

FIRST AND ONLY READING: May 17, 2022

**EMERGENCY ORDINANCE NO. 6554 B**

**AN EMERGENCY ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE TO ADD A NEW CHAPTER 9.47 CONCERNING UNAUTHORIZED ENCAMPMENTS AND THE ADDITION OF A NEW CHAPTER 7.29 CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, PRIVATE PROPERTY, HEALTH, SAFETY, AND WELFARE TO MITIGATE THE UNREASONABLE RISK OF FIRE AND THE DETERIORATION OF CITY PROPERTY CAUSED BY THE PROPAGATION OF UNAUTHORIZED ENCAMPMENTS**

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

**WHEREAS**, the unauthorized use of public or private property for camping where the property in question is neither intended nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended purpose historically consistent with Loveland Municipal Code Section 9.48.010(D); and

**WHEREAS**, unauthorized encampments located on the City's treasured natural areas, open lands, and trails, located in unauthorized encampment areas, left generally undisturbed since March of 2020 and the beginning of the COVID-19 global pandemic, will require significant financial resources, time, and commitment to properly restore these areas to their former condition; and

**WHEREAS**, since March of 2020, the City has generally managed unauthorized encampments in accordance with the United States Center for Disease Control ("CDC") guidance, providing, in relevant part, "[i]f individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread"; and

**WHEREAS**, the City's current approach to unauthorized encampment management involves a risk assessment of whether the encampment poses an immediate risk to public health or safety, or a substantial risk of damage to City property, or a risk to the operation or functionality of City infrastructure (e.g. blocking any right-of-way or access to public facilities), or the encampment created a circumstance or condition which may violate a statutory, contractual, or other legal obligation the City possesses if abatement does not occur (e.g. conservation easements and noxious weed ordinance); and

**WHEREAS**, if any of the assessment criteria is satisfied, the unauthorized encampment is deemed a “Priority One Encampment”; and

**WHEREAS**, Priority One Encampments are abated after providing notice to persons of unauthorized encampments, and rarely involve the complete removal of the unauthorized encampment. The City instead focuses on mitigating the risks associated with Priority One Encampments, which has the practical impact of lowering the unauthorized encampment’s status to a lesser priority, allowing the City to monitor the unauthorized encampment without taking additional action; and

**WHEREAS**, due to logistical realities and accommodations to encampment members, parties to an encampment were provided between four (4) and ten (10) days of actual notice to either leave or address the underlying criteria for status as a Priority One Encampment, in the overwhelming majority of cases without necessitating complete removal of the unauthorized encampment; and

**WHEREAS**, the City has taken an approach to unauthorized encampment abatement that does not involve the criminal sanction, through utilizing the City’s trespassing ordinance, Loveland Municipal Code Section 9.48.010(D), when City property usage rules or regulations are violated; and

**WHEREAS**, however, unauthorized encampments in the City of Loveland, under the guidance of the CDC, created the following adverse consequences: the inability to maintain public sites including weed and trash management; destruction of or damage to infrastructure, bridges, trails, fences, signage, gates, locks, trash cans and port-a-lets; reduction in the water quality of the Big Thompson River as a result of human waste, food waste, trash, and fires; permanent damage to native vegetation; destruction of hundreds of mature trees; disposal of trash and debris along Loveland’s trails, parks, civic areas, and open spaces; desertion of wildlife along the Big Thompson River; chilled business operations and investment; and increased crime, drug use, and fire damage; and

**WHEREAS**, unauthorized encampments tend to be associated with an increased threat to public safety in terms of bodily harm, threats or attempts of bodily harm towards others, aggressive behavior, and general interference with public property in a manner inconsistent with the intended use of said public property having a deleterious impact on the ability of the public to use and enjoy public assets, individually, or for group events and social gatherings; and

**WHEREAS**, unauthorized encampments have created excessive trash and debris along Loveland’s trails, parks, civic areas, and open spaces, which required training and certification for engaging with hazardous materials or biohazards for management of items within encampments to ensure both employee and public safety during clean-up efforts; and

**WHEREAS**, tents and other makeshift structures for human habitation within floodplains result in an unreasonable risk of harm to human safety and the environment because: 1) individuals put themselves at risk of serious injury and death by drowning during flooding; 2) frequent swift-water rescue attempts during times of flood put the lives of first responders at risk; 3) building

materials and furnishings of tents and makeshift structures within floodplains add to the debris load, clogging bridge and culvert openings, exacerbating flooding, and endanger the community; and 4) byproducts of human habitation of these structures (i.e. feces and refuse) pollute the floodwaters with fecal bacteria and other hazardous substances, endangering the community at large; and

**WHEREAS**, the City has or may have binding agreements in place with the Loudon Irrigating Canal and Reservoir Company, The Greeley and Loveland Irrigation Company, The Seven Lakes Reservoir Company, and other such entities which require the City to facilitate the unobstructed conveyance of storm water runoff and seasonal water flow within the ditches; and

**WHEREAS**, campfires in unauthorized encampments have substantially increased the fire risk for property owners in close proximity; and

**WHEREAS**, fire danger in and around unauthorized encampments presents a substantial and real risk to the larger community, particularly in light of the “Marshall Fire,” which started as a grass fire in Boulder County, Colorado on December 30, 2021, which, in terms of structures lost, was the most destructive fire in Colorado history; and

**WHEREAS**, unauthorized encampments containing flammable items are inconsistent with certain provisions of the International Fire Code and Larimer County fire restrictions, which are adopted intermittently as atmospheric conditions present above-normal temperatures with windy and dry conditions; and

**WHEREAS**, unauthorized encampments have resulted in a City contractor retrieving and properly disposing of more than sixty (60) propane or gas items during inspections or cleanups from 2019 to present; and

**WHEREAS**, in 2022 alone, unauthorized encampments have resulted in tent fires within the City's open lands, burn injuries, and hospitalizations for campers within open lands and the City parking garage, a fire in the underpass of the Highway 287 bridge, several fires at the Loveland Museum, one of which caught the building on fire, and repeated responses from the Loveland Fire Rescue Authority to encampments with bonfires; and

**WHEREAS**, the City Council is concerned that continuation of a City policy tolerating the risks associated with unauthorized encampments, with no direct enforcement, acting generally consistent with guidance from the CDC, may have catastrophic consequences with anticipated dry conditions in the City of Loveland, particularly for the upcoming summer months, that create a special risk of widespread fire in the community and the continued degradation of City infrastructure, natural areas, and other assets; and

**WHEREAS**, the City has a legitimate governmental purpose in protecting public spaces from environmental and fire damage, as well as the promotion of sanitation, public health, and safety; and

**WHEREAS**, the City Council finds that this emergency ordinance is necessary for the

immediate preservation of public property, private property, health, safety, and welfare to mitigate the unreasonable and special risk of a widespread fire in the community and the continued degradation of public property, infrastructure, natural areas, and other public assets caused by the propagation of unauthorized encampments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the City Code of the City of Loveland, Colorado, is hereby amended by adding a new Chapter 9.47 entitled “Unauthorized Encampments - Penalty” which shall read as follows:

**9.47.010 - Definitions.**

*Camp or camping or encampment* means use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell in a place, on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. Camping does not include napping during the day or picnicking. Camp or camping or encampment can include using a vehicle for overnight occupancy, where overnight occupancy or overnight camping violates the Loveland Municipal Code, a City rule or regulation, or is not otherwise authorized by the City.

*Evidence of unauthorized camps or unauthorized encampments or unauthorized camping* includes, but is not limited to:

- A. Sleeping, or preparing to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s); or
- B. Erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, other structure used for human habitation, or any form of cover or protection from the elements other than clothing; or
- C. Preparing for a fire, or making fire, or an active fire (except for fires at sites specifically designated or authorized by the Loveland Fire Rescue Authority), or setting up or using a camp stove, or cooking device (inclusive of fire pits, barbeques, hibachi grills, and other similar devices).

*Public property* means, by way of illustration, but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses,

stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

*Reside or dwell* includes, without limitation, conducting such activities as eating, sleeping, preparing to sleep, or the storage of personal possessions.

*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.

*Watercourse* means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake into which storm runoff and flood water flows either regularly or infrequently, including major drainage ways for carrying storm runoff.

**9.47.020 - Unauthorized camping on public or private property prohibited.**

- (1) It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner's agent, except in any location where camping has been expressly authorized by the City.
- (2) It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the City.
- (3) No law enforcement officer authorized to issue a summons and complaint under this Section 9.47.020 shall issue a summons and complaint, make an arrest, or otherwise enforce this Section 9.47.020 against a person camping on public property, unless:
  - A. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and
  - B. A law enforcement officer has issued the person(s) in an encampment a verbal or written order to vacate the encampment and remove their property; and
  - C. The City has a shelter option available for the person ordered to vacate the encampment, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.
- (4) If a person is offered a shelter option and refuses to vacate the encampment and go to the shelter when ordered by a law enforcement officer, this person may be issued a summons and complaint, and is subject to arrest.

- (5) Any person convicted of violating this section shall be subject to the penalty provisions as provided in Loveland Municipal Code Section 1.12.010(A). For a first offense, the Loveland Municipal Court Judge shall consider sentencing options focused on providing resources for the offender to find employment, housing, or other services that have a propensity to improve the life circumstances of the offender.

**Section 2.** That the City Code of the City of Loveland, Colorado, is hereby amended by adding a new Chapter 7.29 entitled “Civil Abatement of Unauthorized Encampments from Public Property” which shall read as follows:

**7.29.010 - Definitions.**

*Camp or encampment* means use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell in a place on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. Camping does not include napping during the day or picnicking. Camp or camping or encampment can include using a vehicle for overnight occupancy, where overnight occupancy or overnight camping violates the Loveland Municipal Code, a City rule or regulation, or is not otherwise authorized by the City.

*City* means the City of Loveland, Colorado, its departments, employees, and agents.

*City Manager* means the City Manager of the City of Loveland, Colorado, or any designee.

*City owned property* means any property owned, leased, or controlled by the City.

*Contaminated property* includes, but is not limited to, property that poses a threat to the health or safety to any person present, the public, or the surrounding neighborhood, which includes, but is not limited to, unsanitary clothing, unsanitary sleeping bags, unsanitary bedding, unsanitary blankets, tents not structurally sound, and temporary makeshift shelters.

*Evidence of unauthorized camps or unauthorized encampments or unauthorized camping* includes, but is not limited to:

- A. Sleeping, or preparing to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s); or
- B. Erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, other structure used for human habitation, or any form of cover or protection from the elements other than clothing; or

- C. Preparing for a fire, or making fire, or an active fire (except for fires at sites specifically designated or authorized by the Loveland Fire Rescue Authority), or setting up or using a camp stove, or cooking device (inclusive of fire pits, barbeques, hibachi grills, and other similar devices).

*Garbage* means any rejected or wasted household food, offal, swill, kitchen refuse, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking and dealing in or storing of food, or meat, fish, fowl, fruit, or vegetable.

