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TITLE

Organizational Level: Multi- Department

Document Type: Administrative

PURPOSE

This policy shall establish the procedures for the health and safety abatement of unauthorized encampments located on Commerce City properties and private properties that require the attention of the Park Ranger, Police Department, Code Enforcement, Public Works, and Community Well-Being.

This policy establishes a process for abatement of unauthorized encampments on private or Commerce City properties.

SCOPE

This policy applies to any camp activity on Commerce City property within the geographical and political boundaries of the City.

This policy provides the procedure for removal of unauthorized camps, including the minimum notice periods the City will provide to camp occupants to evacuate, outline City staff responsibilities, and clean up procedures.

This policy prescribes the procedure to remediate an unauthorized camp.

ABBREVIATIONS

City of Commerce City- City

Code Enforcement- CE

Colorado Department of Transportation- CDOT

Community Well-Being- CWB

Park Ranger- PR

Police Department- PD

Public Works- PW

Regional Transportation District- RTD

POLICY, PROCESS, PROCEDURE, or STANDARD

1. Initial Report and Determination

A complaint, concern, or report identified as a possible unauthorized encampment has been identified through phone calls, social media, SeeClickFix, or other platforms and brought to the City's attention.

The Community Well-Being Manager will screen the emails (reports) into one of seven categories:

- A. Park Property
- B. Private Property
- C. Vehicles/ RVs/ Trailers
- D. City Property (non-park property)
- E. CDOT Property
- F. Railroad Property
- G. RTD Property

2. Screen and Forward Report

Screened reports shall be forwarded to the appropriate department as follows:

- A. Private property, streets and alleyways: Code Enforcement, Police Department, Community Well-Being, and Public Works as needed.
- B. Public/City Park property: Park Ranger, Public Works, Community Well-Being, Police Department as needed.
- C. Vehicles/RVs/Trailers on public streets: Police Department, Community Well-Being.
- D. Public/City Property, streets and alleyways (non-park property): Public Works, Community Well-Being.
- E. CDOT Property: Public Works, Community Well-Being, Police Department, and Code.
- F. Railroad Property: Code Enforcement, Community Well-Being and Police Department as needed.
- G. RTD Property: Code Enforcement, Community Well-Being, Police Department as needed.

Abatement Notice Protocol

Upon inspection and a determination by a City employee of the existence of an active encampment, the location will be scheduled for abatement.

If it is deemed an immediate danger to occupants or the environment, an immediate removal of occupants will be enforced. The length of notice required by this section can be reduced with the approval of the Department Director, designee, or Health Department when necessary due to exigent circumstances that require a more immediate response.

The notices shall be posted conspicuously at least three (3) days for abandoned encampments and at least seven (7) days for occupied encampments before anticipated abatement efforts

unless the site imposes an immediate danger. The notice must inform owners where items are stored and how to retrieve items if personally sensitive documents or property are collected and stored during abatement. The department who posts the notices, shall send an electronic copy to the City Clerk to post in the Civic Center lobby and to the Community Relations for the City website. If Public Works or the designee fails to commence abatement within the date and time frame provided in the notice, city staff shall re-post the abatement notice with the new date and all other applicable language 24 hours before the rescheduled abatement. City staff shall not remove the notice for at least ten (10) days after the abatement is complete.

If Public Works determines the need to close the area after the clean-up for restoration, pursuant to CCRMC 7-1004, Public Works shall post signs notifying of said closure. Public Works posts and maintains the signs. Public Works will monitor signs not on city property, and Park Rangers will monitor signs on the City's parks and trails.

3. Park Property

Encampment Inspection on Park Property

- A. Upon locating or being notified of an unauthorized encampment on city park property, a Park Ranger shall inspect the location at their earliest convenience.
- B. The Park Ranger will make observations to determine if an encampment is occupied or abandoned, inspect the area for health and safety concerns, and determine the next steps and abatement protocols.
- C. The Park Ranger will collect GPS location and appropriate field data/photos utilizing the data collection app and upload the data collected.

Abandoned Encampment on Park Property

- A. Notify Public Works, Park Rangers, and Community Well-Being of the encampment and its location.
- B. Public Works will confirm a time that the contractor can clean up the property, and the Park Rangers will post notification of clean-up (Abandoned Property Notice) with a 3-day notice.
- C. Community Well-Being and Park Ranger (as needed) will visit the site to identify any important personal papers/property, and Community Well-Being will store them per policy.
- D. Public Works will begin the clean-up process by contacting the appropriate contractor.

- E. The Park Ranger will follow up with the location before the scheduled clean-up to ensure any individuals are aware of the clean-up.
- F. Day of clean-up: Park Rangers will confirm the site is clear and safe for the contractor to begin work.
- G. Park Rangers will check the park property once the contractor is finished to ensure the clean-up is complete.

Active Encampment on Park Property

If occupied, the Park Ranger will determine if it is safe to contact individuals on site. If a concern for personal safety exists, a Ranger is not obligated to make contact and will contact the Police Department for backup.

