle upon any Town street or streets or other public property if any of the purposes for such occupation is to use the vehicle as a permanent or temporary residence. The general penalty provisions of Chapter 1, Article IV shall apply to this Section.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases is declared invalid.

Section 3. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any rights which have accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of this provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 5. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this ____ day of _____, 2014; and a public hearing for second reading of this Ordinance is set for the ____ day of _____, 2014 at __:00 p.m.in the Council Chambers of the Basalt Municipal Building, Basalt, Colorado.

Jacque Whitsitt, Mayor

ATTEST:

Pamela Schilling, Town Clerk

INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2014.

Jacque Whitsitt, Mayor

ATTEST:

Pamela Schilling, Town Clerk