*Immediate threat to the health or safety of the public* means a condition, substance, or object in an unauthorized camp, which creates a risk of injury, serious injury, or death to either the occupants of the camp, city staff or agents, the surrounding neighborhood, or other members of the public. Conditions, substances, or objects that pose an immediate threat to the health or safety of the public may include, but are not limited to:

- (1) Evidence of open flames, fire-starters, fires, or fire damage.
- (2) Material designed or manufactured for the development of fire outdoors.
- (3) Butane cylinders.
- (4) Propane tanks.
- (5) Hazardous material.
- (6) Combustible material or kindling.
- (7) Piles of trash, discarded materials, or litter.
- (8) Uneaten, rotten, or discarded food.
- (9) Evidence of rodent or bird infestations.
- (10) Unsanitary or soiled clothing, sleeping bags, blankets, or other sleeping materials.
- (11) Human waste including blood and bodily fluids.
- (12) Hypodermic needles.
- (13) A tent, makeshift structure, lean-to, tarpaulin, enclosure, or other shelter used for human habitation within the 100-year floodplain, within 100 feet of the edge of a watercourse, in/under stormwater infrastructure such as, but not limited to, bridges, pipes, inlets, and culverts, except in locations expressly permitted by the Loveland Public Works Department.
- (14) Unsafe, not structurally sound, makeshift structures used for human habitation.
- (15) Encampments that impede or interfere with stormwater maintenance.
- (16) Encampments at risk of being flooded due to an imminent threat of flooding.
- (17) Encampments in the path of a wildfire or in a mandatory evacuation zone.
- (18) Encampment layouts that prevent emergency services access.
- (19) Encampment layouts that have no adequate evacuation route.
- (20) Encampments that block or interfere with public use of public facilities such as bathrooms, City maintenance facilities, youth sports facilities, and other public facilities accessed by the public as a matter of course.

- (21) A violation of the International Fire Code, International Building Code, or International Electrical Code that constitutes an immediate hazard or a threat to public health or public safety.
- (22) A violation of a Public Health Order or Public Health Code that constitutes an immediate threat to the health or safety of the occupants or the surrounding area.
- (23) Evidence of an unauthorized connection or access to public utilities.
- (24) Evidence of an unauthorized electrical connection or electrical use.
- (25) Encampments that physically undermine or erode public infrastructure.

*Litter* means any rubbish, waste material, garbage, trash, debris, or noxious foreign substance, whether solid or liquid, of every form, size, or description, except snow and ice.

*Personal property* means an item that is readily apparent as belonging to an individual and has apparent value or utility in its present condition. Examples of personal property include, but not limited to, structurally sound tents, clothing, shoes, jackets, tarpaulins, sleeping bags, bedrolls, blankets, backpacks, duffel bags, assembled bicycles, tools, watches, jewelry, audio/visual equipment, medications, toiletries, eyeglasses, purses, handbags, family photographs, family memorabilia, books, and baby strollers. Personal property does not include building materials, metal, shopping carts, disassembled bicycles, makeshift shelters, rigid plastic, garbage, trash, rubbish, debris, litter, or waste.

*Private property* includes, but is not limited to, the following locations owned by private individuals, firms, corporations, institutions, or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities.

*Public property* means, by way of illustration, but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the City or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

*Public right-of-way* means an area of land dedicated to the public and conveyed to the City for drainage, pedestrian, utility, street lighting, landscaping, roadway, or other purposes.

*Reside or dwell* means and includes, without limitation, conducting such activities



as eating, sleeping, making preparation to sleep, or the storage of personal possessions.

*Shelter* means and includes, without limitation, a tent, tarpaulin, lean-to, sleeping bag, bedroll, blanket, or any form of cover or protection from the elements, other than clothing.

*Temporary storage area* means an unsecured, unmonitored area on or near an unauthorized encampment for the temporary storage of uncontaminated personal property that does not pose a threat to the public health or safety.

*Trash or rubbish or debris* means all accumulations of waste, refuse, rejected animal, mineral or vegetable matter, manure, ash, wastepaper, cans, bottles, broken china, sawdust, leaves, grass cuttings, shrubbery and tree trimmings, algae or growth of any vegetation that may create a slick surface for pedestrians, shavings and packing material, weeds, partially wrecked, junked, or discarded vehicles, and appliances or parts thereof which are not or cannot be used for their intended purposes, sweepings, liquid or chemical waste, or any other waste material, including construction or demolition waste, or an item that has no apparent value or utility in its present condition, contaminated property, property in an unsanitary condition, furniture, disassembled bicycles, shopping carts, and property that appears to have been discarded. The fact that property is unattended does not necessarily mean that it has been discarded.

*Waste* shall mean the useless, unused, unwanted, or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety, and comfort of persons and depreciate property values in the vicinity thereof.

*Watercourse* means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake into which storm runoff and flood water flows either regularly or infrequently. This includes major drainage ways for carrying storm runoff.

#### **7.29.020 – Civil Abatement of Unauthorized Encampments.**

- (1) The City Manager is authorized to abate any unauthorized encampment from public property.
- (2) Unauthorized encampments that pose an immediate threat to the health or safety of the public shall receive priority abatement.
- (3) Unauthorized encampments, receiving priority abatement, by order of the City Manager, may be abated for any of following reasons:
  - a. The encampment presents an immediate threat to the health or

safety of the public.

- b. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for ongoing criminal activity.
  - c. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for an ongoing personal business or activity associated with the manufacturing, repair, or development of goods or services.
  - d. City staff has reasonable, articulable, detailed evidence-based facts the encampment has been abandoned for seven (7) days or more.
  - e. There are evidence-based facts of intentional property damage caused by the occupants of the unauthorized encampment.
  - f. There are evidence-based facts of unauthorized use of privately-owned property or public infrastructure to physically support a structure used for human habitation, i.e., using a fence to support a lean-to structure.
  - g. The location of the unauthorized encampment creates any fire hazard due to proximity of the encampment to nearby grass or tree-lined areas during extreme dry conditions as determined by Loveland Fire Rescue Authority.
  - h. The unauthorized encampment is in a park facility, open space, natural area, or trail not specifically designated or authorized by the Director of Parks and Recreation for overnight camping.
  - i. The unauthorized encampment is on public property posted with “No Trespass,” “No Overnight Camping,” or “No Camping” signs.
  - j. Encampment locations that interfere with, obstruct, or prevent maintenance of public property by City employees.
- (4) Evidence-based facts must be in writing and must provide an explanation of the factual basis for any decision of the City Manager to issue an order to abate an unauthorized encampment.
- (5) The City will offer to store personal property, in a designated storage container at a designated storage location, for persons of abated encampments, subject to reasonable limitations as determined by the City Manager, for a period of sixty (60) days. If said persons fail to claim personal property stored by the City within sixty (60) days of the City’s possession, the City may dispose of the personal property in any manner

consistent with existing law.

- a. Upon receipt of clear and documented consent from an occupant of an unauthorized encampment that has been or will be abated, a temporary storage area may be utilized for personal property for no more than twenty-four (24) hours subsequent to abatement. Personal property placed in a temporary storage area in excess of twenty-four (24) hours subsequent to abatement shall be stored by the City at a designated location for a period of sixty (60) days. If said persons fail to claim personal property stored by the City within sixty (60) days of the City's possession, the City may dispose of the personal property in any manner consistent with existing law.
- (6) The City Manager may promulgate and publish reasonable rules and regulations to effectuate the intent of this Chapter. Any rule or regulation must be made available to the public and the City Clerk shall maintain a copy of said rules or regulations for public inspection.

#### **7.29.030 - Prerequisites for civil abatement of unauthorized encampments.**

- (1) No civil abatement shall occur unless:
  - a. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and
  - b. A law enforcement officer has issued the person in an unauthorized encampment a verbal or written order to vacate the unauthorized encampment and to remove their property; and
  - c. The City has a shelter option available for the person ordered to vacate the camp, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.

