

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5326

**AN ORDINANCE AMENDING GJMC 12.04.060 AND 12.04.08 REGARDING THE PROHIBITION OF ENFORCEMENT OF CAMPING ON PUBLIC PROPERTY WHEN NO OVERNIGHT SHELTER IS AVAILABLE**

Recitals

Ordinance No. 4833 regarding camping on public property was enacted on April 17, 2019 (reenacted through Ordinance 5071 on a sunset provision). That Ordinance prohibited camping on public property, but contained certain exceptions. One exception codified in GJMC 12.04.080(d) was a prohibition on enforcement where there was no overnight shelter available.

The exception created in 12.04.080(d) related to the requirement that there be no available overnight shelter reflected the 9th Circuit's opinion in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019). In *Martin*, the 9th Circuit held that it violated the 8th Amendment to criminalize camping on public property when there was no available overnight shelter.

In 2024, the US Supreme Court took up this issue in a new case, *City of Grant's Pass, Oregon v. Johnson*, 603 U.S. 520 (2024). In *Grant's Pass*, the US Supreme Court overruled the holding from *Martin*. In effect, the US Supreme Court held that there was no constitutional right to camp on public property regardless of whether there was available overnight shelter or not.

Despite the change in the case law, the requirement for there to be no available overnight shelter remains in the GJMC. This provision requires the GJPD, prior to enforcing the ban on camping on public property, to assess whether or not there is available overnight shelter. If no shelter is available, the GJPD cannot enforce the ordinance.

This Ordinance removes the prohibition on enforcement when there is no overnight shelter available. GJMC 12.04.060 is amended to remove the definition of "available overnight shelter" as it will no longer appear in the code.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

The foregoing Recitals are incorporated and in consideration thereof, and as otherwise found and determined by the City Council to be in the best interests of the public health, safety, and welfare, and to conform with US Supreme Court precedent, the following change

is make to GJMC 12.04.060 and 12.04.080 (addition in ALL CAPS, deletions in strikethrough):

**§ 12.04.060 Definitions.**

For the purpose of this title the following terms, phrases, words and their derivations shall have the meaning provided herein:

~~“Available overnight shelter” means a public or private facility, with all necessary or required City occupancy approvals, open to a person(s) or a family experiencing homelessness with an available overnight space to house the person(s) or family at no charge or a nominal charge (presumptively \$5.00 or less per person). Overnight shelter space shall be considered available if the person(s) is not permitted to use otherwise available overnight shelter space due to the person’s voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.~~

“Camp” or “camping” means to set up or to remain in or at an encampment.

“Encampment” means any place where bedding, sleeping bag(s) or other things used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to stay or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other cover, structure or elements of a structure or any vehicle or part thereof. Ordinary use of a park such as resting or sleeping in a park during normal park hours, picnicking on a blanket or using parks for other lawful uses does not constitute encampment.

“Overnight use” means the use of public lands and/or trails pursuant to a permit issued by the City Manager or his designee for an event/programming by and through the City Parks Department for an activity authorized to be conducted overnight.

“Parking strip” means the area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

“Personal property” means any tangible item reasonably recognizable as belonging to a person and having reasonably apparent utility or monetary value.

“Public property” means any real property, building or structure owned, used or leased by the City or any department thereof and/or the Downtown Development Authority (DDA) including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, breezeway, bench, shade shelter, restroom, playground and other similar property.

“Reasonable notice” means notice reasonably calculated under all the circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person no less than 24 hours to gather his/her personal property and depart.

**§ 12.04.080 Camping on public property without authorization prohibited.**

No person may camp in or upon any public property, nor any property owned by other governmental entities that have posted notice prohibiting camping, unless:

- (a) The person has the authorization of the owner of the property to camp at that location; or
- (b) An overnight use is specifically authorized by the issuance of a use permit in accordance with Parks Department regulations; or
- (c) Camping is otherwise specifically authorized by GJMC; or
- (d) ~~The camper(s) is(are) on public property other than a sidewalk, street, parking strip, alleyway, lane, breezeway or public right-of-way, and there is no available overnight shelter; or~~
- (e) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

**INTRODUCED** on first reading the 20<sup>th</sup> day of May 2026 and ordered published in pamphlet form.

**PASSED** and **ADOPTED** on second reading the 3<sup>rd</sup> day of June 2026 and ordered published in pamphlet form.

  
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Laurel Lutz  
President of the City Council

ATTEST:

  
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Selestina Sandoval  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5326 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20<sup>th</sup> of May, 2026, and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the day of the 3<sup>rd</sup> of June 2026, at which Ordinance No. 5326 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8<sup>th</sup> day of June 2026.

  
Deputy City Clerk

Published: May 23, 2026  
Published: June 6, 2026  
Effective: July 6, 2026

