

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2019-O-21

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, ADDING A NEW ARTICLE 14 TO CHAPTER 10 OF THE MUNICIPAL
CODE TO PROHIBIT CAMPING ON CITY-OWNED PROPERTY AND SETTING A
PENALTY FOR VIOLATIONS THEREOF**

WHEREAS, the City of Centennial is a Colorado home rule municipality organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Centennial; and

WHEREAS, the City, though its Home Rule Charter and pursuant to C.R.S. § 31-15-401, has the authority to adopt police regulations as necessary to promote public health and safety; and

WHEREAS, the City Council is authorized to regulate the public's use of and conduct on City-owned property including parks, open space, trails and rights-of-way by prohibiting activity which may substantially interfere with the public's enjoyment of such places as well as the intended use of such places; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, ORDAINS:**

Section 1. **Addition of New Article 14 to Chapter 10.** Chapter 10 of the Centennial Municipal Code is hereby amended by the addition of a new Article 14, entitled *Camping on City-owned Property*, to read as follows in its entirety:

ARTICLE 14

Camping on City-owned Property

Sec. 10-14-10. Legislative declaration.

The intent of this Article is to recognize the City's inability to accommodate camping on City-owned property. Camping is inconsistent and conflicts with the primary purpose of City-owned rights-of-way, sidewalks, and trails which purpose is reserved for vehicular, bicycle, and pedestrian travel. Floodways, floodplains, and drainageways are intended for the management of stormwater and camping within such areas places persons at risk of harm as well as potentially impedes the flow of stormwater to the detriment of the general public. Additionally, the City owns and maintains a limited number of parks and open space areas which are planned for, designed, and reserved for active recreational uses, and camping on such property creates inevitable conflicts

and interference with such intended active uses. The City specifically finds that camping is readily accommodated in nearby areas specifically intended and designated for such conduct including, but not limited to, the Cherry Creek State Park.

Sec. 10-14-20. Definitions.

For purposes of this Article, the following terms have the assigned meaning:

Camp or *camping* means to use public property for living accommodation including, but not limited to, the activities and circumstances listed herein. These activities and circumstances may be considered in determining whether reasonable grounds for belief have arisen that a person has "camped" or is "camping" in violation of this Article.

- (a) Sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.
- (b) Occupying a shelter out of doors. "Shelter" shall mean any cover or protection from the elements other than clothing, such as a tent, tarpaulin, shack, sleeping bag, bedroll, blankets or other structure or material.
- (c) The presence or use of a campfire, camp stove or other heating source or cooking device.
- (d) Keeping or storing personal property.

City-owned property means any right-of-way, street, alley, sidewalk, trail, bike path, or any other structure or area encompassed within the right-of-way; any park or other recreational facility; or any other grounds, buildings, easement, or other facilities which the City has an ownership interest regardless of whether such City-owned property is vacant or occupied and actively used for any public purpose. For purposes of this Article, City-owned property shall also include property owned or managed by the City's stormwater authority, the Southeast Metro Stormwater Authority ("SEMSWA").

Sec. 10-14-30. Camping on City-owned property prohibited.

- (a) It is unlawful for any person to camp on any City-owned property, except as may be specifically authorized by the City.
- (b) No person shall be cited for a violation of this Article unless the person engages in conduct prohibited by this Section 10-14-30 after having been orally notified by a law enforcement officer that the conduct violates this Section.
- (c) Any person who violates this Section commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than the maximum fine amount authorized in Section 1-4-10 of this Code.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect,

impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. **Effective Date.** This Ordinance shall take effect thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ___ DAY OF _____, 2019.

CITY OF CENTENNIAL

By: _____
Stephanie Piko, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2019 and ordered published one time by title only in *The Centennial Citizen* newspaper on _____, 2019, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE CENTENNIAL CITIZEN* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ___ DAY OF _____, 2019, BY A VOTE OF ___ IN FAVOR AND ___ AGAINST.

CITY OF CENTENNIAL

By: _____
Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2019, and ordered published by title only,

one time by *The Centennial Citizen* newspaper on _____, 2019 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: _____
City Clerk or Deputy City Clerk