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TITLE

Organizational Level: Multi-Department

Document Type: Administrative

PURPOSE

This policy shall establish the procedures for the health and safety abatement of unauthorized encampments located on Commerce City properties and private properties that require the attention of the Park Ranger, Police Department, Code Enforcement, Public Works, and Community Well-Being.

This policy establishes a process for abatement of unauthorized encampments on private or Commerce City properties.

SCOPE

This policy applies to any camp activity on Commerce City property within the geographical and political boundaries of the City.

This policy provides the procedure for removal of unauthorized camps, including the minimum notice periods the City will provide to camp occupants to evacuate, outline City staff responsibilities, and clean up procedures.

This policy prescribes the procedure to remediate an unauthorized camp.

ABBREVIATIONS

- City of Commerce City- "City"
- Code Enforcement- "CE"
- Colorado Department of Transportation- "CDOT"
- Community Well-Being- "CWB"
- Park Ranger- "PR"
- Police Department- "PD"
- Public Works- "PW"
- Regional Transportation District- "RTD"

POLICY, PROCESS, PROCEDURE, or STANDARD

1. Initial Report and Determination

A complaint, concern, or report identified as a possible unauthorized encampment is identified through phone calls, social media, SeeClickFix, or other platforms and brought to the City's attention.

The Community Well-Being Manager screens the emails (reports) into one of seven categories:

- A. Park Property
- B. Private Property
- C. Vehicles/ RVs/ Trailers
- D. City Property (non-park property)
- E. CDOT Property
- F. Railroad Property
- G. RTD Property

2. Screen and Forward Report

Screened reports are forwarded to the appropriate department as follows:

- A. Private property, streets and alleyways: CE, PD, CWB, and PW as needed.
- B. Public/City Park property: PR, PW, CWB, PD as needed.
- C. Vehicles/RVs/Trailers on public streets: PD and CWB.
- D. Public/City Property, streets and alleyways (non-park property): PW and CWB.
- E. CDOT Property: PW, CWB, PD, and CE.
- F. Railroad Property: CE, CWB and PD as needed.
- G. RTD Property: CE, CWB, PD as needed.

3. Abatement Notice Protocol

Upon inspection and a determination by a City employee of the existence of an active encampment, the location will be scheduled for abatement.

If it is deemed an immediate danger to occupants or the environment, an immediate removal of occupants will be enforced. The length of notice required by this section can be reduced with the approval of the Director of Public Works, designee, or Health Department when necessary due to exigent circumstances that require a more immediate response. The notices shall be posted conspicuously at least three (3) days for abandoned encampments and at least seven (7) days for occupied encampments before

anticipated abatement efforts unless the site imposes an immediate danger. The notice must inform owners where items are stored and how to retrieve items if personally sensitive documents or property are collected and stored during abatement. The department that posts the notices shall send an electronic copy to the City Clerk to post in the Civic Center lobby and to the Community Relations Manager to post on the City website. If PW or the designee fails to commence abatement within the date and time frame provided in the notice, city staff shall re-post the abatement notice with the new date and all other applicable language 24 hours before the rescheduled abatement. City staff shall not remove the notice for at least ten (10) days after the abatement is complete.

If PW determines the need to close the area after the clean-up for restoration. PW shall post signs notifying of said closure. PW posts and maintains the signs. PR will monitor signs on the City's parks and trails and PW will monitor signs on all other city property.

4. Park Property

Encampment Inspection on Park Property

- A. Upon locating or being notified of an unauthorized encampment on city park property, a PR shall inspect the location at their earliest convenience.
- B. The PR will make observations to determine if an encampment is occupied or abandoned, inspect the area for health and safety concerns, and determine the next steps and abatement protocols.
- C. The PR will collect GPS location and appropriate field data/photos utilizing the data collection app and upload the data collected.

Abandoned Encampment on Park Property

- A. Notify PW, PR, and CWB of the encampment and its location.
- B. PW will confirm a time that the contractor can clean up the property, and the PR will post notification of clean-up (Abandoned Property Notice) with a 3-day notice.
- C. CWB and PR (as needed) will visit the site to identify any important personal papers/property, and CWB will store them per policy.
- D. PW will begin the clean-up process by contacting the appropriate contractor.
- E. The PR will follow up with the location before the scheduled clean-up to ensure any individuals are aware of the clean-up.
- F. Day of clean-up: PR will confirm the site is clear and safe for the contractor to begin work.
- G. PR will check the park property once the contractor is finished to ensure the clean-up is complete.

