



CITY COUNCIL WORK SESSION
Monday, September 16, 2024 - 10:00 AM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be [viewed online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

1) INTRODUCTION OF NEW CITY EMPLOYEES

Scott Walker- Police Officer
Tim Long- Police Officer
Keegan Walche- Police Officer
Jaroden Siedschlag- Police Officer
Charlie Hunt- Police Officer
Morgan Cross- Trash and Recycle Operator
Breanna Jones- Customer Service Representative, Public Works
Taylor Anthony- Network Analyst 1

2) DISCUSSION ITEMS

- A) Possible Amendments to Ordinance 2670 Regarding Unauthorized Camping,
Sleeping in Public and Park Hours (30 minutes)
Staff: Assistant City Attorney Matt Magliaro

3) GENERAL CITY COUNCIL DISCUSSION

4) STAFF COMMENTS

ORDINANCE NO. ____ (Ver. A)

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 6 CHAPTER 1, OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO: REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 10 (6-1-10), REGARDING UNAUTHORIZED CAMPING; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 12 (6-1-12), REGARDING SLEEPING ON SIDEWALKS, STREETS, CURBS, PARKING SPACES, ALLEYS, PUBLIC RIGHT-OF-WAY OR WITHIN DOORWAYS PROHIBITED; AND AMENDING TITLE 9 CHAPTER 10 SECTION 1 (9-10-1), REGARDING PARK HOURS

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, the State of Colorado has recognized the authority of municipal governments, in relation to their general police powers enumerated in C.R.S. § 31-15-401(1)(a)-(q), to “do all acts and make all regulations which may be necessary or expedient for the promotion of health” as well as to declare what is a nuisance, to set punishments and abate declared nuisances; and

WHEREAS, the City of Montrose as property owner has a governmental interest in the preservation of its public property, including but not limited to its parks, for the general health, welfare, and benefit of all of its citizens, and recognizes the need to have a clear system of regulation to allow for authorized, permitted camping while establishing rules to ensure safe access to the general public of its rights-of-ways on public property; and

WHEREAS, the conduct of unlawful camping on municipal-owned land raises health, welfare and safety concerns as well as negatively impacts the public land as a use; and

WHEREAS, the conduct of unlawfully remaining after notice to cease and desist sleeping in public and private rights-of-way used for pedestrian and vehicular traffic raises health, welfare and safety concerns as well as impacts the safety of all users of those spaces; and

WHEREAS the United States Supreme Court recently held the enforcement by municipal governments of generally applicable laws prohibiting camping on public property does not constitute cruel and unusual punishment proscribed by the Eighth Amendment of the Constitution of the United States, *City of Grants Pass, Oregon v Johnson*, 603 U.S. ___, 144 S.Ct. 2202 (2024); and

WHEREAS, the City of Montrose updates the Municipal Code from time to time;
and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

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

SECTION 1:

Title 6, Chapter 1 Section 10. (6-1-10) (Reserved.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-10. - ~~Reserved.~~ Unauthorized camping.

- (A) It shall be unlawful for any person to camp on any public property within the municipal limits of the City of Montrose, except in a location where camping has been expressly authorized as a permitted activity in compliance with Title 9 of the Official Code of the City of Montrose.
- (B) It shall be unlawful for any person to camp on private property without the express consent of the property owner or the owner's agent.
- (C) It is unlawful for any person to construct or erect any building or structure, whether permanent or temporary, on any public property owned by the City of Montrose without express permission from the City to do so.
- (D) For purposes of this section, the following definitions are applicable:
 - (1) *Camp or camping* means the use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. The term "shelter" as used in this definition 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. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camps includes, but is not limited to, sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin,

enclosure, or other structure used for overnight living purposes, or any form of cover or protection from the elements other than clothing, or making preparations for a fire or making a fire except for fires at sites specifically designated or authorized for a fire by the City of Montrose's Parks Department, setting up or using a camp stove, cooking device, or other type of heating source except for grills and personal grills permitted in designated areas by Parks Department. Camp or camping can include using a vehicle for overnight occupancy where overnight occupancy or overnight camping violates City Code or regulation or is not otherwise authorized by the City. Camping does not include napping during the day or picnicking.

(2) *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, all City owned or managed trails or hard surface trails and areas adjacent to those areas, 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.

- (E) For a first violation of this Section, the Court shall impose a fine of \$100.00 only. A first violation of this Section shall constitute a civil infraction. An adult defendant convicted of a second or subsequent offense in violation of this Section shall be punished by imprisonment in the county jail for at least 10 days but no more than the penalties in accordance with Section 1-2-3 of the Official Code of the City of Montrose, Colorado. The Court does not have discretion to suspend imposition of the mandatory minimum period of incarceration under this Section.
- (F) Unauthorized camping in violation of this Section is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose. If the unauthorized camping occurred in a City park, the Court shall issue, for a first offense, an order of abatement limited to a written exclusion order from the City of Montrose's parks for a period of thirty (30) days. The Court has authority under this Section to issue any other orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or subsequent violations. Nothing in this Section limits the discretion of the Municipal Court to enter separate orders it deems appropriate for a separate conviction for Nuisance under Chapter 4 of this Title.

- (G) A separate offense shall be deemed committed each day on which a violation of this Section continues. The Montrose Municipal Court may impose consecutive sentences for multiple violations proven beyond a reasonable doubt.
- (H) The affirmative defense of necessity, as codified in C.R.S. § 18-1-702 (2024), may be raised to a prosecution under this Section should sufficient evidence justify the defense.
- (I) The Code Enforcement Officer of the City shall be deemed a peace officer, as defined in Rule 203 of the Colorado Municipal Court Rules of Procedure, for the limited purpose of enforcing the provisions of this Section under the direction of the City Manager or their designee. The Code Enforcement Officer may exercise the authority of a peace officer in the enforcement of these provisions, including the power to issue summons and complaints and initiate prosecution of violations thereof.

SECTION 2:

Title 6, Chapter 1 Section 12. (6-1-12) (Reserved.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-12. - ~~Reserved.~~ Sleeping on sidewalks, streets, curbs, parking spaces, alleys, public right-of-way or within doorways prohibited.

- (A) Sleeping on a public sidewalk, street, curb, parking space, alley, lane, breezeway, public right-of-way or in a space within a doorway or entryway abutting a public sidewalk is prohibited as unsafe, as this conduct may obstruct pedestrian and/or vehicular traffic, may inhibit the use of these spaces by the disabled in violation of federal and state law, and may place the person sleeping and/or the public in danger of harm.
- (B) No person may sleep on a public sidewalk, street, curb, parking space, alley, lane, breezeway or public right-of-way.
- (C) No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, to include spaces within a doorway or entryway on either public or private property.
- (D) No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this Section against any person unless a request to cease and desist is first made either verbally or in writing by any police officer or firefighter displaying or presenting indicia of acting under the color of their official authority, or by the

property owner or their authorized agent, and the person unlawfully remains in violation of this Section.

- (E) For a first violation of this Section, the Court shall impose a fine of \$100.00 only. A first violation of this Section shall constitute a civil infraction. Second or subsequent offenses in violation of this Section may be punished in accordance with Section 1-2-3 of the Official Code of the City of Montrose, Colorado.
- (F) Any violation of this Section is hereby declared to be a nuisance which may be abated, pursuant to Chapter 4 of this Title of the Official Code of the City of Montrose.
- (G) Notwithstanding any other provision of law, any person found in violation of this Section may be immediately removed from the premises.

SECTION 3:

Title 9, Chapter 10 Section 1. (9-10-1.(A), (B)) (Park hours.) of the Official Code of the City of Montrose, Colorado, are hereby amended to read in their entirety as follows:

9-10-1. Park hours, permitted camping authorized.

