

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2021-668

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE AMENDING CHAPTER 19 OF THE LOCHBUIE
MUNICIPAL CODE CONCERNING REGULATION OF
RECREATIONAL VEHICLES ON PRIVATE PROPERTY AND MAKING
CONFORMING AMENDMENTS IN CONNECTION THEREWITH**

WHEREAS, the Town of Lochbuie is a Colorado municipal corporation governed by its Mayor and Board of Trustees; and

WHEREAS, the Board of Trustees is authorized by C.R.S. § 31-23-101 *et seq.* to adopt and enforce regulations for the preservation of the public health, safety and welfare, including regulations governing the zoning and development of land; and

WHEREAS, the Board is also authorized to adopt this ordinance pursuant to state law, including but not limited to C.R.S. § 24-67-101 *et seq.* and 31-16-101 *et seq.*; and

WHEREAS, in the exercise of this authority, in 2017, the Board of Trustees previously adopted comprehensive zoning and development regulations codified in Chapter 19 of the Lochbuie Municipal Code which regulations are known as the Town's Land Development Code ("LDC"); and

WHEREAS, by adoption of Ordinance 629 adopting the LDC, the Board of Trustees also repealed all of Chapter 16 of the Lochbuie Municipal Code, which chapter had contained the zoning regulations of the Town and which included provisions governing recreational vehicles on private property within the Town; and

WHEREAS, the Board of Trustees desires to make certain amendments to the LDC to address recreational vehicles on private property as set forth herein, such policy to be consistent with the previously repealed chapter 16 provisions of the Lochbuie Municipal Code governing the same; and

WHEREAS, the Board has provided notice of and conducted a public hearing on this ordinance on May 18, 2021.

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

Section 1. Code Section 19-7-290 adopted. A new Section 19-7-290 of the Lochbuie Municipal Code is hereby adopted to read as follows:

Sec. 19-7-290. - Restrictions on parking or storage of certain vehicles on private property within residential zones.

- (a) Definitions. As used in this Section:
- (1) "Bus" means a motor vehicle designed to seat more than sixteen (16) passengers and used for the transportation of persons, regardless of compensation, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.
 - (2) "Camper" means non-wheeled, detachable vehicular equipment that weighs over five hundred (500) pounds, used for temporary or permanent habitation, which has no independent motor power and that is capable of being placed on a vehicle but is not capable of being towed.
 - (3) "Camping Trailer" means a trailer constructed to provide temporary occupancy as a dwelling or sleeping place for one (1) or more persons.
 - (4) "Commercial Vehicle" means:
 - A. Any self-propelled or towed vehicle bearing a commercial license plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds (10,001) or more, which vehicle is used in commerce or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a bus as defined in this Subsection; and
 - B. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting.
 - (5) "Commercial utility trailer" means a utility trailer used in commerce.
 - (6) "Load(ed) and/or Unload(ed)" means the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle.
 - (7) "Mobile home" means a non-motorized vehicle designed to be permanently affixed to land to be used for occupancy as a dwelling or sleeping place for one or more persons, but which is constructed to allow it to be transported upon streets and highways.
 - (8) "Motor home" means a motorized vehicle designed to provide temporary occupancy as a dwelling or sleeping place for one or more persons and which is intended to be transported upon streets and highways, but excluding pick-up trucks with attached campers

- (9) "Occupancy" or "occupy" shall include but is not limited to personal or human occupancy of any kind to include inhabiting, living in, or lodging in, regardless of time.
- (10) "Operable condition" means in a condition that would allow its normal operation, with functioning headlights, inflated tires, current license plates or tags, and not partially dismantled, lifted on jacks, blocks or other structures.
- (11) "Recreational trailer" means a trailer used and operated for any purpose other than a predominantly commercial purpose, such as a boat trailer or snowmobile trailer.
- (12) "Recreational vehicle" means a means a motor home or camping trailer and does not include campers or mobile homes.
- (13) "Rendering Services" means commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries, service calls, accepting articles for removal or delivery, and related commercial activities.
- (14) "Residential District" means the R-1, R-2, R-3, RR and MU zone districts and the residential areas of any planned unit development within the Town.
- (15) "Semi-Tractor" means a motor vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand and one (26,001) pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.
- (16) "Semi-Trailer" means a wheeled vehicle, the empty weight of which is more than two thousand (2,000) pounds or the length of which is greater than twenty-five (25) feet, which has no motor power and is designed to be used in conjunction with a semi-tractor so that some part of its own weight and that of its cargo load rests upon such semi-tractor.
- (17) "Trailer" means a recreational trailer and a utility trailer.
- (18) "Truck" means a motor vehicle exceeding eight (8) feet in width, twenty-five (25) feet in length or ten (10) feet in height, excluding motor homes.
- (19) "Utility trailer" means a trailer built or designed to be used for transporting equipment, goods, materials, junk, debris, construction materials and like items.

