

## **ORDINANCE NO. 2023-**

### **AN ORDINANCE AMENDING CHAPTER 12.12 OF THE CASTLE ROCK MUNICIPAL CODE PERTAINING TO CAMPING AND WASTE WITHIN PUBLIC STORM DRAIN SYSTEMS, STREAM RIPARIAN ZONES AND FLOODPLAINS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, the Town Council of the Town of Castle Rock (“Town”) desires to protect and maintain the health, safety and welfare of all persons within the Town; and

**WHEREAS**, persons camped within storm drainage systems and/or public streams and/or public stream riparian zones and/or flood prone areas create a public health and safety hazard because persons lingering or remaining within a storm drainage system and/or public stream and/or public stream riparian zone and/or floodplain may be swept away by sudden floodwaters and/or drown; and

**WHEREAS**, waste, whether discarded materials, human excrement or any other foreign substance in streams or other water sources, also creates a public health and safety hazard because waste may lead to the contamination of the Town’s water supply; and

**WHEREAS**, the Town Council desires to protect the streams and water sources of the Town; and

**WHEREAS**, local and downstream water quality is affected by the pattern and content of storm water and floodwater drainage into streams from storm drainage systems and stream riparian zones; and

**WHEREAS**, persons camped within the boundaries of public storm drainage systems, streams, public stream riparian zones and/or floodplains may urinate, defecate, bathe in, wash clothes and dishes, or otherwise contaminate stream waters and water sources, resulting in unsanitary and unhealthy conditions; and

**WHEREAS**, of particular concern is the possibility that, absent regulation, the Town’s watershed may be subject to contamination from *E. coli*, which is a type of fecal coliform bacteria commonly found in the intestines of animals and humans; and

**WHEREAS**, in other nearby communities (e.g., Colorado Springs), the presence of *E. coli* and other pathogens in the local watershed have resulted in the Colorado Department of Public Health and Environment’s Water Quality Control Commission’s ongoing determination that such waters are impaired (i.e., the waters are too polluted or otherwise degraded to meet the water quality standards set by the State of Colorado); and

**WHEREAS**, camping within storm sewers and/or public streams and/or public stream riparian zones and/or flood prone areas may allow for prohibited discharge, including fecal coliform and sewage, into stormwater that flows into waters of the state and/or the Town’s storm

sewer system, in violation of the Town's Municipal separate storm sewer (MS4) Permit issued by the Colorado Department of Public Health and Environment ("CDPHE") and Castle Rock Municipal Code 4.03; and

**WHEREAS**, other regulatory agencies such as the National Forest Service and the National Park Service regularly prohibit camping and related activities within 100 feet or further from a streambank to protect the natural environment and public health and safety.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

**Section 1. Legislative Findings.** The recitals to this ordinance are adopted as findings of the Town Council in support of the enactment of this ordinance.

**Section 2. Amendment.** Subsection 12.12.030.H. of the Castle Rock Municipal Code is amended to read as follows:

12.12.030 - General rules and regulations.

The following rules and regulations shall apply to all recreation areas. Additional rules and regulations may apply to specific recreation areas as promulgated by the Parks and Recreation Department and posted at such site:

H. ~~Camping. It shall be unlawful to camp overnight in any recreation area, except in areas which are designated for camping.~~ TENTS. IT SHALL BE UNLAWFUL FOR A PERSON TO ERECT OR USE ANY TENT, NET, OR OTHER TEMPORARY AND/OR UNAUTHORIZED PERMANENT STRUCTURE FOR THE PURPOSE OF SHELTER OR STORAGE OF PROPERTY IN A PARK OR RECREATION AREA, ON ANY OPEN SPACE LAND, OR ON ANY PUBLIC PROPERTY, UNLESS THE AREA IS DESIGNATED FOR SUCH USE OR DONE PURSUANT TO A WRITTEN PERMIT OF APPROVAL FROM THE TOWN. THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO TEMPORARY SHADE STRUCTURES IN ANY PARK OR RECREATION AREA WITHIN THE BOUNDARIES OF THE TOWN. A TEMPORARY SHADE STRUCTURE IS A STRUCTURE SUCH AS AN UMBRELLA OR AWNING THAT PROVIDES OVERHEAD COVERING OR WEATHER PROTECTION, BUT IS NOT DESIGNED FOR OVERNIGHT USE OR PRIVACY AND CANNOT BE FULLY ENCLOSED. NO TEMPORARY SHADE STRUCTURE SHALL REMAIN IN A PARK OR RECREATION AREA BETWEEN SUNDOWN AND SUNRISE.

