

ORDINANCE NO. 2584

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS, DUKES, FORD, KIM, MADERA, NOBLE, TETER

AN ORDINANCE AMENDING SECTION 12-3012 OF THE COMMERCE CITY REVISED MUNICIPAL CODE SECTION RESTRICTING UNAUTHORIZED URBAN CAMPING

WHEREAS, the City of Commerce City (“City”), is an urbanized municipality containing a variety of zoning districts including industrial, commercial, residential, and planned unit developments, encompassing a wide variety of land uses and population densities;

WHEREAS, communities along the Front Range, including the City and other communities in the Metro Denver area, are experiencing a crisis with regard to providing affordable housing options;

WHEREAS, despite the City’s efforts and programming to provide affordable housing, including those efforts through its Urban Renewal Authority and the lawful utilization of its ability to influence development, the housing crisis, in conjunction with multiple other factors, has caused an increase in persons experiencing homelessness within City limits, and as a result, an increase in camping on private and public property resulting in secondary impacts to the City and its residents, including costs to the City;

WHEREAS, the establishment of outdoor urban encampments has created hazardous conditions for persons living in such encampments, caused environmental degradation, and in some cases, damage to private and public property, including City facilities, and further interfered with the public use of the property, including, but not limited to, the free movement of persons in the public right of way;

WHEREAS, through multiple concurrent initiatives of the City, the City desires to assess the reasons and causes for homelessness, continue to identify persons experiencing homelessness in the City, and provide such persons with meaningful human services and shelter through partner entities and organizations and City programs, while simultaneously protecting private and public property and facilities from damage and degradation;

WHEREAS, as a precursor to providing shelter and needed human services, and in order to protect those private and public properties, the City desires a reasonable and justifiable means to facilitate interaction with homeless persons and facilitate the provision of such services;

WHEREAS, placing a reasonable restriction on camping in the City provides such a tool while further providing the City an opportunity to address the significant secondary effects or urban camping;

WHEREAS, on November 7th, 2022, City Council passed Ordinance 2431 providing restrictions on unauthorized camping on both private and public property in the City, but simultaneously imposing a number of conditions on the enforcement of those restrictions,

including a requirement that “[t]he city has a shelter option available for the person ordered to move from the camp and the person has been offered placement in the shelter option;”

WHEREAS, Ordinance 2431 provides that it shall not be effective “until thirty (30) days after the public posting of the policy and procedure [addressing the means and manner by which campsites and encampments will be remediated, including provisions addressing notice, the removal and return of personal property, the disposal of trash and hazardous materials, and the remediation of the associated grounds, as may be reasonably necessary in their discretion] on the City’s web page;”

WHEREAS, City Council continues to recognize the need to identify and provide meaningful human services while protecting private and public property from damage, as well as serve the needs of residents in the City to enjoy the amenities the City has to offer;

WHEREAS, City Council would like to explore shelter options for those experiencing homelessness in the City, but be able to enforce the camping restrictions when such enforcement when such enforcement will be effective;

WHEREAS, the intent of this ordinance is not punitive, but instead to provide meaningful assistance to persons experiencing homelessness, and in doing so the City Council encourages understanding, compassion, and mercy on the part of City Prosecutors and the Commerce City Municipal Judges with regard to this ordinance and the overall goals to be achieved as reflected herein; and

WHEREAS, the City Council finds it necessary to maintain reasonable restrictions on camping on private and public property within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendment to the Commerce City Revised Municipal Code. Section 12-3012, Chapter 12, Article III of the Commerce City Revised Municipal Code is hereby amended, in the form attached hereto as Exhibit A

SECTION 3. Policy and Procedure. The City Manager shall establish policy and procedure, and cause the same to be published on the City web page, addressing the means and manner by which campsites and encampments will be remediated, including provisions addressing notice, the removal and return of personal property, the disposal of trash and hazardous materials, and the remediation of the associated grounds, as may be reasonably necessary in their discretion.

SECTION 4. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such

inconsistency.

SECTION 5. Saving Clause. If this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be effective five (5) days after final posting and publication.

INTRODUCED, PASSED ON FIRST READING, AND PUBLIC NOTICE ORDERED
THIS 6TH DAY OF MAY, 2024.

PASSED ON SECOND AND FINAL READING, AND PUBLIC NOTICE ORDERED
THIS 3RD DAY OF JUNE, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk