

## Sec. 23-16. - Supplementary regulations.

- (a) *Home occupations.* Home occupations may be conducted within a dwelling unit as an accessory use only if the following criteria are met:
- (1) County and state sales tax licenses must be obtained if taxable sales are made.
  - (2) The occupational activity and storage may take place only within the dwelling unit.
  - (3) Only the residents of the dwelling unit may be engaged in the business.
  - (4) The home occupation activity shall not utilize more than 20 percent of the dwelling unit floor space.
  - (5) No unreasonable noise, dirt, odor, vibration or glare shall be observable off the premises.
  - (6) At least four off-street parking spaces shall be supplied with minimum dimensions of eight feet by 20 feet.
- (b) *Restrictions on use and location of travel vehicles.*
- (1) Except as expressly authorized by further provisions in this subsection (b), no travel homes, recreational vehicles, or other types of vehicles or trailers shall be used or occupied by any person on any public or private land within the town for purposes of short- or long-term residency or overnight camping. Further, no generators may be deployed for the purpose of providing electric power to any type of vehicle or trailer allowed or permitted in the town, except within areas of the lawfully designated campgrounds and parks referred to in subsection (b)(2) of this section.
  - (2) Notwithstanding the provisions of subsection (b)(1) of this section, any type of vehicle may be used or occupied, during periods of up to, but not more than, 30 weeks in each calendar year, for said purposes of residency or overnight camping in such campgrounds and parks within the town that have been lawfully designated for such uses and in conformity with applicable town zoning regulations controlling such uses.
  - (3) The owner(s) of any parcel of land properly zoned for residential use may allow occasional, short-term residential use on such land of a properly designed and equipped travel vehicle owned by visiting friends and/or family members, especially during holidays and times of special town events when campgrounds and other areas designated for residential use of travel vehicles are likely to become congested or full. It is provided, however, that such allowed short-term use of private land shall not involve more than one such travel vehicle at a time and shall not continue for more than seven consecutive days from inception of the allowed use.
  - (4) Except as hereinbefore provided by this subsection (b), no type of vehicle may be otherwise allowed, used or occupied for purposes of residency or overnight camping on land within the town unless a special use permit has first been issued by the town's enforcement officer to

the owner(s) of land within the town on which the subject vehicle is to be so used and occupied. Each permit so issued by the enforcement officer shall be subject to the following conditions, restrictions and further requirements:

- a. To be eligible for issuance of each such special use permit, the applicant's real property must contain at least two town lots or have an equivalent size of at least 6,250 square feet. (No more than one vehicle shall be permitted per each 6,250 square feet of property owned by an applicant.)
  - b. A separate application must be signed for each desired permit on a form to be provided by the town clerk. No permit shall be deemed valid until approved in writing by the town enforcement officer.
  - c. The owner of the property on which any vehicles may be permitted for the stated purposes shall be responsible for ensuring that all conditions of each permit are met throughout its term.
  - d. No vehicle permitted in accordance with this subsection (b) shall be used or occupied as a rental facility or for any other commercial purposes, including the sale of wares or merchandise therefrom. No permitted property owner may charge fees for parking any eligible vehicle on the property.
  - e. The maximum length of any permit issued pursuant to this subsection (b) shall be 30 days from the time of its issuance; and, after its expiration, no subsequent permit for parking the same vehicle on the applicant's property may be issued during the succeeding 180 days.
  - f. At all times, each permitted vehicle must remain self-contained for wastewater and not connected to the town's sewer system. No use of generators to provide power to the vehicle shall be allowed at any time.
  - g. Each permitted vehicle shall be located within the setback lines for the property established by the town's other zoning provisions.
- (5) Nothing in this subsection (b) shall be deemed to prevent the mere parking of an unoccupied travel home or recreational vehicle for up to 24 hours upon the town's public streets or alleys, provided that such vehicle is properly registered and licensed, and is otherwise lawfully parked in a location which does not create a nuisance or hazard.
- (6) It shall be unlawful to violate the provisions of this subsection (b). Vehicles that are not in conformity with the provisions of this subsection (b) are hereby declared to be a nuisance, subject to abatement by the town in any lawful manner. In addition to any other legal and/or equitable remedies available to the town against the owner of any nonconforming vehicle and/or owner of any property on which a nonconforming vehicle is found to be parked, the town shall be entitled to recover from and against such owner all reasonable attorney's fees

