



City of Loveland Facility Regulations
Conduct of Occupants

SUBJECT: 137 South Lincoln and 300 South Railroad Facility Use Regulations
Concerning the Conduct of Occupants

EFFECTIVE DATE: October 24, 2022.

REVIEW SCHEDULE: At least every five years by the Loveland City Manager or more frequently as recommended by staff.

PURPOSE: To provide for facility use standards associated with the City's effort to provide a shelter option for persons experiencing homelessness in the City at 300 South Railroad Avenue ("South Railroad Facility" or "SRF") and 137 South Lincoln Avenue ("Loveland Resource Center" or "LRC"). The adoption of this policy is in furtherance of the City's unlawful encampment mitigation efforts authorized by Ordinance 6554 B adopted by the City Council on May 17, 2022.

SCOPE: The City of Loveland is committed to being a good steward of taxpayer money and seeks to establish use standards that balance the need for realistic facility use expectations and a necessary requirement to maintain an orderly, safe, and clean SRF and LRC (collectively, "the Facilities"). The regulations promulgated by this document apply to all interior and exterior areas of the Facilities.

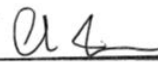
RESPONSIBILITY: Loveland City Manager

FINDINGS: The Loveland City Manager finds that the regulations promulgated below are in the best interests of the Loveland community to maintain an orderly environment and effectuate the enforcement of Ordinance 6554 B, which shall be incorporated herein, in its entirety, by reference.

APPROVAL: 

Stephen C. Adams
Loveland City Manager

ATTEST



Deputy City Clerk



10/24/22



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Regulations:

I. Authority

The City Manager has authorized the promulgation of reasonable rules and regulations governing the Facilities consistent with the City Manager's authority located in Loveland Municipal Code ("LMC") Section 2.24.030 concerning Administrative Rules and Regulations Governing City Property. LMC 2.24.030(2) specifically provides that the City Manager may create reasonable rules for, "[t]he protection of the safety, well-being and property of persons using such facilities."

The City Manager is further authorized to establish reasonable rules and regulations to effectuate the intent of LMC Chapter 7.29, concerning unauthorized encampments, pursuant to LMC 7.29.020(6). Specifically, Ordinance 6554 B requires that a "shelter option" be provided to an individual prior to issuing a summons and complaint. The Facilities are relevant "shelter options" that require rules and regulations in order to properly function.

II. General Information

The LRC and SRF were activated to establish overnight shelter options referenced in Ordinance 6554 B. The LRC may be utilized as a flexible overnight shelter option, day center, and resource center. The use regulations promulgated herein are necessary to maintain an orderly, safe, and clean environment at the Facilities.

III. Facilities Standards

1. Facility Manager. The City Manager shall appoint a Facility Manager to manage the Facilities. The Facility Manager may promulgate Standard Operating Procedures ("SOPs") consistent with these Facility Use Regulations or Ordinance 6554 B. SOPs shall generally define how the Facilities staff members manage the Facilities consistent with these Facility Use Regulations. The SOPs may also address and further define the actions and consequences for behavior issues at the Facilities.
2. Administrative Search. All persons entering the Facilities, excluding Facilities staff and law enforcement, may be subject to an administrative search to ensure weapons are kept outside the Facilities.
3. Conduct. Members of the public who choose to become occupants of the Facilities ("Occupants") must comply with all rules and regulations promulgated through these Facility Use Regulations. Failure to comply may result in removal from the Facilities.
Occupants:
 - a. May be issued warnings or may be trespassed for violations of these Facility Use Regulations or associated SOPs. Any such warning shall be documented by the Facility Manager. The Facility Manager is not obligated to provide any warnings. The



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Facility Manager may contact law enforcement if an Occupant violates any provision of these Facility Use Regulations or SOPs and seek to trespass an offending Occupant. All violations of these Facility Use Regulations shall be documented and enforced by the Facility Manager consistent with adopted SOPs.

- b. Are prohibited from possessing, distributing, or utilizing any controlled substances under 21 U.S. Code § 812. Occupants who possess a prescription from a doctor may only possess and consume controlled substances consistent with a prescription from a doctor. The Facility Manager, or a designee, may require proof of prescription.
- c. Are prohibited from possessing, distributing, or utilizing any alcohol or marijuana while present at the Facilities. Facilities staff members are authorized to inspect liquids in order to determine whether the liquid may be permissibly possessed within the Facilities.
- d. May possess tobacco products (i.e., any product containing nicotine). However, the use of any tobacco products must occur within designated areas only. Facilities staff may inspect any claimed tobacco products to ensure the claimed tobacco products are, in fact, tobacco products.
- e. Are prohibited from utilizing physical violence, or the threat of physical violence, of any kind. For purposes of these Facilities Use Regulations, “physical violence” includes any physical contact with another person unless the physical contact is a customary and brief interaction such as a handshake, hug, or a shoulder tap.
- f. Are prohibited from possession or use of any weapons that are customarily referred to as weapons, including but not limited to, knives, firearms, explosives, bladed objects, brass knuckles, mace, electronic shock devices, or any other similar device designed, or which may be reasonably used, to harm another. Facilities staff members are authorized to confiscate and hold any weapons except firearms and explosives. In the event Facilities staff members identify any firearm or explosive, law enforcement shall be contacted. Upon the departure of an Occupant, Facilities staff members, with the exception of explosives and firearms otherwise addressed in this section, shall return any confiscated weapons.
- g. Are prohibited from causing any unreasonably loud, disrespectful, or obnoxious behavior. Communications between Occupants and Facilities staff are expected to be within a volume and manner that is conducive with congregate living and otherwise reasonable under the totality of the circumstances.
- h. Are prohibited from engaging in sexual activity of any kind. Occupants are prohibited from touching other occupants and staff unless the touching involves a customary and brief interaction such as a handshake, hug, or a shoulder tap.
- i. Are prohibited from creating circumstances that require substantial cleaning or



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- have a propensity to expose others to health risks.
- j. Are prohibited from abandoning property or personal possessions at the Facilities. However, Occupants will be provided designated locker space to store select items for a designated time period.
 - k. Are prohibited from the intentional or negligent destruction or damaging of property belonging to the City or other Occupants.
 - l. Are prohibited from failing to comply with Facilities staff instructions or protocol as may be further defined consistent with paragraph one (1), Section III, of these Facility Use Regulations.
 - m. Are prohibited from using electronic devices in such a manner that depict graphic adult content.
 - n. Are prohibited from committing theft under any circumstance.
 - o. Are prohibited from displaying, creating, or making any gang-related paraphernalia, language, or inuendo.
 - p. Are prohibited from the failure to monitor or supervise children (people under the age of 18) that are lawfully under the care of the Occupant. Attendant minor children are held to the same standards as adult Occupants under these Facility Use Regulations. Occupants are prohibited from leaving children unattended at the Facilities. Occupants are prohibited from the inappropriate discipline of children, which may include, but is not limited to, striking children physically, verbally berating children, or withholding essential life sustaining items from children.
 - q. Are prohibited from the failure to monitor or supervise any pets. All occupants with pets are required to take necessary measures to ensure pets do not disturb the operation of the Facilities. Occupants must clean-up after any pet at the Facilities. Occupants are prohibited from abusing pets. Facilities staff shall contact law enforcement in the event an occupant is suspected of animal abuse.
 - r. Are prohibited from wearing clothing that reveals any part of the human breast, buttocks, or groin regions. Occupants are expected to wear, at a minimum, a shirt and pants. If an Occupant does not have access to a shirt or pants, depending upon the resources available to Facilities staff, Occupants may permit entry into the Facilities with an expectation of providing either pants or a shirt upon entry.
 - s. Are prohibited from entering any area of the Facilities that is designed for Facilities staff members only, or as marked with a “staff only” sign.