



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: April 16, 2020

RE: Ordinance 2020-01 Amending Chapter 11 of the Foxfield Municipal Code by the Addition of New Article 8 Prohibiting Camping on Public Property

DISCUSSION:

This is the second reading of Ordinance 2020-01 which adds Article 8 to Chapter 11 of the Foxfield Municipal Code to prohibit unauthorized camping on public property in the Town of Foxfield.

RECOMMENDED MOTION:

"I move to approve Ordinance 2020-01 to add Article 8 to Chapter 11 of the Foxfield Municipal Code prohibiting unauthorized camping on public property in the Town of Foxfield."

ATTACHMENTS:

Exhibit A: Ordinance 2020-01 Amending Chapter 11 of the Foxfield Municipal Code by the Addition of New Article 8 Prohibiting Camping on Public Property

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE FOXFIELD
MUNICIPAL CODE BY THE ADDITION OF NEW ARTICLE 8
PROHIBITING CAMPING ON PUBLIC PROPERTY**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
FOXFIELD, COLORADO:

Section 1. Chapter 11 of the Foxfield Municipal Code is amended by the addition thereto
of a new Article 8 to read as follows:

ARTICLE 8

Public Property

Sec 11-8-10. Unauthorized camping on public property prohibited.

(a) Legislative intent.

(1) To protect the public health, safety and welfare of the Town and its residents by prohibiting undesirable activities or conduct on public property which may substantially interfere with the public's use and enjoyment of such public places.

(2) To allow for the removal of personal property reasonably believed to be the result of unauthorized camping upon reasonable and adequate notice and providing an opportunity for individuals to retrieve removed personal property upon request to the Town.

(b) In this Section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Camp means to reside or dwell temporarily in a place, with shelter. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.

Personal Property means any item that is reasonably recognizable as belonging to a person and that has apparent utility, including, without limitation, personal identification, eyeglasses, money or jewelry.

Public place means any street, alley, sidewalk, bike path, trail, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreational facility; or any other grounds, buildings, or other facilities owned or leased by the Town or by any other public

owner, regardless of whether such public property is vacant or occupied and activity used for any public purpose.

(c) It shall be unlawful for any person to camp upon any public property, except in a location where camping has been expressly allowed pursuant to a permit or as otherwise authorized by the Town.

(d) No agent or officer of the Town shall issue a citation, make an arrest or otherwise enforce this Section against any person unless:

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

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

(e) Cleanup of Unauthorized Camping Sites. Upon violation of this Section, the Town may remove and store all unclaimed personal property found at an unauthorized camping site. Illegal items, such as illicit drugs and any items that reasonably appear to be evidence of a crime will be turned over to the appropriate law enforcement agency. Any items otherwise not regarded as having apparent utility or that are in an unsanitary condition will be immediately discarded. Removal of personal property under this Section shall be executed pursuant to the following procedure:

(1) At least seventy-two (72) hours prior to the proposed cleanup date, the Town will post a notice stating the date and time of the cleanup. The notice will be posted in the general vicinity of the personal property to be removed.

(2) In the event of the existence of a condition posing an imminent danger of damage or injury to or loss of life, limb, property or health, the Town shall provide a notice of cleanup no more than twenty-four (24) hours prior to the proposed cleanup date.

(3) Personal property removed from illegal camp sites shall be stored in a secure location and shall be held for a period of at least thirty (30) days from the date the cleanup occurred.

(4) An individual may claim ownership of an item of personal property within thirty (30) days from the last date that the cleanup occurred.

(5) After the thirty (30) day storage period elapses, unclaimed personal property will be disposed of by either discarding, recycling, or otherwise disposing of such items as determined by the Town.

Section 2. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. _____ Series of 2020, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this _____ day of _____, 2020.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)