

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0062.02 Thomas Morris x4218

HOUSE BILL 19-1204

HOUSE SPONSORSHIP

Beckman and Sandridge,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON CAMPING WITHOUT AUTHORIZATION**
102 **NEAR ENVIRONMENTALLY SENSITIVE AREAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

To protect clean water supplies and public health and safety as a matter of statewide concern, the bill prohibits a person from camping within 100 feet of an urban environmentally sensitive area unless a state or local governmental agency has approved the area for camping. A county or district public health agency that has one or more environmentally sensitive areas within the agency's jurisdiction shall

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

conduct and periodically update an environmental impact study of all environmentally sensitive areas within the agency's jurisdiction to evaluate the public health risks associated with unauthorized camping in the environmentally sensitive areas. Upon conclusion of the study or update, each agency shall adopt or update and implement an environmental mitigation plan to avoid, minimize, and remediate the risks. An agency may apply to the applicable local government to use Great Outdoors Colorado money to conduct and update an environmental impact study or to implement a mitigation plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-1-505.5** as
3 follows:

4 **25-1-505.5. Urban camping prohibition - environmentally**
5 **sensitive areas - impact study - mitigation plan - financing -**
6 **legislative declaration - definitions. (1) Legislative declaration.** THE
7 GENERAL ASSEMBLY HEREBY:

8 (a) FINDS THAT:

9 (I) FULLY FUNCTIONING AND HEALTHY ENVIRONMENTALLY
10 SENSITIVE AREAS ARE CRITICAL TO MAINTAINING CLEAN WATER SUPPLIES
11 AND PUBLIC HEALTH AND SAFETY;

12 (II) MANY ENVIRONMENTALLY SENSITIVE AREAS LACK ANY
13 INFRASTRUCTURE, INCLUDING PUBLIC RESTROOMS, TO SUPPORT HUMAN
14 HABITATION AND CONSEQUENTLY ARE NOT AUTHORIZED BY ANY STATE OR
15 LOCAL GOVERNMENTAL AGENCY FOR USE FOR OVERNIGHT CAMPING; AND

16 (III) CAMPING IN AN ENVIRONMENTALLY SENSITIVE AREA THAT IS
17 NOT AUTHORIZED FOR OVERNIGHT CAMPING EXPOSES PEOPLE TO
18 ELEVATED RISKS OF FLASH FLOODS AND DISEASES;

19 (b) DETERMINES THAT CAMPING WITHOUT AUTHORIZATION IN
20 ENVIRONMENTALLY SENSITIVE AREAS:

1 (I) OCCURS MOST FREQUENTLY IN URBAN AREAS; AND

2 (II) THREATENS CLEAN WATER SUPPLIES AND PUBLIC HEALTH AND
3 SAFETY; AND

4 (c) DECLARES THAT:

5 (I) UNAUTHORIZED CAMPING IN URBAN ENVIRONMENTALLY
6 SENSITIVE AREAS HAS POLLUTED PUBLIC WATER SUPPLIES AND THEREBY
7 CAUSED A PUBLIC HEALTH AND ENVIRONMENTAL EMERGENCY DISASTER;

8 (II) THE PROTECTION OF URBAN ENVIRONMENTALLY SENSITIVE
9 AREAS FROM UNAUTHORIZED CAMPING IS A MATTER OF STATEWIDE
10 CONCERN; AND

11 (III) THIS SECTION IS NECESSARY TO PROTECT PUBLIC HEALTH AND
12 SAFETY AND THE ENVIRONMENT.

13 (2) **Prohibition against camping.** A PERSON SHALL NOT CAMP
14 WITHIN ONE HUNDRED FEET OF AN URBAN ENVIRONMENTALLY SENSITIVE
15 AREA UNLESS A STATE OR LOCAL GOVERNMENTAL AGENCY HAS APPROVED
16 THE AREA FOR CAMPING.

17 (3) **Environmental impact study and mitigation plan.** EACH
18 AGENCY THAT HAS ONE OR MORE ENVIRONMENTALLY SENSITIVE AREAS
19 WITHIN THE AGENCY'S JURISDICTION SHALL CONDUCT AND PERIODICALLY
20 UPDATE AN ENVIRONMENTAL IMPACT STUDY, INCLUDING WATER AND SOIL
21 QUALITY TESTING AND ANALYSIS, OF ALL ENVIRONMENTALLY SENSITIVE
22 AREAS WITHIN THE AGENCY'S JURISDICTION TO EVALUATE THE PUBLIC
23 HEALTH RISKS ASSOCIATED WITH UNAUTHORIZED CAMPING IN THE
24 ENVIRONMENTALLY SENSITIVE AREAS. UPON CONCLUSION OF THE STUDY
25 OR UPDATE, EACH AGENCY SHALL ADOPT OR UPDATE AND IMPLEMENT AN
26 ENVIRONMENTAL MITIGATION PLAN TO AVOID, MINIMIZE, AND REMEDIATE
27 THE RISKS. THE PLANS ARE SUBJECT TO SECTION 25-1-505.

1 (4) **Financing.** AN AGENCY MAY APPLY TO THE APPLICABLE
2 ELIGIBLE ENTITY, AS THAT TERM IS DEFINED IN SECTION 29-21-101 (1)(b),
3 TO USE MONEY FROM THE ELIGIBLE ENTITY'S CONSERVATION TRUST FUND
4 TO CONDUCT AND UPDATE AN ENVIRONMENTAL IMPACT STUDY OR TO
5 IMPLEMENT A MITIGATION PLAN REQUIRED BY SUBSECTION (3) OF THIS
6 SECTION.

7 (5) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

9 (a) "CAMP" MEANS TO USE A PUBLIC AREA FOR LIVING
10 ACCOMMODATION, INCLUDING THE FOLLOWING ACTIVITIES AND
11 CIRCUMSTANCES, WHICH MAY BE CONSIDERED IN DETERMINING WHETHER
12 REASONABLE GROUNDS FOR BELIEF HAVE ARISEN THAT A PERSON HAS
13 CAMPED OR IS CAMPING:

14 (I) SLEEPING OR MAKING PREPARATIONS TO SLEEP, INCLUDING
15 LYING DOWN ON BEDDING FOR THE PURPOSE OF SLEEPING;

16 (II) OCCUPYING A SHELTER OUT OF DOORS. "SHELTER" MEANS ANY
17 COVER OR PROTECTION FROM THE ELEMENTS OTHER THAN CLOTHING,
18 SUCH AS A TENT, SHACK, SLEEPING BAG, OR OTHER STRUCTURE OR
19 MATERIAL.

20 (III) THE PRESENCE OR USE OF A CAMPFIRE, CAMP STOVE, OR
21 OTHER HEATING SOURCE OR COOKING DEVICE; AND

22 (IV) KEEPING OR STORING PERSONAL PROPERTY.

23 (b) "ENVIRONMENTALLY SENSITIVE AREA":

24 (I) MEANS A PUBLIC SITE THAT IS VITAL TO THE LONG-TERM
25 MAINTENANCE OF BIOLOGICAL DIVERSITY, SOIL, WATER, OR OTHER
26 NATURAL RESOURCES, BOTH ON SITE AND IN A REGIONAL CONTEXT, THAT
27 WOULD BE THREATENED BY TEMPORARY OR PERMANENT HUMAN

1 OCCUPATION; AND

2 (II) INCLUDES STEEP RIPARIAN SLOPES, WETLANDS, AND PRIME
3 AGRICULTURAL LAND.

4 (c) "URBAN" MEANS LOCATED IN A:

5 (I) CITY AND COUNTY; OR

6 (II) INCORPORATED MUNICIPALITY.

7 **SECTION 2. Applicability.** This act applies to conduct occurring
8 on or after the effective date of this act.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.