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BUSINESS POLICY MEMORANDUM
Abatement of Unauthorized Camps Policy

EFFECTIVE DATE: September 8, 2021
DATE REVISED: May 19, 2022
DATE ISSUED: September 8, 2021
NO./SUBJECT: 1-02, Abatement of Unauthorized Camps Policy
DEPARTMENT: All City Departments

I. POLICY

The City shall abate unauthorized camps.

II. SCOPE

This policy applies to all camps located on public property where camping is not expressly authorized by the City. This policy establishes a procedure for providing adequate notice to individuals of unauthorized camps on public property of the services available to them to help them end their need to camp on public property and the procedures to follow when abating an unauthorized camp.

This policy applies to all City Departments and Professional Mental Health Agencies hired by the City, such as the Outreach Team, to provide services and assistance to individuals or families experiencing homelessness or who are at risk of homelessness.

This policy does not apply to lawfully operable Recreational Vehicles, campers, trailers, or cars used for overnight occupancy.

III. RESPONSIBILITIES

All City Departments and City staff are responsible for following this policy when considering abating an unauthorized camp on public property.

IV. DEFINITIONS

For purposes of this policy the following words, terms, and phrases shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

“Abate or abatement” means having the individuals in an unauthorized camp vacate the site and remove their personal property so the City may clean and restore the site to its original intended lawful purpose.

“Camp or camping” means the use of public property for the purpose of unauthorized overnight occupancy, or to reside or dwell on public property overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camping 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 Parks, Recreation and Open Space (PROS) 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 PROS). Camping does not include napping during the day or picnicking.

“Outreach Team” means a homeless service agency(ies), professional behavioral health agency(ies), professional mental health personnel, service provider(s) or agency(ies) formed by City partners to offer individuals occupying unauthorized camps with community services and resources to end their need to be in an unauthorized camp. The Outreach Team is not an enforcement entity. The Outreach Team should not be used to order individuals of an unauthorized camp to move.

“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, trail, 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.

“Public right-of-way” means an area of land dedicated to the public in fee simple title conveyed to the city for drainage, pedestrian, utility, street lighting, landscaping, roadway, or other purposes.

“Shelter option” means an indoor shelter bed, a bed in a hotel/motel, a safe indoor or outdoor shelter space, a pallet home, a tiny home, or any other type of facility or location authorized by the City to provide shelter for an individual in an unauthorized camp.

V. PROCEDURES

1. Initial Inspection of a potential unauthorized camp.

When a Department responsible for the care and maintenance of a particular piece of public property (the “Department”) finds an unauthorized camp, the Department shall make an accurate count as possible of the number of individuals in the unauthorized camp.

The Homelessness Liaison will inspect complaints of unauthorized camps received through Access Aurora to determine their location and if the site is an unauthorized camp or only discarded trash. When the Homelessness Liaison finds an unauthorized camp, he/she shall make an accurate count as possible of the number of individuals in the unauthorized camp.

2. Initial verbal notice. The Department or the Homelessness Liaison may provide verbal notice on the day of initial contact to all the individuals present that camping is not permitted at the location and they need to pack up their belongings and move from the location.
3. Contact the Homelessness Liaison responsible for camp abatements. When a Department finds an unauthorized camp, they will contact the Homelessness Liaison to inform him/her of the camp's location and the number of individuals in the unauthorized camp.
4. Use of the Outreach Team before the abatement date. The Homelessness Liaison will contact the Outreach Team, or similar service, the day he/she is informed of an unauthorized camp. The Outreach Team shall visit the unauthorized camp as soon as possible after being notified, preferably the day they are notified, but not less than 24-hours after being notified. The Outreach Team shall contact the individuals present at the camp, offer a shelter option to every individual present, offer other appropriate services, encourage the individuals to seek assistance, and advise the individuals the camp will be abated by the City. The Outreach Team shall offer transportation to individuals who want shelter or Outreach services. The Outreach Team shall document the date and time of each site visit.
5. Camp Abatement Team Meetings.
The Homelessness Liaison will schedule a Team meeting with all Departments involved in abating unauthorized camps. The Team will determine if the camp is on public property or private property, and if the City has enough shelter options available for all the individuals in the camp to start the abatement process.

Abandoned camps may be immediately cleaned without the need to post the camp with abatement notices. Abandoned camps should have no evidence of individuals using the site for unauthorized camping. The Department or the Homelessness Liaison who cleans an abandoned camp shall take photographs of the abandoned site to document the camp is abandoned and shall save the photographs for 180 days past the abatement date.

6. Abating active unauthorized camps.
 - a. Shelter options prerequisite for abating an unauthorized camp on public property.
The City must have enough shelter options available for all the individuals in an unauthorized camp before the abatement process of an unauthorized camp can begin. At the Team meeting, the Homelessness Program Manager, or designee, will advise the Team if there are enough shelter options available for all the individuals to start the abatement process. If there are enough shelter options available, the abatement process can begin by scheduling an abatement date with the contractor.

Exceptions to the shelter option and notice requirement.

- When there is an imminent threat of flooding due to a flash flood warning, flood warning, or flood watch being issued by the National Weather Service for the location of the camp. In this situation, the individuals of that camp shall be ordered to immediately move and remove their personal property and all property or objects in the watercourse.

- When there is an imminent life/safety threat as determined by the Fire Chief, or designee, the individuals in this life/safety situation shall be ordered to immediately move and remove their personal property.
- When the camp is causing an imminent life-threatening situation, such as blocking a fire exit, the individuals of this camp shall be ordered to immediately move and remove their personal property and any property blocking the fire exit.
- When a camp is in or along a public right-of-way or on a public sidewalk along a snow emergency route and the weather forecast is for snow that will require the snow emergency route to be plowed, the individuals of this camp shall be ordered to immediately move and remove their personal belongings.
- When a camp is on a public sidewalk and the camp reduces the width of the sidewalk to less than 36 inches, the individuals of this camp shall be ordered to immediately move and remove their personal belongings.
- Camps that contain evidence of booby traps or potential booby traps can be abated immediately and the individuals present ordered to immediately move and remove their personal property.

If any of the above exceptions apply to the unauthorized camp, the individuals in the camp can be told to immediately move, the camp does not need to be posted with an abatement notice as specified by this policy, and there is no need to have a shelter option immediately available for the individuals. The City may assist finding a shelter option for individuals displaced by an imminent life and safety threat.

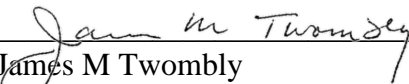
b. Abatement process.

- (1) Minimum Notice Period. All unauthorized camps scheduled for an abatement shall be posted with written notices. Individuals present may be verbally ordered to immediately move and remove their property when the camp is posted. No unauthorized camp shall be abated without providing a minimum of 72-hours' written notice to move and remove property unless the unauthorized camp meets any one of the exceptions in paragraph 6(a) above.
- (2) Written Notice Posting Requirements:
 - (a) Written notice should be substantially in the same form as attached to this BPM.
 - (b) Deliver, as soon as possible, but not less than 72-hours before the abatement, written notice to every individual present in the camp advising:
 - The date of the abatement;
 - Individuals need to immediately move from the camp and remove all their belongings and property;
 - A shelter option is available for them; and
 - Any property remaining in the camp on the day of the abatement will be considered abandoned trash and will be discarded accordingly.
 - (c) Attach written notices to unattended property.
 - (d) Post written notices around the camp at intervals sufficient to advise anyone entering the area of the camp of the intended abatement date. The City shall not repost written notices if they are torn down prior to the abatement.
- (3) Ten-day abatement window.

The abatement of the unauthorized camp may take place on the posted abatement date or on any day within ten (10) days of the posted abatement date. There must be a shelter option available for every individual in the camp on the date of an abatement or the abatement of the camp cannot take place.

- (4) Use of the Outreach Team on the day of the abatement. On the day of the abatement, the Outreach Team shall arrive at the unauthorized camp to contact every individual present. The Outreach Team shall offer a shelter option to every individual present, offer appropriate services, and encourage the individuals to seek assistance. The Outreach Team shall transport the individuals who want services or shelter. The Outreach Team will take any personal documents or identifications found at the camp to the Aurora Day Resource Center ("ADRC") for ADRC to store those items for up to one (1) year.
- (5) Clean-up by the Department and Abatement Contractor.
- (a) Shelter options. On the day of the abatement, the Department in charge of the property or the Homelessness Liaison shall confirm there are enough shelter options available for all the individuals present at the camp. If enough shelter options are available, the abatement may proceed.
- (b) Order to move. Individuals present should be ordered to immediately move and take their personal belongings with them, be advised the Outreach Team can provide them with services and a shelter option, and the Outreach Team will transport them to a shelter.
- (c) Clean the site. City staff and City agents should look for personal documents or identifications in the camp site. If personal documents or identifications are found, they should be turned over to the Outreach Team for storage at the Aurora Day Resource Center. City staff and City agents will not sort through the unattended property or trash to find personal documents or identifications. The site of the unauthorized camp will be cleaned and restored to its original intended lawful purpose.

V. APPROVAL


James M Twombly
City Manager

06-17-22
Date

**NOTICE TO MOVE AND REMOVE
ALL PERSONAL PROPERTY FROM THE VICINITY OF**

Date Posted _____
Posting effective through _____

You are camping, residing, or storing property on public property and you are violating the law. You must immediately move and remove all personal property located in the vicinity of this posting.

On _____ (date) at _____ (time), the City of Aurora, Colorado will clean-up this area. The clean-up may occur any day after the date above for up to the next ten (10) days. On the day of the clean-up, you will be ordered to leave this area and remove your property. If you refuse to leave when ordered, you will be violating the law. All personal property and property not removed on the day of the clean-up will be considered abandoned trash and debris and will be discarded.

Issued by: _____
Department: _____
City of Aurora

