

**ORDINANCE NO. 2022-01****AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY
ESTABLISHING LIMITATIONS ON RESIDING ON OURAY COUNTY-OWNED LAND**

Be it ordained by the Board of County Commissioners of Ouray County:

1. Definitions

- (a) "Residing" means temporarily or permanently sleeping, cooking, or otherwise engaging in activities of daily living, including having and storing paraphernalia of daily living such as clothing, personal hygiene items, or cooking equipment, or using shelter including any cover or protection from the elements other than clothing (such as a tent, sleeping bag, vehicle, or other structure or material). The term does not include napping during the day or picnicking.
- (b) "During the day" means the period from sunrise until sunset.

2. Residing on Ouray County-owned Property Prohibited

- (a) Temporarily or permanently residing on property owned by Ouray County, including county road rights-of-way, is prohibited except where expressly authorized by Ouray County ordinance, rule, regulation, order, contractual agreement, or official signage.
- (b) Pursuant to § 30-15-401(1)(h), C.R.S. et seq., as amended, it is the duty of the law enforcement officers from the Ouray County Sheriff to enforce this ordinance.
- (c) Notwithstanding the foregoing, a person may occupy a motor vehicle one night in any seven (7) day period for a period no longer than twenty-four (24) consecutive hours on Ouray County owned road rights-of-way so long as the motor vehicle does not present a traffic hazard, and the area has not been designated as a no parking area, and the motor vehicle does not unreasonably obstruct any existing parking area.

3. Interpretation

If any provision of this ordinance is ruled invalid by any court of competent jurisdiction, the effect of such judgment is limited to that specific provision or provisions which are expressly stated in the judgment to be invalid, and such judgment will not affect, impair, or nullify the validity of application of the remainder of this ordinance as a whole or any other part, and the rest of this ordinance will continue in full force and effect.

4. Penalties

- (a) Violation of this ordinance is a civil infraction as provided for in § 30-15-402, C.R.S., as amended, and punishable by a fine of not more than \$300. This ordinance may be enforced by law enforcement officers from the Ouray County Sheriff. Any person having the authority and responsibility to enforce this ordinance may issue a citation or summons and complaint to the violator, or to a vehicle, stating the nature of the violation and giving notice of the charge to the violator.
- (b) Persons having the authority and responsibility to enforce this ordinance and having knowledge of any violation may use the penalty assessment procedure defined in § 16-2-201, C.R.S., as amended, by issuing a penalty assessment notice and releasing the violator upon its terms. The penalty assessment notice will be a summons and complaint and will contain the identification of the offender, the specification of the offense, and the applicable fine.
- (c) As provided in § 16-2-201(1.5), C.R.S., as amended, a penalty assessment notice may be placed on an unattended vehicle parked in apparent violation of any county regulation. A penalty assessment notice placed on a vehicle will contain the license plate number and state of registration of the vehicle in lieu of the identification of the offender.
- (d) When the penalty assessment procedure is used, the following schedule of fines will be used for violations of this ordinance:

First Offense \$100

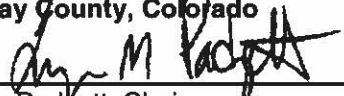
Second Offense \$200

Third and Subsequent Offenses \$300

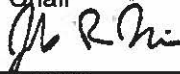
(e) Restitution, including but not limited to necessary cleanup or removal costs related to violations of this ordinance, may also be ordered by a court of competent jurisdiction pursuant to § 18-1.3-503(2), C.R.S., as amended.

INTRODUCED AND FIRST READING on May 3, 2022 and on such date ordered published in the *OURAY COUNTY PLAINEALER*. Published on May 5, 2022.

**Board of County Commissioners
Ouray County, Colorado**



Lynn Padgett, Chair



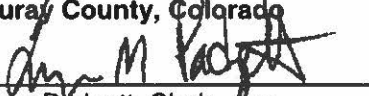
Jake Niece, Vice-Chair



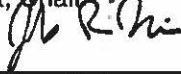
Ben Tisdal, Commissioner Member

ADOPTED ON SECOND AND FINAL READING on May 24, 2022

**Board of County Commissioners
Ouray County, Colorado**



Lynn Padgett, Chair



Jake Niece, Vice-Chair



Ben Tisdal, Commissioner Member

EFFECTIVE DATE June 25, 2022

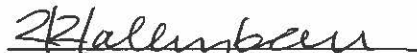
CERTIFICATION BY OURAY COUNTY CLERK AND RECORDER:

I, Michelle Nauer, Clerk and Recorder of Ouray County and Clerk to the Board of County Commissioners, do hereby attest and certify that this Ordinance was introduced and read on May 3, 2022 and continued to May 24, 2022 and read and ordered published at such regular meeting of the Board of County Commissioners.

The Ordinance was published in full in the *Ouray County Plaindealer* on May 5, 2022 along with a notice of public hearing.

Adopted and approved at a public hearing of the Board of County Commissioners on May 24, 2022, after the second and final reading of the Ordinance.

Published after adoption in the *Ouray County Plaindealer* on the 26 day of May, 2022.


Michelle Nauer, Clerk and County Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