**Section 3. Amendment.** Chapter 12.12 of the Castle Rock Municipal Code is amended to add a new section, 12.12.035, which section reads as follows:

12.12.035 - Camping and/or waste deposit within 100 feet of public stream, public stream riparian zone, floodplain and storm drainage system is prohibited.

A. **Definitions.** For purposes of this section, certain terms are defined as follows:

*Camp* means to use the public area for living accommodation including, but not limited to, occupying temporary and/or unauthorized permanent shelter, such as tents, nets, motor vehicles, tarps, or other temporary and/or unauthorized permanent structures that provides cover or protection from the elements, the presence or use of a campfire, camp stove or other heating source or cooking device, and keeping or storing personal property.

*Floodplain* or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

*Storm drainage system* means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

*Stream* means natural, altered or improved channels that have seasonal or continuous water flows as a result of surface sources, storm water runoff or groundwater influx, or naturally occurring or manmade bodies of water surrounded by land in which water is confined. Streams include channels, canals, streambeds, streambanks, drainage ways, floodways, holding and silting basins, reservoirs, lakes and ponds.

*Stream Riparian Zone* means the terrain alongside a stream between which the flow of water or body of water is confined.

*Waste* includes but is not limited to, any and all rubbish, unused, rejected and/or discarded material(s), feces, urine, temporary shelters, personal belongings, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description.

B. Camping. It is unlawful for any person to camp inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

C. Sleeping. It shall be unlawful for any person to sleep or make preparations to sleep, including the lying down of bedding for the purpose of sleeping inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

D. Notice. No person shall be cited for a violation of subsections B and/or C of this section unless the person engages in conduct prohibited by subsections B and/or C of this section after having received notice by a law enforcement officer that such conduct violates subsections B and/or C of this section. Upon receiving notice of violation, the person engaging in conduct prohibited by subsections B and/or C of this section shall have up to

twelve (12) hours to vacate and remove all items from the public storm drainage system and/or stream and/or public stream riparian zone and/or floodplain.

E. **Waste.** It is unlawful for any person to knowingly or recklessly deposit, place or permit to be deposited or placed any waste inside of storm drainage system or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain unless:

1. The area is designated by the State or any of its agencies or political subdivisions, including the Town, for the disposal of the waste and the person is authorized by the proper public authority to so use the property; or
2. The waste is placed in a receptacle or container used within the area for the purpose of waste collection.

**Section 4. Amendment.** Section 12.12.040 of the Castle Rock Municipal Code is amended to read as follows:

12.12.040 – Violation; PENALTY.

ANY violation of the PROVISIONS OF Section 12.12.030 AND/OR SECTION 12.12.035 shall be punishable AS PROVIDED FOR IN SECTION 1.08.010 OF THIS CODE.

**Section 5. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction as invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 6. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 6th day of June, 2023, by a vote of \_\_\_\_ for and \_\_\_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_, of \_\_\_\_, 2023, by the Town Council of the Town of Castle Rock by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Lisa Anderson, Town Clerk

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Jason Gray, Mayor

**Approved as to form:**

**Approved as to Content**

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Michael J. Hyman, Town Attorney

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David L. Corliss, Town Manager