Active Encampment on Park Property

If occupied, the PR will determine if it is safe to contact individuals on site. If a concern for personal safety exists, a Ranger is not obligated to make contact and will contact the PD for backup.

- A. If deemed safe, the PR will advise Dispatch of the location, number of individuals present, and reason for contact. Updates to status will be provided per protocol.
- B. The PR will interview and investigate to inform and educate those violating any Parks Rules and Regulations.
- C. The PR will offer contact information for CWB for services and will follow up directly via email (within 24 hours) to ensure CWB is aware of the encampment.
- D. CWB shall make an outreach attempt before abatement.
- E. PR will log the encampment within the internal encampment application.
- F. PW will confirm when the contractor can clean up the property, and the PR will post a clean-up notification 7-days before the abatement.
- G. CWB and PR (as needed) will visit the site before the abatement to offer resource assistance.
- H. PR will follow up with the location prior to the scheduled abatement to ensure individuals are aware of the clean-up.
- I. Day of clean-up, PR will confirm the site is clear and safe for the contractor to begin work.
- J. PR will check the park property once the contractor is finished to ensure the clean-up is complete.

Community Well-Being on Park Property

CWB's primary role is to connect with occupants of encampments to provide resources and service connections.

- A. Upon receiving a report of an active encampment, CWB will make a minimum of two separate efforts to contact individual(s) of the camp before the abatement date.
- B. CWB will follow up with the PR and PW and provide any necessary updates.

Removal of Personal Property on Park Property

After proper notice, the PR and CWB shall take reasonable steps to identify and collect sensitive personal documents and identification, (e.g. personal identification cards and documents, birth certificates, medical records, legal documents, photographs, cash, credit cards, checks, military records, or any other documents that may be difficult or impossible to replicate or may have significant value to the owner) for proper storage in accordance with the procedure below. The PR will notify PW that the encampment is ready for abatement.

Unattended, uncontaminated property that does not pose a threat to the public health or safety and that has apparent value or utility to an individual shall be collected and stored in coordination with the PD and their procedures. Notices should be posted by PR advising some property has been collected, bagged, will be stored for 30 days, and will be disposed of thereafter if not retrieved

PW or a City contractor may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, hazardous items, and other similar materials. Nothing herein shall prohibit the owner of personal property from removing said property from an encampment in advance of an abatement.

No personal property shall be removed from an encampment prior to the city providing notice.

Notices shall be posted in a manner and quantity reasonably sufficient to notify the owners of personal property within the encampment that personal property that remains during abatement efforts will be subject to removal, stating:

- The day the notice was posted;
- The date and time range the removal is scheduled; and
- The location and contact information where personal property can be retrieved and deadline.

Storage of personal property will be held for no less than 30 days from the abatement date and disposed of thereafter. Additionally, if individuals are present at the encampment, verbal notice shall be given if reasonably possible.

Photos of posted notice and collected property shall be documented.

5. Encampment on Private Property

Encampments on private property will be addressed according to existing code language.

6. Vehicles/RV's/ Trailers (Public Right of Ways and City Property

- A. PD will attempt contact with owner and occupant(s) and will use their best judgment to assess if individuals would benefit from CWB services. If so, the PD will give the individual(s) CWB's contact information and follow-up with CWB.
- B. PD will manage any citation of the vehicle occupants, towing or impoundment of the vehicle, and disposal of the vehicle in accordance with federal, state, and local laws and established PD procedures.

7. City Property (Non-park Property)

“City Property” means any City owned property or facility that is not a property or facility managed and administered by Parks, Recreation, and Golf.

Abandoned Encampment on City Properties (non-park property)

- A. CWB determines the status of the encampment.
- B. If determined abandoned, PW will be notified to initiate abatement.
- C. PW will confirm a time that the contractor can clean up the property and will post notification of clean-up (Abandoned Property Notice) with a 3-day notice.
- D. CWB and PD (as needed) will visit the site to identify any important personal papers/property, and CWB will collect and store items per policy through PD.
- E. PW will begin the clean-up process by contacting the appropriate contractor.
- F. PD will follow up, as needed, with the location prior to the scheduled clean-up to ensure individuals are aware of the clean-up.
- G. Day of clean-up: The PD will confirm the site is clear and safe for the contractor to begin work.
- H. PW will check the property once the contractor is finished to ensure the clean-up is complete.

Active Encampment on Public Property (City non-park property)

If occupied, the PD will contact any individuals on site.

- A. If contact is determined safe, the PD will interview and investigate, attempt to identify individuals present, and inform and educate those in violation of any City ordinances.
- B. The PD will offer contact information for CWB and will follow up directly via email (within 24 hours) to ensure CWB is aware of the encampment to make an outreach attempt before abatement.
- C. PW will confirm when the contractor can clean up the property, and the PD will post a notification of clean-up (Notice for clean-up) with a 7-day notice.
- D. CWB and PD (as needed) will visit the site to offer resource assistance.
- E. PD will follow up with the location prior to the scheduled clean-up to ensure that individuals are aware of the clean-up.
- F. Day of clean-up: The PD will confirm the site is clear and safe for the contractor to begin work.
- G. PW will check the property once the contractor is finished to ensure the clean-up is complete.

Community Well-Being (City non-park property)

CWB's primary role is to connect with occupants of encampments to provide resources and service connections.

- A. Upon receiving a report of an active encampment, CWB will make at least two separate efforts to contact individual(s) of the camp before the abatement date.
- B. CWB will follow up with the appropriate department and provide any necessary updates.

Removal of Personal Property (City non-park property)

After proper notice, CWB shall take reasonable steps to identify and collect sensitive personal documents and identification, (e.g. personal identification cards and documents, birth certificates, medical records, legal documents, photographs, cash, credit cards, checks, military records, or any other documents that may be difficult or impossible to replicate or may have significant value to the owner) for proper storage in accordance with the procedure below.

Unattended, uncontaminated property that does not pose a threat to the public health or safety, that has apparent value or utility to an individual shall be collected and stored in coordination through the PD and their procedures. Notices should be posted by PD advising property has been collected, bagged, stored for 30 days and will be disposed of thereafter.

PW or the City contractor, may immediately remove and dispose of items determined to be garbage, debris, damaged property, waste, hazardous items, and other similar materials. Nothing herein shall prohibit the owner of personal property from removing said property from an encampment before an abatement.

No personal property shall be removed from an encampment prior to the city providing notice.

Notices shall be posted in a manner and quantity reasonably sufficient to notify the owners of personal property within the encampment that personal property that remains during abatement efforts will be subject to removal, stating:

- The day the notice was posted;
- The date and time range the removal is scheduled; and
- The location and contact information where personal property can be retrieved and deadline.

Storage of personal property will be held for no less than 30 days from the abatement date and disposed of thereafter. Additionally, if individuals are present at the encampment, verbal notice shall be given if reasonably possible.

Photos of posted notice and collected property shall be documented

8. Other property types

Other properties such as CDOT, railroads, and RTD will be managed as any other private property or any other procedure established by code enforcement, PW, or the PD for code violations on CDOT, railroad, or RTD properties. If an IGA is in place between the City and CDOT and/or RTD then the procedures established in that IGA shall be followed.

DEFINITIONS

Abandoned Property: personal property left by an owner who intentionally gives up all rights to its control.

Contaminated Material: any material that poses a significant present or potential hazard to human health and safety or the environment.

Health and Safety Hazard: a potential source of harm and adverse health effects on a person or persons; hazards related to exposure to harmful substances; safety hazards are related to exposure to dangerous conditions or situations.


Trash/Garbage: a thing that a reasonable person would consider worthless or meaningless; wasted or spoiled food; discarded matter.

Unauthorized Encampment: an unpermitted site that has one or more structures used for habitation.

GENERAL NOTES

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Employee policies, or other related PPPS

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	<input type="checkbox"/> Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete <input type="checkbox"/> Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent		
Legal Review By:	John-Patrick Sansom	Date:	8/5/2024 10:03 AM MDT
HR Review By:		Date:	
Policy Approval By:	<small>DocuSigned by:</small> 	Date:	8/5/2024 7:07 PM MDT
Legal Approval By:	<small>DocuSigned by:</small> <i>John-Patrick Sansom</i>	Date:	8/5/2024 10:03 AM MDT
HR Approval By:	<small>3FD4285A71004F...</small>	Date:	