

O-2022-6

AN EMERGENCY ORDINANCE

ADOPTING TITLE 8, CHAPTER 15, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH ESTABLISHING A PILOT PROGRAM FOR THE COLORADO SAFE PARKING INITIATIVE

WHEREAS, The Colorado Safe Parking Initiative is a citizen-led organization working to encourage safe, legal parking locations for individuals and families experiencing homelessness who are living in vehicles in Colorado communities;

WHEREAS, The Colorado Safe Parking Initiative works collaboratively with local communities, agencies, municipalities and organizations to create safe parking programs which: allow people living in their vehicles to do so without criminal penalty; provide people who are experiencing vehicular homelessness to be safe and secure at night; and provide an effective means to identify and support individuals experiencing homelessness so as to help them achieve their personal goals related to housing;

WHEREAS, The Metro Denver Homeless Initiative Point-in-Time Survey and various municipal and county-level counts of people experiencing homelessness have shown that hundreds of individuals and families are estimated to be sheltering in vehicles in the seven-county Denver metro area, but because most surveys of people experiencing homelessness exclude or undercount people living in their vehicles, the actual number of individuals experiencing vehicular homelessness may be even higher;

WHEREAS, It is difficult to maintain employment, attend school, build relationships, or achieve housing security without a safe and legal place to meet basic human needs, including the ability to sleep undisturbed;

WHEREAS, The City desires to establish a Pilot Program to provide a means for the City to better understand the needs and desires of the community with respect to establishing a short term housing option for the unhoused who have vehicles;

WHEREAS, Approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, Approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Adopting Title 8, Chapter 15. Title 8, Chapter 15 of the Lakewood Municipal Code is hereby adopted as follows:

8.15.010 Short Title; Intent and Purpose.

This Chapter shall hereinafter be known, and may be cited, as the Pilot Program to Initiate the Colorado Safe Parking Initiative within the City of Lakewood ("Pilot Program"). The City Council recognizes that a safe parking program is a means to promote and complement housing goals by providing the extra supports that increase successful outcomes for the unhoused members of the community; providing safe parking participants a short-term housing option that is more optimal than living on the street while waiting for a permanent housing option to become available; providing a framework for establishing temporary housing through safe parking associated with an entity utilizing non-profit management of the site; and providing a structure that respects the needs of the property owners living near safe parking sites. Through adoption of this Pilot Program the City Council seeks to meet the immediate health and safety needs of the community while continuing to study and understand the longer term consequences of utilizing a safe parking initiative to address the housing needs of members of the community.

8.15.020 Pilot Program.

The City of Lakewood hereby adopts the following:

1. Five organizations within the City of Lakewood are permitted to participate in a Pilot Program implementing the Safe Parking Initiative of Colorado within the City of Lakewood.
2. Each organization shall develop and adopt an operating plan that allows for overnight parking.
3. An operating plan shall be developed in conformance with, and approved by, the Colorado Safe Parking Initiative. The plan must address and comply with each of the following:
 - a. Vehicles permitted to participate in a Pilot Program shall not include recreational vehicles (RVs) or other vehicles needing sanitation or electric hook-ups, or commercial vehicles, but shall be limited to passenger vehicles, including but not limited to, sedans, pick-up trucks, mini-vans, and conversion vans;
 - b. Defined hours of operation at specifically identified parking lots adjacent to, and owned and operated by, a safe parking initiative participant;
 - c. Restroom facilities, trash facilities, pet policies and established rules to prevent the establishment of nuisance conditions; and
 - d. Any additional standards or requirements as deemed necessary to support the health, safety, welfare, and property of the community. See Section 8.15.070 below.

4. The Operating Plan shall be filed with the City Clerk, subject to the following provisions:
 - a. The completed operating plan must be filed with the City Clerk and shall be held by the City as a public document.
 - b. The completed operating plan must be signed by a representative of the Colorado Safe Parking Initiative attesting to the plan's conformance with the provisions of the Colorado Safe Parking Initiative.
 - c. The completed operating plan must be signed by a representative of the organization attesting to compliance with the standards as set forth within this Pilot Program.
5. Quarterly reports filed with the City Clerk.
 - a. The quarterly report should provide non-confidential information that may be used by the City in its determination of whether to continue the Pilot Program in a more permanent format. The information may also be used to make modifications to a more permanent type of safe parking program to better meet the unique needs of the Lakewood Community.
 - b. The City Clerk will request quarterly reports from those City departments impacted by, or that interact with, any of the safe parking programs participating in this Pilot Program. Information provided should include calls for service, costs to the City, and public input received by the City.
6. The City Clerk shall sign and date an acknowledgement of receipt of an operating plan upon the face of the operating plan at the time the plan is accepted (acknowledged plan).
7. The City Clerk shall forward a copy of an acknowledged plan to those departments of the City that are likely to interact with the Pilot Program, or that request a copy of the plan.

8.15.030 Pilot Safe Parking Program Shall Be Lawful.

1. Vehicles parked in accordance with the provisions of this Pilot Program shall not be deemed to be in violation of L.M.C. 5 9.80.020(C), a section of the City's Code that identifies living in one's vehicle on private property as a public nuisance.
2. An organization that has an acknowledged plan on file with the City Clerk for implementation of a Pilot Program for safe parking in a parking lot owned and managed by the organization, all in conformance with the provisions of the Pilot Program as set forth herein, shall not be deemed to be in violation of the provisions of L.M.C. Title 17, the Zoning Ordinance in association with the Pilot Program.

8.15.040 Review of Pilot Program.

1. The City Council shall receive a staff report on the Pilot Program no later than six (6) months from the inception of the pilot program.
2. The City Council shall review this Pilot Program at a public meeting no later than nine (9) months from the inception of the pilot program.

8.15.050 Permanent Program.

A permanent program utilizing the data obtained from the Pilot Program may be subsequently implemented.

8.15.060 Property Safety Inspection; Investigation.

Safety inspections by City, County, Fire District, or State safety or code personnel shall be permitted at any of the pilot safe parking sites. Inspections must occur at reasonable times and with advance notice, except in emergency situations. An inspection report shall be made available to the City Clerk upon request for inclusion in the Pilot Program report.

8.15.070 Program Amendment, Termination and Conclusion.

The City does not guarantee that this Pilot Program shall be continued as set forth herein for the entirety of the anticipated two years. This Pilot Program may be amended, terminated or suspended at any time by action of the City Council.

Pilot Program requirements additional to those provisions set forth within this Chapter may be adopted by the City Council by Resolution upon a determination that such additional requirements are necessary to protect the health, safety, welfare or property of the community.

Organizations participating in this Pilot Program shall be notified of any change to this Pilot Program or decision terminating or suspending the Pilot Program by Certified Mail.

SECTION 2. Emergency Declaration. The City Council of the City of Lakewood hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this Section 2 by reference. The City Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the City of Lakewood, but if this emergency is not adopted by an affirmative vote of two-thirds of all members of the City Council it may still be passed as a regular ordinance in conformance with the provisions of Lakewood City Charter S 7.4.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular hybrid meeting of the Lakewood City Council on the 23rd day of May, 2022; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the 26th day of May, 2022; set for public hearing to be held on the 13th day of June, 2022; read, finally passed and adopted by the City Council on the day of June, 2022 as an emergency ordinance by a vote of 10 in favor and 1 opposed; and signed by the Mayor on the 14th day of June, 2022.



Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney