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Debra A Green  
Park County Clerk

ORDINANCE NO. 20-02

AN ORDINANCE REGULATING STORAGE CONTAINERS IN PARK COUNTY

WHEREAS, the Board of County Commissioners has authority pursuant to C.R.S. 29-20-104, 30-11-101, 30-28-102, 30-28-115, and 30-28-116 to promulgate regulations regulating use of land on the basis of the impact thereof on the community and surrounding areas; and governing zoning and land use and to promote the health, welfare, and safety of the inhabitants of the County; and

WHEREAS, storage containers are currently permitted only on parcels 160 acres or greater; and temporarily during active, permitted construction with prior approval; and

WHEREAS, the Board of County Commissioners respects the rights of private property owners to use and enjoy their property, but desires to ensure that storage containers are utilized in a manner that protects the health and safety of the residents of Park County; and

WHEREAS, Park County Development Services is the appropriate agency to manage storage container regulations as identified in this Ordinance; and

WHEREAS, the Park County Sheriff's Office is the appropriate agency for enforcement of this Ordinance if compliance cannot be gained through the Development Services department; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Park County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Title and Purpose.

The title of this Ordinance is the Park County Storage Container Ordinance. The purpose of this Ordinance is to regulate the use of storage containers in Park County and to provide for enforcement procedures and penalties for violations of this Ordinance, because their unauthorized use is a health and safety hazard and a public nuisance.

Section 2. Authority.

This Ordinance is authorized pursuant to Colorado Revised Statutes 29-20-104, 30-11-101, 30-28-102, 30-28-115, 30-28-116, 30-28-124, and 30-28-124.5.

Section 3. Scope.

This Ordinance shall apply to all zone districts, and all parcels less than 160 acres, in unincorporated Park County.

Section 3. Definitions.

- A. Storage container: a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are used for storage of items.

Section 4. Regulations and Restrictions Pertaining to Storage Containers in Unincorporated Park County.

A. General.

1. Storage containers count towards the accessory structure limit in all zone districts.
2. Building permits are required for placement of storage containers on all parcels less than 160 acres.
3. Storage containers may be used for storage purposes only, unless otherwise permitted under the alternative construction methods sections of Building Codes.
4. Visual mitigation, acceptable to the Director of Development Services or designee, is required for storage containers on parcels less than 160 acres. Mitigation may include but not be limited to painting, berming, burial, fencing, siding, or other means to reduce visibility and/or improve aesthetics. Visual mitigation should address blending into the environment, compatibility with existing structures, and similar considerations.
5. Compliance with all minimum setbacks for the zone district must be met.

B. Residential Zones.

1. One storage container shall be permitted per parcel in all Residential zone districts where a permitted dwelling unit is located or active, permitted construction of a dwelling unit is ongoing. Storage containers are not permitted on vacant parcels.
2. No storage container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including roads.

C. Commercial and Mixed Use Zones.

1. The use of storage containers in Commercial and Mixed Use zones is permitted, provided that they are not stored on public rights-of way, fire access lanes, Code-required parking spaces, landscaped and front setback areas.

D. Industrial Zones.

1. The use of storage containers is permissible in all Industrial zones, provided that they are not stored on public rights-of-way, fire access lanes, or Code-required parking spaces on the property.

E. Vertical stacking of storage containers and stacking of any other materials on top of or around any portable storage container shall be prohibited in all zones. An exception may be approved by the Director of Development Services or designee for those commercial businesses that have a valid business license to sell portable storage containers; or for permitted construction projects where a Code-compliant primary structure is to be built of storage containers as an alternative construction method.

F. In all zones, storage containers must be kept in good repair, be secured against unauthorized entry, comply with health regulations, and be stored on an all-weather surface.

1. A storage container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust or it has been infested with vermin or other pests.

- G. Storage containers may not be used as unpermitted temporary or permanent dwelling or living quarters, camping, cooking or recreation purposes for any amount of time in any zone.

Section 5. Authorized Enforcement Personnel.

- A. The following County officers and officials are authorized to enforce this Ordinance:
  - 1. Park County Development Services personnel,
  - 2. Park County Sheriff's Office personnel, and
  - 3. Any other person designated by the Board of County Commissioners of Park County.

Section 6. Violations and Penalties

- A. Any violation of this Ordinance may be separately, concurrently or together enforced through this Ordinance and the Land Use Regulations.
- B. Each day of a violation of this Ordinance shall be a separate violation.
- C. In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Sections 30-28-124 and 30-28-124.5 of the Colorado Revised Statutes.
- D. Violation of any provision of this Ordinance shall be a Class 2 petty offense and upon conviction or admission of guilt, shall be punishable as follows:
  - 1. For the first violation, a fine of not less than \$150.00, except that if a penalty assessment is issued as provided by Section 6.D.4., the fine shall be the minimum.
  - 2. For the second offense by the same person and/or property owner, the person shall be assessed a fine of not less than \$500.00, except that if a penalty assessment is issued as provided by Section 6.d, the fine shall be the minimum.
  - 3. For a third or any subsequent offense thereafter by the same person and/or property owner, the person and/or property owner shall be punished by a fine of not less than \$1,000.00 for each separate offense.
  - 4. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.
- E. Any fees or fines assessed for violations of this Ordinance shall be paid to Park County Sheriff's Office.

Section 7. Severability.

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 8. Effective Date.

The publication and notice of this Ordinance will be performed in accordance with C.R.S. 30-15-405 and 30-15-406 and shall become effective 30 days after the second publication of the Ordinance.

CERTIFICATION: The foregoing Ordinance was introduced and read on January 9, 2020, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: January 17, 2020.

The foregoing Ordinance was considered on February 6, 2020, and adopted by the Board of County Commissioners of Park County and ordered published by reference to title and changes only in The Flume.

DATE OF SECOND PUBLICATION: February 14, 2020.

EFFECTIVE DATE: March 16, 2020.

BOARD OF COUNTY COMMISSIONERS



*Richard Elswor, Chairman*