(b) Storage or parking of recreational vehicles, recreational trailers or utility trailers, whether or not attached to a motorized vehicle, or campers unattached to a motor vehicle, or boats whether or not attached to a recreational trailer, within a residential district of the Town shall be prohibited, except if all the following conditions are satisfied:

- (1) The parcel on which such vehicle is parked or stored must contain a residential structure which is occupied.
- (2) A combination of no more than three (3) recreational vehicles, recreational trailers or utility trailers, whether or not attached to a motorized vehicle, or campers unattached to a motor vehicle, or boats whether or not attached to a recreational trailer may be located on one parcel at any time.
- (3) No more than one (1) of any recreational vehicle, recreational trailer or utility trailer, whether or not attached to a motorized vehicle, or camper unattached to a motor vehicle, or boat whether or not attached to a recreational trailer may be located in front of the front building line of the main residential structure or visible from the street in the side yard on any parcel at any time.
- (4) Storage or parking of such vehicle(s) within the side yard area is permitted with a one (1') foot setback from the side property line.
- (5) The registered owner of any such vehicle(s) stored on the property must either be the owner of the property or use the property as his/her primary residence.
- (6) If located in the front or side yard, storage or parking of such vehicle(s) must be located on an approved surfaced area. Surfaced area must consist of asphalt, concrete, gravel, pavers, road base, crushed concrete or like materials approved by the Town. Parking area must remain free of weeds, grass or other vegetation.
- (7) Such vehicle(s) shall not be occupied for sleeping or lived in permanently or temporarily.
- (8) Coverings such as tarps or cloth screens are not permitted. Fitted covers are permitted and may be used as long as they are specifically designed for a recreational vehicle. All fitted covers shall be maintained in good condition.
- (9) All such stored or parked vehicles and trailers must be in operable condition and display current registration. The wheels shall not be removed except for temporary repair or maintenance.
- (10) Repairs and maintenance of such vehicles shall not be permitted on a residential parcel with the exception of provisioning, cleaning,

replacement of tires, batteries, spark plugs or other minor repairs which shall not involve exchange of engine parts, transmission, mechanical components, paint or body work. Recreational vehicles may contain enclosed storage associated with the use of the vehicle. All other storage must be out of public view.

- (11) Open trailers must remain empty and free of debris and storage unless in active use. Tarps or like coverings are not permitted. Enclosed trailers may contain storage associated with the use of the vehicle. All other storage must be out of public view.
- (12) Recreational vehicles with “slides” must keep the “slides” closed at all times unless in active use.
- (13) Such vehicles shall not be parked or stored in any manner that encroaches upon the public sidewalks or streets, including any equipment associated with the vehicle or trailer.

(c) Access to front, side or rear area storage. The person storing any recreational vehicle, recreational trailer or utility trailer as may be permitted hereunder shall access the side or rear yard storage areas from the existing driveway only.

(d) Commercial vehicle private property storage: No bus, commercial vehicle, semi-tractor, or semi-trailer, shall be parked or stored upon private property in any residential district of the Town, whether attached to a motor vehicle or not, with the exception of a bus, commercial vehicle, semi-tractor, or semi-trailer being loaded or unloaded, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed forty-eight (48) hours.

Section 3. **Repeal of Section 7-1-150.** Section 7-1-150 of the Lochbuie Municipal Code, which contains provisions inconsistent with this Ordinance and with Section of Section 8-1-20(b)(7) addressing parking restrictions for certain commercial and recreational vehicles and trailers (public property) is hereby repealed.

Section 4. **Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 5. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 6. 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 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 18 day of May, 2021.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of May 18, 2021 and ordered published by title only one time by *The Brighton Blade* newspaper on April 28, 2021.

[SEAL]



Cristal Sanchez, Acting Town Clerk

