

ORDINANCE NO. O-023-002

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE FOR SAFE USE OF PUBLIC PROPERTY TO LIMIT PUBLIC
CAMPING AND PROHIBIT TEMPORARY STRUCTURES ON PUBLIC PROPERTY
WITHIN THE UNINCORPORATED PORTIONS OF DOUGLAS COUNTY,
COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, ("Board") is authorized to enact this Ordinance pursuant to C.R.S. § 30-11-101(2), to provide for public health, safety, and welfare and C.R.S. §30-15-401(1)(d) to restrain loiters.

WHEREAS, the Board finds that the purpose and intent of this Ordinance is to ensure the safe use of public property, to protect those lawfully using public property, preserve public property, promote the safe and lawful use of public property, and promote the public health, safety, and welfare of the citizens, including the residents of Douglas County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, THAT:

PART I: PROHIBITED USE OF PUBLIC PROPERTY

Section 1. Limitation on Public Camping

- (A.) No person shall camp on county property without first having obtained the written permission of the authorized officer of such public property.
1. A person cannot violate Section 1 of this Ordinance where there is no access to other shelter available. Refusal to accept or move to other available shelter, where other shelter is accessible is a *per se* violation of this Ordinance.
 2. For purposes of Section 1 of this Ordinance, *county property* means all land, including, any park, parkway, recreation area, roadway, open space, or any other public property owned by Douglas County in unincorporated Douglas County, Colorado.
 3. For purposes of Section 1 of this Ordinance, *camp* means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. Camp does not include temporary residence associated with the performance of governmental services.

4. For purposes of Section 1 of this Ordinance, *shelter* includes, without limitation, any cover or protection from the elements other than clothing.
5. For purposes of Section 1 of this Ordinance, *written permission* includes a documented reservation, permit, park pass, or contract.
6. Failure to provide written permission upon request by an authorized party, including all law enforcement personnel shall be treated as an admission appropriate permission was not obtained.

Section 2. Prohibited Use of Temporary Structures on Public Property

(A.) No person shall erect or use any tent, net, or other temporary structure for the purpose of shelter or storage of property on county property without first having obtained the written permission of the authorized officer of such public property.

1. For purposes of Section 2 of this Ordinance, *temporary structure* includes any structure used to shelter a person or property after sundown and all enclosed structures. For purposes of this Ordinance, *temporary structure* does not apply to non-enclosed portable structures designed to provide overhead covering, including umbrellas and awnings.
2. For purposes of Section 2 of this Ordinance, written permission includes a documented reservation, permit, park pass, or contract.
3. Failure to provide written permission upon request by an authorized party, including all law enforcement is an admission appropriate permission was not obtained.

Section 3-10. Reserved

Section 11. Enforcement

The Douglas County Sheriff shall be responsible for the enforcement of this Ordinance.

Section 12. Violation

Any person who violates any Section of this Ordinance commits a civil infraction as defined under C.R.S. §30-15-402(1) and upon conviction thereof, shall be

punished by a fine of not more than \$1,000 for each separate violation of this Ordinance, plus a surcharge of \$10 under C.R.S. §30-15-402(2).

Section 13. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 14. Safety Clause

The Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of the public welfare, health and safety.

Section 15. Repeal

All ordinances or parts of ordinances, of the County of Douglas, Colorado, in conflict herewith to the extent necessary for the enactment and enforcement of this Ordinance are expressly repealed.

Section 16. Adoption

Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically adopted on First Reading at a Board of County Commissioners Business Meeting. Subsequently, after notice has been provided in the newspaper, the Board of County Commissioners will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. If adopted as an "emergency ordinance," the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after Second and Final Reading.

CERTIFICATION

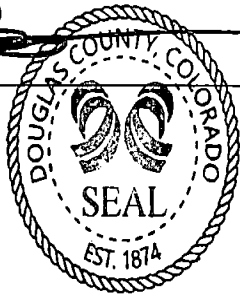
The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ AND ADOPTED ON FIRST READING on May 23, 2023,
and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
Abe Laydon, Chair

ATTEST: _____
Deputy Clerk

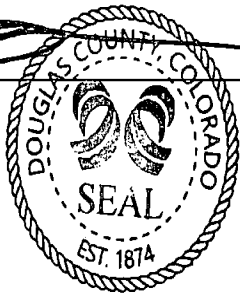


ADOPTED ON SECOND AND FINAL READING on June 27, 2023, and ordered
published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
Abe Laydon, Chair

ATTEST: _____
Deputy Clerk



CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-002 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on May 23, 2023, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on June 8, 2023, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on June 27, 2023. Said ordinance was published by reference to title only on July 13, 2023. Said ordinance shall become effective as of July 27, 2023.



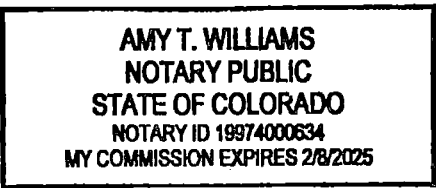
[Signature]
Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 27th day of July, 2023, by Roberta Nelson, Deputy Clerk.

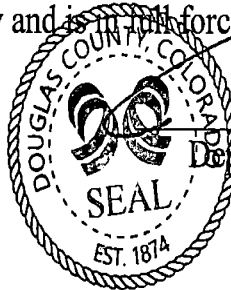
[Signature]
Notary Public

My commission expires: 2/8/25



CERTIFICATION

I, Roberta Nelson, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-002, entitled, **AN ORDINANCE FOR SAFE USE OF PUBLIC PROPERTY TO LIMIT PUBLIC CAMPING AND PROHIBIT TEMPORARY STRUCTURES ON PUBLIC PROPERTY WITHIN THE UNINCORPORATED PORTIONS OF DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.



[Signature]
Deputy Clerk