

# City of Silver Lake



ORDINANCE NO. 2555

**AN ORDINANCE REGULATING THE OCCUPATION AND/OR USE OF CAMPERS AND RECREATIONAL VEHICLES AS RESIDENCES AND PROHIBITING CAMPING IN PUBLIC AREAS WITHIN THE CITY OF SILVER LAKE, KANSAS**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SILVER LAKE, KANSAS:**

**SECTION 1.** Whereas the City Council has found that persons are residing in campers and recreational vehicles on private property within the City, and that this use is in violation of the zoning and utility of the City and otherwise harms the aesthetics, sanitation, public health and safety of the City and its citizens. In addition, that no regulation regulates these uses or camping on public property. These activities are not being pursued as a recreational activity but as a replacement for regular housing.

**SECTION 2.** The City Code is amended by adding the following provisions:

**OCCUPATION OF RECREATIONAL VEHICLES AND CAMPERS ON PRIVATE PROPERTY**

- (a) The occupation or use of campers and recreational vehicles as residences or accessory residences on private property is prohibited, except as provided in this section.
- (b) For the purposes of this section, occupation or use of a camper or recreational vehicle is defined as allowing persons to reside in, sleep within or otherwise inhabit the noted vehicles. It is presumed that if a recreational vehicle is connected to power or wastewater systems that the same is being occupied or used in violation of this ordinance.
- (c) It is irrelevant, for the purposes of this ordinance, that the persons residing in the camper or recreational vehicle are related to the property owner, has permission of an owner to reside there or that the property owner is not the owner of the camper or recreational vehicle.
- (d) A property owner may obtain a temporary permit to allow a limited occupation or use of a recreational vehicle or camper on the owner's property. A request for a permit must be completed and submitted to the City Clerk, and the owner must provide or comply with all of the following requirements:
  - 1) The proposed temporary use cannot exceed 30 days, and only one request per property owner can be submitted per year.
  - 2) The temporary use must be on a property zoned for residential use, or be allowed as an accessory use under the City's Zoning Code.
  - 3) The name and phone numbers of all persons engaged in the temporary use shall be disclosed. No permit may be applied for if the occupancy will be for more than four (4) people, unless an exception is requested and granted by the City Council, upon evidence that the recreational vehicle is suited for such increased occupancy.
  - 4) The property owner shall provide information as to whether the camper or vehicle will be connected to utilities, and the location of the proposed connections. In addition, in occupations for more than 48 hours, the property owner shall detail how any human waste or sewage shall be disposed of. Any use that improperly uses city services or facilities shall be denied.

- 5) The permit shall allow, and the property owner shall agree to allow, city officers or employees to inspect the camper or vehicle during the use upon reasonable evidence that the same is not in compliance with this ordinance.
- 6) Payment of a \$30.00 application fee.

(e) That property owners or persons found to be in violation of this Ordinance shall be subject to prosecution in Municipal Court with any penalty assessed pursuant to City Code Section 1-116. Each day a violation shall continue shall be considered a separate offense.

**SECTION 3.** The City Code is amended by adding the following provisions:

**CAMPING ON PUBLIC PROPERTY PROHIBITED**

- (a) For the purposes of this section, "camping" is defined as:
  - (1) Sleeping or otherwise being in a temporary shelter out-of-doors; or
  - (2) Sleeping out-of-doors; or
  - (3) Sleeping in an automobile or other non-recreational vehicle in an area not designated by the City as an area for camping, nor private property licensed with the City as being a business engaged in camping services for recreational vehicles.
- (b) Camping is prohibited on all public property, except as may be specifically authorized by the city council.
- (c) It shall be insufficient for purposes of arrest or prosecution of a violation of the ordinance for a person merely to be upon city property during nighttime or early morning hours, in absence of evidence that the person is sleeping inside a tent, sleeping bag, vehicle or other temporary shelter.
- (d) That persons found to be in violation of this Ordinance shall be subject to prosecution in Municipal Court with any penalty assessed pursuant to City Code Section 1-116. Each day a violation shall continue shall be considered a separate offense.

**SECTION 4.** This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

**PASSED AND APPROVED,** by the governing body of the City of Silver Lake this 6<sup>th</sup> day of February, 2023.

  
MACK SMITH, Mayor

Attest:

  
LIZ STECKEL, City Clerk

