

**ORDINANCE NO. 754-23**

**AN ORDINANCE APPROVING REGULATIONS AND FINES  
FOR RECREATIONAL VEHICLES AND BOATS**

**WHEREAS**, the Town of Fowler has received many complaints from citizens about the use of recreational vehicles and/or boats as “second homes” or “permanent residency” without an additional sewer or water line and that the recreational vehicles are impeding or obscuring the flow of traffic; and

**WHEREAS**, the Town of Fowler does not want to restrict the parking of properly licensed and registered recreational vehicle and/or boat on private property, as long as the licensed and registered recreational vehicle and/or boat is not being used as a “second home” or “permanent residency”; and

**WHEREAS**, it is a health and safety issue to have living quarters without proper access to running water and sewer facilities; and

**WHEREAS**, the Board of Trustees of the Town of Fowler desires to protect the health and safety of the citizens by adopting this ordinance to limit the use of recreational vehicles and/or boats on publicly owned streets, and by prohibiting recreational vehicles and/or boats from accessing or utilizing existing water and sewer lines.

**NOW THEREFORE, BE IT ORDAINED** as follows:

Section A: A new section 10.10.010

For the purposes of the provisions of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*1. Automobile Trailer or Recreational Vehicle* means:

(a) Any vehicle or structure designed and constructed to permit occupancy thereof as living or sleeping quarters for one (1) or more persons or the conducting of any business or profession, occupation or trade and designed so that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting devices used exclusively upon stationary rails or tracks;

(b) Any self-contained vehicle licensed under any state as a *recreational vehicle*;

(c) Any vehicle which is self-propelled and is designed as a self-contained motorized unit with sleeping, cooking or sitting accommodations whose sleeping, cooking or sitting accommodations are contained with the same assembly as the driver's section; and

(d) Any trailer designed as a *pull-behind* trailer where the trailer is designed to provide sleeping, cooking or sitting accommodations; and

(e) Pickup truck-mounted campers, but not shells/covers.

2. Boat means:

(a) Any vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion, by either oars, sails or engines, that may be open or partially decked, and that include, but are not limited to: fishing boat, sail boat, water craft, canoe, skidoos.

3. Portable Storage Container means:

(a) Any portable, weather-resistant, commercially leased, rented, or owned receptacle designed for the storage or shipment of personal property, building materials or merchandise.

Section B: A new Section 10.10.020 entitled “Enforcement” is enacted as follows:

(a) The Police Department and/or Code Enforcement Officer shall enforce all provisions of this Ordinance. In securing enforcement, members of the Police Department and/or Code Enforcement Officer shall have the right and are empowered to enter upon any premises upon which any automobile trailer, recreational vehicle, boat or portable storage container is located or which is about to be located and inspect the same and all accommodations located therewith.

(b) Any violation of this ordinance shall be subject to no less than a five hundred dollar (\$500) fine, but no more than a one thousand dollar (\$1,000) fine.

(c) Any violation of section A(1)(i) and/or A(1)(j) shall be subject to no less than a one thousand dollar (\$1,000.00) fine, plus costs to clean up the RV sewage, for each and every occurrence.

Section C: A new section 10.10.030 entitled “Parking of Recreational Vehicles, Camper Trailers, Boats or Portable Storage Container” is enacted as follows:

(a) It is unlawful, within the Town of Fowler, for any person to park any trailer, automobile trailer, recreational vehicle, camper trailer, boat or portable storage container on any public street, public alley, public highway or other public conveyance, except as provided in Subsection (e) below.

(b) It is unlawful, within the Town of Fowler, for any person to park any trailer, automobile trailer, recreational vehicle, camper trailer, boat or portable storage

container on any private property without the consent of the landowner or leaseholder of that real property.

(c) Parking of trailers, automobile trailers, recreational vehicles, camper trailers, boats or portable storage containers on private property zoned within any residential zone (defined as A-Residence District, B-Residence District, C-Residence District or D-Mixed Use Commercial-Highway District) shall be permitted as follows: (1) in a properly zoned trailer camp or trailer park; (2) on privately owned property whereby the landowner or leaseholder consents to said parking; (3) in a rear yard in any district not regulated by private restrictions to the contrary; or (4) storage in any fully enclosed private parking area; or (5) paved private driveway.

(d) Parking of trailers, automobile trailers, recreational vehicles, camper trailers or boats on private property zoned within any commercial, agricultural or industrial zone shall be permitted where the landowner or leaseholder consents to the parking thereon and the trailer, automobile trailers, recreational vehicles, camper trailers or boats must be duly registered and/or licensed. This allowance shall apply only to those lands whereupon parking is permitted by the landowner or leaseholder but only where there is no fee, charge or assessment imposed for the privilege of parking thereon.

(e) Emergency or temporary stopping or parking shall be permitted on any street, alley, highway or public conveyance for a period not to exceed four (4) days for loading and unloading of passengers or property, subject to the provisions of other regulations, ordinances or provisions of this Code as to streets, alleys or highways.

(f) Under the terms of Subsections (c) and (d), no living quarters shall be maintained in such trailer, automobile trailers, recreational vehicle, camper trailer, boat or portable storage container for a period in excess of the expeditious loading and unloading of passengers or property while such trailer, automobile trailer, recreational vehicle, camper trailer, boat or portable storage container is so parked or stored, except in a properly zoned trailer camp or trailer park.

(g) Recreational vehicles, camper trailers and boats shall be permitted to connect to electricity to keep the batteries charged.


(h) Recreational vehicles, camper trailers, boats or portable storage containers shall NOT be permitted to connect to wastewater or water lines, except in a properly zoned and licensed trailer camp or trailer park.

(i) It shall be unlawful to permit RV sewage to flow through or onto the streets, alleys, gutter, or private or public property.


(j) It shall be unlawful for any person to open, uncover, or in any manner make connection with any sewer line or water line of the Town, or to lay drain or sewer

pipes or water pipes on any premises or in any street or alley in the Town without first obtaining a written permit therefor from the Town Administrator.


**INTRODUCED, FIRST READ AND ORDERED PUBLISHED in the Fowler Tribune  
THIS 18th DAY OF SEPTEMBER, 2023.**

  
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Lucas Flanscha, Mayor, Town of Fowler

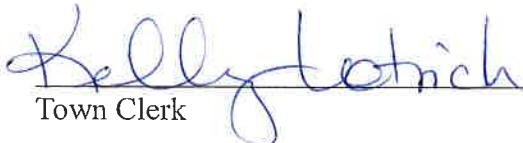
**ATTEST:**

  
\_\_\_\_\_  
Town Clerk

**ADOPTED ON SECOND AND FINAL READING on the 16th day of October, 2023.**

  
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Lucas Flanscha, Mayor, Town of Fowler


**ATTEST:**

  
\_\_\_\_\_  
Town Clerk

### **CERTIFICATE OF PUBLICATION AND ADOPTION**

I HEREBY CERTIFY that the foregoing Ordinance No.754.23 was introduced, read and ordered published on the 18<sup>th</sup> day of September 2023, and was published in the Fowler Tribune, a newspaper of general circulation published in Otero County, on the 28<sup>th</sup> day of September 2023, which dates were at least ten days before adoption of Ordinance No. 754-23 by the Board of Trustees.

I FUTHER CERTIFY that on the 16<sup>th</sup> day of October 2023, the foregoing Ordinance No. 754-23 was adopted on second and final reading.

  
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Lucas Flanscha, Mayor, Town of Fowler

**ATTEST:**  
  
\_\_\_\_\_  
Town Clerk