

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. CB12-0241
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5
6 **A BILL**

7
8 For an ordinance prohibiting unauthorized camping on public or private property

9
10 **WHEREAS**, the act of unauthorized camping on public or private property tends to endanger
11 the health and safety of those engaged in such camping as well as the public at large; and

12
13 **WHEREAS**, the unauthorized use of public or private property for camping where the property
14 in question is neither intended nor designed as a camp site, campground, or site for temporary
15 human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its
16 intended purpose.

17
18 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
19 **DENVER:**

20
21 **Section 1.** That Article III of Chapter 38, D.R.M.C. shall be amended by adding a new section
22 38-86.2, to read as follows:

23
24 **Sec. 38-86.2 – Unauthorized camping on public or private property prohibited.**

25
26 (a) It shall be unlawful for any person to camp upon any private property without the
27 express written consent of the property owner or the owner’s agent, and only in such
28 locations where camping may be conducted in accordance with any other applicable
29 city law.

30
31 (b) It shall be unlawful for any person to camp upon any public property except in any
32 location where camping has been expressly allowed by the officer or agency having
33 the control, management and supervision of the public property in question.

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

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

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

25
26 (d) For purposes of this section:

27
28 (1) "Camp" means to reside or dwell temporarily in a place, with shelter, and conduct
29 activities of daily living such as eating, sleeping or the storage of personal
30 possessions in such place. The term "shelter" includes, without limitation, any tent,
31 tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection
32 from the elements other than clothing.
33

1 (2) "Designated human service outreach worker" shall mean any person designated in
2 writing by the manager of the Denver Department of Human Services to assist law
3 enforcement officers as provided in subsection (c), regardless of whether the person
4 is an employee of the department of human services.
5

6 (3) "Public property" means, by way of illustration, any street, alley, sidewalk, pedestrian
7 or transit mall, bike path, greenway, or any other structure or area encompassed
8 within the public right-of-way; any park, parkway, mountain park, or other recreation
9 facility; or any other grounds, buildings, or other facilities owned or leased by the
10 City or by any other public owner, regardless of whether such public property is
11 vacant or occupied and actively used for any public purpose.
12

13 **Section 2.** This ordinance shall be effective May 29, 2012.
14

15 COMMITTEE APPROVAL DATE: _____, 2012.

16 MAYOR-COUNCIL DATE: _____, 2012.

17 PASSED BY THE COUNCIL _____ 2012

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____ 2012

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER
23

24 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012
25

26 PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: April 26, 2012
27

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
31 3.2.6 of the Charter.
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35

1 Douglas J. Friednash, Denver City Attorney

2 BY: _____, Assistant City Attorney DATE: _____, 2012

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

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