- A. If deemed safe, the Park Ranger will advise Dispatch of the location, number of individuals present, and reason for contact. Updates to status will be provided per protocol.
- B. The Park Ranger will interview and investigate, attempt to identify individuals present, and inform and educate those violating any Parks Rules and Regulations.
- C. The Park Ranger will offer contact information for Community Well-Being for services and will follow up directly via email (within 24 hours) to ensure Community Well-Being is aware of the encampment.
- D. Community Well-Being shall make an outreach attempt before abatement.
- E. Park Ranger will log the encampment within the internal encampment application.
- F. Public Works will confirm when the contractor can clean up the property, and the Park Rangers will post a clean-up notification 7-days before the abatement.
- G. Community Well-Being and Park Ranger (as needed) will visit the site before the abatement to offer resource assistance.
- H. Park Ranger will follow up with the location prior to the scheduled abatement to ensure individuals are aware of the clean-up.
- I. Day of clean-up, Park Rangers will confirm the site is clear and safe for the contractor to begin work.
- J. Park Rangers will check the park property once the contractor is finished to ensure the clean-up is complete.

Community Well-Being on Park Property

Community Well-Being's role is to connect with occupants of encampments to provide resources and service connections. They do not have a part in abatement.

- A. Upon receiving a report of an active encampment, Community Well-Being will make a minimum of two separate efforts to contact individual(s) of the camp before the abatement date.
- B. Community Well-Being will follow up with the Park Ranger and Public Works and provide any necessary updates.

Removal of Personal Property on Park Property

After proper notice, the Park Rangers and Community Well-Being shall take reasonable steps to identify and collect sensitive personal documents and identification, (e.g. personal identification cards and documents, birth certificates, medical records, legal documents, photographs, cash, credit cards, checks, military records, or any other documents that may be difficult or impossible to replicate or may have significant value to the owner) for proper storage in accordance with the procedure below. The Park Rangers will notify Public Works that the encampment is ready for abatement.

Unattended, uncontaminated property that does not pose a threat to the public health or safety, that has apparent value or utility to an individual shall be collected and stored at a designated storage facility/location. Sensitive personal documents and identification shall be stored with Community Well-Being. Notices should be posted by Park Rangers advising some property has been collected, bagged, and stored for 30 days.

Public Works, or its designee, may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, hazardous items, and other similar materials.

Nothing herein shall prohibit the owner of personal property from removing said property from an encampment in advance of an abatement.

No personal property shall be removed from an encampment prior to the city providing notice.

Notices shall be posted in a manner and quantity reasonably sufficient to notify the owners of personal property within the encampment that personal property that remains during abatement efforts will be subject to removal, stating:

- The day the notice was posted;
- The date and time range the removal is scheduled; and
- The location and contact information where personal property can be retrieved.
- Storage of personal property will be held for no less than 30 days from the abatement date.

- Additionally, if individuals are present at the encampment, verbal notice shall be given if reasonably possible.
- Photos of posted notice and collected property shall be documented.

4. Encampment on Private Property

- A. Code will contact the property owner and get permission for access. If necessary, they will obtain a warrant.
- B. Code Enforcement will reach out to Community Well-Being and inform them of the situation
- C. Code Enforcement will issue a 7-day Notice of Violation that will be posted and mailed to the occupant and owner. If the property is not in compliance Code Enforcement will issue a fine and an intent to abate notice.
 - Code enforcement will work with the property owner to help rid the trespassing/encampments from their property.
 - The City will provide NO TRESPASSING / NO DUMPING / NO PARKING signs for the property owner to install
 - Extensions should only be granted if:
 - Contract services are not able to come out – but services have been requested before the compliance date OR
 - The trespassers refuse to leave, and they have engaged PD
 - The manager or director must approve extensions
- D. If there were no attempts to bring the property into compliance on or before the compliance date specified on the notice of violation, Code Enforcement will issue a notice to abate or a summons into municipal court.
- E. Code Enforcement has the authority to request an emergency abatement.

Sec. 6-1004. - Abatement without a hearing; assessment of costs. (b) *Emergency abatement.* If the city manager reasonably believes that a nuisance poses an imminent danger to the health, safety, or welfare of any person or to any property, the city manager may cause the nuisance to be abated without notice or a hearing.

5. Vehicles/RV's/Trailers (Public Right of Ways and City Property)

- A. PD will attempt contact with owner and occupant(s)
- B. PD will issue a written warning or citation

PD will use their best judgment to assess if individuals would benefit from the Community Well-Being services. If so, the responding PD will give the individual(s) Community Well-Being's contact info and follow up with Community Well-Being.
- C. If vehicles/RV's/trailers, etc. do not leave, they will be "impounded in place" for 30 days and then destroyed – or – if space is available and the vehicle is not moved in the

prescribed amount of time, it will be towed – stored for 30 days and then destroyed, unless the proper owner pays all impound and towing fees – at which time the tow yard will release it to the owner.

- D. City staff or representative may attempt to contact registered owners in an effort to recoup costs incurred by the City.

6. City Property (Non-Park Property)

“City Property” such as sidewalks, roadways, medians, drainage areas, etc.

Abandoned Encampment on City Properties (non-park property)

- A. Community Well-Being determines the status of the encampment.
- B. If determined abandoned, Public Works will be notified to initiate abatement.
- C. Public Work will confirm a time that the contractor can clean up the property and will post notification of clean-up (Abandoned Property Notice) with a 3-day notice.
- D. Community Well-Being and Police Department (as needed) will visit the site to identify any important personal papers/property, and Community Well-Being will store them per policy.
- E. Public Works will begin the clean-up process by contacting the appropriate contractor.
- F. Police Department will follow up, as needed, with the location prior to the scheduled clean-up to ensure individuals are aware of the clean-up.
- G. Day of clean-up: The Police Department will confirm the site is clear and safe for the contractor to begin work.
- H. Public Works will check the property once the contractor is finished to ensure the clean-up is complete.

Active Encampment on Public Property (City non-park property)

If occupied, the Police Department will contact any individuals on site.

- A. If contact is determined safe, the Police department will interview and investigate, attempt to identify individuals present, and inform and educate those in violation of any City ordinances.
- B. The Police Department will offer contact information for Community Well-Being and will follow up directly via email (within 24 hours) to ensure Community Well-Being is aware of the encampment to make an outreach attempt before abatement.
- C. Public Works will confirm when the contractor can clean up the property, and the Police Department will post a notification of clean-up (Notice for clean-up) with a 7-day notice.

- D. Community Well-Being and Police Department (as needed) will visit the site to offer resource assistance.
- E. Police Department will follow up with the location prior to the scheduled clean-up to ensure that individuals are aware of the clean-up.
- F. Day of clean-up: The Police Department will confirm the site is clear and safe for the contractor to begin work.
- G. Public Works will check the property once the contractor is finished to ensure the clean-up is complete.

Community Well-Being (City non-park property)

Community Well-Being's role is to connect with occupants of encampments to provide resources and service connections. They do not have a part in abatement.

- A. Upon receiving a report of an active encampment, Community Well-Being will make at least two separate efforts to contact individual(s) of the camp before the abatement date.
- B. Community Well-Being will follow up with the appropriate department and provide any necessary updates.

Removal of Personal Property (City non-park property)

After proper notice, Community Well-Being shall take reasonable steps to identify and collect sensitive personal documents and identification, (e.g. personal identification cards and documents, birth certificates, medical records, legal documents, photographs, cash, credit cards, checks, military records, or any other documents that may be difficult or impossible to replicate or may have significant value to the owner) for proper storage, following the procedure below.

In connection with the abatement of an encampment, Community Well-Being and the Police Department shall remove and arrange for storage unless otherwise excepted above.

Unattended, uncontaminated property that does not pose a threat to the public health or safety, that has apparent value or utility to an individual, such as personal identification, birth certificates, medical records, legal documents, photographs, cash, or military records, should be collected, bagged, and stored with Community Well-Being. The Police Department should post notices advising that some property has been collected, bagged, and stored for 30 days.

Public Works, or its designee, may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, hazardous items, and other similar materials.

Nothing herein shall prohibit the owner of personal property from removing said property from an encampment before an abatement.

No personal property shall be removed from an encampment prior to the city providing notice.

Notices shall be posted in a manner and quantity reasonably sufficient to notify the owners of personal property within the encampment that personal property that remains during abatement efforts will be subject to removal, stating:

- The day the notice was posted;
- The date and time range the removal is scheduled; and
- The location and contact information where personal property can be retrieved.
- Additionally, if individuals are present at the encampment, verbal notice shall be given if reasonably possible.
- Photos of posted notice and collected property shall be documented.

7. Other property types (policies pending)

CDOT Property (IGA pending)

Railroad Property

RTD Property

DEFINITIONS

Abandoned Property: personal property left by an owner who intentionally gives up all rights to its control

Contaminated Material: any material that poses a significant present or potential hazard to human health and safety or the environment

Health and Safety Hazard: a potential source of harm and adverse health effects on a person or persons; hazards related to exposure to harmful substances; safety hazards are related to exposure to dangerous conditions or situations

Trash/Garbage: a thing that a reasonable person would consider worthless or meaningless; wasted or spoiled food; discarded matter

Unauthorized Encampment: an unpermitted site that has one or more structures used for habitation

GENERAL NOTES

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Employee policies, or other related PPPS

Policy Owner Title/Name:			
Policy Review By:			
Last Review Date:			
RETENTION:	<input type="checkbox"/> Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete <input type="checkbox"/> Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent		
Legal Review By:		Date:	
HR Review By:		Date:	
Policy Approval By:		Date:	
Legal Approval By:		Date:	
HR Approval By:		Date:	