

ORDINANCE NO. 18-_____

AN ORDINANCE CREATING SECTION 111 (CAMPING WITHIN PUBLIC STREAM / PUBLIC STREAM RIPARIAN ZONE PROHIBITED) OF PART 1 (GENERAL OFFENSES) OF ARTICLE 6 (OFFENSES AFFECTING PROPERTY) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CAMPING WITHIN PUBLIC STREAM RIPARIAN ZONE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City Council of Colorado Springs, Colorado (the "City Council") desires to protect and maintain the health, safety and welfare of all persons within the City; and

WHEREAS persons camped within public streams and/or public stream riparian zones creates a public health and safety hazard because persons lingering or remaining within the public stream and/or public stream riparian zone may be swept away by sudden floodwaters or may fall into the stream; and

WHEREAS, the City Council desires to protect the streams of the City; and

WHEREAS, persons camped within public streams and/or public stream riparian zones may urinate, defecate, bathe in, or otherwise contaminate stream waters, resulting in unsanitary and unhealthy conditions; and

WHEREAS, local and downstream water quality is affected by the pattern and content of stormwater and floodwater drainage into streams from stream riparian zones; and

WHEREAS, water quality sampling conducted by the United States Geological Survey (USGS) demonstrates that the majority of the Fountain Creek watershed within the City of Colorado Springs contains undesirable levels of *E. coli*, which is a type of fecal coliform bacteria commonly found in the intestines of animals and humans. The presence of *E. coli* in water may indicate recent sewage or human and/or animal waste contamination. The sampling resulted in the Colorado Department of Public Health and Environment's Water Quality Control Commission's ongoing determination that these waters are impaired (i.e., the waters are too polluted or otherwise degraded to meet the water quality standards set by the State of Colorado); and

WHEREAS, other regulatory agencies such as the National Forest Service and the National Park Service regularly prohibit camping and related activities within 100 feet or further from a streambank to protect the natural environment and public health and safety;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. A new Section 111 (Camping within Public Stream / Public Stream Riparian Zone Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

9.6.111: CAMPING WITHIN PUBLIC STREAM / PUBLIC STREAM RIPARIAN ZONE PROHIBITED:

A. For the purposes of this section the following terms are defined as:

“Stream” means natural, altered or improved channels that have seasonal or continuous water flows as a result of surface sources, stormwater runoff or groundwater influx, or naturally occurring or manmade bodies of water surrounded by land in which water is confined. Streams include channels, canals, streambeds, streambanks, drainageways, floodways, holding and silting basins, reservoirs, lakes and ponds.

“Streambank” means the terrain alongside a stream between which the flow of water or body of water is confined.

“Stream riparian zone” means the public land area that extends 100 feet away from the edge of the streambank.

B. It is unlawful for any person to camp, as that term is defined in section 9.6.110 of this chapter, within any public stream and/or public stream riparian zone, except as may be specifically authorized by the appropriate government authority.

C. No person shall be cited for a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

Section 2. Any person convicted of violations of Section 111 (Camping within Public Stream Riparian Zone Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, shall be punished as provided in Sections 201 (General Penalty) and 202 (Minor Offenders) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. City Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2018.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk