

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF _____

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

A BILL

For an ordinance prohibiting unauthorized camping on public or private property

WHEREAS, the act of unauthorized camping on public or private property tends to endanger the health and safety of those engaged in such camping as well as the public at large; and

WHEREAS, the unauthorized use of public or private property for camping where the property in question is neither intended nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended purpose.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Article III of Chapter 38, D.R.M.C. shall be amended by adding a new section 38-86.1, to read as follows:

Sec. 38-86.1. – Unauthorized camping on public or private property prohibited.

(a) It shall be unlawful for any person to camp upon any private property without the express written consent of the property owner or the owner’s agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

(b) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property in question.

1 (c) No law enforcement officer shall issue a citation, make an arrest or otherwise
2 enforce this section against any person unless:

3
4 (1) The officer orally requests or orders the person to refrain from the alleged violation of
5 this section and, if the person fails to comply after receiving the oral request or order,
6 the officer tenders a written request or order to the person warning that if the person
7 fails to comply the person may be cited or arrested for a violation of this section; and
8

9 (2) The officer attempts to ascertain whether the person is in need of medical or human
10 services assistance, including but not limited to mental health treatment, drug or
11 alcohol rehabilitation, or homeless services assistance. If the officer determines that
12 the person may be in need of medical or human services assistance, the officer shall
13 make reasonable efforts to contact and obtain the assistance of a designated human
14 service outreach worker, who in turn shall assess the needs of the person and, if
15 warranted, direct the person to an appropriate provider of medical or human services
16 assistance in lieu of the person being cited or arrested for a violation of this section.
17 If the officer is unable to obtain the assistance of a human services outreach worker,
18 if the human services outreach worker determines that the person is not in need of
19 medical or human services assistance, or if the person refuses to cooperate with the
20 direction of the human services outreach worker, the officer may proceed to cite or
21 arrest the person for a violation of this section so long as the warnings required by
22 paragraph (1) of this subsection have been previously given.
23

24 (d) For purposes of this section:

25
26 (1) "Camp" means to reside or dwell temporarily in a place, with shelter, and conduct
27 activities of daily living such as eating, sleeping or the storage of personal
28 possessions in such place. The term "shelter" includes, without limitation, any tent,
29 tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection
30 from the elements other than clothing.
31

32 (2) "Designated human service outreach worker" shall mean any person designated in
33 writing by the manager of the Denver Department of Human Services to assist law

1 enforcement officers as provided in subsection (c), regardless of whether the person
2 is an employee of the department of human services.

3
4 (3) "Public property" means, by way of illustration, any street, alley, sidewalk, pedestrian
5 or transit mall, bike path, greenway, or any other structure or area encompassed
6 within the public right-of-way; any park, parkway, mountain park, or other recreation
7 facility; or any other grounds, buildings, or other facilities owned or leased by the City
8 or by any other public owner, regardless of whether such public property is vacant or
9 occupied and actively used for any public purpose.

10
11 COMMITTEE APPROVAL DATE: _____, 2012.

12 MAYOR-COUNCIL DATE: _____, 2012.

13 PASSED BY THE COUNCIL _____ 2012

14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____ 2012

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER
19

20 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012

21
22 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: _____
23

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
25 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
26 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
27 3.2.6 of the Charter.
28

29 Douglas J. Friednash
30 City Attorney
31

32 BY: _____, _____ City Attorney

33 DATE: _____
34

35 SPONSORED BY: COUNCILMEMBERS BROOKS, NEVITT, BROWN, LEHMANN, FAATZ

