

OR 14

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
OF MESA, STATE OF COLORADO.**

ORDINANCE NO. 14

**AN ORDINANCE ESTABLISHING LIMITATIONS ON RESIDING ON MESA
COUNTY OWNED LAND**

WHEREAS, pursuant to C.R.S §30-15-401, et seq., the Board of County Commissioners of Mesa County has the power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the present and future residents of Mesa County;

WHEREAS, pursuant to C.R.S. §18-9-117, et seq., the Board of County Commissioners of Mesa County has the power to adopt rules and regulations as a reasonable and necessary for the administration, protection and maintenance of public property; and

WHEREAS, citizens of Mesa County seek a high-quality experience on Mesa County-Owned Lands that are maintained by Mesa County; and

WHEREAS, Mesa County has received an increase in the number of complaints regarding the impact that individuals residing on Mesa County-Owned Lands located in the County, especially with regard to sanitation, fire safety, noise, animals, and general preservation of the environment; and

WHEREAS, to provide for public health, safety, and welfare it is in the best interest of Mesa County and its citizens if the County to establish regulations and limitations that govern residing on Mesa County-Owned Lands within the County; and

NOW, THEREFORE, BE IT ORDAINED by the Mesa County Board of Commissioners as follows:

Section 1. Purpose.

The purpose of this ordinance is to promote the general public welfare and safety throughout Mesa County, Colorado by establishing limitations on residing on Mesa County owned lands, which law shall govern residing on Mesa County owned land in Mesa County, Colorado.

Section 2. 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.

Section 3. Applicability.

This Ordinance shall apply throughout the unincorporated area of Mesa County, Colorado.

Section 4. Unlawful Acts.

4.1 Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this ordinance:

(a) Temporarily or permanently residing on property owned by Mesa County, including, but not limited to, county road rights-of-way, is prohibited except where expressly authorized by Mesa County ordinance, rule, regulation, order, contractual agreement, or official signage.

Section 5. Enforcement.

5.1 This Ordinance shall be enforced by the Mesa County Sheriff.

5.2 The Board hereby designates the Mesa County Attorney or his/her designee, as the County's legal representative in the enforcement of the provisions of this Ordinance in a court of applicable jurisdiction. In the event the Mesa County Attorney or his/her designee cannot represent Mesa County or the Board deems it otherwise appropriate, the Board may appoint the District Attorney of the Twenty First Judicial District to perform such legal enforcement duties in lieu of the County Attorney.

5.3 The County may seek such criminal or civil penalties as are provided by Colorado law.

Section 6. Civil Remedies and Enforcement Powers.

6.1 The County shall have the following remedies and enforcement powers for violations of any acts outlined in Section 4, above.

6.2 Violation of this ordinance is a civil infraction as provided for in § 30-15-402, C.R.S., as amended, and punishable by a fine of not more than one thousand dollars (\$1,000.00). 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.

- 6.3 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., as amended, 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.
- 6.4 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.
- 6.5 The County may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or any acts outlined in Section 4, above and may recover costs of any such action, including attorney's fees.
- 6.6 **Disposition of Fines and Forfeitures.** The fine for a first offense shall be \$200.00; for a second offense shall be \$300.00 and for a third and/or subsequent offense(s) it shall be \$400.00. Fines shall be assessed per violation and each day shall be deemed a separate violation. All fines and forfeitures for the violation of this Ordinance shall be paid to the Treasurer of Mesa County within thirty (30) days of receipt and shall be deposited into the General Fund of Mesa County.
- 6.7 Restitution, including but not limited to necessary cleanup or removal costs related to violations of this ordinance, may also be ordered by a court of competent jurisdiction pursuant to § 18-1.3-503(2), C.R.S., as amended.
- 6.8 **Presumption of Abandonment.** In the event any property be left unattended for a period of 48 continuous hours, the same shall be deemed abandoned.
- 6.9 Without limiting the forgoing remedies available to the County, upon a third violation or earlier granted injunctive relief, the County may remove the property, including but not limited to vehicles, recreational vehicles, trailers, tents or similar indicia of residing and provide the registered owner a thirty day period to reclaim the property by paying all costs due to date of reclamation. Thereafter, the County may dispose of any such property.

Section 7. Additional Remedies.

The remedies provided in this Ordinance shall be cumulative and in addition to any other remedies which may be available to the County and its Board. Nothing contained herein shall be construed to preclude the Board from seeking such other remedies in addition to, or in lieu of the legal remedies herein granted.

Section 8. 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.


Section 9. Safety Clause.

The Board hereby finds, determines and declares that this Ordinance is necessary for the health, safety and welfare of the citizens of Mesa County.

Section 10. Publication and Effective Date.

The foregoing text is the authentic text of Mesa County Ordinance No. 14. The first reading of said Ordinance took place on November 29, 2022 at a regular Board of County Commissioners Meeting. It was published in full in the Grand Junction Daily Sentinel on December 2, 2022. The Ordinance was adopted on second reading at a regular Board of County Commissioners Meeting on December 20, 2022 and shall take effect December 20, 2022.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS this 20th day of December, 2022.


Cody Davis, Chair

Board of County Commissioners of Mesa County, Colorado

ATTEST:


Mesa County Clerk and Recorder

Mesa County Ordinance #14

Board of County Commissioners for Mesa County, State of Colorado

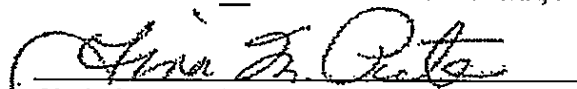
AN ORDINANCE ESTABLISHING LIMITATIONS ON RESIDING ON MESA COUNTY OWNED LAND

CERTIFICATION

The undersigned hereby certifies as follows:

1. I am the County Clerk and Recorder for the County of Mesa, State of Colorado, or a deputy County Clerk and Recorder for the County of Mesa, State of Colorado; and
2. The proposed Ordinance of the County of Mesa was introduced and read in proposed form at a regular meeting of the Board of County Commissioners of the County of Mesa, State of Colorado on the 29th day of November, 2022; and
3. The proposed Ordinance of the County Mesa, State of Colorado was published in full in the Grand Junction Daily Sentinel on the 2nd day of December, 2022; and
4. The foregoing Ordinance of the County of Mesa, State of Colorado, was duly moved, seconded, and adopted by the Board of County Commissioners of the County of Mesa, State of Colorado, on the 20th day of December, 2022; and
5. The foregoing Ordinance of the County of Mesa, State of Colorado was published by title as directed by the Board of County Commissioners of the County of Mesa, State of Colorado, in the Grand Junction Daily Sentinel on the 23rd day of December, 2022.
6. This Ordinance shall take effect on the 20th day of December, 2022.

DATED THIS 20th DAY OF DECEMBER, 2022.


Clerk & Recorder, Deputy
County of Mesa, State of Colorado

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