

O-2023-37

AN ORDINANCE

ADOPTING TITLE 8, CHAPTER 01 OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, TO ALLOW FOR THE USE OF APPROVED FACILITIES AS OVERNIGHT SHELTERS DURING EXTREME WEATHER EVENTS WITHIN THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood ("Lakewood" or "City") is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, the City of Lakewood recognizes the need for safe weather related temporary shelters to provide a place for persons within Lakewood to seek shelter from the weather when temperatures or weather conditions are life threatening;

WHEREAS, the City of Lakewood recognizes that there are currently limited spaces available to those needing shelter during extreme weather events;

WHEREAS, the current building and zoning codes of the City prohibit the use of City owned facilities for emergency shelters;

WHEREAS, increasing the number of shelter spaces for at-risk populations will reduce health-related impacts from extreme weather events;

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. Title 8, Chapter 01 of the Lakewood Municipal Code is hereby adopted as follows:

8.01.010 Definitions

The following words used in this chapter shall have the meanings and constructions given in this section:

City Manager means the City Manager, or designee, of the City of Lakewood.

Day means twenty-four consecutive hours beginning at 12:00 a.m. and ending at the next following 12:00 a.m.

“Extreme Weather Event” means when temperatures are forecasted to be 1) below 32 degrees with wet conditions, or 2) temperatures below 20 degrees with dry conditions.

“Emergency Overnight Shelter” means an overnight, temporary housing accommodation that has been approved to provide shelter during extreme weather events in accordance with the provisions of this Code.

8.01.020 Emergency Shelters

Upon the declaration of the City Manager that the City is forecasted to experience an extreme weather event designated facilities that have been inspected and approved by the West Metro Fire Department and the City Building Official to serve as short term emergency overnight shelters shall be exempt from those Building Codes in Title 14 and Zoning Codes in Title 17 that relate specifically to sheltering humans during that time period set forth within the extreme weather event declaration. Each declared extreme weather event declaration shall be in effect no longer than three (3) consecutive days, but the City Manager shall have the discretion to issue consecutive extreme weather event declarations when conditions warrant.

8.01.030 Rules and Regulations

The City’s Emergency Manager is authorized to adopt rules and regulations for the purpose of carrying out the provisions of this article.

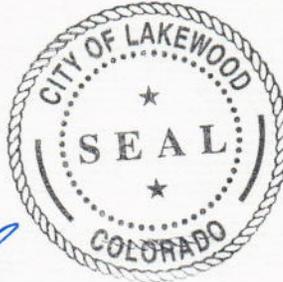
8.01.040 Miscellaneous Authority

The City Manager is authorized to enter into interlocal governmental agreements, or other applicable agreements, to carry out the intent of this Code.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

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.

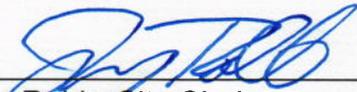
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 11th day of September 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of September, 2023; set for public hearing to be held on the 25th day of September, 2023, read, finally passed and adopted by the City Council on the 25th day of September, 2023 and, signed by the Mayor on the 26th day of September, 2023.





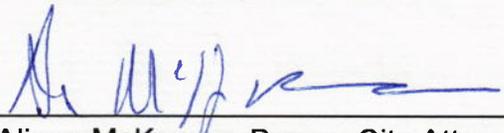
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney