

DRAFT ORDINANCE NUMBER 1706, AS AMENDED

**CITY OF BUTLER, INDIANA
COMMON COUNCIL
SUMMARY OF PROPOSED ORDINANCE
APRIL 20, 2020**

Ordinance 1706 – Adds Chapter 159, “Tent, RV and Vehicular Camping in Butler” to Article 15 of the Butler City Code of Ordinances.

Purpose - The purpose of this proposed amendment is to establish regulations for tent, RV and Vehicular camping and / or sleeping overnight in a non-primary residential structure within the City of Butler, Indiana Corporate Limits.

The proposed sections within this Sub-Chapter are as follows:

159.01 Introduction

159.02 Definitions.

159.03 Camping / Overnight Accommodations in the City of Butler

159.04 Commercial Truck Stops

159.05 Penalty

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**AN ORDINANCE TO ESTABLISH
CHAPTER 159 TO THE BUTLER, INDIANA CODE OF ORDINANCES,
"TENT, RV, VEHICULAR AND ACCESSORY STRUCTURE CAMPING WITHIN THE
BUTLER CORPORATE LIMITS"**

WHEREAS, there are currently no clearly established guidelines regarding camping / overnight accommodations in Butler, Indiana and;

WHEREAS, the Common Council of the City of Butler, Indiana desires to establish this Chapter within the Butler City Code of Ordinances by adding standards for camping and overnight accommodations in residential neighborhoods for the purpose of enhancing property values and to improve the quality of life in Butler, now therefore;

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BUTLER,
INDIANA:**

SECTION 1. Chapter 159, "Camping / Overnight Accommodations Within the Butler Corporate Limits" is hereby established as part of the Butler City Code of Ordinances via the contents of Attachment One (1) to this Ordinance, which is attached to and made a part of this Ordinance.

First Reading: 4/20/2020

Yes Votes: 5 No Votes: 0

Attest: Angela M. Eck

Angela M. Eck, Clerk-Treasurer

Second Reading: 5/4/2020

Yes Votes: 5 No Votes: 0

Attest: Angela M. Eck

Angela M. Eck, Clerk-Treasurer

Third Reading: 6/1/2020

Yes Votes: 5 No Votes: 0

Attest: Angela M. Eck

Angela M. Eck, Clerk-Treasurer

Approved by me this 1st day of June, 2020.

Mike Hartman

Mike Hartman, Mayor

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Attachment A

Establishment of Chapter 159 to the Butler City Code of Ordinances “Camping and Overnight Accommodations Within the Corporate Limits of the City of Butler, Indiana”

159.01 Introduction

This Chapter establishes standards for camping / overnight accommodations in residential neighborhoods for the purpose of enhancing public safety and property values and to improve the quality of life in Butler.

159.02 Definitions

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a) **ACCESSORY STRUCTURE** - A building or structure subordinate to a primary building or structure in area, intent, and/or purpose. (Cross-referenced with Article 10 of the Butler Zoning Ordinance).
- b) **ADDRESS** – A number designation for a property for identification purposes. An address may include several “lots” under common ownership.
- c) **AUTOMOBILE** - A four-wheeled, self-propelled vehicle, designed for transporting passengers inside a metal body. (Cross-referenced with Chapter 70.06 of this Code).
- d) **BUS** - A large, enclosed motor vehicle built and used for the purpose of transporting over ten passengers. (Cross-referenced with Chapter 70.06 of this Code).
- e) **COMMERCIAL DISTRICT AND USE** – Refers to the business districts established in the Butler Zoning Ordinance (GB, NB) and commercial uses of land.
- f) **COMMERCIAL VEHICLES** - Vans, trucks (panel or pick-up) of any size, that are owned or leased and used as a commercial vehicle by either a licensed contractor or a business. (Cross-referenced with Chapter 70.06 of this Code).
- g) **CAMPING TRAILER/TENT TRAILER** - A vehicular portable structure mounted on wheels constructed with collapsible, partial side walls of fabric, plastic or other pliable materials for folding compactly while being transported. (Cross-referenced with Chapter 70.06 of this Code).
- h) **INSTITUTIONAL DISTRICT AND USE** - Refers to the Institutional and Office (INS) district as established by the Butler Zoning Ordinance. Also refers to an institutional use such as a church or school.
- i) **LOT** - A lot is defined in Article 10 of the Butler Zoning Ordinance to wit: “a piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. A "Lot" may or may not coincide with a lot of record. There are generally three types of lots identified in this Ordinance - interior lots, corner lots, and through lots.” For the purpose of this Ordinance, adjoining lots under the same ownership are considered

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as a whole to be subject to the requirements of this Ordinance.

- j) **MOTOR VEHICLE, COMMERCIAL** - A motor vehicle used or designed to be used for business or commercial purposes. (Cross-referenced with Chapter 70.06 of this Code).
- k) **MOTOR VEHICLE, INOPERABLE** - Any motorized vehicle incapable of being immediately driven and one or not properly licensed in accordance with Indiana law or the laws of other states. (Cross-referenced with Chapter 70.06 of this Code).
- l) **MOTOR VEHICLE, OPERABLE.** - Any motorized vehicle capable of being immediately driven and properly licensed in accordance with Indiana law or the laws of other states. (Cross-referenced with Chapter 70.06 of this Code).
- m) **PARK STRIP** – A strip of land, typically three to ten feet in width, in a public right-of-way, between a street surface and a sidewalk. The portion of a park strip adjacent to a street surface may or may not contain a curb.
- n) **PRIMARY STRUCTURE / BUILDING** - The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. (Cross-referenced with Article 10 of the Butler Zoning Ordinance).
- o) **RECREATIONAL VEHICLE (RV)** - A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle, including trailers with wheels and camper units mounted on pick-up beds. (Cross-referenced with Chapter 70.06 of this Code).
- p) **RESIDENTIAL AREA** – Includes all those areas within the Corporate Limits of Butler carrying any residential zoning designation, as they now exist or as they may be amended in the future, and any other area, lot or location that has a residential structure thereon and has characteristics consistent with and similar with residential areas as described in the Butler Zoning Ordinance.
- q) **TENT** – collapsible shelter made of cloth, canvas or other material stretched and sustained by poles and used for outdoor camping. This definition also includes commercial tents, homemade tents, lean-to's, blankets, tarps, commercial tents and tents or canvas pieces that are sold and fitted specifically to fit the bed of a pick-up truck.
- r) **TRAILER** - A wheeled device, either open or enclosed, designed and used for being drawn by a motor vehicle and so constructed that some part of its weight, and that of its load, rests upon or is carried by said motor vehicle. (Cross-referenced with Chapter 70.06 of this Code).
- s) **VAN** - A four-wheeled, box-type, self-propelled vehicle, designed for transporting passengers or cargo. (Cross-referenced with Chapter 70.06 of this Code).
- t) **YARD** – A yard is as defined in Article 10 of the Butler Zoning Ordinance, to wit: “A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.”

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159.03 Camping / Overnight Accommodations in Butler

- a) **Tent, Tent-Trailer, RV, Vehicular and Accessory Structure Camping** - The following regulations apply to camping / overnight accommodations within the Corporate Limits of the City of Butler, Indiana:
1. Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping is only allowed within residentially-zoned areas of Butler.
 2. If a subdivision is covered by restrictive covenants that prohibit such camping, the restrictive covenants shall take precedence over this Chapter.
 3. Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping may occur on a parcel of real estate only within the permission of the owner of said parcel.
 4. Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping may only occur in the back yard of a parcel. The provision of Chapter 70.06, "Parking in Residential Areas" apply to this sub-paragraph.
 5. Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping is not allowed in a park strip as defined in §159.02(c)
 6. Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping is allowed for no more than three (3) consecutive nights, with the following restrictions & requirements:
 - a) Connection to the Butler public water supply is prohibited, per Title V, Chapter 50, Section § 50.057 (Prohibition Of Unauthorized Connections) in Butler's Code of Ordinances, which states "Unauthorized or unapproved connection of any type, whether connected directly or indirectly, to any piping that contains water from the Utility's distribution system shall be cause for termination without notice of water services from the Utility, with subsequent removal of the service to the consumer or customer of the Utility."
 - b) Discharging of any wastewater into a combined, sanitary or storm sewer within the Butler wastewater collection system is prohibited, per Title V, Chapter 52 § 52.010 (A) (General Requirements) in Butler's Code of Ordinances, which states "It shall be unlawful for any person to place, deposit, permit to be deposited or discharge to any natural outlet within the city or any area under the jurisdiction of the city any sanitary, commercial, industrial or polluted wastewaters except where suitable treatment has been provided in accordance with this chapter."
 - c) Vacant lots adjacent to lots with primary structures, which are under the same ownership as the lot upon which the primary structure is located, are considered to the part of the same property and address as the primary structure lot.
 - d) Camping cannot occur more than fifteen (15) nights in one month on the same property / address.

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- e) Camping for more than three (3) consecutive nights will require a permit from the City of Butler. Permitted camping cannot occur for more than seven (7) consecutive nights. No fee will be charged for said permit.
 - f) Camping on institutionally-owned (churches / schools) properties can occur for a period of up to seven (7) days via a permit issued by the City of Butler. There will be no fee charged for such permit.
7. No Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping is allowed on any public land owned by the City of Butler, Indiana.
8. No Tent, Tent-Trailer, RV, Vehicular and Accessory Structure camping is allowed within any City of Butler, Indiana parks unless specifically approved by the Board of Public Works & Safety via a permit application.

159.04 Commercial Truck Stops

The provisions of this Chapter do not apply to commercial truck stops in commercially-zoned areas of the City of Butler, Indiana.

159.05 Penalty

- a) Violation of this Chapter shall be punishable by a fine of not less than \$75 nor more than \$750, plus all related court costs, with each day constituting a separate violation.