

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING SECTION 110 (CAMPING ON PUBLIC PROPERTY PROHIBITED) AND REPEALING SECTION 111 (CAMPING AND WASTE DEPOSIT WITHIN PUBLIC STREAM/PUBLIC STREAM RIPARIAN ZONE PROHIBITED) OF PART 1 (GENERAL OFFENSES) OF ARTICLE 6 (OFFENSES AFFECTING PROPERTY) AND REPEALING SECTION 404 (CAMPING RESTRICTIONS) OF PART 4 (OFFENSES RELATING TO PERSONS) OF ARTICLE 9 (PARK OFFENSES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CAMPING REGULATION, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

Section 1. Section 110 (Camping on Public Property Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.6.110: ~~CAMPING ON PUBLIC PROPERTY PROHIBITED:~~

A. ~~It is unlawful for any person to camp on any public property, except as may be specifically authorized by the appropriate governmental authority.~~ **Legislative Declaration: The City Council finds and declares that urban camping causes conditions that adversely affect the control of communicable diseases, the physical and mental health of the community, the provision of public infrastructure services, and the safety and general welfare of the people and therefore requires the establishment and enforcement of camping prohibitions. Regulation of camping within the City is a matter of local concern and protects the health, safety, and welfare of the residents of, and visitors to, the City of Colorado Springs. This section is enacted under the City Council's police powers and under the City Council's legislative authority granted by Colorado Constitution article XX, section 6 and the City Charter.**

B. ~~For purposes of this section "camp" or "camping" means to use the public area for living accommodation including, but not limited to, the activities and circumstances listed below. 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 section.~~

1. ~~Sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.~~

~~2. Occupying a shelter out of doors. "Shelter" shall mean any cover or protection from the elements other than clothing, such as a tent, shack, sleeping bag, or other structure or material.~~

~~3. The presence or use of a campfire, camp stove or other heating source or cooking device.~~

~~4. Keeping or storing personal property.~~ **Definitions:**

1. CAMP or CAMPING: Using a public area for human habitation. With consideration for the totality of the circumstances, evidence of human habitation may include, but is not limited to, observations of any one or more of the following:

- a. Sleeping, or laying out or collecting sleeping materials. "Sleeping materials" includes, but is not limited to, sleeping bags, bedrolls, blankets, sheets, pillows, bedding, any other item fashioned for use as a covering, or any other item fashioned for use as a mattress;
- b. Occupying a shelter outdoors;
- c. The presence or use of a campfire, camp stove, other heating source, or cooking device;
- d. The presence of food, water, cookware, or kitchen utensils;
- e. The presence of personal hygiene items;
- f. Evidence of urination or defecation;
- g. The presence of devices used to store or transport personal property, including, but not limited to, shopping carts, wagons, buggies, carts, suitcases, or other improvised storage or transportation devices;
- h. The presence of personal property; or
- i. The presence of waste in the immediate area.

2. MOTOR VEHICLE: Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons or property over the public highways. For purposes of this section, the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.

3. PARK: Those open spaces, areas, or facilities designated by the City or other governmental authority for public use or public purposes. Park includes, but is not limited to, spaces intended for recreation, enjoyment, play, social interaction, community programming, or athletic activities; spaces designated as parks by official signage; and areas reserved for natural or environmental reasons, such as preservation of wildlife; vegetation; waterways; or significant natural, cultural, or historic resources. Park includes all trees, plants, shrubs, and vegetation; all natural

terrain formations; all historical, cultural, archaeological, and paleontological resources; all rocks, stones, and boulders; and all improvements to park areas such as structures, tables, benches, railings, fences, signs, fountains, canopies, pavilions, roads, sidewalks, trails, fireplaces, buildings, bridges, bleachers, playing fields, and equipped play areas located within a park.

4. **PUBLIC PROPERTY:** Property, including grounds, buildings, or other facilities, that is owned, leased, managed, or maintained by the City or another governmental authority. Public Property includes, but is not limited to, a highway, highway median, 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, playground, or other City or government owned or maintained recreational facility; and stormwater infrastructure such as, but not limited to, bridges, pipes, inlets, and culverts.

5. **SHELTER:** Any cover or protection from the elements other than clothing, including, but not limited to, a tent, shack, vehicle, sleeping bag, blanket, tarp, improvised structure, or other structure or material.

6. **STREAM:** Any natural, altered, or improved channels that have seasonal or continuous water flows, whether wet or dry. Stream includes any wet or dry naturally occurring or manmade bodies of water surrounded by land in which water is confined. Stream also includes wet or dry channels, canals, streambeds, streambanks, drainageways, floodways, holding and silting basins, reservoirs, lakes, and ponds.

7. **STREAM RIPARIAN ZONE:** The public land area that extends one hundred feet (100') away from the edge of the streambank.

8. **STREAMBANK:** The terrain alongside stream between which the flow of water or body of water is confined.

9. **WASTE:** Any rubbish; unused, rejected or discarded material(s); feces; garbage; trash; refuse; debris; any material of no apparent value; or other foreign substances of every form, size, kind, and description.

C. Violations:

1. Stream Camping:

a. It is unlawful for any person to camp within any stream or stream riparian zone.

b. It is unlawful for any person to knowingly or recklessly deposit any waste, place any waste, or permit any waste to be deposited or placed within any stream or stream riparian zone unless:

i. The area is designated by the State or any of its agencies or political subdivisions, including the City, for the disposal of the waste, and the person is authorized by the appropriate governmental authority to so use the property; or

ii. The waste is placed in a receptacle or container used within the area for the purpose.

2. **Public Property Camping:** It is unlawful for any person to camp on any public property.

3. **Vehicle Camping:** It is unlawful for any person to camp in a motor vehicle on any public property for more than twenty-four (24) hours in the same location or within one thousand feet (1000') of that location.

D. **Culpability:** The required mental state to prove a violation of this section shall be whether the person knowingly camped. The mental state shall not apply to the location of the camp or type of camping.

E. **Affirmative Defense:** It shall be an affirmative defense to a violation of this section that the person had authorization from the appropriate governmental authority to camp at the location of the violation on the date of the violation.

F. **Severability:** It is hereby declared to be the intention of the City Council that each and every part of this section is severable. If any term, phrase, clause, sentence, or paragraph of this section is declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, or paragraphs since the remaining provisions would have been enacted by the City Council without the incorporation in this Code of any unconstitutional or invalid term, phrase, clause, sentence, or paragraph.

Section 2. Section 111 (Camping and Waste Deposit Within Public Stream/Public Stream Riparian Zone Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended is hereby repealed.

Section 3. Section 404 (Camping Restrictions) of Part 4 (Offenses Relating To Persons) of Article 9 (Park Offenses) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is hereby repealed and reserved.

Section 4. Any person convicted of violating Section 110 (Camping on Public Property Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property)

of Chapter 9 (Public Offenses) shall be punished as provided in Section 110 (Penalties) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2025.

Finally passed: _____

Lynette Crow-Iverson, Council President

Mayor's Action:

- ☐ Approved on _____.
- ☐ Disapproved on _____, based on the following objections:

Blessing A. Mobolade, Mayor

Council Action After Disapproval:

- ☐ Council did not act to override the Mayor's veto.
- ☐ Finally adopted on a vote of _____, on _____.
- ☐ Council action on _____ failed to override the Mayor's veto.

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk