

ORDINANCE NO. 2022-1

LIMITATIONS ON RESIDING ON BOULDER COUNTY-OWNED LAND

Be it ordained by the Board of County Commissioners of Boulder 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 Boulder County-owned Property Prohibited

- (a) Temporarily or permanently residing on property owned by Boulder County, including county road rights of way, is prohibited except where expressly authorized by Boulder County ordinance, rule, regulation, or order.
- (b) Pursuant to § 30-15-401(1)(h), C.R.S. et seq., as amended, it is the duty of the Boulder County Sheriff and the Sheriff’s deputies, as well as Boulder County security officers to enforce this ordinance.
- (c) Persons using a tent or other means of shelter on county-owned property as a temporary or permanent residence should have no expectation of privacy and may be required to open the shelter by Boulder County law enforcement or security officers.
- (d) 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 Boulder 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.

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., and punishable by a fine of not more than \$300. This ordinance may be enforced by law enforcement officers from the Boulder County Sheriff as well Boulder County security officers, and/or Boulder County Parks & Open Space rangers. 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. 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

ADOPTED this ____ day of _____, 2022

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY

Marta Loachamin, Chair

ATTEST:

Cecilia G. Lacey, Clerk to the Board