



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: May 20, 2021

RE: Ordinance 2021-03 Amending Chapter 7 of the Foxfield Municipal Code Concerning Outdoor Storage in the Rural Residential Zone District

DISCUSSION:

Ordinance 2021-03 amends Chapter 7 of the Foxfield Municipal Code concerning outdoor storage in the rural residential zone district. Section 7(a)(6) was added to clarify “properly screened” and the language regarding adjacent lots was removed so that no storage is allowed on vacant lots. In addition, Section 7(a)(4)(a) adds back the language allowing one (1) business vehicle.

RECOMMENDED MOTION:

“I move to approve Ordinance 2021-03 Amending Chapter 7 of the Foxfield Municipal Code concerning Outdoor Storage in the Rural Residential Zone District.”

ATTACHMENT:

Exhibit A: Ordinance 2021-03 Chapter 7 of the Foxfield Municipal Code Concerning Outdoor Storage in the Rural Residential Zone District

Trustee Bill No. 03
Series of 2021
Town of Foxfield

Introduced by Trustee

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 7 OF THE FOXFIELD
MUNICIPAL CODE CONCERNING OUTDOOR STORAGE IN THE RURAL
RESIDENTIAL ZONE DISTRICT**

WHEREAS, the Board of Trustees desires to amend certain provisions of Chapter 7 of the Town of Foxfield Municipal Code concerning outdoor storage in the Rural Residential Zone District;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF FOXFIELD, COLORADO:

Section 1. The definitions of “Litter” and “Vehicle” contained within Section 7-1-10 of the Foxfield Municipal Code are hereby deleted in their entirety.

Section 2. The definition of “Trash” contained within Section 7-1-10 of the Foxfield Municipal Code is hereby amended to read as follows:

Trash means that which is worthless or useless and includes but is not limited to any and every refuse, rubbish, garbage, debris, waste material, paper, cartons, bottles, boxes, crates, barrels, plastic object, wooden object: wood (except stacked firewood and stacked construction materials); wood or upholstered furniture or bedding; rubber, metals, tin or aluminum cans, metal furniture; chemical compound, petroleum product or compound, paint; automobile part or accessory, tire, wheel; food or food product; solvent, dye, beverage; offal composed of animal matter or vegetable matter or both; dirt, rock, pieces of concrete, bricks, glass, crockery or other minerals or mineral wastes; or any noxious or offensive matter whatsoever. However, such does not include earth and waste from building construction during the period in which a valid building permit issued by the Town is applicable.

Section 3. Section 7-1-10 of the Foxfield Municipal Code is hereby amended by the addition thereto of the following definitions:

Other Vehicles means class 4-5 (14,000-19,500 pounds) and Recreational Vehicle classes A,B and C. Other vehicles also include licensed trailers (with or without vehicles on them), ATVs, jet skis and boats.

Passenger Vehicle means Class 1-3 (weighing under 14,000 pounds). Including, but not limited to, automobiles and motorcycles.

Section 4. Section 7-1-20 (7)a. of the Foxfield Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 7-1-20. Nuisance defined.

Nuisance includes:

* * *

(7) The existence, without limitation, of any of the following conditions:

a. Outdoor storage.

1. No person shall be permitted to store items or materials in a public right-of-way.

2. The accumulation of junk, trash, stale or odorous matter, including improperly maintained compost or manure piles that emit odor or similar materials that constitute a threat to the health or safety of any person, or that contribute to blight and land degradation, is prohibited.

3. Attractive nuisances generally considered dangerous to children, including abandoned, broken or neglected vehicles, equipment, machinery, refrigerators and freezers, hazardous pools or excavations related to construction sites.

4. The outdoor storage or accumulation of the following items on private property, other than in a fully enclosed structure or properly screened from view from the public right of way and neighboring properties is prohibited:

a) Tools, equipment, inventory and other supplies utilized in the operation of a business or more than one (1) vehicle used in operation of a business, whether such business is a home occupation being conducted in accordance with the zoning regulations contained in Chapter 16 of this Code, or is conducted off-site. Tools, equipment, inventory and other supplies; ~~however, on properties~~ with current, valid building permits, ~~these items~~ may be stored in small quantities of required supplies during the term of the building permit.

b) The parking or storage of any unlicensed or inoperable vehicle. This Subparagraph is not meant to prohibit outside storage of bona fide collector's items when stored in compliance with Section 42-12-101, et seq., C.R.S., and other applicable ordinances.

c) The parking or storage of any passenger vehicle, other vehicle or other articles of personal property, not owned by the occupant of the property upon which it is parked, stored or used, for longer than a period of ten (10) days.

d) The unscreened parking or storage of more than a total of ten (10) vehicles so long as no more than five (5) of the ten (10) vehicles are "other vehicles" as defined by this Article 1 of Chapter 7. Any additional vehicles, beyond the ten (10) vehicle limit in this section must be parked in an enclosed structure or properly screened from view from the public

right of way and neighboring properties.

e) The parking or storage of any Class 6-9 vehicle (weight exceeding 19,501 pounds).

5. No person shall park, store, leave, keep or maintain any vehicle, other vehicle, any items or materials on vacant lots or parcels except when such vehicles or items are being used in connection with an active building permit.

6. Properly screened shall mean behind a fence of sufficient height to screen the vehicle or other vehicle, but in compliance with applicable height limitations; or behind a mature hedge, or similar dense vegetation, of sufficient height to completely screen the vehicle or other vehicle from view of adjacent streets or properties; properly screened shall specifically not mean or include ~~and not covered with screening by use of a temporary covering such as a tarp, fabric, plastic, tent or similar covering.~~

Section 5. Section 7-1-20(7)f of the Foxfield Municipal Code is hereby repealed and reenacted to read as follows:

f. Streets, streams and water supply. No person shall throw or deposit or cause or permit to be thrown or deposited trash, junk or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited trash, junk or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created or so near any such place as to be liable to pollute the water.

Section 6. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. 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 invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 03 Series of 2021, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this day of 2021.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)