- (A) All parks shall be closed between the hours of 11:00 p.m. and 5:00 a.m., unless other hours of closure are posted, in which case the posted hours shall control.
- (B) It shall be unlawful for any person to enter upon or remain upon any of said parks or City property during hours which they are closed pursuant to this Section, **and such violation(s) may be cited under Title 6 of the Official Code of the City of Montrose or other applicable law. The official operations of the City of Montrose, persons acting under the direction of the City, and contractors or agents acting with the authorization of the City of Montrose are exempt from this Section.** ~~except for authorized overnight campers at Lions Park, persons on authorized City business, persons attending events allowed pursuant to a special permit, or persons traveling the bike paths.~~

SECTION 4:

New subsections (C), (D), (E), and (F) are hereby added to Title 9, Chapter 10 Section 1. (9-10-1.(C), (D), (E), (F)) (Park hours.) of the Official Code of the City of Montrose, Colorado, to read in their entirety as follows:

- (C) Camping may be authorized on public property for persons attending events held at the City parks allowed pursuant to an events use permit or festival event permit obtained in advance from the City Clerk's Office and with the approval of the City Manager's Office.
- (D) Camping may be authorized by the City Manager or designee for those persons on authorized business for the City of Montrose.
- (E) Camping is authorized and no person shall be cited under this Section if a formal declaration of an emergency requires the use of temporary shelter space in accordance with City Charter or a declaration of the Governor of the State of Colorado.
- (F) The City Manager or designee is authorized to make such additional regulations as are necessary and convenient for the administration and enforcement of this Section, including the development of required forms.

SECTION 5:

Except as specifically amended hereby, the Official Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by clarifying the current code's allowance of camping in designated areas and circumstances, and to codify generally applicable laws prohibiting unauthorized camping upon public property as well as remaining after notice for sleeping in public rights-of-way or in pedestrian or vehicular entrances to property.

SECTION 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 8:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter. You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the _____ day of _____, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. ____ (Ver. B)

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 6 CHAPTER 1, OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO: REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 10 (6-1-10), REGARDING UNAUTHORIZED CAMPING; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 12 (6-1-12), REGARDING SLEEPING ON SIDEWALKS, STREETS, CURBS, PARKING SPACES, ALLEYS, PUBLIC RIGHT-OF-WAY OR WITHIN DOORWAYS PROHIBITED; AND AMENDING TITLE 9 CHAPTER 10 SECTION 1 (9-10-1), REGARDING PARK HOURS

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, the State of Colorado has recognized the authority of municipal governments, in relation to their general police powers enumerated in C.R.S. § 31-15-401(1)(a)-(q), to “do all acts and make all regulations which may be necessary or expedient for the promotion of health” as well as to declare what is a nuisance, to set punishments and abate declared nuisances; and

WHEREAS, the City of Montrose as property owner has a governmental interest in the preservation of its public property, including but not limited to its parks, for the general health, welfare, and benefit of all of its citizens, and recognizes the need to have a clear system of regulation to allow for authorized, permitted camping while establishing rules to ensure safe access to the general public of its rights-of-ways on public property; and

WHEREAS, the conduct of unlawful camping on municipal-owned land raises health, welfare and safety concerns as well as negatively impacts the public land as a use; and

WHEREAS, the conduct of unlawfully remaining after notice to cease and desist sleeping in public and private rights-of-way used for pedestrian and vehicular traffic raises health, welfare and safety concerns as well as impacts the safety of all users of those spaces; and

WHEREAS the United States Supreme Court recently held the enforcement by municipal governments of generally applicable laws prohibiting camping on public property does not constitute cruel and unusual punishment proscribed by the Eighth Amendment of the Constitution of the United States, *City of Grants Pass, Oregon v Johnson*, 603 U.S. ___, 144 S.Ct. 2202 (2024); and

WHEREAS, the City of Montrose updates the Municipal Code from time to time;
and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

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

SECTION 1:

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6-1-10. - ~~Reserved.~~ Unauthorized camping.

- (A) It shall be unlawful for any person to camp on any public property within the municipal limits of the City of Montrose, except in a location where camping has been expressly authorized as a permitted activity in compliance with Title 9 of the Official Code of the City of Montrose.
- (B) It shall be unlawful for any person to camp on private property without the express consent of the property owner or the owner's agent.
- (C) It is unlawful for any person to construct or erect any building or structure, whether permanent or temporary, on any public property owned by the City of Montrose without express permission from the City to do so.
- (D) For purposes of this section, the following definitions are applicable:
 - (1) *Camp or camping* means the use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. The term "shelter" as used in this definition 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. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camps includes, but is not limited to, sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin,

enclosure, or other structure used for overnight living purposes, or any form of cover or protection from the elements other than clothing, or making preparations for a fire or making a fire except for fires at sites specifically designated or authorized for a fire by the City of Montrose's Parks Department, setting up or using a camp stove, cooking device, or other type of heating source except for grills and personal grills permitted in designated areas by Parks Department. Camp or camping can include using a vehicle for overnight occupancy where overnight occupancy or overnight camping violates City Code or regulation or is not otherwise authorized by the City. Camping does not include napping during the day or picnicking. The City does not prohibit the ordinary use of the parks such as resting or sleeping in a park during normal park hours as defined in Section 9-10-1 of the Official Code of the City of Montrose, picnicking on a blanket or using parks or other public property for lawful uses.

(2) *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, all City owned or managed trails or hard surface trails and areas adjacent to those areas, 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.

(E) *Penalty.*

(1) For a first violation of this Section, the Court shall impose a fine of \$100.00 only. A first violation of this Section shall constitute a civil infraction.

(2) For a second offense in violation of this Section, an adult defendant upon conviction shall be punished by imprisonment in the county jail limited to not more than 10 days, with the amount imposed left to the discretion of the Montrose Municipal Court. In imposing a sentence for a second offense, the court may consider, in addition to sentencing factors in C.R.S. § 18-1-102.5 (2024), whether or not the defendant immediately removed all personal property and litter, including, but not limited to, bottles, cans and garbage, from the encampment after being informed the camping was in violation of the law.

(3) For a third or subsequent offense in violation of this Section, an adult defendant upon conviction shall be punished by imprisonment for at least 10 days but no more than the penalties in accordance with Section 1-2-3 of the Official Code of the City of Montrose, Colorado. The Court does not have discretion to suspend imposition of the mandatory minimum period of incarceration under this Section.

- (F) Unauthorized camping in violation of this Section is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose. If the unauthorized camping occurred in a City park, the Court shall issue, for a first offense, an order of abatement limited to a written exclusion order from the City of Montrose's parks for a period of thirty (30) days. The Court has authority under this Section to issue any other orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or subsequent violations. Nothing in this Section limits the discretion of the Municipal Court to enter separate orders it deems appropriate for a separate conviction for Nuisance under Chapter 4 of this Title.
- (G) A separate offense shall be deemed committed each day on which a violation of this Section continues. The Montrose Municipal Court may impose consecutive sentences for multiple violations proven beyond a reasonable doubt.
- (H) The affirmative defense of necessity, as codified in C.R.S. § 18-1-702 (2024), may be raised to a prosecution under this Section should sufficient evidence justify the defense.
- (I) The Code Enforcement Officer of the City shall be deemed a peace officer, as defined in Rule 203 of the Colorado Municipal Court Rules of Procedure, for the limited purpose of enforcing the provisions of this Section under the direction of the City Manager or their designee. The Code Enforcement Officer may exercise the authority of a peace officer in the enforcement of these provisions, including the power to issue summons and complaints and initiate prosecution of violations thereof.

