

ORDINANCE NO. 1154 (2024)

AN ORDINANCE AMENDING TITLE 12 ADDING CHAPTER 12.17 TO THE CRAIG MUNICIPAL CODE TO INCLUDE CONDUCT ON PUBLIC PROPERTY

WHEREAS, the City of Craig is a home rule municipality;

WHEREAS, the Craig Municipal Code (“Code”) defines lawful activities and proscribes penalties for violations of any ordinance of the City;

WHEREAS, the act of unauthorized camping on public or private property, and the misuse of public waters can endanger the health and safety of the public at large;

WHEREAS, unauthorized encampments in the City may create adverse consequences such as the management of excessive refuse; destruction of private and public property; potential reduction in water quality of public waters and local creeks and rivers as a result of refuse and/or human waste; permanent damage to natural vegetation; refuse and debris along the trail system, parks, civic areas and open spaces; deterrence of business operations and investments; and the potential for increased drug use, crime and property damage;

WHEREAS, unauthorized encampments typically are associated with an increased threat to public safety, as a result of increased aggressive behaviors, and an overall interference with the public property being utilized in the manner for which it was intended and has a deleterious impact on the public’s ability to use the public property in a safe manner;

WHEREAS, unauthorized encampments create excessive garbage and debris along trails, in open spaces, in public spaces, and parks that require City staff to be trained and certified to engage in and remove hazardous materials to ensure the safety of City employees and the public prior to and during clean-up efforts;

WHEREAS, the City Council has concern that without a policy that would prohibit encampments on public and private property, without a policy that would protect public waters, and without the ability to enforce limitations on encampments and the use of public waters, there may be significant risk to the safety of the public and City employees, and may deter further economic development of the City;

AND WHEREAS, the City Council has a legitimate governmental purpose and obligation in the protection of the citizens of the City from the risk that unauthorized encampments pose, as well as the promotion of sanitation, public health, and safety.

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

Section 1. Title 12 of the Craig Municipal Code is hereby amended to include Chapter 12.17 to read as follows:

12.17 Conduct on Public Property

12.17.010– Public Property Generally

It is unlawful for any person to intentionally, knowingly, recklessly destroy public real property or improvements thereto, movable or personal public property or property which the City maintains.

12.17.020 – Camping Restrictions

- A. *Camping on public property restricted.* It shall be unlawful for any person to camp or pitch a tent, or knowingly permit any person to camp or pitch a tent, on public property within the City outside of a designated camp site. Camping, for the purposes of this Section, means to sleep at any hour, spend the night, reside or dwell temporarily, with or without bedding or other camping gear and with or without shelter, or to conduct activities of daily living such as eating or sleeping, in such place unless such person is camping in compliance with the City Council authority in a natural, recreation area, or other designated area by the City Council permitting such activity. Camping shall not include incidental napping or picnicking.
- B. *Camping on private property restricted; exceptions.* It is unlawful for any person to camp or to knowingly permit any person to camp, as defined in Subsection (A) above, on private property within the City, except on the premises of a residential dwelling with the permission of the property owner. Any such camping must be temporary in nature and must not exceed a period of seven (7) consecutive days or a total of fourteen (14) days in a calendar year.

12.17.030 – Misuse of Public Waters

No person shall swim in, bathe in, wash dishes in or otherwise use the waters of any pool, fountain or other body of water in any public place or on property belonging to the City or under the possession and control of the City, unless such body of water is designed, intended and made available to the general public for such use.

12.17.040 – Unlawful Conduct on Public Property

- A. The City Council may, by duly adopted and approved resolution, impose rules and regulations regarding the use of public properties, including but not limited to public parks, and public places, either in whole or specific to specific properties to protect the public.
- B. Any person violating any provisions of this chapter shall, upon conviction, be fined up to \$500.00 per offense and receive up to 48 hours in Useful Public Service. A peace officer has all powers granted to them under this Code to issue a summons, complaint and penalty assessment for those persons believed to be in violation of this chapter.

Section 2. If any subsection, sentence, clause, or phrase of this ordinance is for any reason held to

be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. All other provisions of Title 12 of the Craig Municipal Code shall remain in full force and effect.

Section 3. The City Council deems it appropriate to publish the title of this ordinance, together with a summary of the ordinance and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. This ordinance shall be effective immediately upon passage.

Section 5. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS 27th DAY OF AUGUST, 2024 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Chris Nichols, Mayor

ATTEST:

Liz White, City Clerk

Votes in favor: ____

Votes opposed: ____

FOLLOWING SECOND READING, PASSED AND BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG THIS 10TH DAY OF SEPTEMBER, 2024.

Chris Nichols, Mayor

ATTEST:

Liz White, City Clerk

Votes in favor: ____

Votes opposed: ____