#### **7.29.040 - Notice requirements.**

- (1) To the extent practicable, verbal notices shall be provided to all occupants present in an unauthorized encampment advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the encampment and remove their property. The date of abatement may occur on the date in the notice or within the next fourteen (14) calendar days if there is not sufficient shelter available for all the occupants on the date of abatement or due to weather delays. Any occupant present in the encampment on the day of the abatement shall be advised of a shelter option and that services are available for them. Any occupant refusing to leave the unauthorized encampment will be in violation of City Code and could be

issued a criminal citation upon a positive probable cause determination conducted by a law enforcement officer under Loveland Municipal Code Section 9.47.020.

- (2) To the extent practicable, written notices shall be hand-delivered to all occupants present in an unauthorized encampment advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the encampment and remove their property. The date of the abatement may occur on the date in the notice or within the next fourteen (14) days if there is not sufficient shelter available for all the occupants on the date of abatement or due to weather delays. Any occupant present in the encampment on the day of the abatement shall be advised of a shelter option and that services are available for them. Any occupant refusing to leave the unauthorized encampment will be in violation of City Code and could be issued a criminal citation upon a positive probable cause determination conducted by a law enforcement officer under Loveland Municipal Code Section 9.47.020.
- (3) Written notices for abatement may also be conspicuously attached to suspected unattended personal property as circumstances may require.
- (4) Written notices shall be posted around the encampment at reasonable physical intervals sufficient to advise anyone entering the encampment of the intended date and time of abatement. Notice consistent with this subpart four (4) may be exclusively utilized by the City in the event occupants of an unauthorized encampment are not present or the unauthorized encampment appears to be abandoned. The City shall not repost notices if they are removed prior to abatement.
- (5) All written notices shall include sufficient language conveying to persons in unauthorized encampments that stored personal property may be retrieved within sixty (60) days of abatement, at no cost, without fear of arrest, along with a phone number, address, and hours of operation of the City's designated storage facility.
- (6) The City Manager shall document all applicable dates, times, and general locations of notice provided consistent with Section 7.29.030 of this Chapter. The City Manager shall also track, document, and collect relevant information pertaining to each abatement.

**7.29.050 - Minimum notice period before an unauthorized encampment may be abated.**

A minimum of seventy-two (72) hours' notice is required between the date written notices are provided to encampment occupants and the beginning of the abatement process. For unauthorized encampments that have been determined to be an

immediate threat to the health or safety of the public, a minimum of forty-eight (48) hours' notice is required between the date the written notices are provided to encampment occupants and the beginning of the abatement process.

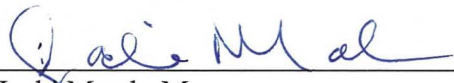
**Section 3.** That the provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 4.** That the City Council finds and determines that an emergency exists and that the immediate adoption of this Ordinance is necessary for the immediate preservation of public property, private property, health, safety, and welfare to adequately mitigate the unreasonable and special risk of a widespread fire in the community and the continued degradation of public property, infrastructure, natural areas, and other assets caused by the propagation of unauthorized encampments.


**Section 5.** That this Ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided.

**Section 6.** That this Ordinance shall be in full force and effect upon final adoption and the City Clerk is directed to publish this Ordinance in full following final adoption pursuant to Charter Section 4-10.


ADOPTED this 17<sup>th</sup> day of May, 2022.

  
\_\_\_\_\_  
Jackie Marsh, Mayor

ATTEST:

  
\_\_\_\_\_  
Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



AN EMERGENCY ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE TO ADD A NEW CHAPTER 9.47 CONCERNING UNAUTHORIZED ENCAMPMENTS AND THE ADDITION OF A NEW CHAPTER 7.29 CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, PRIVATE PROPERTY, HEALTH, SAFETY, AND WELFARE TO MITIGATE THE UNREASONABLE RISK OF FIRE AND THE DETERIORATION OF CITY PROPERTY CAUSED BY THE PROPAGATION OF UNAUTHORIZED ENCAMPMENTS