and court costs incurred in the process of enforcing these regulations and/or abating the nuisance created by a nonconforming vehicle. Moreover, any person convicted of violating the provisions of this subsection (b) shall be subject to the fines and other penalties provided for violations of the town's general zoning laws, as more particularly set forth in section 23-24, as amended.

(c) *Horses, burros, donkeys and mules.*

- (1) Horses, mules, donkeys and burros may be kept within the town as an accessory use to a residence in the residential RE or R-1 district if a permit is approved pursuant to this subsection (c).
- (2) Applications for such a permit shall be submitted to the town on forms supplied by the town accompanied by an application fee as set out in the town fee schedule, which forms may require all information appropriate to determine if requirements of this subsection (c) will be met, including a diagram of the premises.
- (3) No more than one animal may be kept on the premises per five acres of contiguous available pasture. Contiguous pasture, both within or without the town, may be counted toward this requirement. The premises shall be adequately fenced and maintained so that no nuisance is created on account of manure, or other factors.
- (4) The board of trustees shall grant or deny the application. The board of trustees may impose conditions on the permit as it deems necessary to protect the public health, safety and welfare and to prevent any nuisance.
- (5) The board of trustees may revoke any such permit following reasonable notice and hearing if it determines that the criteria of this subsection (c) are not met.

(d) *Fences.*

- (1) No fence may exceed six feet in height, except in the general business district where the maximum height is eight feet.
- (2) No fence may exceed four feet in height within 30 feet of the intersection of the traveled portion of any streets.

(e) *Miniature horses, miniature goats, and miniature sheep.*

- (1) Class "A" miniature horses measuring not more than 34 inches at the withers, a miniature goat measuring 20 inches at the shoulders, or a miniature sheep measuring 20 inches at the shoulders, may be kept within the town as an accessory use to a residence in the residential RE or R-1 district if a permit is approved pursuant to this subsection (e).
- (2) Applications for a permit shall be submitted to the town on forms supplied by the town accompanied by an application fee as set out in the town fee schedule, which forms may require all information appropriate to determine if the requirements of this subsection (e) will be met including a scale drawing of the premises.

- (3) Notice of such an application and the meeting, at which the board of trustees shall consider the matter shall be delivered by the applicant to the owners of all property within 100 feet of the premises on which said horses, goats, or sheep will be kept at least 15 days prior to the meeting and proof of such delivery shall be filed with the town.
  - (4) The board of trustees may grant or deny the application and may impose such conditions as it deems necessary to protect the public health, safety and welfare, to prevent a nuisance and to mitigate any adverse effects on account of odor, insects, dust, noise or other factors. The number of horses, goats, or sheep, or combination thereof, to be allowed shall be determined by the board based upon the size of the pasture, provisions for control and mitigation of any potential nuisance, the proximity of other businesses, residences or buildings and all other relevant factors.
  - (5) Any permit issued shall expire in one year. Permits may be renewed upon reapplication and the submittal of an additional fee as set out in the town fee schedule. The permit shall contain such conditions as necessary to implement the provisions of this subsection (e).
  - (6) The board of trustees may revoke any permit following reasonable notice and hearing if it determines that the criteria of this subsection (e) or conditions of the permit have not been met.
- (f) *Horse-drawn carriage businesses.*
- (1) A horse-drawn carriage business may be conducted within the central business zoning district of the town if and when a permit is first approved and issued to the owner of such business pursuant to this subsection (f).
  - (2) Applications for permits may be submitted to the town clerk on forms supplied by the town. Each application form shall contain all information necessary for determining whether the requirements of this subsection (f) can be met by the business owner/applicant. Among other things, each application form shall either provide for, or otherwise address, all of the following:
    - a. No horses shall be boarded or otherwise kept within the central business district overnight (after 11:30 p.m. and prior to 8:00 a.m. on any specific day).
    - b. Horses used by the owner of any business permitted pursuant to this subsection (f) must be kept on private property owned by or leased to the owner during times when the horses are not deployed to pull carriages through town streets for purposes of the business.
    - c. The owner of a permitted business shall, at all times during the term of the permit, be responsible for ensuring that all horse manure resulting from the business is promptly removed from all public and private property that is not owned by or leased to the

business (including streets, alleyways and parking areas) no later than the end of each business day.

- d. A yearly permit fee as set out in the town fee schedule must be paid prior to issuance of each pertinent annual permit.
- e. The carriage deployed in the subject business shall have "slow moving vehicle" signs (represented by the universally recognized inverted orange triangle) affixed to a rear bumper or other conspicuous area.
- f. The carriage used in the subject business must be equipped with fully functional lighting whenever operated after dark. Such lighting must be reasonably adequate to make the entire horse-drawn carriage unit safely visible to nearby vehicles and pedestrians, and provide safe visibility for the carriage operator.
- g. Each business permittee shall be limited to the use and operation of one horse-drawn carriage, unless otherwise specified in the written permit.
- h. Each permittee must ensure obedience to all traffic laws by employees and other operators of the subject business.

- (3) Notice of a pending application, and the meeting at which the board of trustees will consider the application, shall be published one time in a newspaper of general circulation within the town at least 15 days prior to the meeting, and proof of such publication shall be filed with the town. The expense of such publication shall be borne by the applicant.
- (4) The board of trustees may grant or deny any application for a permit, and may impose such additional conditions for granting any permit as it deems necessary for protecting the public health, safety and welfare, for preventing nuisances and for mitigating any adverse effects such as odor, insects, dust and noise. The number of horses to be allowed for each business shall be determined by the board based upon the size of private property within the central business district on which the horses are to be kept, the owner's provisions for control and mitigation of any potential nuisances, the proximity of other businesses, residences or buildings and all other relevant factors.
- (5) Any permit issued shall expire in one year. Permits may be renewed without necessity of further hearing by the board of trustees upon reapplication and the submittal of the annual fee as set out in the town fee schedule. However, the board reserves the right to impose, at the time of issuing any renewed permit, such additional conditions as are deemed necessary to better implement the provisions of this subsection (f).
- (6) The board of trustees may revoke any permit following reasonable notice and hearing if it determines that the criteria of this subsection (f), or conditions of the permit, have not been met.

(g)

*Certain retail marijuana facilities prohibited.* It is unlawful for any person to operate, cause to be operated, or permit to be operated, any retail marijuana store, retail marijuana cultivation facility, retail marijuana testing facility, or retail marijuana product-manufacturing facility within the town limits, or within any area hereinafter annexed to the town.

(h) *Tent camping in travel home parks.*

- (1) Tent camping permitted within travel home parks in the mobile home residential district shall comply in all respects with the State of Colorado regulations 6 C.C.R. §§ 1010-9 et seq., as amended from time to time.
- (2) Travel home parks shall provide in any tent camping areas, for the use of camping parties, animal resistant containers for food storage as well as animal resistant containers for refuse disposal and storage. One animal resistant container for food storage and one animal resistant container for refuse shall be provided for every six tent campsites.

(Ord. No. 1988-1, § 1(15.8-13), 7-13-1988; Ord. No. 1993-3, § 1(15.8-13(E)), 6-2-1993; Ord. No. 2001-1, 2-7-2001; Ord. No. 2005-1, 5-4-2005; Ord. No. 2015-01, § 2, 1-7-2015; Ord. No. 2021-03, § 4, 7-21-2021; Ord. No. 2022-05, § 3, 7-20-2022)