SECTION 2:

Title 6, Chapter 1 Section 12. (6-1-12) (Reserved.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-12. - ~~Reserved. Sleeping on sidewalks, streets, curbs, parking spaces, alleys, public right-of-way or within doorways prohibited.~~

- (A) ~~Sleeping on a public sidewalk, street, curb, parking space, alley, lane, breezeway, public right-of-way or in a space within a doorway or entryway abutting a public sidewalk is prohibited as unsafe, as this conduct may obstruct pedestrian and/or vehicular traffic, may inhibit the use of these spaces by the disabled in violation of federal and state law, and may place the person sleeping and/or the public in danger of harm.~~
- (B) ~~No person may sleep on a public sidewalk, street, curb, parking space, alley, lane, breezeway or public right-of-way.~~
- (C) ~~No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, to include spaces within a doorway or entryway on either public or private property.~~
- (D) ~~No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this Section against any person unless a request to cease and desist is first made either verbally or in writing by any police officer or firefighter displaying or presenting indicia of acting under the color of their official authority, or by the property owner or their authorized agent, and the person unlawfully remains in violation of this Section.~~
- (E) ~~For a first violation of this Section, the Court shall impose a fine of \$100.00 only. A first violation of this Section shall constitute a civil infraction. Second or subsequent offenses in violation of this Section may be punished in accordance with Section 1-2-3 of the Official Code of the City of Montrose, Colorado.~~
- (F) ~~Any violation of this Section is hereby declared to be a nuisance which may be abated, pursuant to Chapter 4 of this Title of the Official Code of the City of Montrose.~~
- (G) ~~Notwithstanding any other provision of law, any person found in violation of this Section may be immediately removed from the premises.~~

SECTION 3:

Title 9, Chapter 10 Section 1. (9-10-1.(A), (B)) (Park hours.) of the Official Code of the City of Montrose, Colorado, are hereby amended to read in their entirety as follows:

9-10-1. Park hours, **permitted camping authorized.**

- (A) All parks shall be closed between the hours of 11:00 p.m. and 5:00 a.m., unless other hours of closure are posted, in which case the posted hours shall control.
- (B) It shall be unlawful for any person to enter upon or remain upon any of said parks or City property during hours which they are closed pursuant to this Section, **and such violation(s) may be cited under Title 6 of the Official Code of the City of Montrose or other applicable law. The official operations of the City of Montrose, persons acting under the direction of the City, and contractors or agents acting with the authorization of the City of Montrose are exempt from this Section. except for authorized overnight campers at Lions Park, persons on authorized City business, persons attending events allowed pursuant to a special permit, or persons traveling the bike paths.**

SECTION 4:

New subsections (C), (D), (E), and (F) are hereby added to Title 9, Chapter 10 Section 1. (9-10-1.(C), (D), (E), (F)) (Park hours.) of the Official Code of the City of Montrose, Colorado, to read in their entirety as follows:

- (C) Camping may be authorized on public property for persons attending events held at the City parks allowed pursuant to an events use permit or festival event permit obtained in advance from the City Clerk's Office and with the approval of the City Manager's Office.**
- (D) Camping may be authorized by the City Manager or designee for those persons on authorized business for the City of Montrose.**
- (E) Camping is authorized and no person shall be cited under this Section if a formal declaration of an emergency requires the use of temporary shelter space in accordance with City Charter or a declaration of the Governor of the State of Colorado.**
- (F) The City Manager or designee is authorized to make such additional regulations as are necessary and convenient for the administration and enforcement of this Section, including the development of required forms.**

SECTION 5:

Except as specifically amended hereby, the Official Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by clarifying the current code's allowance of camping in designated areas and circumstances, and to codify generally applicable laws prohibiting unauthorized camping upon public property as well as remaining after notice for sleeping in public rights-of-way or in pedestrian or vehicular entrances to property.

SECTION 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 8:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter. You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the ____ day of _____, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk